

**CANADA** 

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OFFICIAL REPORT (HANSARD)

Tuesday, May 27, 2003 Part A

Speaker: The Honourable Peter Milliken

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## **HOUSE OF COMMONS**

**Tuesday, May 27, 2003** 

The House met at 10 a.m.

Prayers

## **ROUTINE PROCEEDINGS**

**●** (1005)

[Translation]

### CONTRAVENTIONS ACT

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.) moved for leave to introduce Bill C-38, An Act to amend the Contraventions Act and the Controlled Drugs and Substances Act.

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

\* \* \*

## COMMITTEES OF THE HOUSE

FISHERIES AND OCEANS

**Mr. Tom Wappel (Scarborough Southwest, Lib.):** Mr. Speaker, I have the honour to present, in both official languages, the fourth report of the Standing Committee on Fisheries and Oceans, entitled "Aquatic Invasive Species: Uninvited Guests".

[English]

Pursuant to Standing Order 109 the committee requests that the government table a comprehensive response to the report. However, notwithstanding the deadline of 150 days stipulated in Standing Order 109, the committee requests that the comprehensive response to this report be tabled within 90 days of the presentation of the report to the House.

In brief, the report is a unanimous report of the fisheries and oceans committee which concludes that the government has woefully dragged its feet in protecting Canada and in particular the Great Lakes from the very real threat of invasive species. The committee offers very real and concrete recommendations for the government to act immediately.

## **PETITIONS**

#### MARRIAGE

Mr. Monte Solberg (Medicine Hat, Canadian Alliance): Mr. Speaker, I present a petition today on behalf of people from around my riding and a few from Saskatchewan calling upon the House of Commons to recognize the institution of marriage in federal law as being a lifelong union of one man and one woman to the exclusion of all others.

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, Canadian Alliance): Mr. Speaker, my petition is similar to my colleague's. It draws attention to the fact that fundamental matters of social policy should be decided by elected members of Parliament and not the unelected judiciary.

They therefore call attention to the current legal definition of marriage as the voluntary union of a single male and a single female and that it is the duty of Parliament to protect that, even to the extent of using section 33 of the charter, the notwithstanding clause, if necessary to preserve and protect the current definition of marriage as between one man and one woman. This was signed by several hundred petitioners.

#### STEM CELL RESEARCH

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, Canadian Alliance): Mr. Speaker, the next petition is with respect to the issue of stem cell research.

The petitioners draw to the attention of the House that thousands of Canadians suffer from debilitating illnesses, that Canadians do support ethical stem cell research which has shown encouraging potential, and that non-embryonic stem cells which are known as adult stem cells have shown significant research progress.

They call upon Parliament to focus its legislative support on adult stem cell research to find the cures and therapies necessary to treat the illnesses and sufferings of Canadians.

#### MARRIAGE

Mrs. Judi Longfield (Whitby—Ajax, Lib.): Mr. Speaker, I have two petitions. The first calls upon Parliament to pass legislation to recognize the institution of marriage in federal law as being the lifetime union of one man and one woman to the exclusion of all others. It is signed by several hundred residents from the Durham region in my riding.

## Routine Proceedings

**●** (1010)

#### BILL C-20

Mrs. Judi Longfield (Whitby—Ajax, Lib.): Mr. Speaker, the second petition asserts that Bill C-20, an act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act does not go far enough to protect children in Canada.

It calls upon the government to split Bill C-20 so that child pornography can be voted on separately from anything else in the bill. Again, this is signed by several hundred residents in my area.

IR AC

**Mr. Peter Adams (Peterborough, Lib.):** Mr. Speaker, I rise to present a petition from citizens of the general Peterborough area who are still concerned about the war in Iraq.

They point out that the United Nations was founded to prevent the scourge of war, that Canada is a member state of the United Nations, and that preventive strikes against Iraq, such as the one we have just seen, cannot be justified as self-defence under the charter of the United Nations.

Therefore the petitioners call upon Parliament to denounce any aggression against Iraq and declare Canada's non-participation in any such aggression, and to urge the United Nations to seek peaceful solutions that respect the charter of the United Nations and all other international law, including the sovereign equality of nation states.

STEM CELL RESEARCH

**Mr. Peter Adams (Peterborough, Lib.):** Mr. Speaker, I also have a petition with respect to stem cell research.

The petitioners point out that many Canadians suffer from diseases, such as Parkinson's, Alzheimer's, diabetes, cancer, muscular dystrophy, spinal cord injury and ALS, and that Canadians support ethical stem cell research which has already shown an encouraging potential to provide cures and therapies for these illnesses.

They call upon Parliament to focus its legislative support on adult stem cell research to find the cures and therapies necessary to treat the illnesses and diseases of suffering Canadians.

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## QUESTIONS PASSED AS ORDERS FOR RETURN

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, if Questions Nos. 177, 197, 204 and 208 could be made orders for return, these returns would be tabled immediately.

The Acting Speaker (Mr. Bélair): Is that agreed?

Some hon. members: Agreed.

[Text]

## Question No. 177—Mr. John Reynolds:

For the past five years: (a) what is the total value of loans outstanding, in default and/or written off by the government with a breakdown for each department and crown corporation; (b) what is the total value of corporate loans outstanding, in default and/or written off by the government with a breakdown for each department and crown corporation; and (c) what is the total amount of individual loans

outstanding, in default and/or written off by the government with a breakdown for each department and crown corporation?

(Return tabled).

#### Question No. 197—Mr. Rick Casson:

With regard to the announcement on October 8, 2002 of the \$246.5 million aid package for the softwood lumber industry: (a) what actual amounts have been given out as of February 28, 2003 and to whom or to what groups; (b) has Human Resources Development Canada (HRDC) kept track of how many employees are taking advantage of the enhanced program; (c) how much has it spent on the enhanced program; (d) is HRDC monitoring the success of the enhanced program and if so, by what criteria is success being measured; (e) has Industry Canada given out any money under the Softwood Industry and Community Adjustment Fund; (f) has Industry Canada received any suggestions for workable ideas for community development and if so, has it or will it be publishing these plans or ideas; (g) has Natural Resources developed a plan for dealing with the pine beetle-killed wood and for containing or eradicating the beetle; (h) has Natural Resources planned how it will create both a centre of excellence for pulp and paper research and a boreal forest research consortium; (i) will they be stand-alone institutions or be connected with an existing school or other institution; and (j) what will their mandate be and will this information be made public?

(Return tabled).

#### Question No. 204—Mr. James Rajotte:

With regard to border crossings between Canada and the United States since June 1, 2002: (a) what submissions have been made to the government of the United States; (b) what forms did these submissions take—verbal or written or both; (c) what was on the agenda at any face to face meetings or conference calls; (d) what were the titles of any written submissions; (e) what were the dates of the meetings and/or written submissions; (f) what correspondence, if any, was sent directly to the President of the United States or, if not, to which departments and/or agencies of the United States government were the submissions made; (g) have there been any submissions specifically dedicated to the possibility of a second checkpoint; (h) have there been any submissions specifically dedicated to the proposed 24 hour advance notice for commercial trade; (i) has there been any discussion and/or memoranda within Canadian departments concerning the possibility of sending a trade team or special envoy to the United States with respect to border crossing, trade and/or trade corridors; (i) have Canadian departments received submissions—verbal or written from Canadian industries concerning problems with the border, and if so, how many; and (k) have Canadian departments received submissions—verbal or written—from Canadian exporters concerning a possible decline in trade and/or exports with the United States?

(Return tabled).

## Question No. 208—Mr. Maurice Vellacott:

For each year since 1988, what was the total number of abortions performed in Canada, including: (a) the number of abortions by weeks of gestation (i.e. first, second and third trimester); (b) the number of abortions resulting in complications, by type of complication; (c) the number of subsequent hospitalizations; and (d) the number of deaths as an indirect or direct consequence of an abortion?

(Returns tabled)

[English]

Mr. Geoff Regan: Mr. Speaker, I ask that all other questions be allowed to stand.

The Acting Speaker (Mr. Bélair): Is that agreed?

Some hon. members: Agreed.

## **GOVERNMENT ORDERS**

[English]

### **BUDGET IMPLEMENTATION ACT, 2003**

The House resumed from May 16 consideration of the motion that Bill C-28, an act to implement certain provisions of the budget tabled in Parliament on February 18, 2003, be read the third time and passed.

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the budget was tabled in February of this year, several months ago, and it is almost June. There has of course been a great deal of debate on the subject. I think members, certainly on this side, are convinced this is an excellent budget and it has the support of most members in the House.

In any event, I think we have had ample opportunity to debate the bill. Therefore I move:

That the question be now put.

**●** (1015)

The Acting Speaker (Mr. Bélair): Debate? Debate? Is the House ready for the question?

Some hon. members: Question.

**The Acting Speaker (Mr. Bélair):** There is a bit of confusion here. I think the government was hoping to put the question. [*Translation*]

I asked twice if the honourable members wished to debate this motion and no one rose. That is why there was some confusion.

However, we are resuming debate, and I am prepared to recognize the hon. member for Drummond.

**Ms. Pauline Picard (Drummond, BQ):** Mr. Speaker, thank you for giving me the floor. I did hear the question but I had been told that an hon. member from the Alliance was going to speak before me. That is why I did not rise.

Ever since it was brought down in February, the budget before us has stirred up its share of commentaries and unflattering remarks. The farther we go in examining this bill, the more irritants we discover.

I shall begin with clause 64 of the Budget Implementation Act, 2003, which represents a serious problem not only for those directly concerned—the school boards—but also for parliamentary democracy.

This is a dangerous precedent; not only introducing a retroactive amendment to an act, but also permitting the government to get around the judgments already handed down against it by the courts.

This kind of manoeuvre, we should point out, was first attempted by the member for LaSalle—Émard, now a Liberal leadership candidate. After the judgments were handed down in 2001, the then Minister of Finance decided to introduce a retroactive amendment to the Excise Tax Act in his budget, which would have enabled him to recapture significant amounts of goods and services taxes from the coffers of the school boards.

#### Government Orders

The announcement caused such a stink that the former Liberal minister, the hon. Marc Lalonde, wrote to the Minister of Finance on behalf of his clients asking him to reconsider his position. In a letter dated January 15, 2002, he wrote:

On October 17, the Federal Court of Appeal handed down a unanimous decision to the appellant school boards, with the Commission scolaire des Chênes being the test case. The court ruled that school transportation constitutes a commercial activity that is eligible for 100% input tax credits—.

The board in question is the Commission scolaire des Chênes in my riding. For this board alone, the November 2001 ruling in its favour represents \$500,000. If the government continues to refuse to grant school bus transportation tax credits, there will be an annual shortfall of \$200,000.

Must we appeal to the Prime Minister's better judgment to get him to recognize that his government's position is indefensible, not because his party is not keeping its statutory commitments to the school boards to avoid unnecessary costs, but because the effect of clause 64 is to get around the courts' rulings. It is as if the government had decided to put itself above everything, even above the law. Such an attitude is dangerous, and the impact will, no doubt, be to discredit the judicial system.

As the hon. Marc Lalonde wrote about the school boards, and I will quote him once again:

—it is our clients' impression that the Minister of Finance is basically saying, "Heads, I win, tails, you lose".

We will continue to speak out against this serious injustice that the government is preparing to inflict on the school boards.

This is an excellent opportunity to tell those now listening that only the Bloc Quebecois members have come to the defence of the interests of Quebec school boards. On the opposite side of the House, not a single Liberal member is prepared to act in the taxpayers' interests. This is proof of how important the Bloc Quebecois's presence in this House is.

We are fulfilling our duty in defending our communities against the repeated assaults of this centralist government. The people of the ridings of Lévis-et-Chutes-de-la-Chaudière and Témiscamingue must be made aware of this.

Let us now look at the employment insurance plan. The problems facing workers affected by the softwood lumber dispute or the fisheries crisis—soon to be joined by the victims of the mad cow crisis—are growing, yet the federal government is ignoring them, too obsessed with raking in money in the EI fund, where billions of dollars are being amassed.

**●** (1020)

For the past several years, the government has been helping itself to the fund, which has angered those who contribute to this fund, so much so that central labour bodies have started legal action against Ottawa. In the Superior Court, the CSN and the FTQ have launched a challenge against the constitutionality of the Employment Insurance Act. Transparent management is certainly not the reason we find ourselves in this situation today.

Despite unfavourable opinions by the Auditor General years after year, the Liberal government has continued to misappropriate money from the EI fund to finance other activities.

This is serious. What is at stake here is some very fundamental interests of the workers in Quebec, of overtaxed businesses, of men and women hoping that one day there will be a parental leave that fits their lifestyle, and of the labour force as a whole. What the Liberal federal government is doing to the EI fund is weakening the social safety net on which the public relies.

While billions of dollars are currently being raked in to be used later for purposes other than those for which the fund was intended, the provincial governments are obliged to find creative ways of supporting people who are going through serious crises.

The Government of Quebec had to dig into its own pockets to supplement the lost income of the fishers and processing industry workers in the Gaspé Peninsula. Why? Because the federal government has been sitting idly by while people were ending up out on the street, penniless. Quebec has been left holding the bag while the employment insurance surplus has reached more than \$45 billion.

Need I remind this House that soon some workers will be the victims of the mad cow disease crisis? Yesterday, a Liberal, the Parliamentary Secretary to the Minister of Human Resources Development, told us that people could always collect employment insurance benefits, but this is 55% of their salary, based on a maximum of \$39,000 a year. And let us not forget the waiting period. The compensation measures leave a lot to be desired.

Need I remind this government that, for the past 15 years, protection for workers who lose their jobs has diminished?

In Canada, in 1990, 75% of unemployed people were eligible for employment insurance benefits. Less than ten years later, this rate dropped dramatically, to 39%.

In Quebec, for the same period, the rate of unemployed who were eligible for benefits went from 81% to 47%, which means that half the workers in Quebec are no longer entitled to benefits, yet EI contributions are still being deducted from their paycheques. Let us not forget the government does not pay one cent into the fund. It is workers and employers who contribute to employment insurance.

While eligibility criteria for the plan have become stricter and the number of insurable hours to be entitled to benefits has increased, the government cynically decreased the amount of benefits from 66% to 55% of insurable income with a \$39,000 ceiling, as I mentioned earlier.

Upon its creation in the 1930s, the unemployment assistance program was nothing less than an insurance policy. The nature of it has changed, as it has almost become a privilege to be entitled to it. This is outrageous.

Again, I will mention that the Liberal government does not contribute a cent to the fund, which is accumulating surpluses at a staggering rate.

#### **●** (1025)

The surplus in the EI fund is a clear indication of the existence a fiscal imbalance, and the provinces and the taxpayers are paying the price.

To counteract this plundering of the fund, which has been going on for far too long, the Bloc Quebecois has, on a number of occasions, proposed the creation of a self-sustaining fund. Instead of recognizing that this scheme no longer makes sense, the present MInister of Finance is perpetuating the bad habits of his predecessor. To prevent further protest, he has announced consultations, which will buy him time to continue raking in the surplus, to pay down the debt.

I invite the Minister of Finance to review his position and to seriously consider the Bloc Quebecois proposal. We speak for the workers and the business owners, when we say it is time the plundering stopped.

Let us now move on to part 6 of the act to implement certain provisions of the budget, which deals with the air travellers security charge. As we have done ever since this tax was implemented, we continue to speak out against it as unjustified. In fact, it is a hindrance to the mobility of the population and means just one more fee the travel industry has to collect.

I continue to argue that charges relating to security and policing must be met by everyone via public funds, and not through a disguised tax imposed on those who travel by air. Security is a national affair. Of course, a terrorist on board a plane is a threat to the passengers but, as the tragic events of September 11, 2001 have demonstrated, people on the ground are also in danger. We all stand to gain from enhanced security measures. Imposition of a specific tax on the travelling public is unfair and abusive.

In December 2002, the Standing Committee on Finance, of which I am a member, acknowledged the negative impact of this tax in its prebudget report to this House.

The Tourism Industry Association of Canada met on numerous occasions with committee members to explain why it sees this tax as "an instance of poor public policy".

The Minister of Finance received no fewer than 300 briefs, all of which were opposed to the security charge, from provincial departments of tourism, airlines, airport authorities and industry associations. I have not found a single individual or organization in favour of this measure; no one, apart from this government, is.

In response to dissatisfaction, the government announced in its budget a reduction in the charge for domestic flights only, a reduction made possible thanks to a change in accounting methods. What the government is really doing is not reducing the amount of money it is taking from the airline industry, but rather amortizing security equipment costs over a 15 year period instead of five years, as originally planned. This is unacceptable.

The Minister of Finance decided that it should be airline passengers who finance security measures that benefit everyone. While he is lowering the charge on domestic flights, the charge on international flights has not been reduced.

If security measures at border crossings are paid for by the government from the consolidated revenue fund, and not by the people or businesses who cross the border, then why should it be any different in the case of air travel? What is the reasoning behind the government's position?

In its report on the viability of Canada's airline industry tabled on April 11, the transport committee recommended eliminating the security charge for airline passengers, since transportation security is a critical national need that must be funded federally.

#### (1030)

Just this weekend, the current Minister of Finance and candidate for the Liberal leadership inferred that he might go ahead and lower the special airport security taxes. Can the minister tell us what he is basing these intentions on? Could it be that he has seen studies that he forgot to present to the Standing Committee on Finance?

While we are on this topic, I must point out that I was concerned when I read in a Quebec paper that the federal government is reviewing the airport security charge without even telling us about it.

A reporter found out about this review through a request under the Access to Information Act. What is the minister waiting for to table these studies in the Standing Committee on Finance and the House? Unless the hush hush surrounding these studies is a sign that the minister is hiding something? Could it be businesses operated by friends of the Liberal Party with deep pockets who have contributed to the party?

Finally, I would have liked to come back to those who were forgotten in the budget. I would say that this government has not lived up to its commitments with regard to the elimination of child poverty. The figures published recently by Statistics Canada show that the rich still get rich and the poor still get poorer, which reflects badly on the hon. members opposite.

When a government no longer cares about the messages sent by its citizens, when a government is ready even to defy the justice system, when a Prime Minister says that he does not need parliamentary debates in order to make decisions, this is cause for worry. Faced with such a dangerous attitude, I can only invite my constituents and all the people of Quebec to think hard about their future.

When the federalist government in Quebec City denounces the federal government's inaction with respect to the people who have lost their livelihood, when it denounces the brutal reality of the fiscal imbalance and its effects on the province's ability to provide services to the population, one possible solution remains, an exciting project that will bring people together, that of creating our own country.

For some time we have been hearing people talk about change. As far as I am concerned, the only real change for us, for Quebec, is our sovereignty.

## **●** (1035)

## [English]

Mr. Charlie Penson (Peace River, Canadian Alliance): Mr. Speaker, this is a good opportunity to rise today to speak Bill C-28, the budget implementation act. At the outset, the Canadian Alliance is very disappointed with the government in terms of its approach to the budget in this year of 2003. We believe it has taken the wrong focus and wrong approach to this budget, and there needs to be major adjustments, even at this stage, to the spending commitments it made.

## Government Orders

This budget was brought in on February 18. It increased the amount of program spending by the federal government from \$124 billion in 2002 to \$150 billion in 2003, a \$26 billion increase in three years. That is almost a 20% increase in spending on an annual basis, and clearly it is not sustainable. We pointed that out at the time, but it was pretty clear even back then that this was intended to be a legacy budget for the Prime Minister, and probably a leadership budget for the Minister of Finance.

What we told the Liberal Party and the people of Canada on February 18 is just all the more accentuated now because there are significant changes to the economy that would indicate the government simply has to move away from some of the budget commitments it made on February 18 in terms of the spending; spending increases that clearly cannot be maintained or sustained. The reason I say that is because we are seeing a lot of factors starting to gather. However even back on February 18 it was clear the economy was starting to slow down.

The United States economy was bumping along the bottom in terms of major changes such as the collapse of the IT sector, the information technology sector of the United States. Also the stock market had a big hit in the United States in terms of the confidence of the people who were buying stocks. By the way, that is a pretty big part of society in the United States. Almost 30% of the public own stocks and bonds. The Americans confidence was hurt by some of the scandals in the United States leading up to Enron and other matters, and it was clear the United States economy was not going to recover very quickly.

How can the Liberal Party suggest that Canada can go it alone in terms of growth in the economy if the United States is not growing or if the recovery is not underway? It was clear back then to us that could not be maintained. Now we see the Bank of Canada and other economists around the country saying that rates of growth have to be adjusted downward from those projections made by finance minister on February 18. He was talking about 3.2% growth for next year but it has already been revised down to 2.5% and may be revised down further.

We have a number of factors right here in Canada that are having a major effect on the economy. The rising Canadian dollar, or the depreciating U.S. dollar, is one of those. The 2% spread in interest rates between Canada and the United States is attracting investment in Canada and driving up the Canadian dollar. The huge current account deficit in the United States is driving down the U.S. dollar against other currencies around the world.

This should be a celebration for Canada. Canadians should be able to celebrate the fact that our dollar has appreciated. Unfortunately, past policies by the Liberal government and the other one sitting down the way, when it had its brief time in office, had a major detrimental effect to the Canadian economy. We are now only 80% as productive as the United States. Our living standards are only 70% of that of the United States. Clearly these have a big impact on us.

One would think that a rising dollar should be good news for Canadians, and it is for some people. However we are a major exporting country and as such, the cost of production in Canada has to be lower to compensate for the cost of the Canadian dollar. Clearly that is starting to have an effect on the economy. There are industries talking about layoffs as a result of it.

Over 30 years we have seen this long term decline. I do not think it was a natural decline. Back 30 years ago, and over the 100 years previous, the Canadian and the U.S. economies could be charted on an analytical basis. There are people who chart these things. Through good times and bad times, ups and downs, the graphs showed basically the same function for the two economies.

#### **●** (1040)

About 30 years ago that started to change and the Canadian economy started to dip. I believe it was because of public policies that were pursued by the Liberal and Conservative governments of the day that had a major impact. In fact the size of government in the United States has not changed much in 30 years, representing roughly 30% of the GDP of the country. In Canada in 30 years, those fellows across the way have grown the size of government from about 30% to 42% of GDP of the country. That takes up a pretty big chunk of the economy.

If this was all productive spending, it would not be too bad, but we know there is a lot of waste in government, particularly in this government, for things like the gun registry which has cost \$1 billion and is still running. That really personifies what the problem is. The government has wasted \$1 billion in the EI program. A lot of grants and subsidies have been given to the business sector, and some people would say that is a good thing.

If Canadian taxpayers wants to invest in General Electric or Bombardier, they can do that. There are stocks out there that they can buy. They should not have to do it as taxpayers of the country for something committed to by this Liberal government. Those are the kinds of things that have caused the Canadian government to rise as a percentage of GDP and a bigger take of the economy. This is part of our productivity problem.

Witness after witness appeared before the industry committee. Three major studies have been done at the industry committee about Canada's competitive position and our productivity. They have told us that we need lower taxes in Canada, probably lower than the United States, to have a competitive edge but we do not have that. The U.S. President pushed a package through Congress the other day for about \$500 billion, Canadian, a further tax cut in the United States. We were already behind the United States in corporate and personal tax income rates and it is moving further. That will put us into a more uncompetitive position.

What we need is a realistic approach to this. The government has to have an economic statement recognizing the problems we have with the rising Canadian dollar. We need to recognize the slow down in the economy. We need to recognize that things like SARS and mad cow disease do have an impact on our economy. The closure of the Canada-U.S. border to imports of over \$4 billion worth of beef has an impact.

The Canadian dollar rising 18% without any corresponding decrease in corporate or personal tax rates and red tape also have an impact. A canola farmer knows that instinctively. The price of canola went down from \$8 a bushel to \$7 a bushel just on the exchange rate. There is no corresponding decrease in the cost of production. This is hurting us and will continue to hurt us unless the government reacts by dealing with this productivity factor. The government has to lower tax rates.

I call on the government to accelerate its corporate tax cuts which are being done over five years. There are some budget measures on resource tax allowance and some things have been done on the capital tax. However they have long phase-out periods of five years. I call on the government to move quickly to bring those tax cuts in on an accelerated time schedule.

We have a problem here. The Liberal government is absolutely committed to spending. It is the old tax and spend regime. It is like the Trudeau era Liberals are back. These are the kinds of Trudeau era policies that got us into all this trouble to begin with. That government had spending rates of 6%, 8% or 10% a year. Under the current Prime Minister we are back to these rates. This year's spending alone has increased by 12% or 15%. How can that be maintained? It cannot be maintained, and it was clearly evident at the time the budget was brought down.

The Prime Minister and the finance minister buried their heads in the sand. The Prime Minister wants to do a bunch of social spending because he has to buy himself a legacy. That is a sad commentary, after 40 years in office to have to think of some way a new spending program can be invented in order to have a legacy for oneself. That in itself in my view is the legacy, and it is not a very good legacy at that.

#### **●** (1045)

The Liberals have put us in a very difficult position. They have a dug a hole for Canada of which it will be difficult for us to dig out. I believe we have the potential to have a far better and stronger economy than the United States. We cannot do that if we have been harnessed by bad policies over 30 years which have put us into a very uncompetitive position versus our major trading partner.

Why is it important that we compare ourselves with the United States? It is important because of the two-way trade flow and business we have between our two countries. We know that 87% of our exports go to the United States. The exports to the United States alone account for almost 40% of the GDP of Canada per year.

We have to think about what happens if we are not competitive and we lose manufacturing plants, such as DaimlerChrysler to the United States, because it is concerned about things such as border security. We know that 80% of the production of the automotive sector in Canada goes into the United States. Border security became a problem after September 11. The government clearly is not willing to talk with the United States about security issues. There is hardly a working relationship between the Prime Minister and the President of the United States.

Although, the Prime Minister finally did make a phone call yesterday after months of not wanting to talk to the President of the United States. I hear he talked about baseball. I hope he talked about things such as the Canadian border in relation to the BSE issue and about a number of other issues, such as security issues about which the Americans are clearly concerned. Like it or not, the Americans will take measures to deal with that security issue on the Canada-U.S. border. That could result in a slowdown of product crossing the border.

Two and a half years ago I was in a major steel plant. To illustrate how integrated we have become and how business works across the Canada-U.S. border, the steel rolled that day had been ordered about four months earlier. One thing I did not know is the plant makes about 200 different types of steel there. It is a very specialized business. The steel rolled that day was shipped out that very afternoon to a car manufacturing plant. It was stamped into fenders later that afternoon on a just in time delivery basis.

What does that mean? Why has the plant done that? It has done that because the cost of production has been too high. The plant had to get efficiencies into the system. The cost of carrying inventory is very high. Basically the steel plant eliminated that problem. It does not have to carry inventory any more as a result of delivering that product on a just in time delivery.

Why is that an important factor? It is important because any slowdown at the Canada-U.S. border influences that. All of a sudden if companies have to begin carrying inventory again, there is a massive cost to that. Therefore, the United States is concerned.

Companies that are thinking of new investment in Canada are concerned too because if there is a slowdown at that border and 80% of their production goes into the United States, then they might as well locate their plants in the United States.

There are a few other problems on the horizon that we have been dealing with for a while. They also have to do with a poor Canada-U.S. relationship. It is something the government has actually been very bad at. In fact I think the government enjoys tweaking the nose of Uncle Sam and sticking its finger in his eye. I am talking about duties that have been put on wheat for Canadian farmers.

I think this action is in direct response to a government that has not cooperated with the United States on a number of issues. We think the softwood lumber issue with the United States will be resolved in our favour but it has been a longstanding dispute. It costs our Canadian producers 27% duty I believe. On top of that the Canadian dollar appreciating has made it very difficult for our

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softwood lumber producers to compete in the United States. There have been some job layoffs.

These are the kinds of things that have to be addressed. This is the reason the government needs to come out with a new economic statement this spring. It has to recognize the realities that there is a changing situation with the economy. It has to recognize that it clearly made a wrong assessment, that the United States is not recovering as quickly as it thought it might.

#### **●** (1050)

United States interest rates are still only 1.25%. There is a concern about deflation in the United States and the economy is not responding very fast. So, between that and the rising dollar as a result of the depreciating U.S. currency, these are causing us a great deal of difficulty.

I call on the government to bring in a new economic statement where it would accelerate corporate tax cuts and take into account what the United States just passed through its congress, a massive tax bill of over \$500 billion dollars over 10 years. Some people think that this may be picked up and continued on, and it may be a lot more than that.

We were far behind in terms of charging too much in taxes. Now the United States has moved the yardstick even further and it is clear that Canada must react. The finance minister is finally admitting that the economy will not perform as well as he suggested on February 18. If he has already made that assessment, perhaps he should come out with an economic statement that says we are prepared to make those necessary tax cuts on the personal income tax side and go further on the employment insurance rate cut so we stop overcharging Canadians.

Even this year the government is overcharging Canadians almost \$3 billion in terms of excess employment insurance rates. This just goes into general revenue and as we know there is a lot of waste by the government. Day after day we hear about the ad contracts where millions and millions of dollars are being wasted.

The government and the finance minister are clearly distracted. He is running for the leadership of the Liberal Party. He is hardly ever in the House so that we can ask him a question. Clearly his focus is not where it should be. If he cannot handle the job, perhaps he should step down as finance minister and let somebody take over while he is running his leadership campaign.

We on this side have somebody we could suggest. We could clearly provide a few names for him in terms of doing that. If he is going to take his job seriously he had better come up with a new improved economic statement that would recognize the new realities of the Canadian economy and our major trading partner. We need to make the proper adjustments so that Canada can be competitive and get back on the road to improving our competitive position and productivity.

That is my challenge to the government. We want to see an economic statement this spring that would recognize all of those realities that I have just been talking about.

Mr. Sarkis Assadourian (Parliamentary Secretary to the Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I followed attentively the hon. member's speech about the situation and I have two questions for him.

First, he blamed Canada for the September 11 tragedy in the U.S. If there is someone to blame it is the U.S. system which allowed those terrorists to come into that country. They did not come from Canada, first and foremost.

On the same subject, the U.S. government gave the terrorists visas six months after they committed suicide. How can the hon. member stand up in the House and blame us for the September 11 tragedy? That is totally unfair.

Second, on the economic issue, the opposition blamed us and gave credit to the Americans when the dollar was 65¢. Now that the dollar is 74¢, it blames us again and gives credit to the Americans for the dollar being so high.

It seems to me we are guilty both ways. Maybe the hon. member should suggest fixing the dollar so that it will not go up or down. If that is his economic policy he should make a clear statement.

Last year the government created 550,000 jobs and the U.S. lost 2.5 million jobs. Again, the hon. member blames us for the reverse economic difficulties that the U.S. is experiencing. American congressmen have never blamed their government in the way this gentleman blames us for the last 12 years. He blames the Government of Canada for the good policies we have and disasters that occur in Washington. I would like the hon. member to comment on that.

#### **●** (1055)

**Mr. Charlie Penson:** Mr. Speaker, I would be happy to answer those questions, however they are a little misdirected. The member said we blamed the Canadian government.

I would hope that he would stay to listen to the answer to his question, Mr. Speaker. It seems to me a little discourteous to ask a question and then leave the House.

The Acting Speaker (Mr. Bélair): It may be discourteous but you are not supposed to mention it. The hon. member for Peace River

**Mr. Charlie Penson:** I guess I was not supposed to mention that, Mr. Speaker.

I do want to deal with the issue. The record really needs to be clarified in response to the member's question. I did not blame Canada for September 11 at all. All I said was that there is a new reality after September 11. The Americans are a lot more concerned about their security and they will be moving to tighten up that security. Whether Canada is part of the package of tightening it up or not depends on us.

I do blame the Liberal government and the present administration for not cooperating and not working with the United States on the security issue as much as it should. Any possible slowdown at the border that results from the U.S. tightening security and putting systems in place that may slow down cross-border flow in Canada is a real problem for Canadian businesses that cross the border. There is about \$1.5 billion in two-way trade a day, but clearly we are a major

beneficiary of exports to the United States. That is what I am talking about.

The Prime Minister of Canada and the President of the United States must have a working relationship to discuss those kinds of issues. Because it is such an integrated North American market, we better hope that we are part of the solution and not part of the problem in addressing security issues.

In terms of the Canadian dollar, I was saying that the Liberal government has used the low Canadian dollar as a crutch. I think there are records of the Prime Minister who, 10 or 15 years ago, was talking about a deliberate policy of a low Canadian dollar. In addition to that, I was saying that there have been some major studies done, especially by the industry committee. My colleague from Edmonton Southwest is a member of that committee. We have found that Canada's position in terms of competitiveness and productivity has been only about 80% of that of the United States. Witness after witness who came before the committee talked about the need to get those productivity levels up. However, they also talked about the need for major tax cuts to allow that to happen.

Now that the Canadian dollar has started to rise, I said that this should be a good news story for us. For some industries it is, but a large part of our export industry cannot stand the Canadian dollar rising that much unless there is a corresponding decrease in the cost of production. A major part of that is corporate and personal tax rates and things like payroll taxes, including the capital tax. I know cuts were introduced, but it is a five year phase-out. We need to accelerate the corporate tax rate cuts that were introduced in budget 2000 and we need to accelerate the phase-out of the capital tax.

In terms of jobs, the Canadian economy had been rolling along pretty strongly, but I believe that there is a lag time between good times and bad times in terms of the Canada-U.S. economy. It seems to me that the U.S. economy has been on the rocks for about a year and a half and we are just starting to feel the effects of that in Canada. The Canadian dollar is appreciating as a result of the U.S. dollar going down not just against Canadian currency but against all currencies worldwide. I believe part of the reason is because of its current account deficit of over \$500 billion.

As long as the Americans were attracting investment, especially into their information technology sector—in the United States that was such a big sector—it did not really hurt them, but that sector has cooled off substantially. Now the current account deficit is a big problem for them. I believe that the U.S. administration is not unhappy about seeing its dollar depreciate against other currencies, the Euro, for example.

Canada has seen an appreciation against the U.S. dollar of about 17%. Whether that will be sustained or not, I do not know, but if it is, the point I was making is that Canada must recognize that there is a substantial part of our economy that needs some major tax relief to correct the fundamentals and allow the Canadian dollar to rise to be a good news story for us.

#### **●** (1100)

**Mr. Dennis Mills (Toronto—Danforth, Lib.):** Mr. Speaker, I want to begin by saying to the member for Peace River that I had an opportunity about three weeks ago of being on VIA 1 and we went through part of his community. I want to say that he represents a beautiful part of the country.

I agree with the member in a lot of what he had to say. We have all been in our ridings in the last couple of weeks. I come from downtown Toronto. I do not have to tell anyone in the House how we are being devastated in the tourism sector which is the largest employment sector of our economy.

There are over 10,000 chambermaids in the greater Toronto area who in the last three weeks have been laid off. Because the machinery of our government in the employment insurance section is broken they have to wait six weeks before they get a cheque. That is how long it takes. Many of those people have to pay their apartment bills and they need that cheque every two weeks. Otherwise they are a step away from welfare. This applies to the rest of the people in the hospitality sector as well.

We sit here debating big issues and billions of dollars, but in the hospitality industry 50% of the wage is on a cheque from the owner of the hotel or the restaurant, but the other 50% comes to that person in gratuities. When people go to collect their employment insurance the calculation is only made on half of what they are making, yet they pay tax on the total amount, the gratuity and the guaranteed wage.

What are we doing here? Is there any emergency system to help those people who are in pain? When the tourism sector of the country is hit like this and we are in the middle of debating the budget, there must be some kind of mechanism here, if this place is really supposed to represent the people, to use this budget debate to react to that sector.

I have been harping and I know other members have been harping, but I find it so strange that there is no reaction from the machinery of government. That is why I contend that the machinery of government is broken. When we cannot react to the people who are at the lowest end of the income spectrum, when we have never had such a high surplus in our EI fund, when the disconnect is there, then I say the place is broken. That is the hotel and food service industry.

It is not just in my community. I was in Jasper on that trip west. As I was checking out of the hotel a woman said to me that she had just lost four bus loads of Japanese tourists because everyone thinks that Jasper or Vancouver are suburbs of Toronto. Therefore tourism in the country has been affected coast to coast because of SARS and because of the international perception that we are all walking around in downtown Toronto with masks and oxygen on our backs. That is because of the international press. Conventions and trade shows have been cancelled.

#### **(1105)**

I am appealing to the House that we generate some focus and political will to get some action. What good is a piece of paper or a budget if we cannot turn it into real action? What good is it?

## Government Orders

I want to go back to the member for Peace River on the issue of being competitive. In southern Ontario the next greatest sector after tourism is the automotive sector. What is going on is that in three weeks we have the largest automotive plant in Windsor, Ontario, Daimler-Benz, and less than 100 miles down the 401 we have Navistar in Chatham, and we are going to lose these plants.

Are we crazy in this House of Commons to be losing these plants? Once they go to Georgia or Mexico, how are we going to get them back? Are we going to have some kind of emergency debate and all of a sudden find, not the \$10 million a year for 10 years to keep them, but we are going to spend \$100 million just to move them back? Is that going to happen? I doubt it.

Those are skilled jobs in a sector of our economy, the automotive manufacturing sector, which is now rated as world class. I thought a budget was to deal with these things.

If it means, as the member for Peace River said, that we have to examine our tax policy to keep those plants and jobs, then we have to do it. That is what the House of Commons is supposed to do. That is what I thought when I was elected a few years ago.

My concern is about the last six weeks. Tourism has been gutted and now the automotive sector is on its knees. My goodness, we lost the shipbuilding yards in Saint John. We should be building. If ever there was a way to link our shipbuilding sector to our ocean security, those plants should be going around the clock. We could use that skill in Saint John to deal with the whole issue of our security responsibility. That would also create massive goodwill with our friends to the south.

We are disconnected with what is really going on out there. Our capacity to move quickly, our sense of urgency to react when people are really in pain is not there. It is almost as if, if one could imagine, a plane would crash on the front lawn of the Parliament buildings and we just went about our business and said "Ho-hum, so what".

Well, the plane has crashed in the tourism sector. The plane has crashed in parts of the automotive sector. We have to react toward those sectors the same way we would if a plane had crashed on the front lawn of the Parliament buildings. We would be out there in seconds. The emergency services, the fire engines and the ambulances would be there and the hospitals would be working. That is what has to happen now with these sectors of the economy. This sort of ho-hum let us take our time response is not the way to go.

It is an amazing thing. I am starting to think that this is becoming the norm around here: "If we cannot set up an emergency system to get EI cheques out to the chambermaids, the bartenders or the waitresses or chefs who lose their jobs, ho-hum". That is wrong. We have to somehow make this budget moment come alive where we cause people to react with some creativity, some outside the box thinking and some risk taking. That is what we are supposed to do here.

#### **●** (1110)

I do not think that people will judge us in a negative way if we move quickly. There is no sense of urgency around here and that has to change fast. Otherwise—and I agree with the member for Peace River, and it is amazing I am agreeing with the member on nearly everything he has said here today—when we wake up one morning in about 90 or 120 days, we are going to get a real kick in the head. Right now our economy is the envy of the G-8, but we are going to find that a lot of people are out of work in tourism, the automotive and manufacturing sectors. When those people are out of work, they do not have buying power. That affects retail sales eventually. The next thing we know, we will have a bad scene.

In supporting this budget and its implementation, I immediately attach to my vote an appeal to the officials who have parliamentary approval to access those funds that we are voting on. I want to make an appeal to all the departmental officials who are listening, although I do not know if officials listen to the House much these days as it seems we have become so irrelevant. However, if there are any senior officials listening, I appeal to them to move quickly, especially toward those people in our communities, whether they be in Peace River, Toronto, Saint John or elsewhere, to access those moneys and resources, the stimulus to get this economy going again.

Just because three or four sectors of our economy are really doing well, we cannot ride on those three or four sectors. We have to remember that there are sectors of our economy right now where we are only seeing the tip if the iceberg in terms of trouble. I want to flag the tourism and the automotive sectors.

One cannot imagine the way the margins in automotive manufacturing are being squeezed. The manufacturers squeeze the parts makers and on and on it goes down the line. Eventually we will have a situation where we look at one another and ask how did it happen. If there was ever a moment to provide real stimulus and incentive, especially in the tourism and automotive sectors, this is the moment.

When I say tourism, I do not just mean my city. I mean right across the country. I mean the convention trade show business and the motion picture industry. In my community four months ago 80% of the motion picture studios were doing business. Now people in the motion picture industry are telling me that if there is no business within the next 90 days, they may as well give the keys to their businesses to their bankers. There are restaurants in downtown Toronto that have \$1 million invested in those businesses with probably \$5,000 or \$6,000 of equity and the owners are saying that if people do not go back into the restaurants, hotels and motels, some of them are 90 to 120 days away from giving the keys to their bankers. They will not be able to make it.

#### (1115)

I want to appeal not just to the member for Peace River but to the Canadian Alliance and the opposition who have always been obsessed, and some would say it was good obsession, although I would not always agree, with the fiscal cuts. If there was ever a moment that there should be some money around here, that there should be stimulus to help those sectors of the economy get back on their feet, that moment is now.

Mr. James Rajotte (Edmonton Southwest, Canadian Alliance): Mr. Speaker, I always enjoy listening to the member speak because he is a very thoughtful and independent-minded member. I want to make a couple of comments and ask a couple of questions with regard to SARS in Toronto.

It is our responsibility as parliamentarians. despite the fact that it is a very serious issue, to say that we have to keep it in perspective. When the SARS crisis was hitting its full blown proportions, I was at a conference in Toronto. I do not know how many people said to me "You are not actually going to the city. Everybody there has SARS; it is just an unbelievable situation". I went. Toronto is a city of about five million people and I did not see one mask.

It is a fairly contained situation. The health officials are certainly doing the best job they can and they should be applauded for that. We have to treat SARS and mad cow disease very seriously, but we must put them in perspective. As parliamentarians we certainly have to state that.

The member talked about the importance of tourism and the effect on people such as chambermaids. He is absolutely right. But does that not show with an EI surplus each year of \$30 billion to \$40 billion, that when people fall on hard times, employment insurance is supposed to be an insurance system that helps those people?

I completely agree with the member that the system is breaking down but it is because we have an EI surplus that in my view is being used to almost cover up some of the accounting of the government. It is not being used for its intended purpose which is to help people such as chambermaids who fall on hard times.

With regard to the automotive sector, after September 11 the auto industry told us over and over again that the most important thing parliamentarians could do on both sides of the border was to keep the border open. That shows the importance of the Canada-U.S. relationship which I think, with respect, the Prime Minister seriously needs to work on.

Mr. Dennis Mills: Mr. Speaker, there are a couple of points I would like to deal with. The first one is SARS. The member is absolutely right. He describes Toronto accurately. It is contained and organized, but we have an international media challenge. The rest of the world, CNN, Deutsche Welle, RAI, are painting us in a way such that if anyone here has friends anywhere in the world, they are calling and e-mailing, asking, "Are you okay? Are you going to make it?" That is part of the reason why a group of us in Toronto said that we have to figure out a way to correct the international image that exists.

International recording artists such as Elton John and Billy Joel cancelled coming to Toronto three and a half weeks ago. That went all over the world to all artists. Another part of the entertainment industry is shut down now. That is part of the reason why a group of us were mandated to go to Concert Productions International to see if we could get some international artists in here with Canadian artists to send out the signal around the entertainment world that we are alive and well. That is where the whole miscommunication came in from the media that we were trying to give the Rolling Stones \$10 million. Nothing was further from the truth. The Rolling Stones were the first international band that said it would help, but to stage an event with Canadian artists of international stature that would bring 700,000 to 800,000 people into our city would involve an investment. Fortunately the private sector came up with half the money. We will still wait to see what the governments do.

The reality is that we have to change the international image, not just Canada-U.S. but around the world, because that affects investment and not just in tourism. That affects business travel. It affects foreign investment. We have a big problem there and \$100 million worth of paid advertising will not do it. We all know that.

The second point is related to Canada-U.S. relations and the border. The just in time delivery sector is going through absolute hell right now because of the problems at our border. It is getting better, but what concerns me is that if we create any difficulty or if we do not show enough interest in keeping the Navistars and the Daimler-Benzes and these other industries that are dependent on just in time delivery, either way, the Americans will just say, "To hell with it. Let's just give up the investment in Canada. Let's do it in the States, because our economy is on its knees right now. We can use the jobs in the States and we can avoid all those border problems".

I think we are in a really tough moment. If there was ever a moment where we need to do some stimulus, I think it is right now. It is incumbent upon all of us to throw our best ideas on the table, but I think the most important thing we have to do is somehow inject a sense of urgency around here.

**●** (1120)

[Translation]

Mr. Gilles-A. Perron (Rivière-des-Mille-Îles, BQ): Mr. Speaker, I greatly appreciate the speech of my hon. colleague opposite. However, I would like to remind him that, since 1993, the Bloc Quebecois has been speaking out against the current government's policies that led to drastic cuts in health care, not only in Quebec, but in all the provinces.

Since 1993, the Bloc Quebecois has been critical of this federal government's total control of the employment insurance system. It is unfortunate to witness today the situation in Toronto; this is cause for concern in Quebec also. In fact, many Quebeckers are worried about this illness.

They are also concerned about mad cow disease. Although Quebec cattle producers have not detected a single case, they are suffering the same penalty as the rest of Canada. They can no longer export their beef; it can no longer cross any borders, whether it is for the United States, Australia or Japan.

#### Government Orders

It is time for the members, such as my hon. colleague opposite, to stand up, thump the desk and tell their colleagues, "Enough is enough. It is time to help our provinces instead of stealing from them. It is time to help our provinces instead of using the funds stolen from them to inflate our expenditures, which are not necessarily always good ones".

I would like the hon. member's comments on this.

[English]

**Mr. Dennis Mills:** Mr. Speaker, it is no secret to anyone around here that I am a passionate national government person and I am a passionate interventionist. The only thing on which I agree with the member from the Bloc Québécois is the fact that I think a lot of our cuts, as I signalled earlier in my remarks, have gone too far.

We do not know all the facts about mad cow disease, but we do know that in our inspection system, our research systems, in just western Canada alone we went from four research centres to one. Do we know why we cut them? Because we were saving \$10 million each. I am not suggesting that we would not have had this incident of mad cow disease, but I will say that when we have quality, world class agricultural research centres that serve a multi-billion dollar industry and we cut them down to one from four, I ask myself if that is good public policy.

My answer to the member would be this. Let us make sure that those instruments like research to maintain food security are maintained and enhanced, but let us do it through the Government of Canada. Let us continue to enhance the federal presence across the country. The more Government of Canada presence we have in every province, especially in Quebec and in the west as well, the more that people will view the House of Commons as relevant.

**●** (1125)

[Translation]

**Ms. Jocelyne Girard-Bujold (Jonquière, BQ):** Mr. Speaker, it is my pleasure to rise today to speak on the budget tabled by the current Minister of Finance in February.

I will tell everyone listening why the members of the Bloc Quebecois, including myself, will not support this budget.

We will oppose the budget because it does not meet the real concerns and expectations of Quebeckers. What did Quebeckers ask the new Minister of Finance for, which should have been included in his budget? First, they asked that the fiscal imbalance which has been condemned be corrected.

There is and has been much talk about this. In Quebec, we have had the Séguin commission, which has tabled its report. This study concluded that there is a fiscal imbalance and it has been endorsed by the premiers of all the other provinces, who agreed that such an imbalance exists, that the federal government is collecting too much in taxes and raking in huge surpluses. Second, these huge surpluses escape scrutiny by parliamentarians. As a result, nothing is being done to correct the imbalance.

Also, there is nothing in this budget about establishing an independent employment insurance fund. For years, the Bloc Quebecois has been asking that the government establish, in conjunction with all the central labour bodies and workers in Quebec, a genuine independent EI fund administered jointly by workers and employers.

It is unacceptable that the surplus in the EI fund today, in 2003, is \$44 billion. What is the government doing with that money? The Secretary of State responsible for the Economic Development Agency of Canada for the Regions of Quebec referred to a virtual amount. This is a serious matter. We are talking about money that belongs to workers and employers. I call it an employment tax. This means that the government collected far more money than it had to and hid it God knows where. It means that now working Canadians and Quebeckers are being required to pay premiums higher than necessary to meet the needs of the fund. There is nothing about that in this budget.

Second, there is nothing for the wind power industry. We know that with the Kyoto protocol comes the need to favour renewable energies. Changes will be required in our management in order to reduce greenhouse gas emissions. Quebec saw fit to invest heavily in this new energy. I think it is important that we do, but there is nothing about that in the budget.

Furthermore, in this budget there is no mention of abolishing the special tax of  $1.5 \, \text{¢}$  per litre of gas that was introduced by the former Minister of Finance. This tax was meant to pay down the debt and eliminate the deficit. There has not been a deficit since 1995, and there is no indication that the tax will be abolished. What are they doing with this money? We do not know. It is another hidden tax.

We are also told that the airport security tax will be abolished. This is a tax was introduced by the former Minister of Finance for security in airports. The current Minister of Finance asked two independent firms to conduct studies to determine the income generated by this tax compared to the expenses incurred by tightening security in the airports. Based on the findings, there was a \$43 million surplus.

#### **•** (1130)

What did this do? This tax increased the price of airline tickets, which penalizes the regions, once again. Money is taken from the regions and invested in large cities.

A return ticket from Bagotville to Ottawa costs me \$900 to \$1,000, and I buy one once a week. This is unacceptable. How can we expect people in the regions to use this mode of transportation? It is an essential mode of transportation for people who have no other way to get to meetings and to work, like me. I have to go to work. The general public cannot afford to pay such a price for an airline ticket

This tax increased the price of airline tickets. We said there was no need for this and that the money should have come from the budget. Nonetheless, the tax was introduced in order to take in even more money.

Also, there is nothing in the budget to abolish useless programs and thereby decrease spending by several billions of dollars. We know that the government is very good at encroaching on provincial iurisdictions.

Yesterday evening, when I came out of the debate on mad cow disease, I met some ordinary people who told me they are always the ones who have to pay, always the same taxpayers. There are school taxes, provincial taxes, municipal taxes, federal taxes, but the taxpayers are always the same. If they knew their tax money was going to the right things, they would have no objections to paying.

But we know that the federal government of today is always trying to encroach into areas where it has no business being. The Constitution says it is not their area of jurisdiction, so why does it insist? For visibility. Its obsession with visibility drives it to use funds that could be used elsewhere. On what? In essential areas, which this budget could have included. They could have been used to help the real people who have been shunted aside in this budget. They could have been used for the needs of women, aboriginal people, the elderly, self-employed workers. As well, they should also have been used for the softwood lumber crisis.

When the Minister for International Trade gets up to speak, he always says everything is great, everything is just wonderful in connection with softwood lumber, and we are going to win. We are going to win, but there will not be many people around to celebrate when we do. In my region, the one most affected by the softwood lumber crisis, there will be no workers left. The sawmills will have closed and our communities will have been decimated.

In my region, there are some small communities that owe their existence to the work provided by the sawmills. Today, however, they are waiting impatiently. They have reached the stage of no longer believing this government will respond to their needs and keep its commitment to move on to phase two of its softwood lumber assistance plan. How else could they feel? There is no mention of it in the budget, no mention of phase two, and that is where action must be taken.

And what is being done for women? I find this unacceptable. This government is doing nothing. Quebec would like to create its own parental insurance program. When will this government start negotiating with the Government of Quebec in order to reach an agreement that will allow the creation of this Quebec parental insurance fund?

#### • (1135)

This fund would help women. It would provide insurance for self-employed women and those with seasonal employment. At present, things are no so good for women who work and want to have children. They say to themselves, "I am going to have a child". These days, both the man and the woman in a couple work; this is no longer a luxury. This is how they manage to stick to a budget and provide for their family's welfare.

So, this fund would be a good thing. The women of Quebec called for it, and the former Government of Quebec agreed to it. It wanted to do it. Quebec asked the Minister of Finance and the Minister of Human Resources Development to take the money from the employment insurance fund, to take the premiums that went toward EI, and transfer this money to the provinces. This would provide for a fund that would allow women to receive 75% of their salary when they take parental leave.

The Minister of Finance made no mention of it in his budget. It would allow women to have children under much better and easier conditions. The budget contains no such measures.

There are no tax measures for seniors, whether for pensions or old age pensions. This, despite the fact that we know that incomes for this segment of the population are declining steadily, and since women make up more than half of this population, they are the ones who suffer.

Of course, there is the guaranteed income supplement that my colleague, the member for Champlain, criticized, and which was updated. Hundreds of women and seniors—again, most of whom are women—were deprived of the guaranteed income supplement for years—

An hon. member: Thousands.

Ms. Jocelyne Girard-Bujold: Thousands of them, as my colleague said. There is nothing in the budget to address this, to reimburse the women and seniors who were eligible for the guaranteed income supplement but did not receive it. There is nothing in this budget for them. The government would rather challenge it in court.

There is also nothing to improve infrastructure. As we know, the budget invests an additional \$1 billion in municipal infrastructure over the next ten years. The Union des municipalités du Québec had estimated municipal infrastructure needs at over \$1 billion per year for the next fifteen years, in Quebec alone. That is what it estimated, but there is only an additional \$1 billion over the next ten years. The government then says that it is responding, that it is attuned to the needs of municipalities and that it wants to hold direct negotiations with them, when we all know that municipalities are creatures of the provincial governments.

The Federation of Canadian Municipalities estimated the needs of all urban centres in Canada at over \$50 billion. No need to mention that the federal government's offer is a very cold—if not ice-cold—shower for everyone who had hoped for improvements to urban infrastructure.

The day after the budget was brought down by the federal Minister of Finance, the chair of the executive committee of the City of Montreal, Frank Zampino, stated that, considering the needs of the City of Montreal for infrastructure renewal, which would cost quite a bit, the government's contribution was quite insufficient. That \$1 billion divided by ten years—for all of Canada—becomes \$100 million per year, divided by four—as 25% of the population lives in Quebec—means that Quebec will get \$25 million. That is peanuts, given that a simple highway, such as the one through the Parc des Laurentides, in Quebec, cost \$650 million.

I am anxious to see when the Minister of Industry will sign the agreement with the Government of Quebec that was announced more than a year ago. It still has not been signed and the minister still does not know when he will sign it. In any case, I am anxious to see when he will sign the agreement, because it is important to my region. My entire region expressed a desire to have this road in the

Parc des Laurentides. There is nothing in this budget. He still has not

signed it.

**●** (1140)

The current Minister of Finance earmarked \$25 million a year in this budget for infrastructure, but this is a drop in a sea of needs. This is a serious situation because everyone always says there are problems with health care, the population is aging, health needs are growing exponentially and we do not know how to stop them. When we have reached a point when we are not investing any money to improve sewer and water supply systems, this is serious. As we know, there is a connection between health and good drinking water, and between health and everything that affects air quality.

A few years ago, an article in the *Globe & Mail* revealed that my region had the highest level of pollution. Studies were done and it was found that this was not true. However, with everything that is happening in the environment, our regions are increasingly polluted. Pollution causes more and more people to become ill. There is nothing in this budget to improve the environment.

There is nothing in this budget. There are some things to make their little friends happy, the people with the highest incomes. That is who the government is aiming at with this budget. Last weekend, there was even a debate among the three candidates who want to replace the current Prime Minister at the head of the Liberal Party of Canada. For once, I was happy to listen to the Minister of Canadian Heritage since she was criticizing what is going on. She spoke out against—and I quote:

—the amalgamation of education, health and social spending dollars to the provinces by Mr. Martin in 1995, which led to the elimination of the Canada assistance plan, the worst thing that our government has ever done.

That is not very high praise, but that was what the Minister of Canadian Heritage said. She is not a sovereignist. Far from it; quite the opposite; she is a major-league federalist. This is a Liberal minister criticizing her own party, her own government. I believe her because she would never have said that unless she knew it was true, since she is a member of cabinet. And she is critical.

This budget pays no attention to people who are suffering, to women, senior citizens, municipalities, the unemployed, the homeless. It is much ado about nothing; it creates needs but provides no long-term solutions. This budget gives to the rich and steals from the poor. It does nothing to improve health care. It is a dog's breakfast.

I will never, ever, support such a simplistic vision. I would have thought that the new Minister of Finance would have some compassion, that he would stick to real needs and that his vision would be different from that of the former Minister of Finance, the member for LaSalle—Émard. But they are both the same. It is the same exercise all over again. The rich get all kinds of things and the poor, who have real needs, get nothing.

If there are people who say that this budget will do something, they are showing their ignorance. I will never support a budget like this, that ignores the real needs of ordinary people.

**●** (1145)

[English]

**Ms. Wendy Lill (Dartmouth, NDP):** Mr. Speaker, it is my pleasure to speak on Bill C-28 today, the implementation of the budget. It gives me an opportunity to speak once again on some of the issues I have heard about from hundreds of constituents, which we in this House all know translates into thousands of Canadians.

I would like to speak on a couple of issues. One of them is the impact the budget has on persons with disabilities. There is also the impact it has on people who work on and enjoy heritage, culture and creativity in this country. Finally, I would like to speak about the impact of the budget on the needs of native children and on children in general.

I will start by saying that I have spoken out many times in the House about the disability tax credit and the fact that it does not meet the needs of Canadians. I am afraid that continues to fall on the deaf ears of the government.

On May 12, I moved an amendment to the draconian changes to the disability tax credit. I moved to have those amendments withdrawn from the budget, but that was to no avail. These changes go completely against the will of the House of Commons as expressed on November 19, 2002, when we all voted together as a House on a motion put forward by the New Democrats, which was:

That this House call upon the government to develop a comprehensive program to level the playing field for Canadians with disabilities, by acting on the unanimous recommendations of the committee report "Getting It Right for Canadians: the Disability Tax Credit", in particular the recommendations calling for changes to the eligibility requirements of the Disability Tax Credit so that they will incorporate in a more humane and compassionate manner the real life circumstances of persons with disabilities, and withdraw the proposed changes to the Disability Tax Credit, released on August 30th, 2002.

At that time the Minister of Finance reluctantly withdrew the changes, only to reintroduce similar ones in the bill. That was a very major disappointment to people in the disability community and to the House. We feel that it was a contemptible act on his part. This credit is already so restrictive that officials from the department have admitted at committee that Terry Fox, if he were alive today, would not be considered as having a disability under the draconian interpretation of this law.

This is not a bill that has persons with disabilities in mind. I would like to review some of the changes within the budget that impact on persons with disabilities. First, the employment assistance for persons with disabilities program was renewed, but only with a \$13 million increase over five years, which is less than the rate of inflation.

The disability tax credit, which amounts to about \$400 million annually and goes to 450 million Canadians, provides a reduction of about \$1,000 per recipient. The budget adds another \$25 million this year and \$80 million more per year starting in 2004-05, so what is wrong with this picture? The tax credit is still not refundable, so Canadians with severe and prolonged disabilities with no or low incomes still get nothing out of this credit. The proposed changes in the amount of the tax credit are insignificant, other than the normal

increase due to indexation. The proposed changes to eligibility are designed to restrict eligibility: to reverse court decisions that said the eligibility was too restrictive.

The pilot project to recognize episodic and mental health disabilities through a consultation group is a welcome first step, but these types of disabilities need to be incorporated into the mainstream programs under the DTC and CPP and probably will need more than \$25 million.

The child disability benefit, which will provide \$1,600 more per year for disabled children in families that are eligible for the national child benefit supplement, is a good measure, but only families earning less than \$33,000 will get the full credit.

**(1150)** 

I would like to move on now to the area of culture. The budget shows, in my estimation, very little concern for preserving and promoting Canadian arts and heritage. There is not a penny for the CBC and there is minimal cultural investment elsewhere. Specifically, there were increases of \$150 million over two years to the Canadian television fund to increase Canadian programming, \$20 million over two years for historic places, and \$17 million over two years for Katimavik.

For cultural and heritage programs, the government added \$187 million over two years, \$150 million to the Canadian TV fund over two years, and \$20 million for historic places, as I have said. However, by not renewing the \$60 million to the CBC there will be cuts to real annual programming of \$29 million for English TV, \$18 million for French TV, \$5 million each to English and French radio, and \$3 million for new media.

Critical to cultural survival in this country is the future of Canadian television drama. This budget cuts the Canadian television fund by \$25 million for what appear to be unknown reasons. As time goes by and more and more people come to the House and talk about the crisis in Canadian drama, it is an absolute mystery why the finance minister will not put that critically needed money back into the system, where it would then go toward triggering other moneys.

As many people have pointed out, the changes that were made in the budget for the film and TV industry in fact take money from Canadians and give money to Americans. In fact, there is a tax break for foreigners producing in Canada and a cut for Canadians who are trying to make their own culture here. As a result of the reduction in CTF funds, many Canadian made shows may have to be cut and others are in peril. Canadian TV dramas have gone from twelve to four currently in production.

As well, thousands of jobs are at stake. An actor who was here recently pointed out that the \$25 million means much more than its face value because the money is then matched by private donors. If our government is unwilling to support Canadian TV content, why would private donors be willing?

Nor is Canada unique in providing government funding for television production, because most countries around the world also provide support. I know that some people see television production as an extra or a luxury when money is needed for so many other things. However, without Canadian made drama we would be left living our experience through American made dramas and would have a completely distorted sense of reality.

Trina McQueen's report to the CRTC about the dire straits of Canadian drama quotes Canadian producer David Barlow, who said:

If a society consistently chooses the dramatic fantasies of another culture, they come to believe that their own reality is not a valid place on which to build their dreams. Their reality simply isn't good enough for dreaming.

In 2003, that is a sad and tragic state for us to find ourselves in.

As a playwright I know first-hand how difficult it is for our Canadian artists and creators to earn a living. It is amazing that they continue to persevere as they do. We are all richer for it, yet there is nothing in the budget that really acknowledges the sacrifices that artists make, particularly as their average income is about \$13,000 a year.

This budget does not recognize the needs of income averaging for artists. The budget does not in any way reflect the needs of artists to be eligible for employment insurance. Another way to acknowledge the contribution of our artists is through income tax breaks on the moneys earned by artists through their creative works. This is what my current private member's motion proposes. I know there are government moneys available through agencies such as the Canada Council for the Arts, but the council, for example, accepts only about 25% of the applications, and artists can apply only twice over four years.

I know that some have argued against treating artists as a special interest group in the tax system, but the reality is that our tax system has had many special interests, including students, persons with disabilities and persons contributing to their RRSPs. Why not spend additional credit on our artists in acknowledging their contributions?

**●** (1155)

Money for culture seems to suddenly appear when the Prime Minister's legacy is at stake, such as the \$100 million for the political history museum in Ottawa. One wonders how much of that will be devoted to the Prime Minister's wing. While money definitely should be allocated to Canadian museums, I am wary of opening up yet another museum in Ottawa when so many regional museums need funding and this is not allocated in the budget.

I recently spoke to people at the Dartmouth Heritage Museum about their situation. As other museums across the country are saying, they need money to keep the lights on. They need money to hire curators and to collect artifacts. The regional museums across the country, of which there are over 2,500, need money to provide clean, dry storage for their artifacts. They need money for promotion. They need money to make sure they can collect the

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pieces of heritage from their regions and put them in a form that local residents will be able to see, value and understand as being part of a larger patchwork of heritage across the country.

As I said, there are over 2,500 non-profit museums and related institutions across Canada, which attract more than 50 million visits each year. With few exceptions they have been languishing under severe funding cutbacks for many years and are not funded adequately. Many buildings are crumbling and roofs are leaking. Collections of great local and national significance are threatened. Our collective memory is fading.

I would like to say that this budget has been a major disappointment in terms of heritage. The Canadian Museums Association and the New Democrats are saying that what we need is a comprehensive museum strategy instead of haphazard announcements that are more political than anything. We need to make available more funding for existing museums, particularly outside the national capital region.

To go back to the whole issue of the importance of museums, it is important to realize that more Canadians—and this is a very interesting statistic—go to museums than they do to sporting events. Local museums are like canaries in the mines: if the museum is in dire straits, it likely means that the town is in dire straits and that in fact there is trouble in many other sectors of the community already.

There have been many disappointments in the budget, but particularly critical are the cuts we see to Native Friendship Centres and the lack of any really effective anti-poverty strategies that would benefit the lives of aboriginal children. I would like to talk about the need for funding for children's programs, particularly for aboriginal children.

I have had the pleasure since February of this year to sit on the subcommittee on children and youth at risk. We have been conducting a study on the conditions of aboriginal children in Canada, both on and off reserve. I have met some exceptional people through this exercise and have heard some amazing testimony. No one spoke of any kind of government dependency, but rather of partnerships and horizontal collaborations to create an integrated policy framework for the development of young first nations children.

It is important to look at first nations children because the aboriginal population is much younger than average. Children 14 and under make up 33% of the aboriginal population in Canada, compared with only 19% in the non-aboriginal population. As well, sadly, more aboriginal children live in poverty than any other segment of the population. In fact, aboriginal people in cities were twice as likely to live in poverty as non-aboriginal people, yet little attention is given to aboriginal children living off reserve, particularly in cities, where they are most likely to be in poverty.

**●** (1200)

One of the few places that provided programs and support uniquely for aboriginal children was the native friendship centres, but this bill reduces the funding to these centres. Native friendship centres offered programs such as head start for young children and went a long way toward building a happy and healthy future for these kids. Therefore it is inexplicable in my mind as to why this funding was reduced.

When a program is working well why is money taken away from it? Why is it not added on? Why do we not learn lessons from that and create even stronger programs?

The way to deal with poverty among aboriginal children is obviously to deal with the poverty that exists within aboriginal families and families living in poverty in general. The budget has been very weak in dealing with the real needs of poor Canadians. The budget does not deal with what we need, which is a truly effective anti-poverty strategy.

What the budget does not deal with is the fact that we need a national day care strategy inspired upon the Quebec model. We could also use a national initiative to raise the minimum wages in all jurisdictions above the poverty line.

We need a national welfare standard that is above the poverty line. We also need effective strategies for ensuring full access to comprehensive disability supports. A national poverty strategy would also look at an enriched child tax benefit with assurances that all welfare families would be eligible.

We need to see the elimination of inter-provincial residency requirements and fee differentials for long term care, all health procedures, post-secondary education and other services. We need a coordinated strategy to build low income housing and end homelessness. Of course a national poverty strategy would include the realization of food security for all in Canada and a substantial reduction in the rate and depth of poverty in Canada.

I now want to say a couple of things about post-secondary education. I think everyone in the House is on the verge of attending graduations at the high schools in their ridings. Each of us will sit there very proudly watching as these young people go up to the stage with their dreams ahead of them. Many of them will go on to universities with plans to go into medicine, engineering, the arts, social work or into working with children. However their dreams depend on being able to afford post-secondary education.

The budget has been a disaster in terms of providing any real moneys for young people and for universities to actually provide affordable education. We are all seeing students in our ridings who get into university and who get a student loan only to find out after a year or two that they cannot afford to continue. Some have to work at two jobs while trying to keep up with their courses but they fall behind. Their debts are growing, their marks are falling and they are becoming overburdened by debt at the age of 19 and 20.

We are seeing a huge tragedy occur among the people who we had hoped would step into our shoes at some point and provide the energy and the idealism to make this the kind of country in which we all want to live. Our young people have found a very hard rock and an unlistening government in this budget.

I feel that the budget has been unfortunate in so many ways. It has missed the point in being able to build a stronger Canada. For persons with disabilities, for artists, for first nations children and for our students, this budget, like the ones before it, continues to ignore the realities facing all Canadians.

k \* \*

**●** (1205)

## **BUSINESS OF THE HOUSE**

Mr. John O'Reilly (Haliburton—Victoria—Brock, Lib.): Mr. Speaker, I rise on a point of order. Discussions between parties have taken place and I believe you would find consent for the following motion. I move:

That, when the House is in Committee of the Whole later this day in order to deal with the business of supply, no quorum calls, nor dilatory motions shall be entertained by the Speaker as of 9 p.m.

**The Deputy Speaker:** The House has heard the terms of the motion. Does the House gives its consent to the motion?

Some hon. members: Agreed.

(Motion agreed to)

\* \* \*

## **BUDGET IMPLEMENTATION ACT, 2003**

The House resumed consideration of the motion that Bill C-28, an act to implement certain provisions of the budget tabled in Parliament on February 18, 2003, be read the third time and passed, and on the motion that the question be now put.

**Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP):** Mr. Speaker, I am pleased to ask my colleague from Dartmouth a question especially in an area where she has tremendous expertise and that has to do with issues of concern to people living with disabilities.

The member has been an active part of an all party committee in the House dealing with issues pertaining to the disability tax credit and has worked long and hard to fight for changes that would reflect the realities of children and people living with disabilities.

Leading up to the federal budget of February of this year, numerous concerns were raised and recommendations were made. Would the member elaborate on what changes were actually made in the budget in response to those concerns? Does she feel the government has acted on the unanimous vote of the House pertaining to the disability tax credit? Has there been any indication that the government is moving toward a more progressive system, including a refundable tax credit, and other provisions that would provide a fairer system so people with disabilities could live with integrity and with hope?

**Ms. Wendy Lill:** Mr. Speaker, I would like to say otherwise but in fact the budget has brought about more restrictive amendments to the disability tax credit, completely in opposition to the NDP resolution that was passed unanimously by the House. With the exception of the Minister of Finance, everyone in the House stood and made strong arguments to the government that we wanted to see more humane and compassionate treatment of persons with disabilities under the federal Income Tax Act.

The amendments that were made to the budget actually continue to hammer away at people in some very restrictive areas around feeding and dressing. The wording was changed somewhat but it is the same wolf dressed up in sheep's clothing. We did not really see any kind of real relief for persons with disabilities.

The kind of changes that are needed in this tax credit program are immense. They need to be incorporated with a wider definition of disability which would go through all our government programs, including the Canada pension plan disability program and the medical tax credit. We need one definition for disability. We need forms for doctors to fill out that will actually reflect real human beings and not just frustrate the process. We need forms that will get to the depth of the disability in order to provide reasonable income support for persons with disabilities.

As the member mentioned, we need a refundable tax credit, which is not in place at this point in time. There is no income support at the federal level for a large majority of persons with disabilities who simply never reach the level of income that is required to benefit from the tax credit.

We are a long way from meeting the needs of persons with disabilities under the federal Income Tax Act.

**•** (1210)

 $[\mathit{Translation}]$ 

**The Deputy Speaker:** Before resuming debate, I simply wanted to mention to the House that the first five hours of debate on this bill have now expired, and members will have ten minutes from now on, without time for questions or comments.

The hon. member for Trois-Rivières.

**Mr. Yves Rocheleau (Trois-Rivières, BQ):** Mr. Speaker, I am pleased to rise and debate Bill C-28, a bill to implement the 2003 budget.

First, I would like to congratulate my colleague, the member for Drummond, for having brought to the attention of the House section 64 of this bill, which deals with the government's attempt to recover GST rebates that Canadian school boards received.

We know that the GST is considered an input. This involves the whole system of GST inputs and outputs that the Liberals wanted to scrap a few years back, in 1992-93. Yet, today, they are such staunch defenders of it that they are prepared to violate the ruling handed down by a court. I say this because the court handed down a unanimous ruling saying that the school boards' position was perfectly right.

This involves public money at two levels, at the federal level and at the school board level. The provincial governments have not sat idly by, particularly given the amount of money involved—\$70

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million at the time the judgments were handed down. Their concerns are outlined in a letter written by the counsel for the school boards, who—by coincidence or very clever strategy by the school boards—hired the eminent legal expert, Marc Lalonde, a former minister of finance himself and colleague of the minister of finance at the time, the member for LaSalle—Émard, equally eminent, you will all agree. In his conclusion, the Hon. Marc Lalonde, counsel in this case, said on behalf of his clients, the school boards, and I quote:

Needless to say our clients feel as though the Minister of Finance is playing the role of the better who says, "Heads I win; tails, you lose".

As I was saying, the court of appeal ruled in favour of the school boards unanimously on this matter. The government, in response, decided to pass legislation that would exempt it retroactively, in what can only be described as a flagrant abuse of power. Therefore, the legislation is retroactive, which exempts the government from any rulings against it in this matter. We cannot accept this type of retroactive legislation. This type of response must never be accepted.

This may illustrate the culture of this government, of the past Minister of Finance or the present one. Imagine what a fine choice there is: the old and the new finance ministers both prime ministerial hopefuls. Canadians, and proud of it, that's for sure. There is lots to be proud of when we see these two competing for a new job, given their recent past performances.

I would like to congratulate my colleague for having raised the consciousness of this House on this. I would also point out that, once again, we have total silence from the other side, from the Liberals from Quebec. They are keeping mum when there is anything to do with public funds, as I have said, not just at the federal level here but also in Quebec and at the level of the school boards. Once again, these members are not saying a word, rather than backing the cause that has been presented by my colleague for Drummond.

There is one other point I would like to draw to your attention concerning three flaws in this budget. The first of these is the total absence of any reference to the restoration of the older worker adjustment program or an equivalent. This is a program that was around in the 1980s and 1990s and one I had the pleasure of administering when a Quebec public servant, with the help of my federal colleagues.

This program started off as the workers assistance program and evolved into POWA, the older worker adjustment program. For the most part, it applied to major plant closings—a heavy blow to any community—and was for workers aged 45 and over who found themselves facing a somewhat closed labour market and saw themselves doomed to welfare, given their level of education.

So this was in addition to unemployment insurance and a highly intelligent and well-targeted measure that met an obvious social and economic need. It was well thought out and yet it was made to disappear arbitrarily, more or less. Now there is a refusal to resuscitate it, despite the sad situations I have seen in my riding, with the closures of Tripap and Fruit of the Loom, for instance.

#### **●** (1215)

Six hundred women have been forced onto unemployment and will soon be on social assistance. Representations were made, by us and by many of our colleagues in this place and probably others across Canada as well, to get the government to make amends by establishing such a program. It keeps turning a deaf ear, and this budget is no exception. I want to once again condemn this kind of mismanagement.

Second, as mentioned earlier, is an issue raised by my hon. colleague from Champlain which concerns tens of thousands of Quebeckers who are vulnerable or old: the guaranteed income supplement. This guaranteed income supplement augments the old age pension for a number of Canadians and Quebeckers who are unfortunately having a tougher time of it than others.

There is a supplement but because it is so very generous, as we know, the federal government is making sure that thousands of individuals who have neither the physical nor the intellectual capacity to demand this supplement never get it, because it is not sent out automatically. There is so much involved in applying that those who need it are deprived of the supplement. They are badly in need of it, but they cannot fill out the forms. That is what is likely to happen, if I understand correctly the problem very aptly described by the hon. member for Champlain, whom I want to congratulate once again.

So this government which is raking in billions of dollars—this will never be overemphasized—has no solution to offer, no sympathy, no empathy.

Perhaps because of my interest in and concern for foreign affairs, I would like to raise a third point: international aid. In spite of all these billions it has at its disposal, Canada will not go along with what the United Nations Organization is proposing. A member as prosperous and developed as Canada should allocate 0.7% of its budget to international aid, as do the Scandinavian countries. Instead of 0.7%, it is a mere 0.3%.

So, it is slightly disgraceful that a country that benefits from the international community's largesse, that is rich in natural resources, that has been developed, like others, at the expense of underdeveloped countries—there is no denying it—refuses to be more generous. It is a complete disgrace. I am certain, and I dare hope, that a sovereign Quebec would be much more sensitive to such concerns, as are the Scandinavian countries that have been such models for Canada. So, it is somewhat disgraceful to see the Canadian government behaving this way with regard to international aid.

I would like to give a quick overview, because ten minutes is not a long time. What is working in this country? I want to look quickly at this. Are things going well with regard to the fisheries? Air travel? Aboriginal affairs? Agriculture, shipbuilding, health? Is the federal government part of the problem or part of the solution in health? I think it is more part of the problem. Are things going well with regard to helicopters? Employment insurance?

In ridings such as mine, 85% of those who lost their job were entitled to employment insurance; under the party opposite, only 40%, if not 38%, qualify and the government refuses to relax the rules. It continues to enforce strict rules, despite statements such as

those our hon. colleague from Toronto—Danforth made earlier, about the hotel industry being devastated by fallout from SARS. We are seeing the same rigidity with regard to softwood lumber. There is a lot of boasting going on, but what is going well in this country?

If we take off our rose-coloured glasses, things are not going so well. In my opinion, the government's sole aim is to have a hand in everything in order to create a centralized, unified country at the provinces' expense. It is perhaps not so terrible that it is being done on at the provinces' expense, but it is at Quebec's expense, because there is an attempt to minimize the Quebec nation. We will continue to speak out, as long as we are here.

#### **●** (1220)

Mr. Gilles-A. Perron (Rivière-des-Mille-Îles, BQ): Mr. Speaker, this is the second time I have spoken on Bill C-28. In my previous remarks, I objected vigorously to clause 64 of the bill before us.

Even though my hon. friend from Trois-Rivières has stolen some of my thunder, I want to give the history of this from A to Z.

Clause 64 is going to punish your grandchildren and mine, and all students in Canada. The problem is that money is being taken from the pockets of the 415 school boards in Canada, including 72 in Quebec, and a serious shortfall is being created.

I will go on with my historical analysis. This shortfall will result in fewer services or higher school taxes in order to provide the same service to our students who use school buses. The majority of these are elementary students, not high school or university students. I think of my granddaughter and this situation upsets me.

I will remind the House of the problem of input tax credits as they apply to school transportation. In 1991, when the GST was introduced, the federal government, through the Minister of Finance, gave a 100% tax credit on school transportation. In 1996, a unilateral change was made by the Minister of Finance at the time—now the front runner in the Liberal Party's leadership race.

I will just explain how we use the word front runner in Quebec. It means the horse that leads the race, that is running at the front of the pack, the one that has a good chance of winning. That is the member for LaSalle—Émard. The runner-up, of course, is the one in second position. In this case, it is the current Minister of Finance. In his budget and in Bill C-28, he has clung to an invention of the Liberal Party's current front runner.

So, as I was saying, in 1996, the front runner in the leadership race reduced the input tax credits from 100% to 68%. Naturally, there was an outcry from the school boards. They stood up and fought the current front runner in the Liberal Party's leadership race. Nothing changed. The former finance minister was deaf, possibly blind, and possibly mute, but he never gave an answer. Nothing changed.

Finally, a school board in Quebec—the Commission scolaire des Chênes—filed suit and took the Minister of Finance to court. On September 12, 2001, at hearings in Montreal, Justices Alice Desjardins, Robert Décary and Marc Noël, heard the case with lawyers representing the school boards and Her Majesty the Queen.

On October 17, 2002, the three Federal Court of Appeal judges ruled unanimously in favour of the Commission scolaire des Chênes. What an insult to our front-runner. How did our-front runner resolve the problem?

#### **●** (1225)

He issued a press release dated December 31, 2001 which said, "No problem. What we will do is change the legislation retroactively to 1991 to get around or tie the hands of the three Appeal Court justices who handed down this judgment".

We are talking about a judgment. This is truly an exceptional move. This is the first time in history that legislation has been passed in order to circumvent a judgment. This leaves the door open for any minister who has been taken to court and lost to decide simply to change legislation. This is precedent setting.

Perhaps unwittingly or without realizing it, the runner-up, the current Minister of Finance, just included clause 64 in Bill C-28. The last time I spoke on clause 64, I had a discussion with my Liberal colleague from Laval East—a nice lady with an open mind—who told me she was not aware this was going on. I said I had a huge file which I could show her, because as the revenue critic, I had the opportunity to meet people involved in this issue. She said, "I did not know; this is terrible. We are penalizing our children". She was horrified, adding, "I will take this up with the caucus". What happened? When the time came to vote on the bill following the clause by clause study, she stood up and voted against the motion by the hon. member for Drummond to delete clause 64.

This is an insult to all parents. I am begging you, Mr. Speaker, today. This concerns the school boards in the Cornwall region. They are experiencing a shortfall. I urge the hon. members across the way, members from every part of Canada, to push for this clause 64 to be deleted because it is penalizing their school boards and their children or, if they have grey hair like mine, their grandchildren. This is an important issue.

Now people are going to say, "There goes the evil separatist. This nasty Bloc member, this damn sovereignist is getting all worked up". The fact is that I am not alone. I have here a three-page letter from former finance minister Marc Lalonde. I think that you know him, Mr. Speaker. He is one of your friends who used to be a minister—

#### • (1230)

The Deputy Speaker: Order, please. With all due respect for the hon. member for Rivière-des-Mille-Îles, I would ask him to refrain from intentionally or unintentionally involving the Chair in discussions within the government caucus. I know that he has the utmost respect, as he should, for the Speaker or whoever is in the chair. So, I would ask him for his cooperation in order to curb his enthusiasm, and avoid involving the Chair in his speech.

The hon, member for Rivière-des-Mille-Îles.

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**Mr. Gilles-A. Perron:** Mr. Speaker, I apologize. As you said, I get carried away by my enthusiasm and how I feel when I think about our children and our grandchildren, who will have to pay the price for this. I am sorry, but let my say that the Hon. Marc Lalonde is well known by the people opposite, since he was finance minister at one time. He should know a bit about public finances. He wrote a letter to the minister, the current front runner, and told him, "Mr. Minister, you are missing the boat here". My speech summarizes what he had to say in his letter.

Last, since I only have one minute left, I would ask everyone to urge the runner-up, meaning the current finance minister, to remove clause 64 from Bill C-68. There is still time to do so. Throughout my speech, I have kept referring to some of the Liberal leadership candidates as the front runner and the runner-up, and I almost feel that I should apologize to the horses for having compared these people to them.

## [English]

**Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP):** Mr. Speaker, I am pleased to have another opportunity to speak as loudly and as clearly as possible against Bill C-28, the budget implementation act.

Let me begin by saying it has been about three months since the government brought down its budget. The initial flash of the cash has had some time to wear off and Canadians have had time to take a closer look at the significance of the budget in meeting the pressing needs of Canadians.

The closer scrutiny has not favoured the government. As the hoopla dies down, more and more Canadians have come to the same conclusion the New Democrats have, and that is the government has failed to invest adequately in Canadians and has failed to invest in building the society that we want and need for the future of this country and of our children.

The inadequacy of the budget becomes very clear when we compare what the government has budgeted with what Canadians actually need. When we look at what the government has done with the fraction of the surplus it has left, after its ongoing tax cuts and the billions it continues to spend on paying down the debt, we realize just what a low priority the social needs of Canadians are for the government.

The government could learn from the Alternative Federal Budget process. The AFB builds its budget from the ground up, developing a coherent fiscal strategy toward achieving the social goals of Canadians, and it does it all within a balanced budgetary framework. It does not fudge surplus estimates to accomplish hidden agendas. In fact it has been far more accurate than the government in estimating realistic economic performance and surpluses over the years.

In looking at the budget, every sector of our society has come to its own conclusions. Let me just take a look at the issues pertaining to the status of women as one example.

Shocking to us all, Canada has been recently criticized by the United Nations for not living up to the Convention on the Elimination of All Forms of Discrimination against Women. What a scathing commentary on a country so wealthy and prosperous as Canada.

The UN has issued a report suggesting Canada has failed to move forward on a long list of measures to improve gender equality. One of the chief areas of concern was the disproportionate impact on women caused by the government's earlier cuts to social programs, cuts that happened under this government 10 years ago, under the member for LaSalle—Émard, and continued on by other members, including the present leadership candidates who are in the race today. The UN report calls on Canada to re-establish national standards in social programming.

The real test of Liberal commitment on this issue is not what the leadership candidates are saying but whether it is in this budget. Does the budget do this? Is the government's \$25 million baby step toward a national child care program a sufficient response?

There are 4.9 million children in Canada under the age of 13. Three thousand child care spaces divided across the entire country will obviously leave hundreds of thousands of women without the support they need to work out of the home. Child care advocates have told the government time and again that even to begin building a national child care program about \$10 billion will be needed during the first four years; \$1 billion in this year alone.

This budget does not cut it. It does not advance the status of women and take us closer on the path toward true equality between the sexes.

The United Nations also has called for improvements to employment and employment insurance to make it easier for women to enter the workforce and stay there at better paying jobs.

#### • (1235)

What do we have? We have a government that makes it harder to benefit and keeps inflated premiums to the tune of \$43 billion in a surplus. Did the government introduce changes to the EI system to help low wage part time working women access that huge surplus by expanding those covered or by bringing in programs to improve their skills and marketability? No. Not only has it not taken those initiatives, but it is still, as we speak, using public money to finance court battles to keep working women, like Kelly Lesiuk in Winnipeg, from getting the EI support they deserve. I am sure that impresses the world community.

The recent census information released earlier this month by Statistics Canada confirms absolutely that we have to do more. After a decade predominant with the Liberal government at the controls, single parent families, headed mostly by women, continue to lag more than 50% behind the national income average.

Violence against women is a very important area if we are to really deal with the status of women agenda and pursue women's equality. It is an area with a devastating impact on the lives of Canadian women and another area where the United Nations has called for action. Yet despite its acknowledgement of the ongoing violence against women, and tragically evidenced again last week in Mission, B.C., it is not a priority in this budget. For example, more

second stage housing is urgently needed to help women re-establish themselves after escaping intolerable, violent or abusive situations. Apparently it is not a priority for the government.

There are so many other areas to address in this budget. I know my colleague, the member for Winnipeg Centre who has led a heroic battle at committee dealing with Bill C-7's aboriginal self government legislation, will have lots to say about how the government and how the budget fails first nations communities, how it has failed to address third world conditions on reserves and how the money in this budget is a drop in the bucket when it comes to that shameful aspect of Canadian history and society.

There is a gap in this budget when it comes to the rich and the poor, when it comes to first nations communities and other Canadians and when it comes to men and women. There is a gap when it comes to a government providing adequate housing, health care, education and child care. There is a clear gap especially in the area of health care, an area that has been an issue before the House time and time again. One would have thought that this budget would have closed the gap, would have avoided what we now know to be the Romanow gap, a shortfall of some \$5 billion in terms of meeting the basic requirements of sustaining a health care system for the future.

We had thought we would get some clearer answers about what the share of the federal government is with respect to transfer payments to provinces for health care. We had thought, in the final stages of the budget process, we would get some answers but still we cannot get a straight answer out of the government on health funding; old money, new money, cash and tax points. This is exactly the situation that the Romanow Commission foresaw and tried to avoid.

We have a lot more to say about this budget and why we oppose it. Health care is one of those critical areas where the budget falls far short of what is required. The government's patchwork approach, whether in health, housing, community infrastructure, the environment, may serve the Liberals' short term political interests but it is ineffectual in providing the social investments Canadians need so critically.

Throughout our examination of Bill C-28, New Democrats have presented constructive alternatives and tried to focus the government on investing in Canadians. We have failed to this point. The government has turned away from us, from Canadians needing housing, women needing better employment support and an end to violence, children still mired in poverty, first nations living in third world conditions, those trying to ensure our very survival on this planet, and the list goes on. It leaves us no alternative but to vote against this budget and this bill.

#### **●** (1240)

[Translation]

Mr. Roger Gaudet (Berthier—Montcalm, BQ): Mr. Speaker, I would like to come back to the amendment of clause 64 of Bill C-28. When the budget was brought down on February 18, the Minister of Finance proposed a retroactive amendment that goes farther than the December 21, 2001, proposal, in that it circumvents the judgments obtained in their favour by school boards in Quebec and Ontario.

In order to start at the beginning of this, I have a letter from Stikeman Elliott dated January 15, 2002, addressed to the hon. member for LaSalle—Émard, former minister of finance, which reads as follows:

Proposed amendment to the GST/HST affecting school boards.

Mr. Minister:

This letter is in reference to the news release issued by your department on the evening of December 21, 2002, regarding the aforementioned subject.

We represent Consultaxe Planification (1996) Ltée, a firm of tax consultants from Montreal, and through them, 111 of the 415 school boards in the provinces of Quebec, Ontario, British Columbia, Alberta, Saskatchewan, Manitoba and Nova Scotia.

We have been instructed to inform you and your colleagues that our clients are completely opposed to the proposal contained in your release. Furthermore, they intend to rigorously defend their interests and their rights on this matter, as they feel they have suffered a serious injustice.

On October 17, the Federal Court of Appeal ruled unanimously in favour of the appellant school boards, the Commission scolaire des Chênes being the test case. The court ruled that studenttransportation is a commercial activity that is eligible for 100% input tax credits, under provisions of the Excise Tax Act (GST/HST) affecting school boards and their provision of student transportationservices.

The appellants were 29 Quebec school boards, whose cases were the first to be appealed.

The first cases started being heard in 1996 and over the years, these same school boards or the corporate entities that have replaced them as a result of the numerous mergers that occurred in 1998, submitted new claims. Also party to these claims were many school boards in Ontario, Manitoba, Saskatchewan, Alberta, British Columbia and Nova Scotia. Most of these claims, at the time of the ruling, were pending before the courts while awaiting the judgment in the test case mentioned above.

At the time of the judgment, the amount of GST in question represented approximately \$70,500,000.

On December 21, 2001, the Department of Finance proposed amending the act so that school boards could only claim a partial GST/HST rebate. This amendment, if adopted as proposed, will be made retroactive to January 1, 1991, the date the GST was introduced. The proposal mentions that "the proposed amendment will not affect any case that has already been decided by the Federal Court".

This means that the initial claims of the 29 school boards in Quebec will be reimbursed because they were the first case to be heard by the Federal Court, but their subsequent claims, as well as those of other school boards whose appeal cases were before the Tax Court of Canada pending the aforementioned ruling, will not be reimbursed.

Amending the Excise Tax Act is one thing. However, our clients feel that amending it retroactively to eleven years prior to the date of the ruling, and affecting cases that are pending before the courts is an abuse of the law and power and constitutes flagrant discrimination against the school boards that have cases pending.

Given your considerable political experience, you can easily imagine the reactions from school boards that have been treated this way. These institutions with cases under appeal feel that they have been prejudiced and deprived of a fundamental right, that of having the government respect a ruling by a federal high court of justice. Your department will no doubt respond by saying that it is respecting the judgment because it did not set aside the ruling involving 29 Quebec school boards, insofar as concerns their initial claims. However, this disregards all of the other cases under appeal, which are based on the same fundamental point of law. In order to avoid incurring needless costs for all of the parties involved, including the federal government obviously, it was decided to suspend proceedings for these cases and proceed first with only the 29 school boards mentioned above. Once a final ruling was handed down by the courts, all of the other cases could have been resolved accordingly. However, the legislative amendment proposed by your department

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would have the effect of retroactively reversing this arrangement. Needless to say our clients feel that the Department of Finance is playing the role of the better who says: "Heads, I win: tails, you lose".

Therefore, we urge you, Mr. Minister, to reconsider this proposed amendment in order to make it fair for all school boards in Canada who were involved in these claims. This amendment could be made retroactive only to the date of the judgment for all school boards in Canada with cases pending before the courts at that time.

Respectfully,

The Honourable Marc Lalonde

c.c.: Members of the federal cabinet

I do not know if all of the government members received a copy of this letter, but I am prepared to give them one.

(1245)

An hon. member: It's all right, they already have them.

**Mr. Roger Gaudet:** My colleague tells me it has been done. If anyone does not have a copy, I am prepared to provide one.

The bar associations of Quebec and Canada have spoken out against the federal government in connection with this bill. On April 30, 2003, the Trois-Rivières newspaper *Le Nouvelliste* ran an article reporting that "The Quebec and Canadian bar associations are opposed to a legislative amendment relating to the reimbursement of the GST for transportation services provided by Quebec and Ontario school boards".

#### It went on to say:

The Barreau du Québec, and the Canadian Bar Association, have come out very strongly against Ottawa's intention to thumb its nose at a court decision and to legislate retroactively, somethingthey describe as a "dangerous attitude liable to undermine public confidence in the courts".

The two associations have written the Minister of Finance... and the Minister of Justice to express their opposition to a legislative change outlined in the February budget.

This letter was sent on April 30, 2003. It goes on:

This measure, which involved the reimbursement of GST for transportation services provided by Quebec and Ontario school boards would have the effect of retroactively invalidating court decisions in favour of the school boards, not to mention reneging on certain previous commitments by the federal government.

With this attitude, the federal government "Is showing no respect whatsoever for these judgments and these commitments, which from our point of view represents a serious attack on the principle of the authority of a final judgment, and is contrary to the proper administration of justice. This is what the President of the Quebec bar association, Claude G. Leduc, wrote to the two ministers. Legislating in this way discredits the judiciary process and is liable to undermine the taxpayers' confidence in the courts".

His Canadian Bar Association counterpart, Simon Potter, was equally critical. "We are convinced that the policy behind any retroactivity is totally unfounded and dangerous as well", he wrote.

In October 2001, 29 Quebec school boards won their case in Federal Court, when it recognized that school transportation was a commercial activity and thus entitled them to full reimbursement of the GST paid. By virtue of the court decision, Ottawa was to reimburse GST overpayments totalling some \$8 million.

After numerous technical wranglings, the case ended up before the Tax Court of Canada this past January. Here the federal government accepted a ruling that it would comply with the judgment at first instance, provided the school boards withdrew their appeal to the Federal Appeal Court. The federal government consented to apply the judgment to the Ontario school boards, whose case was still pending.

The budget presented a few weeks later totally altered this promise by the federal government. The amendment is currently being considered in committee, and school board representatives will present their points of view before the committee.

According to... the Bloc Quebecois MP, the government is going too far with this. We are entitled to expect the government to amend its legislation to reflect court judgments, in order to remedy shortcomings for the future. The retroactivity proposed by the federal government is problematic. "This may represent an extremely negative precedent... It will greatly weaken one of the pillars of democracy, which is the authority of a final judgment", according to the Bloc Quebecois finance critic.

I wish to inform the House that I will be voting against the budget because of this clause concerning the school boards, clause 64 of Bill C-28.

**●** (1250)

[English]

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, I will take this opportunity to say a few words about Bill C-28, the budget implementation act.

I do not know if it is common knowledge but my riding of Winnipeg Centre is the third poorest riding in the country by whatever economic measurement we use, either by the incidence of poverty per the percentage of people living in poverty or by the average family income. By either of those measurements I am not proud to say that my riding of Winnipeg Centre, the core area of the inner city of Winnipeg, ranks third in the country. In fact, 47% of all the families in my riding live below the poverty line and 52% of all the children in the core area of Winnipeg live below the poverty line. It is even more severe in using that family income measurement.

I do not say this to complain or file a grievance of any sort but only to emphasize that we watch the introduction of new budgets with great interest. When so many of the people in my riding are marginalized or live close to the margin, government spending becomes key and paramount in their quality of life issues.

We looked forward to a return to social spending within the last budget with some optimism. As my colleague from Winnipeg North Centre, the riding next to mine, pointed out very capably and passionately, the budget was a great disappointment in many respects if we were looking for a return to social spending, but I am not going to dwell on that.

With the limited amount of time I have, I would like to point out two anomalies in the income tax system that could have been addressed and should have been addressed in the budget. Both are outrageous and both are unfair, especially to lower income, marginalized people such as those living in poverty in my riding.

First, surely Parliament never intended that breaking the law should be tax deductible when the Income Tax Act was crafted. Because of a 1999 Supreme Court ruling, businesses incredibly can deduct fines, penalties or levies from their taxes as a business expense provided the penalty was incurred in the course of earning income. Most Canadians would find that absurd. I find it outrageous. It is not only bad public policy to reward bad behaviour but it undermines the deterrent value of a fine, surely, if the guilty parties can have their fines automatically reduced by writing them off on their income taxes. It is crazy.

I have been badgering the government for years to plug that outrageous tax loophole. The whole issue could be resolved with a simple amendment to the Income Tax Act to make it clear that any fine or levy imposed by law on a taxpayer is not to be considered a tax deductible expense.

That is what the United States did 35 years ago and we have failed to do it. As a result, it is open season for anyone who incurs a fine, and that fine can be quite broad. In fact, chartered accountants across the country are advertising this on their web pages. Fully 36 chartered accountant firms we have found are advertising this on their websites. "Penalties, fines, we can help", it says, "it should be noted that the Supreme Court is very clear that this case is not limited to the situation that it originally ruled on". They say that other penalties incurred for the purpose of earning income, including GST penalties, provincial sales tax penalties, parking fines and it goes beyond that to workplace safety and health violations, environmental pollution, environmental degradation fines are tax deductible. They should not be.

I asked the revenue minister to address this issue back in 2002 as soon as I learned about it. It was actually the attorney general of Manitoba who wrote me and said "Can this be true? Can this be for real? Are you telling me that fines are tax deductible?"

**●** (1255)

I could not believe it, so I investigated it and sure enough, it was true. I asked a question of the revenue minister back in 2002. I cannot find the question now but I said that I could not deduct my parking tickets, so why could a business deduct its fines? At the time the revenue minister, to her credit, agreed and was reasonable about it. She virtually agreed with me that this had to be looked into because it did not sound right.

Six months passed and the government did nothing about it, so I asked her again. This time she hedged the question and said that it was really a matter for the Minister of Finance. I asked the Minister of Finance when he was going to correct this outrageous tax loophole. He said that we would be pleased with this year's budget, that the answer to my question would be found in this year's budget. Well, it was not there. The government decided not to plug that outrageous tax loophole.

Here is an example. Last November the courts penalized Canada Steamship Lines with the largest fine ever issued for ship source pollution, but the deterrence value of this fine clearly is undermined because our income tax laws allow CSL to write off the penalty as a business expense. We do not know if it will because that is private tax information and we do not have access to that information, but it could and many others do.

I can see why the former finance minister was loath to plug this outrageous tax loophole, but what about the current finance minister? What excuse does he have to not plug this outrageous loophole? That offends me and I raise it now and serve notice to members on the government side that I am not going to let this issue die.

I tried to introduce a private member's bill to this effect. The House leader blocked it, saying that to deny this tax loophole to criminal behaviour was tantamount to raising taxes and therefore it was a money matter, and therefore a ways and means motion was needed to precede the private member's bill. What an absurd argument, but it was upheld by the Speaker, I regret to say. That is the first issue that should have been addressed in the budget.

The second thing, with the little time I have left, is that many people would be surprised to learn that the highest taxed Canadians are not millionaires, nor are they people who make over \$100,000 a year. People who make over \$100,000 a year are in the highest category at 46%. We should know that, as that is the bracket in which MPs find themselves. The highest taxed Canadians are actually low income seniors whose earnings are so low that they qualify for the guaranteed income supplement.

Here is what happens to low income seniors. Anything they earn above the basic deduction is taxed at 26%, but dollar for dollar they lose their guaranteed income supplement at a rate of 50%. We are talking low, low income here. If seniors are lucky enough to enjoy some dividends from small investments they may have made during their lives which supplement their retirement incomes, but they are receiving some guaranteed income supplement, they are losing that at 50%, plus they are being taxed at 26%, for a total of a 76% tax bracket.

Low income seniors are in the highest tax bracket in the country and that is wrong. They are arguably the poorest people in society. Anybody who is poor enough to qualify for the guaranteed income supplement is very poor. However, because of an anomaly in the Income Tax Act, they are paying taxes at 76% on any dollars they make above the basic tax exemption. That is absurd. That is as outrageous as the tax write-off for business corporate fines.

Both of those things could have been and should have been addressed in the budget. We made the government aware of both of those issues and it consciously chose not to address them.

**•** (1300)

**Ms.** Alexa McDonough (Halifax, NDP): Mr. Speaker, I am very happy this afternoon to have an opportunity to address at third reading stage Bill C-28, the budget implementation act.

I am particularly delighted to have an opportunity to follow my colleague from Winnipeg Centre in addressing Bill C-28. I do so for two reasons. One is that it allows me to pay tribute to the member for Winnipeg Centre for the Herculean, heartfelt effort he has put forward in standing together with first nations people to oppose the insulting, disrespectful, so-called first nations governance bill that is being rammed through by the government. It has several connections with the misplaced budget priorities we are here debating at this moment.

Second, I am very pleased to follow the member for Winnipeg Centre to simply echo my total support for the two issues he has yet again brought to the floor of the House of Commons. Let me just repeat them, because it bears repeating until the government finally addresses both of these anomalies, the first being the absolute obscenity of the lowest income seniors in this country finding themselves in the highest tax bracket, the 76% tax bracket, because of absurdities in the tax act. This is a form of tax unfairness that

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exceeds almost any other obscenity or absurdity that the government has sponsored in its 10 years in office. Surely it is time to remedy this obscenity.

Second, and equally absurd, is the reality that it continues to be available for corporations in some instances to write off as legitimate business expenses fines that have been imposed upon them for breaking the law. Whether it has to do with environmental issues, with environmental irresponsibility for which they have been convicted, or whether it has to do with labour practices that are completely unacceptable for which they are fined, such as violations of health and safety provisions, for example, or other forms of irresponsible, anti-social behaviour, it remains the law of the land, laws continuing to be supported by the government, that such offences can in some instances be written off by corporations.

Surely members of the Liberal government can understand the connection between the obscenity and the absurdity of those continuing practices of the federal Liberal government. The fact is that the member for Winnipeg Centre speaks from his heart about the high incidence of poverty in his riding and still in far too many communities throughout this country, because there is a connection. It is what budgets are about. We are here debating the budget implementation act.

What budgets are about are priorities. What budgets are about are what kinds of spending priorities a government adopts and what kinds of spending priorities the government ignores, priorities that ought to come to the fore. It cannot be an accident that we see juxtaposed here the kind of absurd tax unfairness and tax write-offs about which the member for Winnipeg Centre has spoken yet again. It is not just the continuing incidence of poverty in this country, but the growing gap. We have the growing gap between the rich and the poor in this country and the increasing squeeze on middle income Canadians.

**●** (1305)

I know that one of the things already addressed by my colleagues in the NDP caucus is the new provisions for the Canada social transfer. I do not want to use up my short amount of time to talk about the unhappy history of how we got to this point where now we have the government scrambling to try to repair the damage done when this government made a decision to effectively tear up or, perhaps a more appropriate image, smash the Canada assistance plan, toss the established program funding out the window and replace it with the Canada health and social transfer.

We know what has happened as a result of that. The increase in poverty, especially among the poorest Canadians, has been alarming, because the reality is that before the government tore up and threw away the Canada assistance plan, there was at least in place in the country a protection literally encoded in our laws which said that "as a citizen you will not go hungry and homeless". That was the purpose of the Canada assistance plan.

Yes, the level of support under the Canada assistance plan often fell short of real needs, and yes, the adequacy of housing supplied often fell short, partly because the funds were inadequate from the federal government and also in many cases because the funds from provincial governments in the cost sharing of that were inadequate. But at least there was an assurance that people had a remedy in law if they were refused the basic subsistence requirements to put food on the table and to have a roof over their heads.

Has that been a priority of the government? No. We have seen the damage. Now the government brings in what is supposed to fix up the mess it created. The government has removed health so that we have a separate health transfer. That is some progress, because at least there was more accountability and it was clearer what dollars were going where for Canadians to see, to understand and to try to influence if they wanted to see change. But we still have in a kind of unaccountable lump together the remaining aspects of post-secondary education, income support and early childhood education and child care.

Again the government has not really learned its lessons and has not begun to address what is needed here. Let me say that I think this is an occasion on which we should be willing to recognize that one of the really important elements of the Romanow commission, the Commission on the Future of Health Care in Canada, was that there was a broad process of consultation around future health priorities. Although I think the government has fallen far short, and this is another criticism of the budget, of giving the resources recommended by the Romanow commission to repair the damage to our health care system and extend it as it needs to be extended to deal with unmet needs, at least there was a broad public consultation. There is no assurance whatsoever that the same kind of consultation is going to go on around the desperate problems created by the government's lumping together in an unaccountable way health, social welfare, post-secondary education and child care, and I think it is one of the flawed aspects of the legislation that it fails to do that.

Finally, I just want to say that it is very important for us to learn from our history. For that reason, I say and acknowledge that museums are important. It is also absolutely beyond the comprehension of most thinking Canadians how the government reached the decision to spend close to \$100 million to create what I think we all fear is a history of political thought in the Liberal tradition in a political history museum here in Ottawa.

#### • (1310)

Instead of fictionalizing the flawed legacy of this Prime Minister's government, surely what it should be doing is fixing the misplaced priorities. That starts with adequate funding for existing museums struggling to keep the roofs from leaking and struggling to protect their exhibits, instead of creating what is surely going to become the ugliest part of the Prime Minister's legacy of all and will stand out there for all to see as a monument to the misplaced priorities of the Prime Minister's era in this political history museum, one hundred million dollars' worth.

## [Translation]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, it is a pleasure for me to speak on Bill C-28, the Budget Implementation Act, 2003.

For the benefit of those listening, when we talk about adopting a budget, clearly, we expect to have a budget that contains measures to resolve obvious problems.

I am going to talk about one of these problems. I do not think there is a single Quebecker or Canadian who is unaware of the serious problem facing the Canadian airline industry. We all know that this situation is the result of the horrific events of September 11, 2001

These events were in no way the fault of the airline industry, the men and women who are the brains behind this industry. It was the terrorists, who chose to use an airplane as a missile, who inevitably shook the airline industry worldwide.

Canada has suffered and is still suffering. Then came SARS, severe acute respiratory syndrome, which has been another blow to the airline industry.

All the industry stakeholders, not simply those in the aeronautics or aviation industry, but the entire travel and leisure industry has told the government, "Look, you are preparing a budget. You chose, in budget 2002, not to help the airline industry". That is what happened. Despite requests at the time by Air Canada, which had immediately asked for \$2 billion in assistance, the government chose to ignore this request and even withdrew the loan guarantees it had intended to announce, since Canada 3000 had declared bankruptcy. So, the government chose not to provide any assistance.

The only assistance the federal government provided was compensation to pay insurance premiums. Naturally, after September 11, the insurance premiums of airlines, particularly liability premiums, have practically quadrupled.

So, the government, like other governments around the world, decided to provide assistance as far as insurance was concerned. That is the only international initiative that the Canadian government decided to copy. The United States implemented an airline assistance program. The only thing Canada chose to copy was to compensate airlines for insurance rate increases.

Of course, the government thought that things would get back to normal. For those who are listening to us, this also gives us the opportunity to make a short analysis of the issue of Air Canada, which was asking for a \$2 billion assistance right from the beginning. The federal government decided not to help it.

What the government realized was that Air Canada could dig into some cash flow, that is that the company decided to do some accounting, to sell its aircraft and to rent them, which allowed it to get more than \$2 billion in cash flow.

Of course, once again, I believe this was the beginning of the end for the company. From the beginning, it had well targeted its \$2 billion needs, considering the events of September 11 and the problems that it knew the industry would face during the following months. So it decided to dig into its own accounts. It sold its aircraft and rented them, getting some cash flow from the sales. In this way, it was able to survive for more than a year on its reserves.

Except that the airline industry did not recover. In the budget of 2002, which was adopted in December 2001, as members will remember, the government decided to impose an air security tax to be able, once again, to gain some revenues.

#### (1315)

It did not help the industry, or not much; \$180 million was set aside to compensate for higher insurance premiums; in addition, the industry was penalized with a supplementary tax of \$24, which brought in nearly \$400 million to the government.

When it was all added up, with the security tax, Canada's airline industry was paying nearly \$280 million more after the events of September 11 than it was before. This problem is not limited to Canada. It is the worst disaster in any industry of any sort, across Canada. The result of the 2002 budget was that the government's revenues increased by nearly \$280 million, leaving out the compensation paid to the airlines for insurance premiums. Thus, we are increasing our revenues on the backs of the airline industry. That is Canada.

In 2003, the entire airline sector, all the workers in it, this concentration of brain power that works to design the airline industry, expected that the 2003 budget would correct this error. The industry expected that the airport security tax would be withdrawn. What happened was a decision to cut the tax by half and thus collect about \$200 million. That will just about cover the government's spending of \$180 million to compensate the airlines for increased insurance premiums.

Two years later, with the industry as unhealthy as ever and affected by other crises such as SARS, the government is still getting the same level of revenue from this industry as before the events of September 11, 2001. Now I know why we are getting close to using extraordinary measures. It is because of such measures that a company such as Air Canada has had to resort to bankruptcy protection. We can blame Air Canada for many things, for making bad decisions in 1997-98, but it is not the fault of Air Canada employees or those of any other airline that terrorists decided to use their aircraft as missiles on September 11.

This is what makes this budget difficult to swallow, and this is why the Bloc Quebecois will vote against it. Why? Because we had a real problem. It is one example, but there are others, and my colleagues told the House about some of the other problems with the 2003 budget.

There is a serious problem, which has been affecting the airline industry as well as the tourism and recreation industry because of the events of September 11, 2001, and also because of the severe acute respiratory syndrome, also known as atypical pneumonia.

The airline industry is going through a crisis because of all these events, and this budget will provide no help. As I was explaining earlier, in 2002, the industry was hit with a \$220 million tax. This budget reduces the tax by 50% and brings the revenues from the airline industry back to where they were before September 11, 2001, and the industry is still going though a crisis.

Men and women with various skills who are internationally known for their qualities as workers in the airline industry have lost their jobs in the last few weeks or will lose them in the next few

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weeks. Why? Because the federal government has simply decided to keep its money and not to help the airline industry. This is probably one of the most serious problems in this budget, the fact that the government will keep collecting a security tax of \$12 per passenger that is harmful to the industry.

#### **●** (1320)

[English]

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

Some hon. members: Question.

**The Deputy Speaker:** The question is on the motion that the question be now put. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Deputy Speaker: Call in the members.

[Translation]

And the bells having rung:

**The Deputy Speaker:** The recorded division is deferred until 3 p.m., after oral question period.

\* \* \*

[English]

## LIBRARY AND ARCHIVES OF CANADA ACT

The House resumed from May 13 consideration of the motion that Bill C-36, an act to establish the Library and Archives of Canada, to amend the Copyright Act and to amend certain acts in consequence, be read the second time and referred to a committee.

**Ms. Sarmite Bulte (Parkdale—High Park, Lib.):** Mr. Speaker, I am delighted to speak to Bill C-36, and act to establish the library and archives of Canada and to amend the Copyright Act.

Bill C-36 would create a new institution to be known as the library and archives of Canada which would be the successor to the National Library of Canada and the National Archives of Canada. The new bill would continue the existing powers and responsibilities accorded to the National Archives of Canada and the National Library of Canada under their respective statutes and would combine them into one statute.

The National Library of Canada and National Archives of Canada would have the same legal status. What does that mean? It would be a departmental agency within the Department of Canadian Heritage. It would be under the direction of the Librarian and Archivist of Canada. It would also be accountable to the Minister of Canadian Heritage.

The bill would modernize the existing functions and powers of the two institutions. It uses neutral wording wherever possible and harmonizes activities that were previously conducted individually by both institutions. The bill introduces a new term, "documentary heritage", to include both records and publications collected by the new institution. The more appropriate functional term, "publication", has been used in place of the former term, "book", and the definition of record has also been made functional rather than descriptive. A modernized legal deposit regime has been provided that would extend to electronic publications and a new power to preserve the documentary heritage of Canada as found on the Internet has also been introduced.

During the debate we have heard about the benefits that would be associated with the creation of this new library and archives of Canada. Generally we will find that there is consensus that indeed this is a good idea and it would certainly do an excellent job of protecting and monitoring Canada's documentary heritage. I do not think that we will find much disagreement about that here in the House.

I do not want to go over the same issues that have already been discussed. Instead, I would like to address a beneficial aspect of the bill that has been so far overlooked in the debate and that has to do with changes to the Copyright Act. I know that one of my colleagues has already addressed one element of the copyright issue, the one dealing with Internet sampling. However, Bill C-36 also contains other amendments to the Copyright Act that are absolutely necessary to the work of this brand new agency.

Copyright is an extremely complex and contentious issue. It has been so for a very long time. In fact, in the 19th century, Charles Dickens was angered by the fact that citizens of the United States were beyond the reach of British copyright law. They could copy and produce his work, and profit from his labour.

Today, ironically, the shoe is on the other foot. It is the giant American entertainment industry, among others, that is angered by pirated movies produced in Asia or music which is downloaded from the Internet. And it is not just music which is downloaded by 10, 13 or 14 year olds, it is also being downloaded by adults. I would like to add my voice to those who are angered by this pirating and downloading. I would even go so far as to say that what they are doing is tantamount to theft.

I believe it is trite law that one of the major concerns that is at the heart of any copyright debate is how the government balances the needs of the artist and those of the user. How do we ensure that an artist's work is protected and the artist is the only one who can profit from that work, while at the same time ensuring that those who want to use the work have reasonable access to it? We have heard of things like fair use and fair dealing.

This challenge is further complicated when there is a question of a deceased artist and we are into a grey area when we are dealing with unpublished works. Unfortunately for a library or an archive, this is exactly the kind of situation that can arise. For example, suppose a person receives a collection of documents from some notable Canadian. Can a researcher who discovers some overlooked short story use it in a novel or a non-fiction book or is such a jewel somehow the property of the author's estate or descendants? That is the kind of bedevilling question that this piece of legislation will attempt to address.

### **•** (1325)

During the last review of the Copyright Act, which took place in 1997, the government put an end to perpetual protection of unpublished works and brought unpublished works into line with the general term of protection for copyright in Canada: life of the author plus 50 years. The Standing Committee on Canadian Heritage will also be undertaking a further review of the Copyright Act, a mandatory review that is provided by section 92.

Along with the amendment, a five year transitional period was introduced at that time as a matter of courtesy to the estates of authors so their works would not fall into the public domain immediately. These provisions came into force on December 31, 1998. Unpublished works of authors who died more than 50 years before that date, that is, before 1948, would fall into the public domain on January 1, 2004. However, while the descendants of certain writers expressed concern about protecting their copyrights, there were a number of people, including academic historians, archivists, genealogists and others, who looked forward to seeing unpublished works enter into the public domain.

Therefore, what indeed has occurred is that the parties negotiated and agreed to a reasonable compromise and presented it to the government for consideration in this bill. As a result, the proposed legislation we are debating would make the following changes. First, unpublished works by authors who died before January 1, 1930, would be copyright protected until December 31, 2003. Second, for authors who died after December 31, 1929, and prior to January 1, 1949, their unpublished works would have copyright protection until December 31, 2017.

In both cases, any unpublished works that were published before their protection expires would be protected for an additional 20 years from the date of publication. The changes I have just described extend the term of protection for unpublished works, but we are also doing something to aid academic historians, archivists, genealogists and others.

Bill C-36 would amend section 30.21 of the Copyright Act to remove certain conditions that archival institutions must meet in order to make single copies of unpublished works. Such copies are used for the purposes of research and private study all the time. Section 30.21 currently states that a copy of an unpublished work which has been deposited before September 1, 1999, can only be made if the archive is unable to locate the copyright owner. It states that records must be kept of all copies made under this section. As members can imagine, this adds quite a burden to our archival facilities.

What would this bill do? The amendments contained in the library and archives of Canada Act would repeal both of these conditions. I am pleased to say that this change was agreed to by all stakeholders involved in the negotiations around the issue. As we can see, sometimes consultations do work and work extremely well. These changes are yet another tangible example of how the new library and archives of Canada would be given the tools, the mandate and the powers that are relevant to achieving its goal.

Our country's documentary heritage belongs to all of us and it must be made more accessible to Canadians. With these changes and the others discussed by my colleagues here in the House, we are putting in place an institution that I am sure all Canadians will cherish and be proud of.

## • (1330)

Mr. Jim Abbott (Kootenay—Columbia, Canadian Alliance): Mr. Speaker, I wish to speak specifically to a couple of clauses in Bill C-36 and in particular how they relate to the Copyright Act. I refer specifically to clauses 26 and 27 on which we have to do a quick review.

As the member just mentioned, we have shared some time together on the Standing Committee of Canadian Heritage which is presently wrestling with a number of issues relating to copyright.

It is my position, and it was expressed recently by somebody who knows well, that Bill C-32, when it went through the process of becoming legislation in 1996 and enacted in 1997, basically exacerbated the complexities of what was already an overly complex bill

The concern of the bureaucracy at this point, as I understand it, is that they not get into amending the Copyright Act too quickly and that in fact they do a proper job.

What we are dealing with in committee is the World Intellectual Property Organization treaty, otherwise known as WIPO, which Canada signed but has not ratified. At this particular point the world copyright treaty and the world performances and phonograms treaty, otherwise known as the WCT and the WPPT, are both in limbo as far as Canada is concerned.

The best advice that we have at this particular point from the people involved in the heritage and the industry ministries, the bureaucrats, is that we have to amend domestic legislation before we can get into actual ratification legislation for us to be part of the WIPO treaties.

The reason I mention this as a background is that it adds to the fact that the Minister of Canadian Heritage has said that she could not envision making any changes to the Copyright Act as presently legislated without those changes being taken in their entirety. We have had a stiff arm from the minister and from her bureaucracy to any changes that are absolutely essential to the Copyright Act.

Problems are currently being created by the Copyright Act, problems that in fact have an awful lot to do with employment, particularly in the broadcast industry. These problems, which were created and built into Bill C-32 at the time that it was enacted, were built into it in such a way that people in the broadcasting industry are

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presently being laid off. Therefore we are talking about something urgent.

The difficulty to this point has been that the minister has refused to consider any idea at all of making amendments to the Copyright Act. The position of the Canadian Alliance and myself has been that this is bogus. There is no reason in the world why she could not have made those changes.

I draw to the attention of the House that the minister has indicated support, for example, for Bill S-20, presently going through the other place, with respect to photographic works. This is a bill that would amend the Copyright Act.

Therefore, apart from Bill C-36, out of one side of her mouth she has said that she will have nothing to do with changing the copyright bill but out of the other side of her mouth she has said that Bill S-20 is fine, in spite of the fact that it would alter the Copyright Act.

Now we come clauses 26 and 27 in Bill C-36 which both call for changes to the Copyright Act. Effectively what I am doing today is challenging the minister. Seeing as she must be prepared to go further, not only by her support of Bill S-20 but also by her support and the tabling of this legislation to change the Copyright Act as contained in Bill C-36, I challenge her to do so.

#### • (1335)

It is interesting that the clauses, which are so vexatious and create the problems, particularly for small market broadcasters, are contained in section 30 of the Copyright Act. However the minister is prepared to change section 30.5 of the Copyright Act but I want to deal with section 30.8. It is interesting that she is changing the Copyright Act to allow for this legislation in subsection 30.8(7). Well section 30.8, which is built into the Copyright Act, is the one that is the problem. My thesis of course is that if she is prepared to change subsection 30.8(7) for the purposes of this act, surely as an amendment in committee she and the government must be prepared to accept an amendment to section 30.8.

Sections 30.8 and 30.9 of the Copyright Act have to do with the right of broadcasters to do electronic transfer, a transfer of medium. It is referred to as ephemeral rights. Ephemeral simply means an electronic transfer that does not create any value. It simply takes place. If we look at section 30.8 of the Copyright Act it says:

It is not an infringement of copyright for a programming undertaking to fix or reproduce in accordance with this section a performer's performance or work, other than....

And it goes through that. I draw members' attention to the fact that it says "It is not an infringement of copyright for programming". It then goes through paragraphs (a), (b), (c) and (d) and then subsections (2) to (11) inclusive and gives all of the reasons why it is not an infringement of copyright.

However a flaw was built into not only section 30.8 but also section 30.9, which have to do with a different way of fixing the music, that is electronically creating a record of the music, and in spite of the length of these sections in the Copyright Act, they would be annihilated or wiped out.

The minister is prepared to change subsection (7). I am simply asking her to delete subsection (8) which reads:

This section does not apply where a licence is available from a collective society to make the fixation or reproduction of the performer's performance, work or sound recording.

We would also delete subsection 30.9(6) of the Copyright Act which reads:

This section does not apply if a licence is available from a collective society to reproduce the sound recording, performer's performance or work.

If I have not been clear to this point I want to point out that sections 30.8 and 30.9 are about exceptions. A the time the copyright bill was enacted there were no collectives in place. Therefore it was the clear intention of the government and of the minister, who was the minister at the time, that these exceptions would exist for the broadcast industry.

What basically happened was that there were side negotiations quite literally out in the hallway, which I saw with my own eyes, between the Bloc Quebecois, which, as we will recall, was the official opposition in the 1993 Parliament, and the parliamentary secretary to the minister to get the bill approved by an artificial deadline that the Minister of Canadian Heritage put into place. During the dickering and the give and take that took place what the Bloc member got from the parliamentary secretary was these clauses that annihilate the exemptions.

#### (1340)

A colleague of mine was just telling me about a small radio station in Fort McMurray, Alberta. We can imagine that the Fort McMurray radio station does not have a giant marketplace and does not have a tremendous amount of revenue. My colleague was shown a cheque by that radio station manager payable to the collective of over \$20,000. In my constituency, in Cranbrook, British Columbia, we are looking at a radio station that must lay off an individual from the radio station which is already bare bones because its cheque is \$57,000 which is more than a year's salary for a nominal worker at a radio station. We are talking about legislation, which was ill-conceived, done in haste, done in compromise and done in give and take, that is costing jobs in the Canadian broadcasting industry.

What is it about? When a radio station purchases a piece of music from a publisher a royalty is paid. The royalty is paid to the company which then goes through to the artist and so on and so forth. That is fine. They are receiving value.

Let us say that it is fixed on CD. They then would take the CD and historically they put the CD into a CD player, one of a bank of CD players. They would program that CD player: number one would play track 6, number two would play track 2 and number three would play track 5 or whatever the numbers were. Then the disc jockeys, when they were talking on the radio and the next song was up, they would simply push the button and then the CD would turn, track 4 would play and away it would go.

Now there is value there because when the radio station plays the music it has the opportunity to collect money from the advertisers who advertise for the people listening to the radio station that is playing the music.

Everything is fine up to that point except that technology has caught up to the point that rather than the disc jockeys having to put those individual CDs into the players, select the tracks and press the

buttons, now a programmer simply takes those cuts and puts them on to a hard drive. The disc jockeys now only have to press a button and away it goes.

However what have we done? We have moved the digital image from the CD, or whatever the recorded medium was, which creates the audio that we hear on our car radios, into the hard drive. That is all. There is no value there. It is simply an easier way for the radio station to perform this task. In addition, there is now the transfer sometimes of that digital imagery by satellite or by broadband.

It is the difference between physically putting a CD into a FedEx package and shipping it across the country and then someone playing track 4 off there or by pressing a button and instantly, by broadband or satellite, that digital image goes from this computer to that computer. That is all it is. There is nothing more to it than that.

What has happened is that the industry has been smacked with a \$7 million bill retroactive three years because it has been using new technology and receiving absolutely no value for it. This is the amazing thing about this particular exemption that was intended to be an exemption. It clearly and specifically states in sections 30.8 and 30.9 of the Copyright Act that the broadcasters have the right to do this.

## **●** (1345)

The only reason they are being whacked with these millions of dollars very simply is that there was some dickering going on in the back hallway in Parliament during the committee process.

I come back to the bill we are talking about. Bill C-36 very clearly and specifically refers to the Copyright Act, subsection 30.8(7). I am very simply challenging the minister to do what is right for the broadcasters, to do what is right for the people in the broadcast industry and to simply extend the amendment to the Copyright Act to delete the next paragraph, that this section does not apply where a licence is available from a collective society to make the fixation or reproduction of the performer's performance, work or sound recording.

Somebody asked if it was not just a little too smart, with a bill dealing with the archives and the library, to try to extend this through to legislation that absolutely must be done. Was it not just a little too smart to make that connection? I say no, not at all. There is a principle here. The Copyright Act as it presently exists is wrong, absolutely wrong. It creates a penalty on broadcasters, on their business and on their employees. It creates a penalty that currently is costing jobs. It creates a penalty that is without principle a transfer of wealth from an industry which, although it is not on its backside, is an industry that does not have a lot of latitude on the profit side.

I would like the minister to realize that profit is not necessarily a dirty word. I would like the minister to realize that her backbenchers have been contacted by people from the Canadian Association of Broadcasters, from the local radio stations, explaining this to them, that there is support for this change.

Seeing as Bill C-36 will very likely pass, and certainly my caucus joins me in supporting the bill in principle so the bill can move to committee, we could have these necessary changes done in just a matter of a few days. This is long overdue because as we speak, people are receiving pink slips for absolutely no reason.

#### **(1350)**

[Translation]

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, I have a question for my colleague from the Canadian Alliance, the hon. member for Kootenay—Columbia. This is something which I am extremely concerned about and which has to do with transparency. I am sure that my colleague will be very sensitive to my question. Perhaps he raised it in his speech. I am referring to transparency with respect to the appointment of the branch's head and to the council that will be established to run the Library and Archives of Canada, which will report to the Minister of Canadian Heritage.

I would like to raise his awareness and let him know that in Quebec, the Quebec National Library Act provides for a different type of appointments, while these still require the approval of the Quebec communications minister.

For example, five people, including the chairperson, are appointed by the government on the recommendation of the minister of culture and communications, but only after consultations with the library community, the publishing community, writers' associations and the universities. Three of these members have to be librarians. One of them has to be a conservation expert and another an exhibitions expert. Two other members are appointed by the City of Montreal, and two are library users, one of whom must be a Montreal resident because the library is located in Montreal. Finally, they must be elected by their peers, in accordance with the library's regulations.

Quebec used legislation to ensure that appointments also included people from the community. Everyone knows that the skills required on such a board belong to people from the community, and these are not partisan appointments. I could give a few examples of partisan appointments on certain boards of directors, and the member for Kootenay—Columbia knows what I am talking about.

There could also have been provisions regarding potential conflicts of interest within these boards of directors. Again, the legislation to establish the Bibliothèque nationale du Québec contains a very specific provision on potential conflicts of interest between members of the board of directors who have an interest in a business and their employees or those of the library.

So there is a whole process that is provided for in the Quebec legislation.

I would like to ask my colleague from Kootenay—Columbia what he thinks of this flaw in the bill before us. Should amendments be made so that the bill better reflects the interests of the public?

[English]

**Mr. Jim Abbott:** Mr. Speaker, I appreciate the comments of my colleague from the Bloc Québécois.

Clearly, with any legislation there are always ways to improve it. In this particular instance I think the bill itself is sound in its principle, but clearly there are going to have to be a lot of improvements. I look forward to her perhaps distributing to the members of the Standing Committee on Canadian Heritage some of these suggestions. I have found that the heritage committee has generally been a very cooperative committee and certainly typically

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does work to make legislation better. I look forward to working with her on her suggestions.

(1355)

**Ms. Wendy Lill (Dartmouth, NDP):** Mr. Speaker, I am interested in the comments of my fellow committee member around the issue of the potential merger of the National Library and the National Archives. As he will know, the 1990s saw enormous cuts to these two institutions which are the pillars of our cultural heritage.

A couple of years ago, Roch Carrier, the head of the National Library, came before us and spoke powerfully about the impact the cuts were having on the storage of our heritage. Our committee at that time recommended that the national librarian, the national archivist and the Department of Canadian Heritage initiate a planning process to examine the long term space and preservation needs of the National Archives and the National Library.

What we need along with a recommendation, is a financial commitment to make that kind of planning process worth its salt. I guess I would say the same of this bill. If a bill is going to be enacted, we have to make sure that the political will is also there to give the bill some meaning.

I would like to know how the member feels about that.

**Mr. Jim Abbott:** Mr. Speaker, this is a very rare time in the House of Commons because yesterday I had a motion before the House on behalf of the Canadian Alliance which the NDP agreed with, and again today on yet another bill we have agreement. We had better watch out.

In this particular instance, we are talking about the heritage of Canada, about who we are. I believe the member will find a tremendous amount of sympathy and a tremendous amount of cooperation on the part of the Canadian Alliance with regard to this. We are prepared to take a look at what is required in order to do a proper job. There will be full cooperation on the part of the Canadian Alliance in every way to ensure that, without being extravagant or going over the top because we definitely would not want to do that, the necessary resources are available to actually put some wheels under this thing, to enact it and to make it work. We would be fully in support of any action like that by the government.

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

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

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And more than five members having risen:

The Deputy Speaker: Call in the members.

**●** (1400)

[Translation]

And the bells having rung:

The Deputy Speaker: The vote stands deferred until 3 p.m. today.

## AUDITOR GENERAL'S SUPPLEMENTARY REPORT

**The Deputy Speaker:** I now have the honour to table the Auditor General's Supplementary Report for 2003.

Pursuant to Standing Order 108, this report is deemed to have been permanently referred to the Standing Committee on Public Accounts.

## STATEMENTS BY MEMBERS

[Translation]

### HUMAN RESOURCES DEVELOPMENT

Ms. Raymonde Folco (Laval West, Lib.): Mr. Speaker, I am pleased to inform the House about the contribution of the Government of Canada, particularly Human Resources Development Canada, to a project called "Un vent de fraîcheur" that will be launched in Laval.

Through this project, many young people will have a unique experience in starting up and promoting a community action project.

This project, by its very essence, will enable the young people from the neighbourhood to play important roles in their local environment. Establishing a youth centre, which will undoubtedly foster a real sense of belonging in the community, will encourage more young people to play a more active part in the development of their neighbourhood and to get involved as citizens.

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[English]

## FOREIGN AFFAIRS

Mr. Keith Martin (Esquimalt—Juan de Fuca, Canadian Alliance): Mr. Speaker, Morgan Tsvangirai, the leader of Zimbabwe's opposition movement, the MDC, and two others are on trial in Harare on trumped up charges of treason, a violation that carries the death penalty.

Our government has information that will exonerate these three men. Indeed, in the House the government said that it had released this information. However, that is not the case. Instead, the government released whited-out pieces of paper with nothing on them.

Why does the government not release this information? If it does not, Mr. Tsvangirai and two others will go to the gallows and we will have allowed three innocent men to be executed, knowing full well we had the information to save their lives.

Furthermore, our utter unwillingness to speak out against Mugabe has allowed a dramatic upsurge in sexual violence against women and girls, the withholding of food aid from the starving, and anarchy to destroy the former breadbasket of Africa.

What kind of a foreign policy do we have when we sit on our hands in the face of genocide, state sponsored rape and state sponsored murder?

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[Translation]

### LEGION OF HONOUR

Mr. Robert Bertrand (Pontiac—Gatineau—Labelle, Lib.): Mr. Speaker, yesterday, during a visit to Canada that will also see him presiding at the ceremonies commemorating Champlain's first voyage to Quebec, the Grand Chancellor of the Legion of Honour and General of the Air Force Jean-Philippe Douin, presented the insignia of Grand Officer of the Legion of Honour to our former Governor General, the Right Honourable Roméo LeBlanc.

General Raymond Hénault, Chief of the Defence Staff, received the decoration of Commander of the Legion of Honour.

In addition, Commissioner Giulianno Zaccardelli of the Royal Canadian Mounted Police, and Lieutenant-General Michel Maisonneuve, Chief of Staff, Supreme Allied Commander Atlantic, were made Officers of the Legion of Honour.

Membership in the Legion of Honour is one of the highest honours awarded by the Republic of France; consequently, the Government of Canada is very pleased with this announcement and extends congratulations to the new members.

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**●** (1405)

[English]

## STEEL INDUSTRY

**Ms. Beth Phinney (Hamilton Mountain, Lib.):** Mr. Speaker, recently John Mayberry retired as chairman of the board and CEO of Dofasco Inc. in Hamilton. Mr. Mayberry joined Dofasco in 1967. Following a 21 year career in sales and marketing, he held the position of chief executive officer for 10 years.

Throughout his career, Mr. Mayberry has participated in numerous industry related associations, including the Canadian Steel Producers Association and the International Iron and Steel Institute. He was also the first non-American to chair the American Iron and Steel Institute.

Despite the crises and multi-million dollar losses in the steel industry over the last decade, Mr. Mayberry and his team led his company to recovery by using a blend of homegrown smarts and global best practices. With Mr. Mayberry at the helm, Dofasco Inc. has innovated its way to becoming one of the most profitable steel companies in the world.

I am sure members will join me in recognizing John Mayberry for his valued contribution to the steel industry and the Hamilton community and wish him all the best in his retirement years.

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[Translation]

### INTERNATIONAL DEVELOPMENT

Mr. Gérard Binet (Frontenac—Mégantic, Lib.): Mr. Speaker, last week I had the pleasure of announcing, on behalf of the Minister for International Cooperation, \$400,000 in financial support to the Collège de la région de l'Amiante for a development project in Tunisia.

This funding from the Canadian International Development Agency's Canadian College Partnership Program is intended to support the development of new mineral technology and geoenvironmental programs.

The Collège de la région de l'Amiante will provide the Higher Institute for Technological Studies in Gafsa, Tunisia, with technical, human and educational resources to train technicians to better manage water, which is a rare commodity in Gafsa, Tunisia.

Gafsa is a mining and industrial region not unlike Amiante. Consequently, this type of initiative can benefit both countries. I would like to applaud everyone who combined their efforts to make this great expertise development opportunity possible.

Thank you and vive le Canada.

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[English]

## **AGRICULTURE**

Mr. Monte Solberg (Medicine Hat, Canadian Alliance): Mr. Speaker, it is just so unlike the government to ignore a western issue, but the unlikely has happened.

The Prime Minister's Office has let it be known that yesterday the Prime Minister broke the ice and called President Bush. We can imagine how thick that ice must have been. But when he finally called, did he talk about mad cow disease and the closed U.S. border, the single biggest crisis to face Canadian agriculture in a generation? No. Or at least not that he can remember. He does remember talking about the Montreal Expos but he is drawing a blank when it comes to the Alberta Angus and the Saskatchewan Charolais.

Maybe that is appropriate. The Prime Minister might as well end his reign in the same way as he started it. In his 40 year career he has never made an attempt to try to understand western and rural issues or apparently even to take them seriously.

Does it matter to him that thousands of farm families and entrepreneurs may lose everything they have worked for their entire lives? Based on what he remembers about his call to President Bush, I guess the answer is no.

#### FOREIGN AFFAIRS

Mr. John McKay (Scarborough East, Lib.): Mr. Speaker, this month Sri Lanka experienced a devastating flood which killed and

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injured hundreds of people and made many homeless. This is just one more disaster for the people of Sri Lanka.

As we know, the people of Sri Lanka have experienced civil war for the last 20 years, which has been disastrous for the tiny island nation. Currently there is a tenuous ceasefire and a fragile peace process.

For those who care about Sri Lanka and its people, it is very important that supportive nations step forward. It is important that Canada be not only at the peace table but also at the donors conference next month and also be seen to be helping in ways beyond the \$100,000 pledged for disaster relief. It is important not only for the people of Sri Lanka; it is also important for those Canadians of Sri Lankan origin.

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[Translation]

### ABORIGINAL AFFAIRS

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, historian Camil Girard reminds us how Samuel de Champlain and a French delegation were welcomed with respect and deference by the Innu in Tadoussac 400 years ago. On May 27, 1603, Grand Chief Anadabijou and François Gravé du Pont, representative of the King of France, forged an alliance. From that time forth, the First Nations and the French decided to develop equal partnerships based on mutual respect.

History has not always respected the spirit, let alone the letter, of this alliance with the aboriginals. However, it must be recognized that four centuries later, out of concern for redress and respect for the original treaty, Mr. Lévesque, Mr. Bourassa, Mr. Parizeau and Mr. Landry negotiated the James Bay Agreement, the Braves' Peace, and the Common Approach.

The same cannot be said of the Prime Minister of Canada, who seems never to have noticed this major event and continues, with the Indian Act, to betray the sacred alliance by imposing legislation on governance that no one wants. It is not too late to withdraw the despicable Bill C-7 and allow room for true negotiations on First Nations self-governance.

I am making a solemn appeal to the Prime Minister of Canada to scrap Bill C-7 and come up with better provisions.

\* \* \*

**●** (1410)

## YOUTH EMPLOYMENT STRATEGY

**Mr. Marcel Proulx (Hull—Aylmer, Lib.):** Mr. Speaker, on May 21, it was my honour to announce the Argenteuil in Bloom II project under our youth employment strategy program.

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The purpose of this project is to enhance the employability of youth at risk, promote their social integration and lower the dropout rate. These ten young people, between the ages of 18 and 24, will help to beautify the main streets of the regional county municipality of Argenteuil, as well as improve the quality of the environment. They will help showcase the municipality's rich architectural heritage and make the community aware of how important the environment is.

This project was made possible thanks to the work of Argenteuil's chamber of commerce and industry. Its mission is to improve the health, well-being and economic development of businesses and residents of the Argenteuil RCM.

Congratulations to the chamber of commerce and industry, which is working to make it easier for young Canadians to enter the labour market, and good luck to the young participants.

[English]

#### KEVIN NAISMITH

Mr. James Rajotte (Edmonton Southwest, Canadian Alliance): Mr. Speaker, we were deeply saddened to learn of the tragic death of Canadian Forces pilot Captain Kevin Naismith.

Captain Naismith's CF-18 crashed while he was participating in Operation Maple Flag, a military exercise held annually in northern Alberta for Canadian and allied pilots.

Captain Naismith was an experienced pilot. He had been with the Canadian Forces since 1991 and had logged more than 2,000 flying hours

This tragic event drives home to us the fact that our armed forces personnel are willing to make the ultimate sacrifice to protect and defend our freedom.

The great Athenian leader Pericles said it best: "Where the rewards of valour are the greatest, there you will find also the best and bravest spirits among the people".

On behalf of the Canadian Alliance and all parliamentarians, I would like to extend our thoughts and prayers to Captain Naismith's family, his wife and three children, his friends and his colleagues.

#### SPEED SKATING

**Mr. Rodger Cuzner (Bras d'Or—Cape Breton, Lib.):** Mr. Speaker, it gives me great pleasure to rise in the House today to pay tribute to one of Canada's all time greatest athletes on her retirement from active competition.

Saskatoon's Catriona LeMay Doan has dominated the world of 500-metre races and long-track speed skating, winning thirty-four world cup races and two world sprint championship titles.

In 1998 at the Olympic games in Nagano, she won Olympic gold in the 500 metres. Four years later in Salt Lake City, she became the first Canadian Olympic champion to successfully defend her Olympic title by winning gold again in the 500 metres. During her

impressive career, she set eight world records and she is the current Olympic record holder.

A three-time winner of the Female Athlete of the Year at the Canadian sports awards, twice named Canadian Press Athlete of the Year and winner of the Lou Marsh trophy, Catriona LeMay Doan has been an inspiration to Canadians both on and off the ice. To quote Speed Skating Canada, Catriona "has inspired many young people in Canada by her athletic and personal achievements as well as her sportsmanship".

I am sure all members will join me in congratulating Catriona and wishing her continued success in all her endeavours.

## POVERTY

**Mr. Norman Doyle (St. John's East, PC):** Mr. Speaker, the United Nations calls poverty the planet's greatest threat to political stability, social cohesion and environmental health.

According to the G-8 Global Poverty Report, poverty encompasses economic, social and governance dimensions. Economically, the poor are deprived not only of income and resources but opportunities as well.

The Global Poverty Report at the G-8 summit in Okinawa in July 2000 also said that the lives of poor people are more affected by actions at the national level. This is borne out by our own statistics here in Canada, which reveal that one in eight people live in poverty. Putting it in perspective, 13% of Canadians, almost four million people, are poor.

Impoverished children come from impoverished families. We here in the House of Commons passed a resolution back in 1990 to abolish child poverty by the year 2000. Why have the Liberals not kept that commitment?

[Translation]

## BETTER SPEECH AND HEARING MONTH

**Ms. Caroline St-Hilaire (Longueuil, BQ):** Mr. Speaker, each May, I make a point of finding a special way to celebrate Better Speech and Hearing Month.

This year, I had the pleasure of meeting various organizations and learning about ongoing initiatives, particularly at St- Jude school in my riding, where the oral method is taught to deaf children, among other things.

However, despite the remarkable work of the school staff, the problem remains, since these children cannot hear. Not all television programs are close captioned, so that they may read what we hear.

I also met with people from CRIM and the Regroupement québécois pour le sous-titrage, which are collaborating on a research project to develop a real-time captioning system using voice recognition technology.

Oral Questions

# ORAL QUESTION PERIOD

[English]

#### JUSTICE

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, the government announced today its plans to decriminalize marijuana, but apparently it wants to go further and actually encourage its use among young people. It calls for fines for possession, but will actually bring in lower fines for young people. This would be like offering a discount on a pack of cigarettes with a student ID card.

What kind of message does the government think it is trying to send?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the government is very pleased to table today a policy regarding the use of drugs in the country to ensure that we send the message we want to send as a nation to the effect that the use of drugs is illegal in Canada, and to ensure as well that people understand it is harmful to our society. That legislation, together with the renewal of the national drug strategy, will ensure we will be stronger in terms of law enforcement, and send all the appropriate messages.

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, just like on the gun registry that minister screwed up, he does not have any answers. Therefore, I will put the question again.

Why lower fines for the kinds of young people who we do not want to start using drugs?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I am not quite sure the member realizes what is taking place across the country.

There is an increase in the use of cannabis. Therefore, it is quite obvious that the existing legislation does not work the way we would like it to work. There are 100,000 Canadians using cannabis on a daily basis. We have to put in place a tool that we will be able to use and that will be enforceable. The policy we tabled this morning will do exactly that.

**●** (1420)

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, the minister still could not answer the question, but I guess I can thank him for telling us that cannabis is actually used in Canada. We kind of figured that out over here.

American authorities have threatened to increase searches on Canadian travellers at the border. We already have duties on softwood lumber and wheat. We have bans on importations of beef. We have travel advisories because of SARS. We have an endless number of problems because of bad relations over Iraq.

What assurances can the government give us that its pet project on marijuana will not jeopardize legitimate trade with the United States?

Although this cutting edge technology will soon be available, the key is obviously financing. Therefore, I invite all members, as well as the government, to remember the House's unanimous commitment to provide the necessary tools to ensure the full integration of the deaf and hard of hearing in our society.

We must turn our words into actions..

\* \* \*

**●** (1415)

[English]

#### KEVIN NAISMITH

Mr. David Pratt (Nepean—Carleton, Lib.): Mr. Speaker, I rise today to say a few words in memory of one of our best and finest, Captain Kevin Naismith, who was tragically killed during a military exercise in Alberta yesterday.

The brave men and women of the Canadian Forces participate in regular allied war exercises to constantly improve the readiness and interoperability of our troops.

Monday's air exercise involved aircraft from Canada, the United States, France and Belgium. Sadly, it also came with a loss for Canada. These war games try to be as realistic as possible and thus are not without risk.

Captain Naismith joined the Canadian Forces in 1991 and was based at the 416 Tactical Fighter Squadron in Cold Lake. He had a wife and three young children.

Let us remember Captain Naismith as a friendly and exceptional pilot who loved going to air shows and sharing his love for aviation and his aircraft with young people.

Our thoughts and prayers are with Kevin's family and his squadron.

\* \* \*
ABORIGINAL AFFAIRS

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, it is not just the Assembly of First Nations that rejects the first nations governance act. Fully 95% of the presenters to the standing committee, including many non-aboriginal representatives from civil society, vigorously oppose it.

All of the mainstream churches, many respected academics, law professors, bar associations, and even a former minister of Indian Affairs, testified that in their opinion Bill C-7 infringes upon constitutionally recognized aboriginal and treaty rights, section 15 of the charter and international conventions regarding the right to self-determination.

Reasonable people who have studied the bill have legitimate concerns about changing the legal status and capacity of first nations and about enhancing rather than reducing the discretionary authority of the minister, but whether we accept or reject these concerns, the only justification I need to oppose this piece of legislation is that first nations from coast to coast have told the standing committee in no uncertain terms that they do not want it.

### Oral Questions

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, everyone knows we have very good cooperation with the United States in terms of economic development, as well as with regard to fighting international crime.

With regard to drugs, we are heading exactly in the same direction. We have the same vision. Drugs are illegal in both of our societies. We want to ensure we can continue to fight organized crime together. Of course, the roads that we take could be different, but we will end up at the same place because Canada is a different country with different values.

### **CANADA-U.S. RELATIONS**

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, after three months of Canada-U.S. relations being in the deep freeze, the Prime Minister finally spoke to President Bush yesterday. He raised some hot topics, like the Montreal Expos' baseball season. For some reason, he forgot whether he raised the largest crisis in the Canadian agricultural industry in decades: the ban on beef to the United States.

How could our Prime Minister possibly have forgotten whether he discussed the ban on beef with the United States when he was speaking with the President yesterday?

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, I know one of the things the Alliance likes to do is to try to portray Canada-U.S. relations as being all bad news. In fact on many files and many fronts we have continuing good news.

One thing the Prime Minister did not have the opportunity to mention to the President yesterday, because it had not yet happened, was the very clear decision of the World Trade Organization in favour of Canada on the U.S. applied countervailing duties on softwood lumber.

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, I have news for the Deputy Prime Minister. The ban on Canadian beef to the United States is very bad news for tens of thousands of Canadian families who depend on it for their livelihood.

Why is it that the Prime Minister could speak to the President of the United States without raising an issue that is crippling a \$7 billion industry? Why is it that he could joke about baseball, but not defend Canadian beef farmers?

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, the Prime Minister is due to meet with the President next week at the G-8 meeting—

Mr. Stephen Harper: This time answer about beef.

The Speaker: Order, please. The hon. Deputy Prime Minister.

**Hon. John Manley:** Mr. Speaker, the Leader of the Opposition says this time answer about beef.

The hon. member knows not only of the effort that has been carried on by this government with respect to the issue that has arisen, but he also knows about the approval of the Premier of Alberta's own province in saying what we have done properly.

Opposition members do not like it when there is good news. They do not like to admit it when there is good news. However there is good news today on an important trade issue, and that is the WTO decision on softwood lumber. Why do they not want to talk about that?

[Translation]

#### **GOVERNMENT CONTRACTS**

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, in 1998, the numbered company belonging to Alain Renaud, a leading Liberal organizer, gave \$63,000 to the Liberal Party of Canada. Not long afterward, a company owned by his brother Benoît received a sponsorship contract for \$390,000, an excellent return on the investment. Alain Renaud's defence of this was, "We are not the ones behind this, some important people are involved".

Since Alain Renaud was just one of the cogs in the wheel, can the Minister of Public Works tell us who within government was controlling the Liberal Party money machine that the sponsorship program represented? Who are these people—

The Speaker: The hon. Minister of Public Works and Government Services.

[English]

Hon. Ralph Goodale (Minister of Public Works and Government Services, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, as I have indicated in the House many times, there were obviously serious difficulties with the sponsorship program. Those difficulties have been investigated by the Treasury Board, by the Auditor General and by officials in my department. Where matters have raised legal issues, they have been referred to the police, and those are the appropriate authorities to pursue them.

We are determined that this matter will be thoroughly ventilated and all the facts will be known.

[Translation]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, Alain Renaud claims to have been merely a tool of certain important people. I would remind the minister that the sponsorship program, which was used to finance the Liberal Party, his party, was created by his own government.

With such an interconnected system, can the Minister of Public Works today deny that the important people referred to by Alain Renaud are past or present members of this government?

[English]

Hon. Ralph Goodale (Minister of Public Works and Government Services, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, I do not know Mr. Renaud and I have no idea to what he was referring.

What I do know is that all issues related to this file are being thoroughly investigated; in terms of financial management issues, by a comprehensive government-wide audit launched by the Auditor General; and in terms of legal issues, by the RCMP.

It seems to me that if the member really wants answers, those are the people to ask.

• (1425)

[Translation]

Mr. Robert Lanctôt (Châteauguay, BQ): Mr. Speaker, someone in the government would appear to have ordered a financial contribution in excess of \$63,000 to the Liberal Party of Canada slush fund, according to Mr. Renaud, who says he was involved unwittingly in a system put in place to take advantage of the advertising and sponsorship program. The government does not have the right to hide behind an RCMP investigation that will just disappear, as was the case with the Human Resources Development Canada scandal.

Given the serious nature of these allegations, I am asking the minister the identity of these important people Mr. Renaud refers to.

[English]

Hon. Ralph Goodale (Minister of Public Works and Government Services, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, when a matter is thoroughly investigated, in all the ways that have been referred to in the House, by various government agencies, by the Auditor General, who is an officer of the House and by the RCMP, it is hardly a matter of anything being covered up.

I hear the slurs coming across the floor with respect to the RCMP. Quite frankly, it is the most distinguished police force on the face of the earth and if charges need to be laid, they will be.

[Translation]

**Mr. Robert Lanctôt (Châteauguay, BQ):** Mr. Speaker, Mr. Renaud's defence is that he was used as a kind of front, that he was merely a cog in the wheel in an affair that culminated in a \$63,000 donation to the Liberal Party of Canada slush fund.

Who in the government ordered a \$63,000 kickback to the Liberal Party of Canada as a result of the awarding of a contract to Groupe Everest without any bidding process?

[English]

Hon. Ralph Goodale (Minister of Public Works and Government Services, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, on the matter of the awarding of contracts, that is obviously a subject that the Auditor General will look into specifically.

If there is anything wrong with any donation to any political party, that needs to be rectified. The police will investigate anything that in their judgment merits their attention and then the proper consequences will follow.

#### Oral Questions

#### SOFTWOOD LUMBER

Mr. Bill Casey (Cumberland—Colchester, PC): Mr. Speaker, for over a year now the Minister for International Trade has assured Atlantic Canada its exemption in the softwood lumber export tax would be protected.

On Friday, just a few days before the WTO decision, the lead negotiator for Canada gave to the United States department of commerce a proposal that removed that exemption. There was no notice to and no consultation with Atlantic Canada.

The Department for International Trade acted as an agent for a handful of big companies to drive their agenda, even though it harmed smaller companies across the country, especially in Atlantic Canada.

Will the minister assure Atlantic Canada and her small mills that this proposal will be withdrawn immediately?

Mr. Murray Calder (Parliamentary Secretary to the Minister for International Trade, Lib.): Mr. Speaker, we have long stated that any interim measure would have to recognize the special circumstances of the maritime provinces. They are, however, subject to anti-dumping duties. We have heard from the industry across the country, including the maritime producers, that they want an end to the anti-dumping measures.

We will only agree to a resolution of the lumber dispute that is in Canada's best interest. There is to be an agreement on intermeasures. It will require further consultations with the provinces and the industry.

**●** (1430)

Mr. Bill Casey (Cumberland—Colchester, PC): Mr. Speaker, that answer is amazing, because the lead negotiator for Canada put on the table a proposal that would do away with the Atlantic Canada exemption. Now the minister is trying to walk away from that obligation as if it is not his.

Will the minister again confirm the position of the Government of Canada on this Atlantic Canada exemption for softwood lumber and assure Atlantic Canada that it will be maintained?

Mr. Murray Calder (Parliamentary Secretary to the Minister for International Trade, Lib.): Mr. Speaker, as I just said to the hon. member across the way, and as I have repeatedly said to him, our strategy has been a two-track strategy. It looks like we have won on the first track, and we will consult with the industry, the producers and the provinces to cut the deal we want.

#### **POVERTY**

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, my question is for the Minister of Finance. According to the Liberals' new social math, poor people can rent an apartment in Toronto for \$475 a month and poor people in Halifax can feed their kid for less than \$4 a day. Anyone living in poverty knows how absurd that is. However, even using these unrealistic prices, one in five people in B.C. is poor.

After a decade in power, could the minister tell us why 20% of people in B.C. are poor and why the basket measure approach has not changed poverty at all?

#### Oral Questions

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, I believe the hon. member is making reference to the market basket measure, a new measure to shed light on the complex issue of poverty, which was developed by the province and by the Government of Canada.

This measure was established out of consultation. Since 1998 we have been working with groups across the country to determine what would go in that market basket measure. It gives us an opportunity to look at the costs associated with living in Canada, in different regions in Canada: rural, urban, east coast or west coast. It is a very important addition to our understanding of poverty.

### JUSTICE

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, the new measure defies any kind of logic.

I would like to now turn to the Minister of Justice about what kind of logic he is dealing with. Where is the logic in decriminalizing pot and handing out tickets, if growing and selling are still controlled by the black market? Clearly, the minister knows that prohibition has had little impact on use?

Why will the minister not face reality and bring in realistic regulations for cultivation, for selling and use. Why will he not face the reality of what prohibition has meant and deal with that?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, just let me be clear, we are not talking about legalizing the use of drugs, we are talking about being more effective and more efficient in terms of law enforcement and in terms of sending the message.

I believe today, when we see the way we apply the existing legislation, for the amount that we are referring to in the bill, most of the time people just get away with a verbal warning. With our system, a fine will be imposed. We have essentially two options.

With regard to marijuana grow ops, we doubled the penalties. This is being serious and tough on crime.

#### **AGRICULTURE**

Mr. Howard Hilstrom (Selkirk—Interlake, Canadian Alliance): Mr. Speaker, the prices paid for live cattle in Canada are determined by our offshore customers and what they are willing to pay. The United States is our biggest foreign customer, so reopening the border to exports is the key to getting our beef industry back on its feet.

What specific investigative steps and changes to regulations, if any, is the United States demanding before our beef exports will once again flow across the border?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the United States has not made any specific demands or requests. What it is asking is the same as we are asking here and what we are seeking here. It wants to see the results of the tremendous tracking and tracing system we have.

I am pleased to say that the second test on the case herd has now come back and, as the first test did, it is all negative. That means there were no animals in that ranch with BSE.

Mr. Howard Hilstrom (Selkirk—Interlake, Canadian Alliance): Mr. Speaker, while this investigation continues, farmers, ranchers and livestock exporters are losing \$11 million a day. This is hurting our farm families.

This investigation, for example, has DNA testing of the McRae family farm. That testing has been going on for about four or five days to this point. When can we expect to see that testing on that specific indexed cow so that those animals can be depopulated?

(1435)

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the hon. member is getting very specific. I believe he had an opportunity in standing committee to ask that question this morning.

I am not a scientist, but it is my understanding that DNA testing does take a few days. That is the tracking and tracing system we have so we can see if we can find other animals that are genetically related to the cow found to have BSE, which was taken out of the food chain. If there are other herd mates of that, we can test those animals as well. We have that system in Canada. Most countries do not have that.

#### GOVERNMENT CONTRACTS

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, yesterday, the Minister of Public Works and Government Services said he will not defend the indefensible in connection with the advertising and sponsorship issue. However, when we have Alain Renaud confirming that important people asked him to make political contributions of more than \$63,000 to the Liberal Party of Canada, it becomes indefensible.

If he wants to protect the integrity of those government members who are not implicated, the minister has to disclose the identity of those who are. On behalf of our fellow citizens, will he tell us who in government is implicated in this affair?

[English]

[Translation]

Hon. Ralph Goodale (Minister of Public Works and Government Services, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, I said in response to a previous question, and let me repeat again very clearly, if there is indeed anything wrong with any donation to any political party that needs to be rectified. The police will investigate anything that in their judgment merits their attention, then the proper consequences will follow.

[Translation]

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, the police have a saying, "First find out who benefits from the crime". In this instance, the \$63,000 directly benefited the Liberal Party of Canada.

Since this is the governing party, would the minister not say that he is defending the indefensible, and tarnishing the reputation of those of his colleagues who are not implicated by hiding behind an RCMP investigation that we will never hear anything more about? [English]

Hon. Ralph Goodale (Minister of Public Works and Government Services, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Absolutely not, Mr. Speaker. The police authorities in this country are the proper ones to conduct a criminal investigation and I suggest that all members of Parliament should be supportive of the RCMP.

# \* \* \* SOFTWOOD LUMBER

Mr. John Duncan (Vancouver Island North, Canadian Alliance): Mr. Speaker, today Canada won the arguments before the WTO on Canadian lumber exports to the U.S., but yesterday the main U.S. lumber lobbyist said that the U.S. would appeal and drag this dispute out as long as possible, win or lose. Delay is essentially the only negotiating leverage the U.S. has left.

When will the minister reverse the rhetoric and demand the return of the billion dollars collected unfairly by the U.S. on Canadian lumber exports?

Mr. Murray Calder (Parliamentary Secretary to the Minister for International Trade, Lib.): Mr. Speaker, as I have said before, our approach as a government has always been a two track system. It appears today that we have won on the first track. On the answer to the second track which the member brings forward right now, we will do in consultation with the industry, the provinces and the producers.

Mr. John Duncan (Vancouver Island North, Canadian Alliance): Mr. Speaker, it is more of the same. One thing the U.S. Department of Commerce always does is it strongly defends its lumber producers. Now that the U.S. has no high ground left in this lumber dispute, we need strong action from the minister, no more mister nice guy.

When will the minister defend our industry just as strongly as the U.S. defends its industry? When will the minister demand our money back? When?

Mr. Murray Calder (Parliamentary Secretary to the Minister for International Trade, Lib.): Mr. Speaker, as the member across the way has just said, of course the minister has been defending very vigorously the industry and look at what has happened. We are winning. For the rest of his question, we will negotiate as to how the rest of it comes out.

[Translation]

**Mr. Michel Gauthier (Roberval, BQ):** Mr. Speaker, the softwood lumber crisis is hitting hard. The regions that depend on the forest industry are suffering, and today in the riding of Roberval, the Chibougamau lumber yard announced layoffs of up to 450 people for two and a half months, and in Dolbeau-Mistassini, 50 jobs are gone at Bowater.

My question is for the Minister of Natural Resources. How can the Minister of Natural Resources have told us last October that he

#### Oral Questions

intended to introduce an assistance package to help businesses and workers, and then repeat the same thing yesterday, when still nothing has been done?

[English]

**Hon. Herb Dhaliwal (Minister of Natural Resources, Lib.):** Mr. Speaker, we recognized that the industry would go through hardships. That is why way back in October of last year we introduced \$350 million to deal with it. We are monitoring it.

Today's decision again shows that Canada is right and the Americans should remove the duty, return the duties that have been collected to Canadian companies and make sure that we have free trade in lumber as in the free trade agreement.

We will defend our industry and we will defend our workers. That is what we have done with the first package. We will monitor it to make sure that if there is more we can do, we will do that.

[Translation]

**Mr. Michel Gauthier (Roberval, BQ):** Mr. Speaker, everyone knows that the Americans can still use appeals to delay and can drag the dispute out for many more months. Meanwhile, businesses and families are suffering the effects of the softwood lumber crisis.

I am not asking the minister whether or not he has defended the industry vigorously. I am asking him this: What is he going to do to support businesses and families that are living in misery now, in the riding of Roberval that I represent, as they are all over Quebec?

[English]

Hon. Herb Dhaliwal (Minister of Natural Resources, Lib.): Mr. Speaker, the package we came up with involved the Minister of Human Resources Development. It involved the Minister for International Trade. It involved the Minister of Industry. It was all those ministries coming together to have a comprehensive package to make sure that we have both long term and short term programs in place to help the very people the member is talking about, the workers, the communities. That is why we have a community adjustment program; \$110 million to help communities. We are accepting proposals right now. He should talk about those programs and the good they are doing for the community.

. . .

**●** (1440)

#### PUBLIC SERVICE OF CANADA

Ms. Val Meredith (South Surrey—White Rock—Langley, Canadian Alliance): Mr. Speaker, in 1998 the Canadian Alliance warned the President of the Treasury Board that the universal classification standard would cost millions of dollars and would be a complete failure. Twelve years and \$200 million was wasted trying to update a 40 year old classification system to manage 168,000 public servants. This program has now been scrapped.

Why did the President of the Treasury Board waste that \$200 million?

#### Oral Questions

[Translation]

Hon. Lucienne Robillard (President of the Treasury Board, Lib.): Mr. Speaker, job classification in the public service truly is an issue we must examine closely in order to modernize it, as part of our human resources management efforts.

In May of last year, in fact, I announced that we would be using a completely different approach, one that is more realistic and more closely attuned to the labour market.

It is true that the departments have put a lot of effort into classification. I hope that with the new approach we will be able to achieve a modern classification system for our public servants.

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[English]

#### CITIZENSHIP AND IMMIGRATION

Ms. Val Meredith (South Surrey—White Rock—Langley, Canadian Alliance): Mr. Speaker, the Auditor General reported that the Department of Citizenship and Immigration is allowing people into Canada with certain diseases, with a requirement for medical assessment or medical surveillance. Not only does the department not know whether refugee claimants report for medical assessment, there is no method of reporting to that individual or provincial health authorities until the end of the claim process, which can be several years.

Why does the minister fail to monitor the potential transmission of diseases that threaten the health of Canadians?

• (1445)

[Translation]

Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, it is important to choose one's words with great care.

First, all refugees claimants must undergo medical screening. When active TB is detected, that individual is immediately referred. We are fully implementing the action plan with Health Canada. We are taking the necessary steps.

I think that there is room for improvement as far as communication is concerned, and we are working on this. But, with regard to health, we are taking the necessary steps.

\* \* \*

[English]

### NATURAL RESOURCES

**Mr. Alex Shepherd (Durham, Lib.):** Mr. Speaker, my question is for the Minister of Natural Resources.

The ITER project is an opportunity to bring world class energy science to Canada. Over \$12 billion worth of investment, much of it foreign, would bring significant opportunities for Canada and Clarington in my riding. We have many ITER supporters with us here today.

Can the minister update the House on how the government is proceeding with this very crucial science project?

Hon. Herb Dhaliwal (Minister of Natural Resources, Lib.): Mr. Speaker, first of all I want to congratulate the member for Durham and the Liberal members who have worked so hard on this file and also ITER Canada, a private sector group which has been working very hard to make sure that we work toward attracting one of the largest science projects in this country.

As a result of the good work of the Liberals, the government put up \$3 million to support them and their proposal. They have come back to us because they are competing with Europe and Japan and would like a larger investment. I am consulting with my colleagues in the caucus and my cabinet colleagues as to what we can do from here on in. It is a very big decision and we—

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

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### AUBERGE GRAND-MÈRE

**Right Hon. Joe Clark (Calgary Centre, PC):** Mr. Speaker, in the Auberge Grand-Mère case the Prime Minister first denied any intervention, then admitted he called the president of a crown corporation on behalf of Yvon Duhaime.

Now it is clear there was a second call about a second hotel which has never been investigated or explained. That call was on behalf of the Auberge des Gouverneurs and Mr. Pierre Thibault who has just pled guilty to fraud.

Will the minister confirm that on February 20, 1997 the Prime Minister telephoned the then president of the BDC to intervene on behalf of Pierre Thibault and the Auberge des Gouverneurs?

**Hon. Allan Rock (Minister of Industry, Lib.):** Mr. Speaker, the member makes reference to events that have been looked into and investigated. Questions have been asked and answered. There is nothing new in what he is raising.

**Right Hon. Joe Clark (Calgary Centre, PC):** Mr. Speaker, the confidentiality clause in the charter of client rights of the Business Development Bank states:

All information regarding [clients and their business] is strictly confidential, except when disclosure is permitted by law or approved by [the client] in writing.

The Prime Minister's executive assistant, Denise Tremblay, was present during the consideration by the BDC of at least two loan applications, one for the Auberge Grand-Mère, a second to the Auberge des Gouverneurs.

On whose authority was a personal representative of the Prime Minister present during those confidential discussions of loan applications by the Business Development Bank?

Hon. Allan Rock (Minister of Industry, Lib.): Mr. Speaker, these matters have long since been looked into. The relevant facts are on the record. It should be well known to the member.

#### FOREIGN AFFAIRS

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, the death toll in the Congo crisis is staggering, already 3.5 million worse than the Rwandan genocide. The government's response is 200 military personnel maybe and 20 observers possibly. Canada chairs Shirbrig, the standing high-readiness brigade created to prevent future Rwandas

Will the government live up to its leadership responsibilities? Will it commit Canada to a meaningful peacekeeping role in Congo?

Ms. Aileen Carroll (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.): Mr. Speaker, the Canadian government has made a concrete contribution in the form of political and financial support. We have a peace envoy who has been working diligently with other members of the international community to resolve this issue.

The Prime Minister has acknowledged here and publicly that Canada will indeed support France within the United Nations ambit in sending some contribution on a peacekeeping mission. However, it is necessary that the Security Council resolution first be worked out with regard to logistics and impact.

\* \* 7

### SOFTWOOD LUMBER

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, now that the WTO has ruled in Canada's favour, we on this side of the House are asking the federal government to do three things.

Will the government now go down to the United States and grab the Americans by the throat and have bilateral talks that are binding so that we can once and for all protect the interests of forestry communities, their workers and families to keep the Atlantic softwood lumber exemption and also to retain and collect the billion dollars that the Americans have ripped off Canada producers?

Will the government now show some teeth and protect the workers of this country and show the Americans we mean business and have binding lateral negotiations that have long term effects on both—

The Speaker: The hon. Parliamentary Secretary to the Minister for International Trade.

Mr. Murray Calder (Parliamentary Secretary to the Minister for International Trade, Lib.): Mr. Speaker, as the member has said, it appears that the WTO has ruled that the imposition by the U.S. of the 18.79% countervailing duty violates its WTO obligations. Once finalized, we fully expect the United States to implement the panel report.

The decision strengthens our hand as we try to achieve a durable resolution to this dispute. Until we receive that durable resolution, Canada will continue to pursue its challenges of the U.S. duty action.

\* \* \*

**●** (1450)

#### CITIZENSHIP AND IMMIGRATION

Mrs. Diane Ablonczy (Calgary—Nose Hill, Canadian Alliance): Mr. Speaker, the Federal Court of Appeal has just slammed

#### Oral Questions

the door on the immigration minister. He was trying to appeal the verdict that he misled the House and was unfair to more than 100,000 immigrants. Instead of respecting the verdict, the minister said yesterday that he will simply ignore it.

Why is the minister telling tens of thousands of immigrants that they will have to force his hand with costly lawsuits before he will treat them fairly?

[Translation]

Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, first, it is clear that the Federal Court decided not to hear the appeal because we had already taken steps to resolve these 102 cases.

That said, Trial Justice Kelen was quite clear in saying that the government was entitled to impose regulations. We have been quite generous and flexible to ensure that everything is being done fairly. That is what we are going to do.

[English]

Mrs. Diane Ablonczy (Calgary—Nose Hill, Canadian Alliance): Mr. Speaker, it is not true that this is over. New lawsuits on behalf of immigrant applicants are already piling up. Trying to oppose them will cost a bundle, especially when the courts have already ruled against the minister. He is determined to dip into the public purse for additional millions in legal costs he could easily avoid simply by treating immigrants fairly.

How much is the minister's stubborn pride going to cost Canadian taxpayers?

Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, let me remind the population what we mean when we are talking about generosity and flexibility.

First, we gave an extra nine months to all of those individuals to treat their cases. Second, we gave them the opportunity for a refund. Out of 60,000 only 413 said they would accept that refund. Third, we gave an extra five points which means that in their cases with the new rules they will not need 75 points but will need 70 points. What does the member call that, generosity, flexibility, common sense? We have the right to decide what kind of immigration we want to put in place and that is what we are doing.

#### Oral Questions

[Translation]

#### **BEEF INDUSTRY**

Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour, BQ): Mr. Speaker, Quebec beef producers are asking why they are having to bear the brunt of a ban on their exports to the U.S. when there has been not a single case of mad cow disease found in Quebec. Yet the Canadian Food Inspection Agency's ban on American poultry with Newcastle disease was limited to just four U.S. states.

Can the Minister of Agriculture and Agri-Food explain to us why he accepts the principle of regionalization in connection with diseased American poultry but not Quebec beef?

[English]

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, there is a significant difference between Newcastle disease in poultry and BSE. We are looking to find the cause of BSE in the one cow that was found in Canada. With Newcastle disease it is easier. We know the cause. We can isolate the cause of Newcastle disease and we can regionalize it because the cause is known. That process is recognized as well by the Office International des Epizooties.

[Translation]

Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour, BQ): Mr. Speaker, we are just inches away from having mad cow disease waved as a symbol of Canadian unity.

I am asking the minister to show some responsibility and acknowledge that, with regionalization, only the affected region would be covered by the ban, which would prevent needlessly penalizing the entire beef industry across Canada.

[English]

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the Office International des Epizooties does not have a provision for regionalizing BSE. It has not been successfully done in any country in the world. There is no precedent on that.

As I said yesterday, the beef industry is very much integrated in Canada. Cattle have originated in every province in Canada and as well, Canadian cattle are in the United States. This is a much different situation than the one referred to as Newcastle disease in poultry and therefore has to be treated in a different way.

**●** (1455)

### HEALTH

**Mr. Rob Merrifield (Yellowhead, Canadian Alliance):** Mr. Speaker, Health Canada officials said yesterday that a screening of incoming and outgoing passengers is necessary so that the WHO will be assured that we are doing our job. The health minister is now saying that thermal screeners are too invasive.

The day after the health minister said that she is increasing screening, she is now saying that she will pull thermal screeners from the airports. Why the mixed message?

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, there is no mixed message. At the outset we indicated that we would

be using different technologies. On the basis of pilot projects we would be sharing the results of those different technologies not only here at home but with the WHO and other countries.

If in fact it is discovered that one particular technology does not work as effectively for a reason than some others, we will ensure that the technology is replaced by another one which is less intrusive.

However, please let me clarify for the hon. member that we have no intention of removing the number of scanners we presently have at Pearson and Vancouver airports.

Mr. Rob Merrifield (Yellowhead, Canadian Alliance): Mr. Speaker, yesterday the minister failed to reassure Canadians that the appropriate screening measures were actually being fully implemented at Canadian airports. The WHO recommended mandatory interviews but exit screening is still voluntary. In fact, incoming screening is still voluntary.

Why has the minister failed to implement the mandatory measures recommended by the WHO?

**Hon.** Anne McLellan (Minister of Health, Lib.): Mr. Speaker, there are no mandatory measures recommended by the WHO.

I can reassure the hon. member and all members of the House that we are in daily communication with the WHO. It knows exactly what we are doing both in relation to screening inbound and outbound passengers. It knows exactly the schedule in relation to the ramp up of our procedures. As far as we know, the WHO is reassured that we are doing that which is necessary to protect the safety and health of Canadians.

\* \* \*

#### THE ECONOMY

**Mr. Janko Peric (Cambridge, Lib.):** Mr. Speaker, my question is for the Minister of Industry.

The traffic flow at the U.S. border is a major concern for the auto sector and other exporting sectors. Can the minister tell us what progress is being made to address this challenge?

Hon. Allan Rock (Minister of Industry, Lib.): Mr. Speaker, we were delighted to announce today that we will be investing, along with the government of the province of Ontario, \$300 million to improve the Windsor-Detroit gateway which is essential to the economy of Canada and particularly to the economy of Ontario.

This money will be used to broaden access routes, to provide additional access routes, to overcome traffic difficulties that are already in place, and to advance discussions toward future developments that will ensure that this essential gateway remains open and functioning efficiently. This announcement has been well received by industry as well as by the community. It is a great day for Windsor and for Canada.

#### **GOVERNMENT CONTRACTS**

Mr. Gerry Ritz (Battlefords—Lloydminster, Canadian Alliance): Mr. Speaker, yesterday the minister said he was not going to defend the indefensible. Yet hiding behind a policeman on horseback must smell like politics as usual for that bunch over there. A former boss, Alfonso Gagliano, was spirited away to a safe house in Denmark. He disappeared.

How does the minister think he will ever get to the bottom of anything if the guy in charge never has to answer for the Liberal Party taking its share of that pyramid scheme?

Hon. Ralph Goodale (Minister of Public Works and Government Services, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, the attempts here to impugn the integrity of the RCMP are really quite reprehensible.

I say again that if there is anything wrong with any political donation, it will be rectified. The police will investigate anything that in its judgment merits its attention and then the proper consequences will follow. I have absolute confidence in the RCMP that it will do its job.

Mr. Gerry Ritz (Battlefords—Lloydminster, Canadian Alliance): Mr. Speaker, the minister continues to claim that the RCMP is investigating the advertising firms for their wrongdoing and that is enough. The ad firms did not set up the scheme. All they did was launder the money for the Liberal Party.

Will the minister now admit that these kickbacks to the Liberal Party amount to benefiting from the proceeds of crime and give the money back?

**●** (1500)

Hon. Ralph Goodale (Minister of Public Works and Government Services, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, the hon. gentleman can make whatever allegations he wishes to make.

There are issues here that are being properly investigated by the proper authorities. Those are the authorities that carry the responsibility under our Constitution to deal with these issues.

I do not think, quite frankly, that an investigation conducted by the Alliance Party would get very far. However, I do believe that the RCMP will do its job. It will find out the source of the problem. It will prosecute and the truth will be known.

\* \* \*

[Translation]

#### NATIONAL DEFENCE

Ms. Pauline Picard (Drummond, BQ): Mr. Speaker, in light of the Canadian Forces' careless and unfair handling of the matter, some Canadian Forces members have gone to the courts to seek justice. They are basing their claims on two reports from the Canadian Forces ombudsman and demanding that the Department of National Defence take the post-traumatic stress syndrome issue seriously.

#### Oral Questions

Could the Minister of Defence tell us how the Canadian Forces reacted to the litigation and whether or not he will follow up on the CF members' claims?

**Hon. John McCallum (Minister of National Defence, Lib.):** Mr. Speaker, I cannot comment on specific cases when they are before the courts. However, I know for a fact that my predecessor worked long and hard on this issue concerning the health of Canadian Forces members.

Considerable resources have been expended. New facilities were opened across the country. This is a problem that my department takes extremely seriously.

[English]

#### SCIENCE AND TECHNOLOGY

**Mr. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, my question is for the Secretary of State for Western Economic Diversification. What has western economic diversification done to support the development of the fuel cell sector in western Canada?

Some hon, members: Oh, oh.

**The Speaker:** Order, please. We must be able to hear the Secretary of State. There are too many conversations going on. He has the floor.

Hon. Stephen Owen (Secretary of State (Western Economic Diversification) (Indian Affairs and Northern Development), Lib.): Mr. Speaker, fuel cell technology has great potential to contribute to the diversification and the growth of the western Canadian economy.

Since 1990 Western Diversification Canada has invested \$15 million in the development of this important industry, particularly through the development of Fuel Cells Canada at the University of British Columbia. This is a partnership between the British Columbia government, the federal government, research institutes, and small technology companies.

We have the opportunity through fuel cell technology to meet Kyoto standards, improve the health of Canadians, and develop a vibrant export industry of environmental technology.

. . . .

#### PRESENCE IN GALLERY

**The Speaker:** I would like to draw to the attention of hon. members to the presence in the gallery of Mr. Garth Webb, Veteran of the Second World War and President of the Juno Beach Centre Association.

Some hon. members: Hear, hear.

**The Speaker:** I would also like to draw to the attention of hon. members to the presence in the gallery of Mr. Vernon Short, the 2002 Recipient of the Centennial Flame Research Award.

Some hon. members: Hear, hear.

McDonough

Vanclief

Asselin

Bakopanos

Bourgeois

McCormick

Pettigrew Reed (Halton)

Graham

Lalonde

Wood- - 67

#### Supply

### **GOVERNMENT ORDERS**

[English]

#### **SUPPLY**

#### ALLOTTED DAY—WORLD HEALTH ORGANIZATION

The House resumed from May 26, 2003, consideration of the motion.

The Speaker: It being 3:05 p.m., pursuant to order made Monday, May 26, 2003, the House will now proceed to the taking of the deferred recorded division on the opposition motion of the hon. member for Kootenay-Columbia.

Call in the members.

**•** (1515)

Abbott

Adams

Kraft Sloan

Lanctôt

Loubier

Lunney (Nanaimo-Alberni)

Marceau Martin (Esquimalt—Juan de Fuca)

Lill

[Translation]

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 169)

#### YEAS

#### Members

Ablonczy

Alcock

Anders Anderson (Cypress Hills-Grasslands) Bachand (Richmond-Arthabaska) Bailey Bélair Barnes (Gander-Grand Falls) Bélanger Bellemare Bertrand Bigras Binet Bonin Borotsik Breitkreuz Burton Cadman Cannis Cardin Casson Charbonneau Casey Chamberlain Chatters Comartin Comuzzi Cotler Cullen Crête Cummins Dalphond-Guiral Day Discepola Davies Desrochers Dromisky Duncan Efford Eggleton Elley Eyking Fitzpatrick Finlay Folco Fontana Forseth Fournier Frulla Fry Gagnon (Champlain) Gagnon (Lac-Saint-Jean-Saguenay) Gagnon (Québec) Gallant Gaudet Gallaway Gauthier Girard-Bujold Godfrey Godin Grewal Gouk Guarnieri Guay Guimond Hanger Harb Harper Harris Hill (Prince George—Peace River) Hearn Hilstrom Hinton Keddy (South Shore) Johnston Kenney (Calgary Southeast) Keyes

Laframboise

Lunn (Saanich—Gulf Islands)

Lastewka

Maloney

Matthews

Leung Longfield

Ménard Merrifield McTeague Meredith Murphy Nystrom O'Reilly Neville O'Brien (London-Fanshawe) Pallister Obhrai Parrish Patry Penson Peric Peschisolido Perron Peterson Phinney Picard (Drummond) Pillitteri Plamondon Provenzano Redman Reid (Lanark-Carleton) Reynolds Robinson Ritz Savoy Schellenberger Scherrer Schmidt Scott Shepherd Simard Skelton Solberg Sorenson St-Hilaire St. Denis Steckle Stoffer Stinson Thompson (New Brunswick Southwest) Telegdi Thompson (Wild Rose) Toews Vellacott Wappel White (North Vancouver) Wasylycia-Leis

McKay (Scarborough East)

#### **NAYS**

#### Members

Allard Anderson (Victoria) Augustine Barnes (London West) Assad Bagnell Bennett Bevilacqua Blondin-Andrew Boudria Bradshaw Brown Bulte Bryden Caccia Byrne Caplan Carroll Carignan Catterall Cauchon Coderre Cuzner Dhaliwal Collenette DeVillers Drouin Goodale Easter Harvey Jennings Karetak-Lindell Kilgour (Edmonton Southeast) Knutson Laliberte LeBlanc MacAulay Macklin Mahoney Malhi Manley Marcil McCallum McLellan Mitchell Myers Nault Owen Pagtakhan Pacetti Proulx Robillard Pratt Regan Rock Sgro St-Julien St-Jacques Thibault (West Nova) Stewart Tonks Torsney

#### **PAIRED**

Whelan

Members Bachand (Saint-Jean) Bergeron Farrah Grose Martin (LaSalle—Émard) Paquette Sauvageau

The Speaker: I declare the motion carried.

\* \* \*

[English]

### **BUDGET IMPLEMENTATION ACT, 2003**

The House resumed consideration of the motion that Bill C-28, An Act to implement certain provisions of the budget tabled in Parliament on February 18, 2003, be read the third time and passed, and of the motion that the question be now put.

**The Speaker:** The House will now proceed to the taking of the deferred recorded division on the previous question at the third reading stage of Bill C-28.

**●** (1525)

Adams

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 170)

#### YEAS

Members Alcock

Anderson (Victoria) Allard Assad Assadourian Bagnell Augustine Barnes (London West) Beaumier Bélair Bélanger Bellemare Bennett Bertrand Bevilacqua Binet Blondin-Andrew Bonin Boudria Bradshaw Bryden Bulte Caccia Byrne Calder Cannis Caplan Carignan Carroll Castonguay Catterall Cauchon Charbonneau Chamberlain Collenette Coderre Comuzzi Cotler Cullen Cuzner DeVillers Dhaliwal Discepola Dromisky Drouin Efford Eggleton Eyking Finlay Folco Fontana Frulla Fry Godfrey Gallaway Goodale Guarnieri Harb Harvard Harvey Ianno Jackson Jordan Karetak-Lindell Keyes Kilgour (Edmonton Southeast) Knutson Kraft Sloan Laliberte Lastewka LeBlanc Lee Leung Longfield Lincoln MacAulay Macklin Mahoney Malhi Maloney Manley Marcil Marleau McCallum Matthews McKay (Scarborough East) McLellan МсТеадце Minna Mitchell Murphy Nault Neville Normand

O'Brien (London-Fanshawe) O'Reilly Owen Pacetti Pagtakhan Parrish Patry Peschisolido Peterson Phinney Pillitteri Pratt Proulx Provenzano Redman Robillard Regan Rock Saada Savoy Scherrer Scott Serré Shepherd Sgro Simard Speller St-Jacques St. Denis St-Inlien Steckle Szabo Stewart

Telegdi Thibault (West Nova)
Thibeault (Saint-Lambert) Tirabassi
Tonks Torsney
Ur Valeri
Vanclief Wappel
Whelan Wilfert

Wood- — 147

### NAYS

Members Abbott Ablonczy Anderson (Cypress Hills—Grasslands) Anders Bachand (Richmond-Arthabaska) Bailey Barnes (Gander-Grand Falls) Bigras Breitkreuz Borotsik Burton Cadman Cardin Casey Casson Chatters Comartin Crête Cummins Dalphond-Guiral Davies Day Desrochers Doyle Duceppe Duncan Elley Fitzpatrick Forseth Gagnon (Québec) Fournier Gagnon (Champlain) Gagnon (Lac-Saint-Jean—Saguenay) Gaudet Gallant Gauthier Girard-Bujold Godin Gouk Grewal Guay Guimond Hanger Harper Harris Hill (Prince George-Peace River) Hearn Hilstrom Johnston Keddy (South Shore) Kenney (Calgary Southeast) Laframboise Lanctôt Lunn (Saanich-Gulf Islands) Loubier Lunney (Nanaimo-Alberni) Marceau Martin (Esquimalt-Juan de Fuca) McDonough Ménard Meredith Merrifield Nystrom Pallister Obhrai Penson Perron Picard (Drummond) Plamondon Rajotte Reid (Lanark—Carleton) Reynolds Ritz Rocheleau Robinson

 Picard (Drummond)
 Plamondon

 Rajotte
 Reid (Lanark—Carletor

 Reynolds
 Ritz

 Robinson
 Rocheleau

 Roy
 Schellenberger

 Schmidt
 Skelton

 Solberg
 Sorenson

 Spencer
 St-Hilaire

 Stinson
 Stoffer

 Strahl
 Thompson (Wild Rose)

Thompson (New Brunswick Southwest)

Vellacott

Wasylycia-Leis

White (North Vancouver)

Yelich——96

### PAIRED

#### Members

Asselin Bachand (Saint-Jean)
Bakopanos Bergeron

Fry

Telegdi

Tonks

Vanclief

Whelan

Meredith

Thibeault (Saint-Lambert)

- 147

#### Government Orders

 Bourgeois
 Farrah

 Graham
 Grose

 Lalonde
 Martin (LaSalle—Émard)

 McCormick
 Paquette

 Pettigrew
 Price

 Reed (Halton)
 Sauvageau

 Tremblay
 Venne-— 18

The Speaker: I declare the motion carried.

The House will therefore proceed to the vote on the third reading stage of Bill C-28.

**Ms. Marlene Catterall:** Mr. Speaker, I believe you would find consent in the House that those who voted on the previous motion be recorded as voting on this motion, with Liberal members voting yes.

The Speaker: Is there unanimous consent to proceed in this way?

Some hon. members: Agreed.

**Mr. Dale Johnston:** Mr. Speaker, Canadian Alliance members will oppose this motion.

[Translation]

**Mr. Michel Guimond:** Mr. Speaker, the members of the Bloc Quebecois vote no on this motion.

[English]

**Mr. Rick Borotsik:** Mr. Speaker, members of the Progressive Conservative Party will vote no. Would you please record the member for Calgary Centre as voting no as well.

[Translation]

**Mr. Yvon Godin:** Mr. Speaker, the members of the New Democratic Party vote no on this motion.

Mr. Jean-Guy Carignan: Mr. Speaker, I vote yes on this motion.

● (1530)

(The House divided on the motion, which was agreed to on the following division:)

### (Division No. 171)

### YEAS

Members

Adams Anderson (Victoria) Allard Assad Assadourian Augustine Bagnell Barnes (London West) Beaumier Bélanger Bélair Bellemare Bertrand Bevilacqua Blondin-Andrew Binet Boudria Bonin Bradshaw Brown Bryden Bulte Caccia Byrne Calder Cannis Caplan Carignan Carroll Castonguay Catterall Cauchon Chamberlain Charbonneau Collenette Coderre Comuzzi Cotler Cullen Cuzner DeVillers Dhaliwal Discepola Dion Dromisky Drouin Easter Efford Eggleton Eyking Finlay Folco Fontana Frulla

Godfrey Goodale Guarnieri Harb Harvey Ianno Jackson Jenning Jordan Karetak-Lindell Keyes Kilgour (Edmonton Southeast) Knutson Kraft Sloan Laliberte Lastewka LeBlanc Leung Longfield Lincoln MacAulay Macklin Mahoney Malhi Maloney Manley Marcil Marleau Matthews McCallum McKay (Scarborough East) McLellan McTeague Mitchell Murphy Myers Nault Neville Normand O'Brien (London-Fanshawe) O'Reilly Owen Pacetti Pagtakhan Parrish Patry Peschisolido Peric Peterson Phinney Pillitteri Pratt Proulx Provenzano Redman Robillard Regan Rock Saada Scherrer Savov Scott Serré Sgro Simard Shepherd Speller St-Jacques St-Julien St. Denis Steckle Stewart Szabo

### NAYS

Thibault (West Nova)

Tirabassi

Torsney

Wappel Wilfert

Gallaway

### Members

Abbott Ablonczy Anders Anderson (Cypress Hills-Grasslands) Bachand (Richmond-Arthabaska) Bailey Barnes (Gander-Grand Falls) Bigras Borotsik Breitkreuz Burton Cadman Cardin Casey Casson Chatters Clark Comartin Crête Cummins Dalphond-Guiral Davies Desrochers Day Doyle Duceppe Elley Fitzpatrick Duncan Epp Forseth Fournier Gagnon (Québec) Gagnon (Champlain) Gagnon (Lac-Saint-Jean-Saguenay) Gallant Gaudet Gauthier Girard-Bujold Godin Gouk Grewal Guay Guimond Hanger Harper Harris Hearn Hill (Prince George-Peace River) Hilstrom Johnston Keddy (South Shore) Kenney (Calgary Southeast) Laframboise Lill Loubier Lunn (Saanich-Gulf Islands) Lunney (Nanaimo-Alberni) Martin (Esquimalt-Juan de Fuca) Marceau McDonough Ménard

Merrifield

(The House divided on the motion, which was agreed to on the following division:)

#### (Division No. 172)

#### YEAS

#### Members

Ablonczy Adams Alcock Allard Anders Anderson (Cypress Hills-Grasslands) Anderson (Victoria) Assadourian
Bachand (Richmond—Arthabaska) Assad Augustine

Bagnell Bailey Barnes (London West)

Barnes (Gander-Grand Falls) Beaumie Bélair Bélanger Bellemare Bertrand Bevilacqua Binet Blondin-Andrew Bonin Boudria Breitkreuz Bryden Caccia Calder

Borotsik Bradshaw Brown Bulte Byrne Cadman Caplan Carignan Carroll Casev Casson Castonguay Catterall Cauchon Chamberlain Charbonneau Chatters Coderre Collenette Comartin Comuzzi Cotler Cummins Cuzner Davies DeVillers Day

Dhaliwal Discepola Doyle Dromisky Drouin Duncan Easter Efford Eggleton

Ellev Finlay Eyking Fitzpatrick Folco Forseth Fontana Frulla Gallant Gallaway Godfrey Godin Goodale Gouk Grewal Guarnieri

Hanger

Harper

MacAulay

Neville

Hill (Prince George—Peace River) Hearn

Harb

Harris

Hilstrom Hinton Jackson Ianno Jennings Johnston Jordan Karetak-Lindell Keddy (South Shore) Kenney (Calgary Southeast) Kilgour (Edmonton Southeast)

Keyes Knutson Kraft Sloan Laliberte LeBlanc Lee Lill Leung Longfield

Lunn (Saanich-Gulf Islands) Lunney (Nanaimo—Alberni) Macklin

Maloney Manley Marcil Marleau Martin (Esquimalt-Juan de Fuca) Matthews McCallum McDonough McKay (Scarborough East) McLellan McTeague Meredith Merrifield Minna Mitchell Murphy Myers

O'Brien (London-Fanshawe) Nystrom

Normand

Perron Picard (Drummond) Plamondon Rajotte Reid (Lanark-Carleton) Reynolds

Robinson Ritz Rocheleau Roy Schellenberger Schmidt Skelton Solberg Sorenson Spencer St-Hilaire Stinson Strahl

Thompson (Wild Rose) Thompson (New Brunswick Southwest) Toews

Vellacott

Wasylycia-Leis White (North Vancouver)

Yelich- - 97

Nystrom

Pallister

#### **PAIRED**

Obhrai

#### Members

Asselin Bachand (Saint-Jean) Bakopanos Bergeron Bourgeois Farrah Graham Grose Martin (LaSalle—Émard) Lalonde McCormick Paquette Pettigre Price Reed (Halton) Sauvageau Tremblay Venne-

The Speaker: I declare the motion carried.

(Bill read the third time and passed)

[English]

#### LIBRARY AND ARCHIVES OF CANADA ACT

The House resumed consideration of the motion that Bill C-36, an act to establish the Library and Archives of Canada, to amend the Copyright Act and to amend certain acts in consequence, be read the second time and referred to a committee.

The Speaker: The House will now proceed to the taking of the deferred recorded division on the motion at second reading stage of Bill C-36.

Ms. Marlene Catterall: Mr. Speaker, I think you would find consent among parties that those who voted on the previous motion be recorded as voting on this motion, with Liberal members voting

The Speaker: Is there unanimous consent to proceed in this way?

Some hon. members: Agreed.

Mr. Dale Johnston: Mr. Speaker, Canadian Alliance members will support this motion.

[Translation]

Mr. Michel Guimond: Mr. Speaker, the members of the Bloc Ouebecois vote no on this motion.

Mr. Rick Borotsik: Mr. Speaker, the members of the Progressive Conservative Party vote yes on this motion.

Mr. Yvon Godin: Mr. Speaker, members of the NDP will be voting yes to this motion.

[Translation]

Mr. Jean-Guy Carignan: Mr. Speaker, I vote yes on this motion.

### Privilege Obhrai

Pacetti Owen Pagtakhan Palliste Parrish Patry Peterson Peschisolido Phinney Pillitteri Pratt Proulx Provenzano Rajotte Redman Regan Reid (Lanark-Carleton) Reynolds Robillard Ritz Robinson Rock Saada Savoy Schellenberger Scherrer Schmidt Scott Serré Sgro Shepherd Simard Skelton Solberg Speller Sorenson St-Jacques Spencer St-Julien St. Denis Steckle Stewart Stinson Stoffer

O'Reilly

Strahl

Telegdi Thibault (West Nova)
Thibault (Saint-Lambert) Thompson (Wild Rose)

 Thompson (New Brunswick Southwest)
 Tirabassi

 Toeses
 Tonks

 Torsney
 Ur

 Valeri
 Vanclief

 Vellacott
 Wappel

 Wasylycia-Leis
 Whelan

 White (North Vancouver)
 Wilfert

 Wood
 Yelich — 218

#### NAYS

Szabo

#### Members

Bigras Cardin
Crête Dalphond-Guiral
Desrochers Duceppe
Fournier Gagnon (Québec)
Gagnon (Ass. Sain

Gagnon (Champlain) Gagnon (Lac-Saint-Jean—Saguenay)
Gaudet Gauthier

 Gaudet
 Gauthier

 Girard-Bujold
 Guay

 Guimond
 Laframboise

 Lanctôt
 Loubier

 Marceau
 Ménard

 Perron
 Picard (Drummond)

 Plamondon
 Rocheleau

 Roy
 St-Hilaire- — 26

### **PAIRED**

#### Members

 Asselin
 Bachand (Saint-Jean)

 Bakopanos
 Bergeron

 Bourgeois
 Farrah

 Graham
 Grose

Lalonde Martin (LaSalle—Émard)

 McCormick
 Paquette

 Pettigrew
 Price

 Reed (Halton)
 Sauvageau

 Tremblay
 Venne-— 18

**The Speaker:** I declare the motion carried. Accordingly, the bill stands referred to the Standing Committee on Canadian Heritage.

(Bill read the second time and referred to a committee)

### [English]

**The Speaker:** The Chair has notice of a question of privilege from the hon. member for Calgary—Nose Hill.

#### **PRIVILEGE**

#### CITIZENSHIP AND IMMIGRATION CANADA

Mrs. Diane Ablonczy (Calgary—Nose Hill, Canadian Alliance): Mr. Speaker, I am raising a question of privilege today regarding a decision of a panel of judges that confirmed last week that the Minister of Citizenship and Immigration and his officials knowingly misled Parliament.

The facts regarding this question of privilege began when misleading information was given to the Standing Committee on Citizenship and Immigration. A judge ruled the minister and his officials misled the committee. Follow-up questions were raised in the House. The minister later appealed the decision of the judge and, as I said earlier, the Federal Court of Appeal upheld the earlier ruling

#### Page 63 of the 22nd edition of Erskine May states that:

-it is of paramount importance that ministers give accurate and truthful information to Parliament...

#### I stress this last point:

-correcting any inadvertent error at the earliest opportunity.

On February 1, 2002, you, Mr. Speaker, ruled the authorities were consistent about the need for clarity in our proceedings and about the need to ensure the integrity of the information provided by the government to Parliament. On page 119 of Erskine May's 21st edition, it states:

The Commons may treat the making of a deliberately misleading statement as a contempt.

#### On page 140 of Erskine May it states:

Where the Member accused has made a proper apology for his offence the incriminating motion has usually been withdrawn...

The Minister of Citizenship and Immigration gave incorrect information to a committee. Members brought it to his attention in committee and in the House. In addition a federal court judge ruled that the minister was mistaken. The minister did not correct the error, as page 64 of 22nd edition of Erskine May would have him do. The minister did not apologize to the committee, nor did he apologize to the House, as page 140 of 21st edition of Erskine May would have him do. He continued to knowingly mislead the committee, and continues to knowingly mislead the House.

The details briefly are as follows. On Friday, February 21, 2003, the hon. Justice Mr. Kelen ruled in favour of a class action suit seeking to protect immigration applicants from the retroactive imposition of restrictive new immigration legislation. The ruling was a very damning indictment of the department misleading the immigration committee and the minister's failure to inform it of his error. The minister neglected his duty and undertaking to process more than 100,000 immigrant applications from applicants who had paid him their money.

On Monday, February 22, I asked a question of the minister in the House regarding the ruling of the judge and why he misled the committee. He responded by saying, "I will not comment because there is a draft decision".

On Tuesday, February 25, I informed the minister that the decision was not a draft decision and referred him to the ruling and pointed out that the judge signed off on the ruling.

On Wednesday, February 26, the member for Provencher pressed that point again. The minister continued to dispute the validity of the judgment. This stubbornness on the part of the minister prompted Justice Kelen to issue an oral directive reaffirming that his decision was in fact final. After the directive from Justice Kelen, the minister, outside the House, backtracked by saying that when he referred to the decision as a draft, he meant that the process was continuing. He said, "It is casual among immigration lawyers to say that the process is not over. I never questioned the final decision".

Since then the minister appealed the decision of Justice Kelen and the Federal Court of Appeal upheld the judge's ruling that federal bureaucrats misled Parliament about severe backlogs in the immigration system. Yesterday in committee, the minister told members that he has no strategy to deal with this problem, choosing instead to ignore the courts again.

The Minister of Citizenship and Immigration is in contempt of Parliament for misleading a parliamentary committee and for misleading the House. He has been given ample opportunities to correct the record and apologize to the House. It is now a matter of the House taking action against the minister to ensure that ministers give accurate and truthful information to Parliament, correcting any inadvertent error at the earliest opportunity.

• (1535)

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, there are a number of things that I think should be put on the record. Mr. Speaker will be aware, of course, that this issue was brought in front of the courts. Subsequently there was an appeal and then there was a decision rendered only recently by the Court of Appeal. Whether or not that brings finality to the subject is a little unclear at this particular point.

Nevertheless, what the hon. member is invoking is that the minister deliberately made inaccurate statements to the House, or she at least buttressed her argument on the fact that in order to invoke that which she invoked was in reference to things that were deliberately misstated to Parliament, which of course she has not alleged further when pursuing her point. There could be a difference of opinion with people, but that does not constitute the higher threshold of deliberately misleading Parliament, which is a different threshold all together.

Third, the hon. member has indicated again in her argument that she raised this issue in the House yesterday in question period and of course it is legitimate for people to ask about government policy in question period.

When one feels aggrieved in that process there is what we commonly refer to as an adjournment debate, sometimes a little colloquially called the late show. In other words, people can come back at the end of the day and put a further argument as to why the answer received from a minister was unsatisfactory.

Mrs. Diane Ablonczy: No, I didn't ask it yesterday.

#### Privilege

**Hon. Don Boudria:** That was the point. The hon. member said she did not ask for a late show. That is her privilege, but—

Mrs. Diane Ablonczy: I didn't ask the question yesterday.

**Hon. Don Boudria:** A question was asked by the opposition on the point yesterday and no late show was asked for, and a late show could have been if such were warranted in the eyes of the questioner.

The other point is that I am informed the committee in fact heard representation from either that hon. member or another hon. member on this topic. A motion was produced and the issue was defeated by the parliamentary committee when it was heard. This would suggest to me that the committee brought finality to the issue. That deals with the issue of the committee.

As for the issue as it is before the House, of course there could have been, as I said previously, an adjournment debate requested on the topic, as I understand the general line of questioning in that regard was either yesterday or at least very recently, and that could have provided additional information there.

But in all cases, no matter how we cut it, to invoke the fact that somewhere a decision has been rendered about deliberately misleading the House and then saying that that which has occurred is equivalent to that, I do not believe the case has been made or even invoked in that regard by the hon. member. Therefore the point she has raised is moot.

**●** (1540)

**Mr. Loyola Hearn (St. John's West, PC):** Mr. Speaker, I have never heard such a feeble attempt to excuse a minister from misleading a committee and the House. Not only were the minister and the officials accused of providing incorrect information, a court, a judge in a court of this land, said that the minister and the officials misled the committee and consequently the House.

There is a quick resolution to this. The House leader for the governing party talks about bringing closure and finality to the issue. How to do it was suggested by the hon. member for Calgary—Nose Hill. The minister either corrects or apologizes. It is simple.

This is just another blatant abuse of power. It is a complete and utter disrespect for Parliament. There is a way to bring finality to the issue and it is simply an apology or a correction from the minister involved.

[Translation]

**Ms.** Madeleine Dalphond-Guiral (Laval Centre, BQ): Mr. Speaker, I will not speak at length on the question of privilege raised by my colleague, the member for Calgary—Nose Hill.

Parliamentary committee work requires the utmost trust between committee members, the minister and officials. The whole issue involving people applying for permanent residence who wound up, because of circumstances, somewhat excluded, was a very sensitive one.

I think you should allow my colleague's question of privilege if only to establish the importance of trust. I recognize that sometimes people use figures that they are convinced are right. Everyone has done this at some point or another. Our children are constantly doing this with us.

#### Points of Order

That said, I think that once an error has been pointed out, it is mature and respectful of others to acknowledge that one has made an unintentional mistake. I trust your judgment to allow this question of privilege.

[English]

Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance): To be very brief, Mr. Speaker, the Auditor General has accused us in the House in the opposition of not doing our jobs by not asking the right questions on many issues. She makes a very good point sometimes and I think this is a very good point in case.

The House leader for the government said that we asked this question yesterday. We did not. It was not brought up. He talked about finality. It is very unclear that there is any finality. The minister has said that he will not appeal this to the Supreme Court.

We have talked about the word "deliberately". If there was an inadvertent error in what the minister said, and I would certainly give him my trust that he was saying what he thought was correct in committee, as his officials may not have given him the right information, so if it is an inadvertent error that is one thing, but if it is not corrected it then becomes deliberate. That is all that I think some of the members of the House are saying: If there has been an inadvertent error here, let us not make it deliberate. Let us have the minister review his files overnight, maybe.

I am sure, Mr. Speaker, that as always you will take this under review and look at it. Maybe the minister could take this under review and look at what was said. If he could stand up in the House and say there was an inadvertent error and apologize for that, I am sure the House would be very satisfied, as would all Canadians.

• (1545)

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, just to respond to some of these comments, I am informed that the minister and his officials gave their best estimates to the committee in terms of the numbers in various appearances and they were explained as such.

I am advised that they never actually told the committee that 30,000 cases would remain in the inventory. That is not true. The minister and his officials have always indicated that they would not be able to process all of the skilled worker cases in the inventory prior to March 31, 2003. So there is no question of any official misleading the standing committee; they did their job and gave the best information they had to the committee.

**The Speaker:** I thank the hon. member for Calgary—Nose Hill for raising the matter, the hon. member for Laval West for her contribution, and also the hon. member for St. John's West, the government House leader, and the parliamentary secretary to the government House leader. I hope I have covered everyone who participated. The Chair will take the matter under advisement and get back to the House in due course.

#### POINTS OF ORDER

ABORIGINAL AFFAIRS, NORTHERN DEVELOPMENT AND NATURAL RESOURCES

**Right Hon. Joe Clark (Calgary Centre, PC):** Mr. Speaker, you will recall that on May 16 I advised you that I would be considering putting certain questions before the Chair relating to proceedings on Bill C-7, an act respecting leadership selection, administration and accountability of Indian bands, and to make related amendments to other acts.

The committee stage of the bill has been completed and the House will once again be seized with the bill at the report stage. I want to raise these points before the clock starts ticking on deadlines for the report stage.

Mr. Speaker, I recognize that you take very seriously the view that you are severely limited in your ability to intervene in the committee's affairs. However, I regret to report that the committee has not felt itself bound by the same respect for the rules of this place. You have already been made aware of proceedings that took place on April 2, during which the government majority on the committee voted to take away the rights of members to examine the clauses of the bill that was sent to the committee by the House.

That happened despite a ruling by the Chair that this action was out of order, so the clear intent of Standing Order 116 of the House was consigned to the trash bin. Members of the committee were denied the right to speak to a motion more than once, and the committee imposed time limits.

Standing Order 116 frees committees from those time limits and permits several interventions. That is not the practice in the House but it is explicitly, under Standing Order 116, the practice in committees.

At the same meeting, on a motion moved by the Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, the member for Miramichi, the committee also passed an order that required committee members to give notice of all proposed amendments for the entire bill prior to 5 p.m. on April 4.

Sir, the committee began its study of the clauses of the bill on April 8. During all deliberations after that, regardless of the evidence received, regardless of the testimony, regardless of the passage or rejection of other amendments, it was impossible for any member to submit a new amendment for consideration by the committee.

Yesterday I attended as a member of the committee, as I had two weeks ago. Now that I am going to have a little more time for these matters, I was prepared to contribute to the bill. It is a subject on which I have some experience and some feeling. It is in fact the first committee on which I served in this House.

Again yesterday I was confronted with an erratic and arbitrary committee chair. Frankly, I cannot recall anything to compare with it during my 25 years of parliamentary experience, perhaps with the exception of the table-hopping by the minister of heritage. Members of the committee were systematically prevented from participating and the chair refused to hear points of order. It is because of this constrained and chaotic proceeding that I want to seek your guidance.

There is a real concern on this side of the House over the scope of proposed amendments that can be put down at report stage. My question is whether the Speaker will be enlarging on the guidelines that Your Honour laid down on March 21, 2001. At that time, in dealing with the question of amendments that could have been moved at committee, Your Honour stated:

...motions in amendment that could have been presented in committee will not be selected

Accordingly, I would strongly urge all members and all parties to avail themselves fully of the opportunity to propose amendments during committee stage so that the report stage can return to the purpose for which it was created, namely for the House to consider the committee report and the work the committee has done, and to do such further work as it deems necessary to complete detailed consideration of the bill.

That is the end of the citation of your ruling.

The procedure adopted by the passage of the parliamentary secretary's motion effectively closed off any potential amendments that could have surfaced as a result of debate in committee after the date of April 4. I submit that this action by the parliamentary secretary and the government supporters on the committee has prevented the whole committee from carrying out its duty as described by Your Honour.

**(1555)** 

Therefore, I am seeking clarification of the guidelines that the Speaker will use in determining the acceptability of proposed amendments at the report stage in a case where the committee to which a bill has been referred adopts a procedure that arbitrarily or peremptorily precludes amendments.

Let me refer back to the words of the ruling on March 21, 2001, when the Speaker said:

...I would strongly urge all members and all parties to avail themselves fully of the opportunity to propose amendments during committee stage so that the report stage can return to the purpose for which it was created, namely for the House to consider the committee report and the work the committee has done, and to do such further work as it deems necessary to complete detailed consideration of the bill

In the case of Bill C-7, there has been only a very limited ability to propose amendments in committee. There was no capacity, none at all, to take account of new ideas that might have emerged as a result of debate or new evidence or new legal opinions or, indeed, new membership on the committee.

It is clear that there exists in the House, outside of the committee, opinions that have not always been canvassed and concerns that would fall into the description of, to quote the Speaker, "such further work" as the House may deem "necessary to complete detailed consideration of the bill". The ability of the House to determine its desire to address those other concerns will very much depend on the Speaker's selection of proposed amendments at the report stage. I submit that it would be useful for the House to know if the Speaker is willing to vary the usual practices governing the selection of report stage amendments because of the arbitrary actions that took place in committee.

In doing so, I should make it clear that this is not just a concern for those of us who sit in opposition to the government. The Speaker may be aware that strong supporters of the government have stated that this bill is in need of serious re-examination and amendment.

#### Points of Order

Indeed, the Minister of Indian Affairs and Northern Development is reported to have challenged the member for LaSalle—Émard to propose amendments to the bill.

Unfortunately, because of the prohibition of consideration of new amendments adopted by the committee on the motion, I repeat, of the parliamentary secretary to the minister, that possibility was foreclosed to the member for LaSalle—Émard just as it was for any other member who might have wanted to bring fresh ideas to the committee. Indeed, yesterday the committee chair said that if the Prime Minister himself proposed new amendments, the chair would reject them.

The existing aboriginal and treaty rights of the peoples of the first nations are entrenched and recognized in the Constitution of Canada. The peoples of the first nations have every right to expect that the Queen's ministers and members of the Parliament of Canada would treat any matter touching them with diligence and gravity. That is what is known as our fiduciary responsibility with regard to the first nations peoples. Instead, we have had an erratic and arbitrary committee process that guarantees discord for years to come in the relations between the Government of Canada and first nations peoples.

Therefore, the House and those who would be subject to this bill, should it be enacted into law, would benefit from knowing if the Chair is prepared to grant wider latitude for proposed amendments to the bill, which is widely opposed among the people it purports to govern and has been subject to incomplete examination and arbitrary treatment in committee.

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, what the right hon. member is seeking here obviously is that you consider things that have happened elsewhere other than in this place when deciding what the rules ought to be in this place.

He went on at some length about events in the committee. We all know that there have been many weeks of debate in the committee, when things have gone on day and night with a lot of discussion on this matter.

In any event, I am confident Mr. Speaker will want to follow the precedents and the rules that apply in this place in the normal fashion and will not want to deviate from those procedures for any reason in this matter.

[Translation]

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, I am a daily witness to that of which my right honourable colleague from the Progressive Conservative Party speaks. I have seen the events and breeches of procedure to which he refers. Every day I am a witness, as a permanent member of the Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources, to the cavalier attitude of the committee chair and the Parliamentary Secretary to the Minister of Indian Affairs and Northern Development.

### Points of Order

Decisions are reached daily in an arbitrary manner by the chair, with the backing of the parliamentary secretary. There is also an aggressive attitude which is unworthy of a committee chair. This committee functions, or should I say dysfunctions, according to a double standard. There is one set of decisions for government MPs and another set for those in opposition. I too, in my nine and a half years if service on standing committees of this House, have never seen such cavalier attitudes and such a double-standard approach to directing a committee.

Two weeks ago, we even heard the committee chair insult the institution of the House of Commons, describing the Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources as being made up of a bunch of powerless backbenchers. Whereas committees are said to be an extension of the House of Commons, the chair, who has a duty to maintain decorum, respect the institution and maintain order, is calling us on the committee a bunch of powerless backbenchers.

I have already raised a point of privilege on April 11 concerning the committee chair's behaviour. I have not yet had a response, since April 11. The offhand manner of the chair and the dysfunction of the committee have continued since April 11. I think we need to pay more attention to the matter raised by my honourable colleague and the fact that we are speaking of a dysfunction that is a breech of privileges and directly contrary to the Standing Orders of the House.

This time, with all due respect Mr. Speaker, I hope that you will pay careful attention to the point raised by my honourable colleague and will also respond to the point of privilege I raised on April 11. I feel this is becoming very important.

[English]

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, I will be very brief because I think the point of order has been addressed by the hon. leader of the Progressive Conservative Party in a very thorough, competent and respectful way, respectful of the traditions and procedures of the House.

No one would know better than the member from the Bloc, other than my colleague from Winnipeg North, of that which the hon. leader of the PC Party speaks when he talks about the erratic and arbitrary treatment accorded to hon. members and to first nations people in the conduct of the aboriginal affairs committee in dealing with Bill C-7.

Mr. Speaker, I have full confidence that you will take under serious consideration the quite specific request for clarification that has been put by the hon. leader of the Progressive Conservative Party when he asks for clarification of the guidelines you will utilize in determining the acceptability of amendments at report stage to Bill C-7. This arises, of course, out of an earlier ruling going back to 2001, when similar concerns were raised.

I think one cannot exaggerate the unacceptability of the heavy-handedness and the disrespectful way in which the chair of this committee has dealt with his responsibilities. The point of order that has been raised speaks directly to the fiduciary responsibilities of the Government of Canada, of this place, Parliament, and of each and every parliamentarian in living up to our obligations to first nations people to accord them fair and respectful treatment.

I would simply add my concern along the same lines as already expressed and express my confidence in your ability to grasp why this needs to be something that seizes your attention, Mr. Speaker, and seizes the interest and concern of the House in discharging our fiduciary responsibilities.

**(1600)** 

Mr. Alan Tonks (Parliamentary Secretary to the Minister of the Environment, Lib.): Mr. Speaker, I have had the opportunity to sit as a very interested member on the aboriginal committee during its adjudication with respect to the bill. I also have sat on the subcommittee dealing with the needs of aboriginal children and have travelled extensively with that committee. Therefore the issue is of great importance and interest to me.

However the question that is before you, Mr. Speaker, is one on which I wish to comment. I also want to comment on the spirit and the goodwill with which the chairman, under very difficult circumstances, dealt with the issue. That is not to say that there were not very strong feelings with respect to the substance and subject matter of the bill. However no one tried harder than the chair to have an environment within which very difficult differences of opinion were expressed.

It is usual and customary, in the experience of the House, that where there are these kinds of problems the government is accused of closure. There was no closure attempt with respect to this. The committee sat and sat.

If the intent of the chair was to disallow and to arbitrarily not provide for a difference of opinion, then he was in abject failure. In fact, there was a huge amount of discussion. Amendments and subamendments were made. In fact, procedural mechanisms were used in an attempt to delay and obfuscate the committee from dealing with the bill and reporting it through to the House.

The chairman took that responsibility. He should be congratulated, not subjugated to this kind of partisan nonsense. He should be congratulated and thanked for the manner in which he sat and very patiently tried to adjudicate in an upfront way. Those are the facts of the case and no—

Some hon. members: Oh, oh.

**The Speaker:** Order, please. The conduct of the chair is not the question before the House. The question before the House today, on a point of order raised by the right hon. member for Calgary Centre, concerns the admissibility of amendments at report stage. That is the issue I intend to deal with now. It has nothing to do with the conduct of the chair of the committee.

[Translation]

I would like to thank the hon. member for Saint-Hyacinthe—Bagot for his explanation, as well as the hon. member for York South—Weston, the Parliamentary Secretary to the Leader of the Government in the House of Commons, the hon. member for Halifax and the Right hon. member for Calgary Centre.

[English]

I will not issue a new set of guidelines dealing with the admissibility of amendments at the report stage of bills. The guidelines that have been put to the House are contained in the standing orders and which I indicated I would enforce because the right hon. member will recall that the House adopted a motion dealing with the whole issue of the enforcement of the standing orders and the guidelines therein that resulted in the ruling that I made a couple of years ago now. I believe the ruling set out for all the guidelines that would apply. The guideline was very clear: that if it is impossible to move the amendment in committee it can be moved at the report stage.

If the committee by a motion made it impossible for the right hon. member to move some amendments in the committee, he will want to make that argument on an individual basis with respect to each of his amendments when he presents them at the report stage. He will have a sympathetic ear with the Speaker and with the clerks who advise the Speaker in respect of these matters.

However this has happened before, perhaps not precisely the same circumstances, but I recall, particularly in respect of the reproductive technologies legislation, that the hon. member for Mississauga South moved a number of amendments at the report stage because he was told he could not move his amendments in committee, and that is the only reason I admitted them at the report stage.

These things happen from time to time in our proceedings. The Chair will be sympathetic with the right hon. member, indeed with all hon. members who, for one reason or another, found they could not move their amendment at the committee stage, which is exactly what the guideline was.

If it can be moved there and could have been moved there it will not be accepted. If it was not moved there and could not have been moved there it may well be accepted by the Chair.

I want to reassure the right hon. member that the Chair will exercise due diligence in reviewing these matters with him or any other hon. member who chooses to come forward with an amendment at report stage and I will do my very best to be fair in all circumstances.

I appreciate that there has been substantial disagreement about the way in which this committee has operated because I heard about it in the House on a number of occasions.

• (1605)

[Translation]

I know that the hon. member for Saint-Hyacinthe—Bagot has been very patiently awaiting a decision on a question of privilege that he raised a few weeks ago.

Perhaps we will wait until the committee work is completed because there really is nothing the Speaker can do to change the committee process under the circumstances. However, a ruling will undoubtedly be made soon on this issue and I am sure the hon. member will, as usual, be very pleased with it.

[English]

I wish to inform the House the good news that because of the deferred recorded divisions government orders will be extended by 28 minutes.

### **GOVERNMENT ORDERS**

[English]

#### PUBLIC SERVICE MODERNIZATION ACT

The House proceeded to the consideration of Bill C-25, an act to modernize employment and labour relations in the public service and to amend the Financial Administration Act and the Canadian Centre for Management Development Act and to make consequential amendments to other acts, as reported (with amendment) from the committee.

Hon. Lucienne Robillard (President of the Treasury Board, Lib.) moved that the bill be concurred in.

**The Deputy Speaker:** Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Deputy Speaker: Call in the members.

And the bells having rung:

The Deputy Speaker: The vote stands deferred until the end of government orders on Wednesday, May 28.

• (1610)

**Right Hon. Joe Clark:** Mr. Speaker, I thought we were waiting for members to be called and then I heard you make a reference to a date. I was not clear as to, first, what it was you had said or, second, the reasoning that led you to say it. I wonder if you might elaborate.

The Deputy Speaker: In the instance before the House, either the chief government whip or the official opposition chief whip are empowered to defer the vote. In this case the chief whip for the official opposition has requested that the vote be deferred until the end of government orders tomorrow, Wednesday, May 28, and that is where we are at presently.

#### **PUBLIC SAFETY ACT, 2002**

Hon. Lucienne Robillard (for the Minister of Transport, Lib.) moved that Bill C-17, an act to amend certain acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety, be read the third time and passed.

Mrs. Marlene Jennings (Parliamentary Secretary to the Solicitor General of Canada, Lib.): Mr. Speaker, it is a pleasure to speak in the House today to Bill C-17, the public safety act.

As members of the House who have followed the debates on Bill C-17, including the consultations in committee, will be aware, Bill C-17 is a necessary tool to improve the safety and security of Canadians, of our neighbours and of global air travel.

While I will be addressing my remarks primarily to one or two clauses of Bill C-17, those clauses that relate directly to the role, mandate and powers of the RCMP and of CSIS, I am aware that some of my colleagues will be speaking to Bill C-17 and will be addressing their remarks to the much broader aspect of Bill C-17, the public safety act.

I would like to look specifically at how the bill would help to improve the government's capacity to identify potential terrorists and other threats to transportation security in order to prevent deadly attacks here, at home or abroad.

At the same time, once Bill C-17 becomes law, and I hope it will receive the consent of the House and in the other House, it will give our law enforcement and security agencies an effective and timely tool to improve transportation security and the safety of all Canadians.

How will Bill C-17 do this? I believe the bill, if passed, will protect Canadian security within a framework of respect for privacy rights. I am aware that privacy rights have been a concern throughout the evolution of the bill but I am convinced that the Government of Canada has taken the necessary steps to address such concerns.

The concerns of the privacy commissioner and representatives of various interest groups and community groups within Canada were brought forward to the legislative committee that dealt with the bill upon direction from the House. A lot of their concerns with respect to clause 4.82 were addressed.

What would clause 4.82 do? Clause 4.82 amend the Aeronautics Act to require airlines, upon request, to provide a small core group of specially designated RCMP and CSIS officers with access to air passenger information for very restricted purposes. These purposes are limited to transportation security, the air carrier protective program and counterterrorism.

The specially designated officers would work with an automated system that will alert them when there is a possible match between an individual passenger record and an RCMP or CSIS record. Once this has occurred, the matched information will be verified by the designated officer.

These designated officers in turn, under clause 4.82, would be authorized to disclose passenger information to a third party only for very restricted purposes.

What are these purposes, members may very well ask, and rightfully so? In practical terms, CSIS needs to identify known and suspected terrorists before they board a plane, so a designated CSIS officer would be able to disclose the information to another CSIS employee for the investigation of a threat to the security of Canada.

Similarly, the RCMP needs to know if there may be potentially dangerous passengers on flights if they are to deliver an effective air carrier protective program. As a result, clause 4.82 would allow a designated officer to disclose information to the aircraft protective officers to assist them with their duties.

#### ● (1615)

I will remind members what an aircraft protective officer is. Under previous legislation the government now allows the RCMP to have officers in civilian clothes who will travel on airlines undisclosed to regular passengers. They are protective officers and their job is to ensure the protection of passengers on airlines and of air transportation safety in general.

As a general public safety provision, if a designated RCMP officer in the course of reviewing this data for the purposes of transportation security, comes across the name of someone wanted on a warrant for a serious offence listed in the regulations for section 4.82 then he or she could also provide the appropriate police agency with this information to help lead to an arrest.

I would like to underline for my colleagues and for Canadians who are watching this debate that the types of offences we are referring to here are: terrorism offences, transportation security offences, serious violent offences, serious drug offences, and organized crime offences. They are offences punishable by a prison term of five years or more.

It is important that I highlight that because in the original proposed legislation the list of offences was indeed unacceptable. There were offences for municipal issues. There were outmoded, outdated criminal offences, minor crimes, et cetera. Many interested groups and many of my colleagues brought to the government's attention the inconsistency of having this whole list of criminal offences that had absolutely nothing to do with public transportation, nothing to do with security threats to our country, and nothing to do with serious violent offences, serious drug offences, and organized crime offences. The government took note and brought in appropriate amendments to the list of offences that would be covered under section 4.82.

The bill does not allow information sharing on individuals wanted on warrants for minor or possibly outdated offences. For example, it would not allow information to be shared on someone wanted for municipal corruption or for taking possession of drift timber. Those are just two examples of some of the original offences which were included on the list and have now been deleted because the government listened to the representations and the concerns raised by members of the House, interested community organizations, and other interested parties in the wider community.

The bill would allow the RCMP to notify local police in cases where a data match identifies a dangerous wanted criminal or terrorist so individuals could be apprehended before they harm someone else. The public would not expect any less from the RCMP. I would also like to stress that any passenger information that is collected by the RCMP or by CSIS under section 4.82 must be destroyed within seven days after it is provided by the air carrier unless that information is required for transportation or national security purposes.

Mr. Speaker, the legislative committee which you chaired on Bill C-17 regarded seven days as a reasonable length of time. Seven days would provide the RCMP and CSIS with the minimum amount of time they need to analyze passenger information access before planes actually depart. As for the information that is retained beyond the seven day period, section 4.82 would require the RCMP or CSIS to each conduct an annual review of information retained by designated officers. If continued retention were no longer reasonably required for transportation or national security purposes, it would have to be destroyed.

#### **●** (1620)

To ensure accountability and transparency the bill requires written records to be kept to justify retention and disclosure of any passenger information. This would enable review agencies, governing agencies, and civilian oversight agencies like the Security Intelligence Review Committee, the inspector general for CSIS or privacy commissioner, to readily examine records to determine compliance with the law.

I would like to emphasize that the government listened to several recommendations made to the legislative committee on Bill C-17. As a result of the government listening to these recommendations, Bill C-17 has been improved to include additional privacy safeguards. Based upon recommendations from committee members the government brought in a motion to amend section 4.82 in order to restrict urgent disclosures to only those persons who are in a position to take measures to respond and who need the information in order to do so.

Acting on a Canadian Bar Association recommendation the government brought in another motion to ensure that the destruction test used at the annual review is the same as the one required within seven days. That test would require the destruction of passenger information unless reasonably required for transportation or national security purposes. In the original manifestation of Bill C-17, that test for information that was retained past the seven day delay was not the same test. As a result of the Canadian Bar Association's recommendation the government has amended the bill in order to ensure that the same test is used. That test stipulates that the information would only be required for transportation or national security purposes.

In closing, the proposed data sharing scheme would provide a balanced approach that would achieve the goal of public safety while maintaining the privacy rights of individuals. Canadians want safe air travel and they want protection from terrorism. Canadians are entitled to expect that information collected under a scheme such as this one would be used effectively for their safety while at the same time respecting their privacy.

#### Government Orders

I am convinced that the government has taken into account concerns expressed about proposals in the previous legislation. The government has listened to others and believes that we have struck the right balance between public safety and respect for the privacy of individuals.

#### • (1625)

**Ms. Marlene Catterall:** Mr. Speaker, I rise on a point of order. I believe you will find unanimous consent that, notwithstanding the extension of government orders because of the recorded divisions after question period, government orders today end at 5:30 p.m. in order to proceed to private members' business at the normal time.

The Deputy Speaker: Is it agreed?

Some hon. members: Agreed.

Mrs. Lynne Yelich (Blackstrap, Canadian Alliance): Mr. Speaker, I rise today to participate in the third reading debate of Bill C-17, an act to amend certain acts of Canada and to enact measures for implementing the biological and toxin weapons convention, in order to enhance public safety, otherwise known as the public safety act.

Our party will be reluctantly supporting Bill C-17 for two reasons. First, the events of September 11, 2001, have made legislation like Bill C-17 necessary. The United States, western Europe and most, if not all, of our major allies have adopted similar legislation as modern democracies attempt to deal with the terrorist threat from faceless cowards. To the extent that this type of legislation is necessary, I will support it.

Second, even as I support it, I must call on the government to adopt a higher standard both in the quality of legislation that it puts forward and in its willingness to be accountable to Parliament. In fact, it could be said that Bill C-17 and its predecessors are symptoms of what is wrong with the way Liberals govern our country.

If the true measure of a man is what he does rather than what he says, then the measure of a country must be in part its reaction to times of trial and stress. In the United States, 10 days after the September 11 attack, Senator Fritz Hollings was on his feet to introduce America's response, S.1447, a bill to improve aviation security, and for other purposes. With lightning speed, and despite an anthrax scare on Capitol Hill, both the house of congress and the senate quickly passed the legislation and President Bush signed it on November 19, 2001.

Members should think about this. Capitol Hill was under fire from all sides, yet dialogue happened. Politicians of different parties built a consensus on how a superpower would respond to a terrorist threat on its own soil and make its citizens feel safe.

In 1968, in his book *Toward a Psychology of Being*, Abraham Maslow identified his famous hierarchy of needs: physiological, safety, love, esteem and self actualization. The second of these is safety, otherwise known as security needs, and it is one of the few that the state can provide in a concrete way. United States governments of all political stripes have long understood that their first duty is to protect the safety security of their citizens and so when September 11 happened, Capitol Hill acted with a speed that was nearly dizzying.

A bill was proposed and amended. The house of representatives and the senate concurred and the President signed his approval. The whole process lasted a mere 10 weeks. During that same 10 weeks the Liberal government slept. In fact, it was a full three days after President Bush signed the U.S. law that the Liberal government tabled the first version of the public safety act, then called Bill C-42, on November 22.

Bill C-42 immediately drew fire from all sides. However, rather than seeking to build the kind of consensus that would allow a nation to respond quickly to a new threat, the government hid. The bill never went to any committee and was withdrawn April 24, 2002. Then, five days later, the Liberal government introduced Bill C-42's replacement, Bill C-55.

I have long believed that people in government should learn from their mistakes. One of Bill C-42's problems had been its complexity. It would have amended or introduced legislation affecting 10 federal departments. It was so complex that the portion giving airlines the legal authority to share reservations information with foreign governments had to be hived off into another bill, Bill C-44, so that some of the more useful clauses could get quick passage.

Bill C-55 showed that the Liberal government had learned little. It would have amended or introduced 19 federal statutes affecting some nine federal departments. In fact, Bill C-55 was so complex that a special committee was struck on May 9, 2002, solely for the purpose of studying it. That committee never met. Bill C-55 died on the Order Paper on September 16, 2002, when Parliament prorogued.

• (1630)

Given the speed with which the U.S. passed its legislation and given that most, if not all, of our major allies had similar legislation, one would think that passing Bill C-55 would have been a priority.

Certainly if we listen to the Minister of Transport he will tell us that Bill C-26, the transportation amendment act, is high priority. In fact, it is so high priority that he does not want the transport committee to travel when it studies that bill. The transportation amendment act is high priority, but on September 16, 2002 when Parliament prorogued, the public safety act was not.

Let me refer back to Maslow's hierarchy of needs. Safety is number two. Transport is not on the list, but transport rather than safety is a higher priority for the government.

The fact that Bill C-55 died on the Order Paper on September 16, 2002, almost a year to the day of the crises that spawned its creation, one gets a clear sense that while America was implementing tough new legislation to make its skies safer, Canada's Liberal government

not only did not know what it was doing, but it had no idea of where to start.

In fact, the current legislation, Bill C-17, was not tabled in the House until some six weeks later, on October 31, 2002, fully 13 months after the September 11 attacks, and nearly 11 months after President Bush signed America's aviation and transportation security act into legislation as public law 107-71.

It is now May 27, 2003 and this bill is at third reading. Two things become evident very quickly. The first is that the government is under increasing pressure to be seen to be doing something, or in some case to be acting. The other is that it is terrified of real consultation and only accepts amendments when it has no other choice.

We see an example of the pressure that the government faced in the way it handled the sharing of airline passenger reservations systems information with various government agencies.

We are aware that part 1 of Bill C-17 introduces new clauses into the Aeronautics Act allowing the commissioner of the Royal Canadian Mounted Police, the director of the Canadian Security Intelligence Service and the persons they designate, to require certain passenger information from air carriers and operators of aviation reservation systems, to be used and disclosed for transportation security purposes; national security investigations relating to terrorism; situations of immediate threat to the life or safety of a person; the enforcement of arrest warrants for offences punishable by five years or more of imprisonment and that are specified in the regulations; and arrest warrants under the Immigration and Refugee Protection Act and the Extradition Act.

The government has argued forcefully for these powers, yet it has dragged its feet in passing Bill C-17. In fact, the government has delayed for so long in passing the bill that some of the information-sharing clauses are now essentially moot.

Those clauses that would allow Canadian carriers to share information with foreign governments were contained in Bill C-44 which was introduced on November 28, 2001 and received royal assent three weeks later on December 18, 2001.

This timing was fortunate because one of the clauses of the U.S. law which was so quickly passed by both houses of the U.S. Congress in the aftermath of September 11 said that airlines would not be able to fly into the United States after January 18 unless they provided passenger reservations information to the U.S. customs service.

In Canada on October 7, 2002 the Canada Customs and Revenue Agency implemented its advance passenger information/passenger name record program that authorized airlines and passenger reservation systems to share information with various government agencies.

In the U.S. the government set an arbitrary deadline that this Liberal government had to scramble to meet. At the same time in Canada, a government department, the Canada Customs and Revenue Agency, essentially gave up on waiting for the government to act and used its existing and residual powers to implement its advance passenger information/passenger name record program three weeks before the government reintroduced Bill C-42 for the second time as Bill C-17.

If the passenger information issue shows the need for the government to act, the inexplosive ammunition component issue shows the need for the government to listen. The words "inexplosive ammunition component" first appeared in part 5 of Bill C-42, the first predecessor of Bill C-17, on November 22, 2001.

#### • (1635)

Within two months the Library of Parliament prepared a research paper pointing out the potential problems of regulating inexplosive ammunition components. Essentially as witnesses ultimately told the legislative committee on Bill C-17, regulating inexplosive ammunition components was tantamount to criminalizing brass and lead, or regulating little bits of margarine containers, little bits of cotton fabric and fishing sinkers.

Naturally our party hoped when the Liberals brought back Bill C-42 as Bill C-55 on April 29, 2002, that they had read the Library of Parliament report. They had not. On May 9, 2002, roughly a year ago today, the member for Yorkton—Melville told the House that the definition would potentially criminalize tens of thousands of lawabiding citizens who load their own ammunition for their legal pastime sports.

When Bill C-55 died on the Order Paper and was revived in slightly modified form as Bill C-17 on October 31, there were some who hoped that the Liberals had listened. They had not. On Monday, November 18, 2002 the member for Yorkton—Melville spoke to Bill C-17 at second reading and essentially repeated verbatim his May 9, 2002 comments on inexplosive ammunition components.

It might make it easier on the translators or perhaps those who maintain the *Hansard* if a member repeats a speech, but for me it is a way of underlining the complete lack of attention on the other side of the House to the opposition members and indeed the concerns that average everyday Canadians face from time to time. Even after having given the same speech twice, there was some doubt as to whether the Liberals had received the message about inexplosive ammunition components. The only thing I can confirm is that the term was deleted from Bill C-17 by the legislative committee studying the bill.

To the extent that the term "inexplosive ammunition component" was of considerable concern to many Canadians, the fact that the legislative committee deleted it makes Bill C-17 much more palatable to Canadians. However the fact that such a controversial and frankly unnecessary clause could have been in Bill C-17 and its predecessors from November 22, 2001 until May 7, 2003 shows Canadians a government whose ears and eyes are welded shut.

Another area where the government has shown no willingness to listen or to be accountable is interim orders. A very significant portion of Bill C-17 deals with interim orders. Ten parts of the bill

#### Government Orders

amend various statutes to provide a new or expanded power permitting the responsible minister to make interim orders in situations where immediate action is required. Essentially the thinking behind interim orders is "trust me", in other words "give me various undefined powers and when there is an emergency trust me to do the right thing".

First, we cannot forget that the very same government that has taken more than 19 months to react to September 11 is the one now saying "trust me". Second, we should not overlook the fact that if the government really knew what it was doing, it would define both its responsibilities and its powers in very clear language.

In the United States the U.S. aviation and transportation security act was drafted just in 10 days after September 11. Even then, while a shocked America pondered the unthinkable crisis that had just happened, American legislators knew that "trust me" was not going to cut it with the American public.

The U.S. aviation and transportation security act is specific. It delegates powers but it also assigns responsibilities. It contains deadlines. It specifies the amount of money that may be spent on particular initiatives. It sets management objectives and requires regular evaluations as well as audits. There is a clear understanding of who does what, why, when and with what authority. Checks and balances are present.

The U.S. aviation and transportation security act is a planned strategic response by a superpower to a defined threat. Canada in Bill C-17 uses interim orders while the U.S. uses specifics. The interim orders all follow a similar pattern. They allow a minister under certain circumstances to make an order that would normally have to be made by the governor in council. Thus, when the chips are down and cabinet cannot meet, an interim order lets a cabinet minister take actions that would normally need cabinet approval.

### **●** (1640)

In most cases, in Bill C-17 the interim order has to be published in the *Canada Gazette* within 23 days, has to be approved by cabinet within 14 days, and expires at the end of the year. Similarly an interim order must be tabled in Parliament within 15 sitting days after it has been made.

Before the special legislative committee on Bill C-17, members from the Canadian Alliance, the Bloc Québécois and the NDP all tried to propose constructive amendments to the clauses of Bill C-17 dealing with interim orders. In the case of the 14 Canadian Alliance amendments, each was motivated by the spirit of the Emergencies Act. Its preamble reads in part:

Whereas the safety and security of the individual, the protection of the values of the body politic and the preservation of the sovereignty, security and territorial integrity of the state are fundamental obligations of government;

And whereas the fulfilment of those obligations in Canada may be seriously threatened by a national emergency and, in order to ensure safety and security during such an emergency, the Governor in Council should be authorized, subject to the supervision of Parliament, to take special temporary measures that may not be appropriate in normal times—

We therefore thought the standard of parliamentary scrutiny laid down in the Emergencies Act might be applicable to the type of situations in which interim orders might be made under Bill C-17.

#### Section 61 of the Emergencies Act reads:

- (1) Subject to subsection (2), every order or regulation made by the Governor in Council pursuant to this Act shall be laid before each House of Parliament within two sitting days after it is made.
- (2) Where an order or regulation made pursuant to this Act is exempted from publication in the *Canada Gazette* by regulations made under the Statutory Instruments Act, the order or regulation, in lieu of being laid before each House of Parliament as required by subsection (1), shall be referred to the Parliamentary Review Committee within two days after it is made or, if the Committee is not then designated or established, within the first two days after it is designated or established

Each of our 14 amendments was motivated by the same philosophy. If during an emergency the government can subject orders and regulations to parliamentary scrutiny within two sitting days after they are made, there is no reason that a lower standard should apply to Bill C-17.

The Canadian Alliance was not alone in this thinking. Both the NDP and the Bloc Québécois advanced a similar philosophy. It is my hope that the three parties might be able to agree on a common approach so that the higher level of parliamentary scrutiny may be offered to interim orders made by a government that wants us to trust it 18 months after September 11.

However, the Liberal desire to escape parliamentary scrutiny appears intractable. Rather than agree to any new restrictions on interim orders, the only interim orders amendment that the Liberal members proposed at committee was one adding new clause 111.1 to Bill C-17 so that interim orders would be included in the Pest Control Products Act in the event that the act would receive royal assent before Bill C-17.

Other countries use clear language to define its government's responsibilities and its powers. The Liberal government uses interim orders. Previous governments believed that the standards of the Emergencies Act applied when Canada was threatened by a national emergency. The Liberal government believes in a dramatically lower standard of parliamentary accountability.

I conclude that the government's continued use of interim orders instead of defining its roles and responsibilities in a very clear language shows its unwillingness to either propose better legislation or to be more accountable to Parliament. Even if Bill C-17 passes third reading, it is possible that it will not receive royal assent before October. Members should think about this carefully.

September 11 happened and the U.S. had a law signed by the president and in place on November 18, roughly two months later. Canada will not have its law in place until nearly two years have passed, which is simply unacceptable. If it takes a Liberal-dominated Parliament two years to react to a major crisis, that is a very strong argument for a change of government.

It is quite clear that the committee state version of Bill C-17 is a definite improvement over Bill C-42 as first presented 17 months ago. It is also clear that Bill C-17 type legislation is necessary today. We will therefore be supporting the bill while calling upon the government to hold itself to a higher standard, particularly when asked to show leadership in times of crisis.

### **ROUTINE PROCEEDINGS**

**●** (1645)

[English]

#### COMMITTEES OF THE HOUSE

FISHERIES AND OCEANS

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, there have been discussions among the parties, and I think if you were to seek it, you would find unanimous consent for the following motion:

That, in relation to its studies on the Canadian Coast Guard, custodial management and other fisheries issues, a group comprised of four government members and one member of each of the opposition parties of the Standing Committee on Fisheries and Oceans be authorized to travel to Belgium, the United Kingdom, Norway and Iceland September 1 to 14, 2003, and that the necessary staff do accompany the committee.

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

Some hon. members: Agreed.

(Motion agreed to)

[Translation]

**The Deputy Speaker:** Before resuming debate, it is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Davenport, Agriculture; the hon. member for New Brunswick Southwest, Health.

### **GOVERNMENT ORDERS**

• (1650)

[Translation]

### **PUBLIC SAFETY ACT, 2002**

The House resumed consideration of the motion that Bill C-17, An Act to amend certain Acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety, be read the third time and passed.

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, it is my pleasure to rise today to speak on Bill C-17. Naturally, the Bloc Quebecois has been critical of Bill C-17, and not only for political reasons. Sometimes, bills are viewed as having such an impact on our rights and freedoms that we must be able to make a clear demonstration to the Liberal members, the Liberal elected representatives, as well as to the people of Quebec and the people of Canada, of course. It is important to understand that fighting terrorism is a just cause recognized by Quebeckers and Canadians.

In the name of fighting terrorism, the government has managed to introduce a third bill on safety. It was not happy with just one or two; there had to be three. That takes some doing. It will soon be two years since the tragic events of September 11, and this bill has yet to be passed. Why? For the simple reason that in the name of fighting terrorism, the government members, the Liberal members, have chosen to listen to officials, at the RCMP and CSIS, who have been trying for the longest time to turn our society in an increasingly policed society. They want more power.

In the few minutes I have been granted I will try to illustrate how an anti-terrorism bill, whose purpose was agreed to by the community, could turn into such an invasion of our jurisdictions and a violation of our rights and freedoms that it was denounced by representatives of civil society, including the Canadian Bar Association, the Barreau du Québec, the Privacy Commissioner, the Access to Information Commissioner and the Canadian Council of Refugees. Most rights and freedoms advocates oppose Bill C-17 as it stands.

The Bloc Quebecois and members of the other opposition parties put forward amendments. None were accepted. More than 60 amendments put forward by the Bloc Quebecois simply echoed the concerns expressed in committee by the representatives of civil society.

I will try to give a brief summary to help those who are listening to understand a little better. The committee first heard from the Department of Transport. Naturally, the minister made presentations, but in committee, it is officials who defend bills that are before the standing committee.

I will quote part of the statement by John A. Read, Director General of Transport Canada, who testified before the committee on behalf of the department. There is only one, concise page that sums up quite well the spirit in which Transport Canada reviewed this bill.

After September 11, 2001, we started with legislation to fight terrorism. We kept asking the Minister of Transport and the Prime Minister a single question that I also asked, "What are you unable to do after September 11, that this legislation will allow you to do?" They were never able to answer that question. Believe it or not, I am sure they are still unable to answer it today.

However, the officials are able to answer us. I mentioned that there are officials whose goal it is to have our society increasingly under police control. I will read the statement by Mr. Read, Director General of Transport Canada.

• (1655)

In the fourth paragraph, according to Transport Canada, the basic intervention should be:

to upgrade all activities and equipment used to detect weapons and explosives (the "traditional" threat remains):

to have access to any aviation reservation systems to seek specific individuals (for example, watch list);

So, another type of list is being created that will keep tabs on regular travellers. Other points mentioned are:

to have access to all data concerning the persons on board or expected to be on board, if there is an immediate threat to that flight;

to improve inflight security by teaching dissuasion and intervention capabilities in aviation safety officer programs.

Many of these paragraphs make no mention of the fight against terrorism. The term anti-terrorism has been changed to aviation safety. The witnesses quickly learned the difference. It is no longer about fighting terrorism; the goal is simply to guarantee improved transportation security.

The fifth paragraph reads,

The ability to have access to any aviation reservation system to locate specific individuals to ensure transportation security, and the ability to have access to information if there is an immediate threat to that flight, are outlined in subsection 4.81—

So, their intention is to have access to all the reservation lists and all data on all passengers. This is what it says. That is the first objective.

In the following paragraph, Mr. Read states:

Transport Canada is not an investigative agency. However, some information could be retained beyond the seven days, such as information on individuals on a "watch list" with a reservation on a flight within 60 days.

Obviously, a list of regular passengers is being created. These individuals need to be more closely supervised. This is called a watch list. When these people make other reservations, obviously:

In such a case, Transport Canada would communicate this information to the RCMP to be retained, as allowed under proposed section 4.82 of the Aeronautics Act—

So, obviously, if we ever decide to travel slightly more often than usual, our names are recorded on the list, and then this information is given to the RCMP. Transport Canada does this, not the RCMP or CSIS, which is equivalent to the secret service. Transport Canada decides on its own to establish a watch list.

As for allowing Transport Canada to share this information with other federal entities, there is a provision in the bill that enables the department to send information to other entities. These federal entities have a presence at airports. Of course, it would not involve any random entity. But obviously, there are a few entities that have the right to do so: Canada Customs, Immigration Canada, the RCMP, CSIS, and the Canadian Air Transport Security Authority.

This information would be about us, the travelling public. It is a watch list that seems to focus on frequent travellers. Still, it is a list drawn up by Transport Canada using criteria that are no longer those of the war on terrorism, but of air transport security, which is a different matter altogether.

We see that in the bill a new offence has been added—air rage. But we will see how the lawyers describe air rage. Certainly, it is air rage if someone really wants to get out of the plane in mid-flight and has decided to destroy everything. But there are some people who are a little more nervous and keep themselves less in check. Because they have felt some stress in the aircraft, they will end up on the watch list and will be followed, but not by just anyone, by Customs, Immigration Canada, the RCMP, CSIS and the Canadian Air Transport Security Authority.

That is what Mr. Read told us and I will submit it for the record. I can add to Mr. Read's statement the presentation by Transport Canada staff members. As members of the committee we wanted to know what the RCMP and CSIS thought about it.

However, Deputy Commissioner Garry Loeppky, in charge of police operations, appeared before the committee. I have his speaking notes on Bill C-17 right here.

**(1700)** 

The fifth paragraph of his speaking notes reads as follows:

We must insist on the fact that this bill deals with transportation safety, not only counterterrorism.

That is what has been said since the very beginning, that is what they did not want to happen. They wanted a bill to fight terrorism, but when this is left to the RCMP and CSIS, to Transport Canada officials, they use the opportunity to legislate. Once again, I am rereading what he said:

We must insist on the fact that this bill deals with transportation safety not only counterterrorism.

Believe it or not, when I questioned Mr. Read from Transport Canada about all of the policing clauses, he was not the one who answered, it was the RCMP and CSIS representatives.

Clearly, several measures contained in this bill were written by legal advisers for the RCMP and CSIS, which was the purpose. How did they hide this? They told Parliament and the Liberals, "Listen, this is a bill that was not simply drafted to fight terrorism". I would like to reread the fifth paragraph from the presentation made by deputy commissioner Garry Loeppky:

We must insist on the fact that this bill deals with transportation safety not only counterterrorism.

He then gave his interpretation.

Based on our interpretation of section 4.82, the RCMP is authorized to receive both domestic and international airline passenger lists for aircraft landing at, or taking off from Canadian airports, in order to check whether names... are listed in files of subjects in RCMP data banks, including the CPIC, and thereby discover suspected terrorists and threats to aircraft safety.

I would like to continue by quoting from paragraph 9. Earlier I mentioned that Transport Canada had created a new database called the watch list and that the RCMP mentioned it in paragraph 9, still from Mr. Loeppky's presentation:

The RCMP's databases already contain information that could be used to identify threats to transportation safety. The only way the RCMP can use this information effectively to ensure the safety of airline passengers is to compare names, birthdates, identity document numbers and other key biographical data on passengers about to board a plane with the names and document numbers found in its databases.

The objective is to compare the new watch list with the RCMP lists. What they are saying, and this appears in the deputy commissioner's document in last three lines of paragraph 9, is that:

This is personal information that people divulge almost every day. If the information about airline passengers does not raise any flags in our databases, then we will destroy the data.

Certainly, there is an opportunity to take note of the list of information that we must provide—information we provide every day, according to the RCMP. Look at the schedule on page 101 of the legislation to see that airline passengers must provide 34 items of information to the airline. If we go around with all this information, then we must spend almost half the day giving it out. We are talking about 34 items.

This includes telephone numbers, method of payment for the tickets, and if applicable, proof that the ticket was paid for by someone else. There is a lot of information. They cannot tell us that this is information we give out every day. We are talking about 34 items of information that we are required to give the airlines by law, that will now be part of Transport Canada's watch list if we are frequent travellers.

They did not hesitate to tell us that they do not collect the information because they do not have the skills to do so, but that they would prepare the watch list. That is what Mr. Read from Transport Canada said in paragraph 6 of his statement:

Transport Canada is not an investigative body. However, some information may have been retained for more than seven days, for instance the fact that someone on the watch list has a reservation for a flight—

**●** (1705)

While assuring us that they are not an investigative body, they list those that will have the information, namely Customs, Immigration, the RCMP, CSIS and the Canadian air transport security authority. Of course, we want to be able to compare the information.

Those who wish to review the transcripts of committee proceedings may do so; they are available. They will see that when candid questions were put to RCMP representatives, they were very upfront and told us that in the name of security and antiterrorism, they want to be able to track any person for whom a warrant has been issued, because reference will be made to warrants later. Finally, they want to be able to do what they are not usually able to do.

This is a good approach. When your name is put into the system, it is red flagged. The RCMP is contacted and you get arrested, for whatever reason. The reasons are not limited to terrorism; it may be anything relating to air transportation safety. Let me read the definition of transportation security, as set out in subsection 4.81(1) of the Public Safety Act, 2002. It reads as follows:

—the protection of any means of transportation or of any transportation infrastructure, including related equipment, from any actual or attempted action that could cause, or result in,—

It becomes obvious, then, that if any individual who is in trouble with the law for whatever reason travels by plane, he or she runs the risk of being arrested just for being considered a threat to transportation security.

What is dangerous with all this is that Transport Canada will use it as an excuse to add your name to the watch list, and they make it clear that they will be using it. When we read this kind of stuff back to the government, the government's response is, "That is not what we meant by that". However, we can refer to the statement made by Director General Read, about:

-upgrading activities and all the equipment-

to have access to any information relating to persons on board or expected to be on board the aircraft, if the flight is subject to an immediate threat.

Clearly, what they want is to-

**The Acting Speaker (Mr. Bélair):** I am sorry to interrupt the hon. member for Argenteuil —Papineau—Mirabel but the hon. Leader of the Government in the House of Commons has the floor, on a point of order.

#### **BUSINESS OF THE HOUSE**

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, first, I want to apologize to the hon. member who has the floor. There has been a series of negotiations in the last few minutes and I will move three motions the leaders have agreed to, if some want to check what I am saying.

[English]

This is to set the process for tonight's debate in committee of the whole. I move:

That, notwithstanding any Standing Order or usual practice, when the House is in Committee of the Whole later today pursuant to Standing Order 81(4)(a), time be allotted to the recognized parties in the House in periods of 20 minutes as follows:

a) the first period to the Liberal Party; the second, to the Canadian Alliance; the third, to the Bloc Québécois; the fourth, [and this is a change from last year for reasons we will understand] to the Progressive Conservative Party; and the fifth, to the New Democratic Party; and subsequent periods shall be allocated to the parties in proportion to their representation in the House; and

b) within each 20-minute period, each party may allocate time to one or more of its members for speeches or for questions and answers, provided that, in the case of questions and answers, the minister's answer does not exceed the time taken by the question, and provided that, in the case of speeches, members of the party to which the period is allocated may speak one after the other.

That is exactly the formula that was used on June 4, 2002. Mr. Speaker, I have discussed this with various parties and I believe you will find unanimous consent for this motion.

**●** (1710)

[Translation]

The Acting Speaker (Mr. Bélair): Is there unanimous consent to move the motion?

Some hon. members: Agreed.

The Acting Speaker (Mr. Bélair): Is there unanimous consent to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

Business of the House

[English]

**Hon. Don Boudria:** Mr. Speaker, pursuant to this agreement, I believe you will find unanimous consent that the vote, that was requested by one party, to be taken at the conclusion of government orders tomorrow on report stage of Bill C-25 now be deferred instead to 3 p.m. tomorrow.

The Acting Speaker (Mr. Bélair): Is it agreed?

Some hon. members: Agreed.

Some hon, members: No.

[Translation]

#### **PUBLIC SAFETY ACT, 2002**

The House resumed consideration of the motion that BillC-17, an act to amend certain Acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety, be read the third time and passed.

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, thank you for giving me the floor once again on Bill C-17. What I was saying before this short interruption—

The Acting Speaker (Mr. Bélair): I am sorry to interrupt the hon. member, but the hon. whip of the Bloc Quebecois has a point of order.

\* \* \*

### **BUSINESS OF THE HOUSE**

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, I am sorry to interrupt my colleague from Argenteuil—Papineau—Mirabel, but we would indeed agree with the motion moved earlier by the government House leader. We had come to an agreement earlier, during the meeting of the House leaders.

Thus, the Bloc Quebecois agrees with the motion to defer the vote on Bill C-25 until 3 p.m. tomorrow.

The Acting Speaker (Mr. Bélair): Is there unanimous consent to adopt the second motion the government House leader moved just a few moments ago, to defer the vote on report stage of Bill C-25 until 3 p.m. tomorrow?

Some hon. members: Agreed.

[English]

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, further to our consultations, I wish to inform the House that Thursday, May 29 shall be an allotted day.

[Translation]

#### **PUBLIC SAFETY ACT, 2002**

The House resumed consideration of the motion that Bill C-17, an act to amend certain Acts of Canada, and to enact measures for implementing the Biological and Toxin Weapons Convention, in order to enhance public safety, be read the third time and passed.

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I have very pleased to resume my comments on Bill C-17.

Before this short interruption to deal with the business of the House, I was referring to some of the evidence presented to the committee by officials from Transport Canada and supported by RCMP and CSIS representatives. The government acted upon Bill C-17 as introduced without taking into consideration the amendments brought forward by the Bloc Quebecois and the other opposition parties. They did this simply because what was being proposed, especially by the Bloc Quebecois, all came from members of the civil society who appeared before the committee.

What I am trying to say is that the government fell into the trap. With this bill, it has decided to turn our country into a police state in order to fight terrorism. That is the choice the Liberal government has made.

I will provide some examples. I will be quoting, among others, from the Canadian Bar Association's brief. I will quote some parts of it. First, in the summary, we read:

The Canadian Bar Association realizes that fighting terrorism and ensuring thesecurity of Canadians are important and legitimate government objectives. However, these objectives must be achieved in ways that impair Charter rightsand freedoms as little as possible, through measures that are directly andrationally connected to the desired result. Fear of terrorist attacks cannot be usedto justify increased government power to fight all crime, compromising longstandingconstitutional guarantees.

Bill C-17, the Public Safety Act, 2002, goes further than its predecessors, Bills C-42 and C-55, in safeguarding individual rights. However, it still intrudes upon theprivacy of Canadians in ways that do not always represent legitimate compromises. It continues to allow the RCMP and CSIS to scour airline passenger lists, cross-referencing them with many other databases for possible matches. Bill C-17 has retained subsection 4.82(11), which continues to permit information to be disclosed to any peace officer based on a reasonable belief that it would assist in the execution of a warrant. While the term warrant has been more narrowly defined, it still covers offences that are not always extremely serious and not always linked to terrorism. Canadians currently can choose not to supply personal information to law enforcers, except in certain situations. It is naive to imagine that law enforcement personnel would not act upon inadvertent matches made while accessing passengers' ravel information, even when those matches have nothing whatsoever to do with terrorism. We conclude that all references towarrants should be deleted from the bill.

This was not done despite the amendments brought forward by our party. The brief goes on:

Once passenger information is obtained, it should be destroyed after 24 hours, rather than after seven days. The principle concern is passenger safety and security during the actual flight. We support an independent oversight mechanism to both prevent unauthorized use or disclosure of passenger information and ensure compliance with information destruction provisions.

With regard to the 24 hour timeframe instead of seven days, I will give you an example that is very simple. A Quebecker or a Canadian boards a plane. It was proposed that the information be destroyed 24 hours after the plane has landed, but the bill says seven days.

This means that intelligence agencies could retain passenger information for the duration of a trip and could even pass it on to other agencies. We have agreements with other countries, but we cannot guarantee that all these countries have the same respect for rights and freedoms as we do in Canada.

Therefore, personal information could be passed on to other police agencies in other countries during a person's trip, and that person could very well be put under surveillance or be interrogated by local authorities in these other countries without any assurance that his or her rights and freedoms would be respected.

We tried to make it clear that retaining information for seven days could be prejudicial to the rights and freedoms of Canadians. The Canadian Bar Association also criticized this idea but, again, the Liberals did not listen.

**●** (1715)

I continue with the positions expressed by the Canadian Bar Association:

Emergency directions made by the Minister or the Minister's delegate should be limited to 72 hours, as proposed by Bill C-17. We also appreciate the additional controls the bill places on when security measures may be made.

This is no longer about personal information. This is about different information or different parts of the bill that do not affect personal information. The Canadian Bar Association goes on to say:

The new proposed offence of "air rage" is both unnecessary and too broad, and should be deleted. Other Criminal Code provisions already cover the type of conduct contemplated.

That is what I was explaining previously. There is a new definition where we add "air rage" to the bill. Someone who has air rage becomes a danger to transportation security and is placed on a surveillance list. From there, the person is put on the permanent watch list of the RCMP and CSIS and finally becomes a dangerous criminal.

Thus, what we heard is that we have to be careful with the words "air rage". There already have been amendments to the Criminal Code. That is what the Canadian Bar Association told us.

After that. the Bar Association gave us a great deal of information that was repeated by other witnesses. As a stakeholder, I read the comments issued by the Privacy Commissioner on May 12, 2002. His comments were posted on the Internet site. I went to look at them on the site of the Privacy Commissioner, just as anyone can do. These things are not done in secrecy. The commissioner even came to make a presentation to the committee. This is what he said:

In Canada, police forces cannot normally compel businesses to provide personal information about citizens unless they obtain a warrant.

Section 4.82 would empower the RCMP, and CSIS, to obtain the personal information of all air travellers without a warrant.

What does this mean? This means they can go through our personal information. As mentioned earlier, the Deputy Commissioner of the RCMP said that in any case, it is information we give out every day. I illustrated that in the bill, the schedule lists 34 items of information we must provide. Clearly, it is incorrect to say that this is information that is provided daily. It is information about our methods of payment, the type of credit card used and so on. These are not things we provide to everyone, every day. It is incorrect to say so, yet that is what the Deputy Commissioner claims.

What is clear is that we have to provide it. On top of that, they will probably keep the information—that is what the Canadian Bar Association told us—for seven days. If ever they have a doubt, this could extend beyond seven days up to a year according to the legislation. After a year, it is up to the RCMP and CSIS to destroy the information. That is the beauty of the system, there is no oversight mechanism.

Of course, the privacy commissioner asked us to make some additions so that he might be allowed to look at the type of information that would be kept for more than seven days. He wanted to have this special power. He wanted a clause on this. He was supported by the Canadian Bar Association. Of course, the association was willing to support the privacy commissioner's request so there could be a provision allowing him to look at this. The privacy commissioner is a non-partisan official who must represent Quebeckers and Canadians, that is, he is supposed to be one of the most non-partisan people. He is responsible for protecting rights and freedoms. Thus, it would have been only right to be able to add to clause 4.82 a provision that would allow him to look at the information that will be kept for more than seven days.

We had hoped that this would have been the information that was kept for more than 24 hours, because we wanted it destroyed after 24 hours. The government would not agree. But the fact remains that it is only the RCMP and CSIS that will decide, along with Transport Canada, what type of information that they will keep for more than seven days and up to one year. It is the RCMP and CSIS that will decide after one year which will be kept and which will be destroyed.

Believe it or not, regarding personal information and the retention of documents, in Canada we have an information commissioner. Of course, members understand that this bill amends the information commissioner legislation. In theory, through the Access to Information Act, any citizen may, under certain conditions, obtain information.

**●** (1720)

It is even worse if it is one's personal file.

The beauty of this bill, then, is that the RCMP and CSIS have managed to get the government, the Liberal members, to understand as well that the information retained more than seven days, and more than one year, will be part of this data bank and never available under access to information. Never means never. No one will ever know if there are documents about them being retained.

This is what is stated in clause 107 of the bill, which prompted the following comment by the Information Commissioner:

#### Government Orders

If clause 107 is adopted, this information will need to be kept secret forever. There are certainly no reasonable grounds to justify the adoption of such a measure in a healthy democratic country.

This is a statement made not just by anyone but by the Information Commissioner, on page 10 of his submission to the committee. He is the one saying it, and it was repeated to the Liberal members on the committee. An amendment was moved saying this made no sense.

Believe it or not, in the present Access to Information Act, there are provisions allowing the commissioner not to disclose information for reasons of national security. He already has that right, if ever it can be proven to him that national security is at stake—because it is often information held by a department—he has the right not to disclose it, already has that right. There are already provisions to that effect.

But that is not enough for the RCMP or CSIS, Transport Canada or the Liberals. On top of that, we have to amend the legislation by adding section 107 which states that we will never know if there is information on us within the data banks of the RCMP, CSIS or Transport Canada.

I repeat, and then I will conclude on the presentation of documents. I will reread what the Access to Information Commissioner said to us:

If clause 107 is adopted, this information will need to be kept secret forever. There are certainly no reasonable grounds to justify the adoption of such a measure in a healthy democratic country.

This is not the Bloc Quebecois speaking. We have simply been reporting what civil society is saying. That is what we did in committee. And that is what we are doing once again today by rising in debate on Bill C-17. That is why we keep asking, "Why try to pass legislation that has been amended three times already?"

The government has now introduced in this House three bills, about which the privacy commissioner has the same comments to make every time. There are also recommendations and requests from the information commissioner, the Canadian Bar Association, the Law Society of Upper Canada, and the Barreau du Québec. Everyone is saying the same thing, "Watch out, this bill goes too far"

We keep asking the same question. What could Transport Canada not do in the minutes, hours and days following the terrible events of September 11 that such a bill will allow it to do? Nothing.

Canada already has the Emergencies Act. It has been used. What the government is doing today is turning our society into an increasingly policed society, our state into a police state. That is what is happening. The RCMP and CSIS have been pushing for this. Transport Canada gave its approval in order to finally be part of those in the know, which includes Customs, Immigration, the RCMP and CSIS. It now belongs to this group of organizations that have information on people. That is something the Bloc Quebecois will never approve of.

#### Private Members' Business

We never did, and that is not about to change. I would not want anyone from Quebec, any man or woman from Quebec or Canada to unwittingly fly on the same plane as a member of a biker gang. Should the authorities decide that this person is a threat to security and is a member of a criminal biker gang, the anti-gang law could apply. If this person flew with us, we would all be under surveillance. We would be under surveillance for the entire duration of our trip. Following our seven-day trip, the information provided about us is likely to be retained.

● (1725)

All this because we had the misfortune of being on the same plane as someone from a criminal biker gang. Sometimes there are warrants out for them and they can be arrested, but when there is no warrant, they are under surveillance and we know how the Organized Crime Act works, it is not always easy to prove things. We would be part of a group of people that is being watched because we had the misfortune of boarding a plan with someone who might be dangerous because he has ties with organized crime. I am sorry, but we do not deserve to be treated like this in the guise of fighting terrorism

That is the message of the Bloc Quebecois. That is also the message of representatives of civil society who appeared before the committee. On four occasions, the committee heard from representatives of the RCMP and CSIS, who told us, "Do not worry about this. You will see, it is not true that we keep records on all sorts of people however and whenever we want".

I can trust the commissioners, maybe even the deputy commissioners, but there are a lot of officials at the RCMP. There are all kinds of investigations going on about the police. Should we be able to trust all police officers? I would think so, but as with everything, there are always exceptions.

That is not what I would like to see happen to the public, to a citizen of Quebec or Canada. I would not want people's rights and freedoms to be violated inadvertently because we are cavalier about retaining information that the privacy commissioner, the access to information commissioner, and especially the lawyers who could end up defending us no longer have any control over. They have lost their rights in all this.

. . .

• (1730)

#### MESSAGE FROM THE SENATE

The Acting Speaker (Mr. Bélair): I have the honour to inform the House that a message has been received from the Senate informing this House that the Senate has passed certain bills, to which the concurrence of this House is desired.

[English]

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]

#### INCOME TAX ACT

**Mr. Rick Casson (Lethbridge, Canadian Alliance)** moved that Bill C-325, an act to amend the Income Tax Act (deduction for volunteer emergency service), be read the second time and referred to a committee.

He said: Mr. Speaker, it is great to be here today, and I thank my colleague from the west coast for seconding my bill.

I feel, as many do in this country from coast to coast to coast, that my private member's bill, Bill C-325, is an initiative that is long overdue.

I would like to thank some people. I would like to thank Mark Osaka, who is a long-time friend and a councillor from the county of Lethbridge, and Sam West, who is the volunteer fire chief in my hometown of Picture Butte, Alberta, for the encouragement they give me to push this forward and to keep this private member's bill moving.

There is a group of unselfish, dedicated Canadians, men and women who lay down their lives on a volunteer basis every day for their fellow man and they need to be recognized in a concrete way for what they give to society as a whole.

My private member's Bill C-325 is proposing an amendment to the Income Tax Act which would allow volunteer emergency workers to deduct \$3,000 from their taxable income from any source.

The amendment, and I will give some more detail, to section 60 of the Income Tax Act would add a new paragraph, paragraph (y):

\$3,000 [deduction], where the taxpayer performed at least 200 hours of volunteer service in the taxation year as an ambulance technician, a firefighter or a person who assists in search or rescue operations or in other emergency situations.

It would also amend section 60.03, as follows:

In order to claim a deduction under [these conditions], a taxpayer must provide a certificate from the appropriate municipality or other authority verifying that the taxpayer performed at least 200 hours of volunteer service referred to in that paragraph. For the purposes of that paragraph, volunteer service includes time spent carrying out related duties and in training.

That is the legality and that is the way the bill has been presented in the House.

The rationale for me to go ahead with this and include the groups of ambulance technicians, firefighters and search and rescue personnel is based on the similar and unique aspects of their duties. They all require extensive training on an ongoing basis, they all find themselves in dangerous, potentially life-threatening situations and most are on a 24/7 call-out basis, if not all the time, at regularly scheduled times.

The 200 hour minimum annual limit that we came up with was based on four hours of contributing time per week, two hours of training and two hours of active duty. This has been established to reward those who are truly dedicated and to act as an incentive for retention and recruitment.

The record keeping needed is being done in most cases and is included in annual reporting to municipalities or other authorities by the emergency squads. The issuing of appropriate documents for the volunteer to use on his or her tax return would be a simple matter. Therefore, we are not creating another level of bureaucracy and a huge additional workload for anyone.

There is a societal aspect also involved in the timing of this initiative. Our everyday lives are getting more complex and the number of willing individuals stepping forward to volunteer in these critical areas is declining. Also, the risks volunteer emergency responders face are increasing and becoming more complex as well.

There are ever increasing demands being put on volunteer emergency responders, with increased responsibilities, liabilities and expectations. Training is more extensive as the situations these volunteers find themselves in become more dangerous. As our industries, communities, homes and everything become more complex and as society itself changes, the situations our volunteer emergency responders find themselves in become absolutely dangerous many times.

Volunteer emergency responders are absolutely essential in most communities in Canada due to the simple fact that these communities cannot possibly afford full time, paid squads. The dependency on volunteers has become part of Canadian culture and is an accepted part of everyday life. Therefore, the reduction of willing volunteers is an issue that needs to be addressed by Canadians as a whole.

Some of the issues faced by municipalities as they address declining numbers of willing volunteers include the following: the basic problem of recruiting and maintaining adequate squads within the reality of tighter budgets; the increase in commitment of time and energy needed to stay up to date with training and equipment; and the increased possible exposure to an ever changing environment such as new chemicals, building materials and situations changing constantly.

#### (1735)

Volunteer emergency responders are called upon any time of the night or day to answer the call to assist anyone needing their help. This takes them away from their place of employment, in many cases without pay, and away from their families often for extended periods of time.

We as a nation need to recognize their contribution in a concrete way. My proposal for a tax deduction for qualifying volunteers is a direct and simple way to say thanks to this dedicated bunch of people, also to act as encouragement to stay on and an incentive to work hard.

Because of my firsthand experience as a volunteer firefighter for 17 years and my 18 years on municipal council, it gave me a good perspective on the critical need for a show of support for our volunteers. Allowing a tax deduction that can be applied to earnings of any source will be looked on very favourably by all concerned and will help maintain the high level of volunteer protection on which we as Canadians have come to rely.

I have received many letters of support from across the country from emergency responders. I would like to read those into the

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record. These comments come from the people who are doing the volunteer work. They explain in a far better way than I could ever hope to the things they like about the bill.

This is from the Mountain View county. It states:

Fire fighting services in Mountain View County and the urban centres within our boundaries are provided by residents volunteering their time. We appreciate the many hours and significant contribution that these volunteers provide to our community...

Thank you for bringing this bill forward on behalf of the many volunteer emergency workers.

The letter is signed by the Reeve, Ian Harvie.

A letter from the Fire Chiefs' Association of British Columbia, states:

As I am certain you are aware, in communities all across Canada, volunteers deliver a considerable portion of emergency service. This is especially true in the fire services. As more demands are made on these volunteers it is becoming increasingly difficult to retain and attract people. This Bill provides both an incentive to stay and means of attracting people. In addition, it is a concrete means of thanking people for their dedication to their communities in roles than can create a high risk to them in carrying out their duties.

The Fire Chiefs Association of B.C. asks that you support this Bill to ensure that volunteer emergency services continue and are recognized in British Columbia and all of Canada.

The letter is signed by Bruce Hall, the president.

This comes from a mayor of the town of Devon. He states:

As you are probably aware, Volunteer Firefighters contribute greatly to the fabric of local communities and do so without asking for much in return. The Town of Devon feels that any initiative to support and encourage volunteers to be active and stay active is of great value.

It is our hope that you will see the value of this initiative and support it.

This letter is from chief Doug Hamer, acting president of the New Brunswick Association of Fire Chiefs. He states:

I have been copied your correspondence regarding your Private Members bill C-325, "An Act to amend the Income Tax Act"...

I commend you for bringing this issue to Parliament and you can be assured of our support in this regard. Ironically the New Brunswick Association of Fire Chiefs Annual Conference is being held in 10 days. You can be assured we will put forward a resolution of support of your initiative, and provide the appropriate lobby efforts amongst New Brunswick Members of Parliament to assist in this endeavour...

I am sure, as a former municipal councillor, you appreciate the challenges in maintaining and recruiting volunteer firefighters; this bill should serve to enhance that initiative.

Thank you again.

This is from one from Kenneth J. Brands, the Fire Chief from Hinton. He states:

It is a pleasure to see someone "on the Hill" concerned about the welfare of our oft overlooked emergency service volunteer responders.

This is from the fire chief of the Rich Valley Fire Department, Gunn Alberta. He states:

In response to your letter about proposed Bill C-325 I just wanted to let you know how well your idea went over in our hall. We are delighted that someone finally wants to recognize the importance of volunteer emergency services. As you may be aware, it is very hard to get members in rural Alberta to join our services. Many people don't realize the importance of our service and therefore don't realize the repercussions if there was no service to our residents. Hopefully if this bill goes through it will make our job of getting more people easier.

• (1740)

Here is a letter from the Saskatchewan Association of Fire Chiefs, addressed to the finance minister. It states:

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We understand that Bill C-325 is scheduled for debate [in the House]. We strongly urge your support to vote in favour of second reading and reference to the Standing Committee on Finance. Our Association's membership consists primarily of Volunteer Fire Chiefs and other fire service personnel and we are all too familiar with the role these volunteers perform in the best interests of their communities. We feel that this amendment is only just and proper for such dedicated men and women. We hope that all Members of the House of Commons from Saskatchewan will give unqualifying support to [this member's] proposed amendment.

That came from Robert Prima, the president of the Saskatchewan Association of Fire Chiefs.

#### Here is one from Fire Chief Ulla Hansen of LaCorey. It states:

First of all I would like to express my appreciation for your interest in our Volunteer sector. You are to be commended for your efforts to try in every small way to compensate our Firefighters for countless hours of unpaid service.

### Here is a letter from the Town of Vegreville. It states:

The Vegreville Fire Department currently consists of thirty-one (31) Volunteer Fire Fighters and eight (8) Junior Fire Fighters. Our current jurisdiction area covers approximately 550 square miles with us responding to fire emergency calls, motor vehicle accidents and medical assists in this area. We are also involved with various fund raisers (Muscular Dystrophy and the Fire Fighters Burn Unit) which takes an enormous amount of effort and time from our volunteer group.

We often forget the volunteer work they do to keep us safe and the volunteer work that they do for the rest of their communities.

#### It goes on to say:

Our department as a whole is certainly in support of this proposed Bill and we hope that you will represent our support for it when it is scheduled for debate...

Here is one from the mayor of the Village of Acme, Alberta. It states:

We consider the contribution made by our emergency services volunteers to be a valuable asset to our communciate the fact thaity. We appret local volunteers are prepared to make our community a safer place to live for our residents. Therefore the Council ... supports your proposal—

This is a short note from the fire chief of Didsbury. "To let you know that I support your initiative on this bill".

#### Here is one from Airdrie. It states:

Thank you for your work on Bill C-325. As a volunteer Firefighter/Paramedic in Airdrie, AB I appreciate what you are doing. I will be sending a letter to my MP [asking for his support].

Here is letter from Longview & Rural Volunteer Fire Department supporting the bill. Elkwater fully supports this initiative. The County of Warner is fully supportive of the \$3,000 deduction. The County of Lethbridge and the Town of Coaldale, these are all communities in my riding close to my home.

Here is one from the Village of Nobleford from Marvin VandenHoek. It states:

I would just briefly like to express our support for Bill C-325 regarding the amendment to the deductions that can be claimed by volunteer emergency services personnel. As a member of a small town fire department, I know first hand how much we do to provide this service to our community. Although we do it primarily because we enjoy it, it takes a tremendous amount of time and dedication to keep everything operating smoothly. There is no such thing as doing a half job in this service. People are depending on us and often trust us with their lives. Also, because the service is becoming more and more complex, it is becoming increasingly difficult to recruit new members. We need ways to encourage people to join. Therefore since we are, in essence, providing a public service free of charge, I sincerely believe that the government of Canada should be doing everything in its power to enable us to continue.

I do not think I could say anything better in any other words, and I appreciate all those letters and support that have come in.

I believe that for the contribution they have made in the emergency responder section of the volunteer section of this country, volunteers do a tremendous job across many sectors. However in this sector, where the training involved is so extreme and so high a level, where the hours are 24 hours on call and where their lives are being put on the line literally to service their fellow man, a recognition by the Government of Canada to these people is essential and would be very welcome.

#### ● (1745)

**Mr. Ken Epp (Elk Island, Canadian Alliance):** Mr. Speaker, I have one quick question and I am not sure that my hon. colleague will be prepared for this. If he is not, I will accept him getting the information to me later.

The question is in regard to estimates. Has he done any research on what the average cost would be to the federal government in a year? This would be of course based upon the number of individuals and some estimate of which tax bracket they are in to be able to claim this deduction.

**Mr. Rick Casson:** Mr. Speaker, I thank the member for Elk Island for that question. Being a mathematician, I should have had him help me with this estimate because I am sure he would have come up with more accurate numbers.

The best numbers we could find were approximately 100,000 volunteer firefighters in Canada and possibly 25,000 to 30,000 emergency responders of other kinds. They are in a 20% to 25% tax bracket. We do not know how many would qualify for the 200 hours. Some people told me it was too high. Some thought it was fine, but two hours a week of practice or training and two hours a week of active duty does not seem like a lot. Maybe this would encourage people to stay active.

Based on those numbers, the cost to the government could be anywhere from \$30 million to \$35 million or \$40 million. Those are the best numbers we could come up with. We could not find any current accurate numbers. When we went back a few years and extrapolated with the population, I compared the numbers I could find for Alberta and worked them out with the rest of the country and it worked out pretty close.

It is not a small item. That is an awful lot of money. However, if we were to look at the dollar value compared to a paid professional person in these emergency response positions, it would be peanuts compared to the value of the service that these people would be giving to Canada on a voluntary basis.

As I stated, there are so many communities in this country that cannot afford to pay. They are getting a wonderful service from volunteers who are dedicated and work hard. I think it is an amount that Canadians would gladly give to recognize the contribution that these folks give to our betterment.

## Mr. Bryon Wilfert (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, I would like to congratulate my proposes a \$3,000 tax deduction for emergency service volunteers

colleague, the member for Lethbridge, for his initiative. The bill and this proposed deduction could be claimed against income from all sources. More specifically, it would apply to those who have given more than 200 hours of volunteer service over the year.

Certainly, having been the past chair of a volunteer organization in my community and on the board of directors for 19 years, I can appreciate the valuable contributions that volunteer make. As a former municipal councillor, I appreciate the tremendous work that volunteers do, whether it is the annual Canada Day events or the Santa Claus parade, et cetera. It is very important and no one should underestimate the work that volunteers give to their communities.

I believe all members of the House appreciate that valuable role and we admire the dedication of volunteers who sometimes risk their lives to help their fellow citizens in emergency situations. Emergency service volunteers play a number of different roles. For example, as the member knows, they fight fires, conduct search and rescue operations, and provide first aid. Indeed, these volunteers respond to thousands of calls each year and in doing so expose themselves to danger, such as going into a home engulfed in flames and filled with toxic smoke in order to rescue a fellow citizen or responding to a traffic accident where there may be a risk of explosion.

It is clear that these volunteers contribute substantially to the security and safety of our country and its citizenry. They accept risks and dangers for the sake of protecting others. Their role is of particular importance in many rural communities, as the hon. member has pointed out, that are not in a position to have full time emergency personnel to handle extreme circumstances such as the Manitoba or Saguenay floods. Each Canadian who has been aided by an emergency service volunteer knows the valuable role of those services. Every Canadian should appreciate that one day they may be the ones who need that help. Knowing that these volunteers are there gives us great comfort and for that we should all be thankful.

The government knows that the safety and security of Canadians is a very important issue. To illustrate that, I would like to remind members of the House that the government in 2001 included in the budget a \$6.5 billion investment to enhance the economic and personal security of Canadians. Among those investments was \$1.6 billion to enhance emergency preparedness. As a result, Canada will be in a better position to respond to its emergencies, such as natural disasters, emergencies that are often responded to by emergency service volunteers.

The priority that the government gives to security is clear and it is also clear that the government readily agrees with the hon. member for Lethbridge on the important role of emergency services. The issue that I want to explore is what is fair and reasonable, as outlined by the hon. member.

The Income Tax Act already recognizes the important role of emergency service volunteers. These individuals can receive up to \$1,000 in financial recognition from a public authority without having to pay any tax. Before 1998, this exemption was targeted at volunteer firefighters and was limited to \$500 annually. This special

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provision is fair and reasonable. If a public authority finds reason to provide a small amount to compensate the emergency service volunteers, for instance, because of the costs they incur in providing their services, the rules essentially say that the government will not diminish the value of the compensation by taxing it.

The rules also relieve public authorities of the burden of having to prepare tax information slips for modest amounts they pay to emergency service volunteers. The measure that is now in place is reasonable and, as I mentioned before, has been enhanced in recent years, but the hon. member's proposal is generous to the point of being unfair. It would impose a significant administrative burden on the organizations that engage emergency service volunteers.

When it comes to fairness there are two points that we should examine. First, if adopted, the hon. member's proposal would significantly compromise the fundamental principle of the tax system, the principle that people with comparable incomes should pay comparable amounts of tax.

### **●** (1750)

The proposed \$3,000 deduction is a very significant amount of money, and I would like to take a second to put it in context. The proposal before us would permit emergency service volunteers to receive the equivalent of three months pay at Ontario's minimum wage, tax free. This would hardly be fair or reasonable from the perspective of other persons who also contribute to society.

For instance, consider the plight of a single parent of young children working at a fast food restaurant. This person probably has little time to devote to volunteer activities and thus could not gain access to the deduction because he or she is raising young children, and yet the worker's income is fully subject to taxation.

Not only that, but I point out that the bill proposes a deduction. Tax relief provided by a deduction always depends on the person's highest tax rate. As a result, a deduction would provide more relief to those volunteers with high incomes and it would provide no relief for volunteers with little or no taxable income.

The deduction proposed in this private member's bill may also entitle the taxpayer to more income tested tax benefits like the Canada child tax benefit or the GST credit.

On the grounds of fairness, the bill falls short.

I also want to note the compliance burden that the bill would place on volunteer organizations and volunteers themselves.

In order to fairly administer this proposal it would require public authorities to count the hours of service provided by each volunteer. The volunteer, the public authority, and the Canada Customs and Revenue Agency all know when the eligibility criteria, the 200 hours of service, has been surpassed. This may prove difficult to monitor in many situations. That is a lot of accounting. There are more than 400,000 emergency service volunteers in Canada.

#### Private Members' Business

Perhaps while being well intentioned, Bill C-325 is unfair on a number of levels. It would impose an undue administrative burden on the organizations that engage volunteers in providing emergency services to Canadians. The intent of the proposal is one which we can appreciate but the difficulty is in terms of administration and in terms of fairness.

I have pointed out to members of the House the fact that in this particular case the government has already made progress in terms of this. I must point out as well that we increased the \$500 that individuals can receive up to \$1,000 of financial recognition from a public authority without paying any tax.

The issue here is the degree which the member proposes which would be up to \$3,000, and the difficulty of administering it. The government cannot support the private member's bill that is before the House today.

**●** (1755)

[Translation]

**Mr. Gilles-A. Perron (Rivière-des-Mille-Îles, BQ):** Mr. Speaker, it is a pleasure for me to speak on the bill introduced by my hon. colleague from Lethbridge. I find this bill very interesting.

I am thinking of many volunteer ambulance workers and many volunteer firefighters in Quebec, as well as from towns from your riding, Mr. Speaker. These people volunteer a great deal of their time. I am thinking of forest fires and volunteer firefighters who put these forest fires out. I am thinking of volunteer search and rescue workers who look for people lost in the woods in the summer. Often, they have out of pocket expenses. They must fill up their off-road vehicles. They spend their own money to find missing persons.

I am thinking, in particular of the St. John ambulance workers in Quebec. This organization is totally dependent on volunteers. They go to sports and cultural events. They help people injured during a performance. These volunteers need help because they do a great deal of work. The St. John ambulance workers provide a good service to Quebeckers.

The excuse being given for not including these deductions on the income tax return is the difficulty of administering the system. Really. That is complete nonsense. If we can send people into space to build a station, if we can put them on the moon or in orbit around the earth, do not tell me that we are unable to find a way to verify how many hours a volunteer has worked. It is ridiculous to talk about administrative problems, about knowing whether these volunteers worked more or less than 200 hours. Have some respect for people's intelligence. Have some respect for their sincerity. Have some respect for their honesty.

This bill is one that this House must pass. It would be truly worthwhile and it would help young people get involved in volunteering. It would give them some motivation for getting involved. The Bloc Quebecois supports the bill put forward by our hon. friend from Lethbridge. We do not always agree with the Alliance members, but we do support some of their efforts. This is a very good effort.

I thank you, Mr. Speaker, for your indulgence and your attention.

(1800)

[English]

**Mr. Norman Doyle (St. John's East, PC):** Mr. Speaker, I am very pleased to say a few words on Bill C-325, an act to amend the Income Tax Act, regarding a deduction for voluntary emergency services. At the outset I want to express my support for the bill to the hon. member who introduced the bill. It or something like it should have been introduced in the House of Commons a long time ago. It is long overdue.

The bill is only one page long but it says a lot. It amends section 60 of the Income Tax Act by adding a paragraph to that section. It indicates that an emergency service volunteer could avail of a \$3,000 tax deduction if he or she has performed at least 200 hours of service in the previous year. It is a very good bill. As I said, it is a bill that is long overdue and one which we should all support.

Section 60.03 is added. It requires a volunteer to obtain a certificate from the relevant authority attesting to the 200 hours of volunteer service. It stipulates that training time can be included in the 200 hours. It is a reasonable safeguard against the deduction being abused by people who have not put in the necessary time or effort on behalf of their community. As I said, it is a one page bill but it says an awful lot.

We are all very much aware that volunteers are the heart and soul of our community. Volunteers are also part of the economy. I do not know if members are aware that Canada has 7.5 million volunteers. We have 175,000 not for profit organizations. It is a little difficult to believe but those 7.5 million volunteers put 1.1 billion hours of work annually into the Canadian economy for various causes.

Believe it or not, the volunteer work is estimated to be worth about \$16 billion annually. That translates into about the budget of four medium size provinces, or four provinces the size of Newfoundland and Labrador. That is \$16 billion and it is the equivalent of 578,000 full time jobs. That is remarkable.

In my constituency there are 12 to 15 volunteer fire departments. I very often have the opportunity to attend their various banquets and what have you. I can tell members firsthand of the great contribution these people make to their communities. I feel very lucky to have been the minister of municipal affairs in the province of Newfoundland and Labrador for about three and a half years. I had the opportunity to visit just about every volunteer fire department in the province of Newfoundland and Labrador.

It is only when we see the kind of contribution that these people make and we visit so many of them that we actually get a feel and a flavour for all of the hard work they put into emergency volunteer services. We need to be very grateful for the contribution, sometimes of life and limb, that these people make.

#### **●** (1805)

Volunteering in the emergency service sector is especially important to our small communities across the country. For many small towns without volunteers there would be no local fire department, no local ambulance service, or no local search and rescue team. While these services are vital to the security of the community at large, they are often a danger to the life and limb of the people performing them. I see absolutely no problem in endorsing a special income tax deduction for people who provide these very important services.

We all have our blue books and red books when we go into campaigns. The Progressive Conservative Party in our blue book, our platform in the 2000 general election, said "A Progressive Conservative government would provide a tax credit of \$500 per year to all emergency service volunteers". Our party's reaction to the government's \$1,000 deduction for volunteers in receipt of an honorarium, is it should apply to all emergency service volunteers.

I think it was Winston Churchill who said that we make a living by what we get, but we make a life by what we give. It is appropriate to make that quote here. Bill C-325 seeks to give back a little to the volunteers who give a lot. As I have said, at times they probably, God forbid, give everything, life and limb included, to make our communities better and safer for all of us. This initiative is even more important in a post-September 11 world.

I congratulate the member for bringing in the bill. I whole-heartedly support moving it forward in the business of the House.

#### [Translation]

Mr. Jeannot Castonguay (Parliamentary Secretary to the Minister of Health, Lib.): Mr. Speaker, I appreciate having this opportunity today to address the members of this House with respect to Bill C-325. If adopted, this bill would entitle emergency service volunteers to claim a \$3,000 tax deduction if they provided 200 hours or more of emergency volunteer work.

First, Mr. Speaker, I could not agree more with the member. Emergency service volunteers deserve to be recognized for their valuable contributions to the safety, security and well-being of our communities

There are numerous examples that come to mind in which emergency service volunteers played an important role: the tornado that whipped through Edmonton in 1987 and left large numbers of Edmontonians homeless, the Manitoba and Saguenay floods, or the crippling ice storm of 1998.

In these instances, disaster relief volunteers provided assistance at critical times. They aided the distressed victims of these natural disasters and helped re-establish calm out of chaos.

There are many kinds of volunteers that deserve some recognition, and there are many different ways to recognize their contributions. This may come as a surprise to some members, but Statistics Canada estimated that there were approximately 6.5 million Canadians across this country who volunteered in 2000. As you can imagine, these volunteers make valuable contributions to their communities in many different ways.

#### Private Members' Business

Some volunteers help seniors get around. They coach our children's sports teams. They prepare, serve and deliver meals to others in need. They provide education services and advocate on important issues. And they help protect our environment. In fact, in the year 2000, volunteers freely donated over one billion hours of their time. That is an average of 162 hours per volunteer.

Why do these volunteers give their time so generously? The member's bill reflects a view that emergency service volunteers either expect or need financial recognition for their service. But is this really true?

Statistics Canada has done a very interesting survey that sheds light on this question. Perhaps it should not be surprising, but the survey finds that most Canadians do not appear to expect financial assistance or incentives as a reward for their volunteering.

The National Survey of Giving, Volunteering and Participating asked Canadians why they volunteered. There are a number of reasons, and none of the main reasons are related to financial gain.

Ninety-five per cent said they volunteered because they wanted to help a cause in which they believe; 81% volunteered because they desired to put their skills and experience to work; almost 70% volunteered because they had been personally affected by the cause that the charitable organization supports.

Canadians cited several other reasons for volunteering. They see volunteering as a way to explore their own strengths. They have friends who volunteer and they want to share the experience. They want to fulfill religious obligations or beliefs. And for some, volunteering is a way to demonstrate or acquire skills in order to open doors to new opportunities.

The hon. member's bill is well-intentioned, but it seems to miss the point. Financial rewards are not the reason that Canadians volunteer. Volunteering, first and foremost, comes from the heart.

I reach the same conclusion when I look at the issue from an equally important perspective: the perspective of Canadians who do not volunteer. The same Statistics Canada survey asked Canadians why they did not volunteer or why they did not volunteer more.

You have to search well down the list of reasons to find financial cost. In fact, the main barrier was a lack of time. Seven in ten Canadians cited time limitations, not financial costs, as a reason for not volunteering or not volunteering more.

There are other reasons why Canadians do not volunteer or volunteer more. Some find they are unable to make a year round commitment to volunteering. Some might consider becoming a volunteer, but have never been personally asked to do so. Perhaps they just need an invitation to get them started. Still others cited health problems, or a lack of interest.

#### Private Members' Business

At the bottom of the list is financial cost. Barely 10% of all volunteers believe that financial cost is a barrier to volunteering. Again, I respectfully suggest that the bill is aiming at the wrong issue.

#### **●** (1810)

Aside from financial rewards, what are some of the other ways to encourage volunteering efforts? There are many ways. Sometimes it is simply raising awareness of the volunteer's cause. Raising awareness is one dimension of the Canadian Volunteerism Initiative. This initiative is backed up with a new investment of \$35 million, as announced by the Minister of Heritage last December. This funding will help establish national centres and local networks that, in turn, will help to strengthen the voluntary sector's ability to encourage and enhance the experience of volunteering.

Among other things, these investments will support an outreach awareness campaign, and help organizations develop and test new innovative methods for sustaining volunteerism.

The Canadian Volunteerism Initiative is the first ongoing program to be established under the Voluntary Sector Initiative, a partnership initiative that was established in 2000 to strengthen the voluntary sector's capacity and its relationship with the federal government.

Another way to recognize the efforts of volunteers if through public awards and honours. There are a multitude of awards distributed each year that recognize the outstanding contributions of volunteers. For instance, the Governor General's Caring Canadian Award is bestowed on a long-service volunteer who has contributed substantially to families and groups in his or her community.

I would just like to take a minute to talk about one of those recipients: Mary Fitzpatrick of Newfoundland. Mary was recognized for 14 years of volunteer work. She visited seniors' complexes. She hand-made quilts and donated them to needy individuals. And she knitted finger puppets for children undergoing blood work. Members must have seen those puppets that are put on the tip of the kids' fingers. Mary Fitzpatrick compassionately and freely gave to her community.

Clearly, this is a prime example of how to recognize the contributions of volunteers other than with money.

To reiterate, the private members' bill essentially misses the mark. Providing financial rewards is not the way to recognize and increase volunteer work. Due to the misguided premise of this bill, I would encourage members of this House to vote against it.

### • (1815)

[English]

**Mr. Ken Epp (Elk Island, Canadian Alliance):** Mr. Speaker, I am pleased to add a few words to the discussion on Bill C-325, put forward by my hon. colleague from Lethbridge.

He of course has my undying loyalty since his daughter lives in my riding. I have to pay a great deal of attention to make sure that all my constituents are happy. I have to be loyal to the member for Lethbridge because of that.

I recognize the history, especially in the remote areas of the country, of volunteers for emergency services. We think of

firefighters and ambulance drivers. Not that long ago people from all walks of life were doing this voluntary work and they did it to the best of their ability. Sometimes they were ill-prepared for it because of lack of training and lack of proper equipment in the communities. However they do the best they can and have done so over many years.

I remember quite distinctly, when I was probably five or six years old, living on the prairies. I think I have mentioned in the House before that my father was the one who arranged for a new telephone network. None of us had phones until then. My dad was the one who kicked off organizing phones. These phones were the hand cranked ones. The young people here will really wonder whether I have escaped from the museum recently.

However we had these hand cranked phones. I still remember that our ring was two longs and one short. When our phone rang everyone on the whole network could pick up and listen to what we were saying. It was called a party line at that time. The intention was that one of our neighbours was calling and we would respond because it was our ring.

The practice in those days was that if anyone needed help in an emergency they would get on the phone and crank the thing. It was one very long ring in which case everyone would get on the line. We cannot do today because the present technology does not permit it.

However one morning there was a very long ring. My dad answered the phone and found out that our neighbour had been involved in a farm accident. In fact, my dad was one of the persons who arrived there as soon as he could. He found out that the tractor had actually taken the life of one of our neighbours. This was the lady who was calling to her neighbours asking for help. She said that she needed help.

As a little aside, those were wonderful communities in those days. I also remember that was the year all the neighbours got together and harvested Mrs. Pasch's fields before any of them did their own. That was the kind of community relationship that gave rise to the volunteers who then had the opportunity to go for more training and become better equipped to help people when they were in need.

Bill C-325 reflects that that spirit of co-operation and kinsmanship is still very much alive. It is quite evident in all of the small communities in my riding and certainly in others as well.

My colleague has put forward this bill, which, in a very small way, would give a small monetary recognition to the people who work as volunteers. I commend the member for that. He is obviously reflecting the sentiments of many people who believe that those who volunteer in these emergency services deserve more recognition than just sort of a passing thanks.

### • (1820)

As has been mentioned on numerous occasions already in today's debate, this provides for a deduction from taxable income of up to \$3,000 for a person who volunteers for a minimum of 200 hours. I am sure my colleague will not mind if I say to him that I certainly support his bill in principle. I would like to see it go to committee, but there are a few revisions which I would recommend to my colleague and to the committee when they study this bill. I think that perhaps he might be open to some of these revisions.

(1825)

Private Members' Business

First, as an amateur mathematician I have a bit of a problem with the 200 hour cut-off. This is called in mathematics a stepping function, where it has one value until a certain place, at which point it has a completely different value. To explain what I am referring to I will use an example. If someone worked 195 hours, according to this bill that individual would be entitled to nothing. It is the same for a person who worked 196, 197, 198 or 199 hours, but as soon as they get to the 200 hours suddenly they can deduct up to \$3,000 from their taxable income and thereby have a considerable saving in the amount of taxes they would pay.

I would like to see some thought given to changing it from a stepping function into one that perhaps has a little more uniformity to it as it goes along. I know there is a bit of a problem in terms of bookkeeping, but I think it could be done. It would make it much more fair instead of having this instantaneous threshold. That is one little suggestion I have.

I also would like to counter the argument put forward by the parliamentary secretary in terms of the amount of book work required. I think this is an item which is already being done in many instances and it is also, just like our income tax system in totality, based on the honour system. I think it would not be a huge increment to ask a person who is a volunteer to keep an annual log that would contain three columns: the date, the time in and the time out. It would show the hours worked that day. Every time a person was involved in an activity as a volunteer in emergency services it would simply be entered into a log. I really sincerely doubt that it should take more than between five and eight seconds, which is my estimate, for that book work to be done. Then in the end the person would simply have to add it up, put a signature to it and declare that it is accurate; of course there is a rule against providing inaccurate information.

There is something else I would like to recommend, and here I agree somewhat with the parliamentary secretary. I think an amendment should be made to make this into a refundable tax credit so that not only those who have other income get this reward. Very often we find that people who do this kind of volunteering are people who have more free time. Many of them do not have a great deal of independent income, so again, what would happen here I think is a potential unfairness. There could be two people side by side, both of whom meet the criteria but one with larger income who can thereby reduce his or her taxable income and get a benefit, whereas the other person may have little or no income or not even be in a taxable bracket. This would thereby not provide for that individual a thank you in a compensatory form.

I would like to close by commending my colleague for the recognition of a very important element in our society: the work of the volunteer, the person who says, "Yes, if someone is in distress I will be there to help. I will put my own life and safety at risk if necessary and I will do what I can to help my neighbours". I think this is a good step forward.

I cannot resist saying in my closing 12 seconds that we should probably consider very, very strongly increasing the basic exemption for all Canadians since they are all being taxed to death. Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I had to wonder if my hon. colleague from Elk Island has a stopwatch on his desk. I see he has a little clock over there that told him he had

on his desk. I see he has a little clock over there that told him he had 12 seconds left. I was both curious and amazed, because in looking around the Chamber I see that we do not have any second hands on the clocks and there is nothing else that can tell us our time is up except the nice indications we get from Mr. Speaker once in a while.

I welcome the opportunity this evening to debate the bill sponsored by the hon, member for Lethbridge.

It seems to me that there are many benefits we receive when we volunteer, as certainly I have received from my own experiences, whether it was coaching minor hockey or being involved in the Metro Food Bank Society in Halifax or other activities. I and volunteers I have talked to through those experiences have all shared the feeling that we often gain more by volunteering than we actually put in.

In other words, the volunteers do tremendous things and give great service to our communities, but many of them would tell us that they actually learn so much and gain so much themselves through their service that it makes it very worthwhile. Those rewards may not be tangible. They may not be dollars and they may not be tax deductions, but I think they are very meaningful to anyone who has volunteered. I would venture to say that everyone in this Chamber has undoubtedly been involved in their community and undoubtedly has volunteered at some time in their life. Probably all members have done a great deal of volunteer work over the years.

Bill C-325 proposes a \$3,000 tax deduction for emergency service volunteers. The proposed deductions could be claimed against income from all sources. More specifically, it would apply to those who have given more than 200 hours of volunteer service over the year.

As I have said, there is a variety of benefits people get from volunteering, but I also think we have to consider the real implications and the costs of a provision like this, as well as what possible abuses there might be. We cannot ignore the fact that abuses are possible. If a small community organization gives out receipts or some kind of certificate showing that a person has given 200 hours of volunteer service, we have to make sure that it is being done properly and is valid and that there are no abuses in those cases. In the vast majority of cases, of course, community organizations would not abuse that process, but we still have to consider those possibilities.

In my view, it is not actually any more likely that someone will volunteer because of a tax deduction like this. Hopefully it will not be more likely for a person to volunteer because of a tax deduction. I think people volunteer because they believe in their community, and that really is the best reason for volunteering. People believe in what they are doing and they enjoy it. Volunteering, generally speaking, is very enjoyable. I do not see that this bill is going make it more likely that we will have more volunteers in our society.

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I see that I am out of time. I certainly could add a great deal more to my comments. I may not have the actual seconds at my hand as my hon. colleague from Elk Island does, but I see from your look, Mr. Speaker, that my time is up.

• (1830)

The Deputy Speaker: I know from past experience that the hon. member for Elk Island is very faithful to whatever amount of time any one member is given and, most respectfully, particularly when he has the floor.

While the hon. parliamentary secretary might have had some time left, I must interrupt him because the time provided for the consideration of private members' business has now expired and the order is dropped to the bottom of the order of precedence on the Order Paper.

### ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[English]

#### AGRICULTURE

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, on March 18 of this year the Minister of Agriculture and Agri-Food, in reply to a question about agricultural interests blocking Canada's ratification of the Cartagena protocol on biosafety, said, "There is still more work that needs to be done, but we are committed to resolving those uncertainties that may impact the agriculture and agrifood industry before we ratify".

Canada signed a biosafety protocol in April 2001, yet two years later we still do not know when Canada will ratify it. It is worth noting the Minister of the Environment's statement on January 27, 2000, when he said, "A strong biosafety protocol under the biodiversity convention is in the interests of all nations".

Now 48 countries have already ratified. The protocol could become operational very soon with the required 50 signatories and possibly hold its first meeting without Canada sitting at the table.

The biosafety protocol is an international convention. Its purpose is to protect the environment, ensure the safe transfer, handling and use of living genetically modified organisms resulting from biotechnology, apply the precautionary principle, and finally, put the environment ahead of trade considerations.

The delayed ratification is dangerous because Canada will be unable to establish controls on international exchanges of genetically modified organisms and, second, will be unable to implement rules and procedures holding biotech companies accountable for the costs and responsibilities of potential damage to health and the environment.

This evening's debate takes place in the wake of two events: Monsanto's application to grow genetically engineered wheat in Canada and, second, Canada's decision to join the U.S. in challenging the European Union's ban on genetically modified food imports before the World Trade Organization.

Presently, large biotech companies are trying to get approval to modify wheat genetically so it can tolerate herbicides made by the same companies. Agricultural groups, including the Canadian Federation of Agriculture, are opposed to genetically engineered wheat. Recent polls also show that 61% of Canadians are opposed.

It is worth noting in a paper published in the June 2000 issue of *Science* that the author, Dr. Domingo, points to just how little is actually known about the effects of genetically modified organisms on health. This study challenges the notion that the safety of genetically modified crops is supported by scientific research.

This is why the biosafety protocol is so important. When it comes into force, it will enable nations to ban the importation of genetically modified organisms because the protocol is not subordinate to international trade agreements and the WTO. When the protocol is operative, European Union countries will be able to ban the importation of Canadian genetically engineered wheat, which will have a severe economic impact on Canadian wheat farmers.

To conclude, in light of all this, could the Parliamentary Secretary to the Minister of Agriculture and Agri-Food inform the House as to when Canada will ratify the biosafety protocol?

Mr. Bryon Wilfert (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, as the Minister of the Environment reported to the House on February 27, the government supports the Cartagena protocol on biosafety, its objective which is the protection of biodiversity, and its value to the global community. The protocol focuses on transboundary movement of living modified organisms, LMOs.

Canada signed the biosafety protocol in April 2001 and as the hon. member pointed out it, it is not yet in force. As of today, May 27, 110 countries have signed it and 49 have ratified it. It will come into force 90 days after 50 countries have ratified it, presumably sometime later this year. As the House was advised on March 18, the Government of Canada is on a path to ratification once some uncertainties in the agreement are resolved.

The government held extensive consultations with the agriculture and agri-food industries across Canada. During that time industry correctly identified that the protocol is not a finished piece, that there is need for certainty on some of the key issues that could affect what they have to do once it comes into force.

In order to address these outstanding issues the Government of Canada has drafted an action plan, the key elements of which I am pleased to share with members of the House.

The action plan calls for the government to continue to engage actively in the protocol through participating in all protocol meetings, be they formal or informal, and working groups. The government will use all possible means, including démarches to foreign governments by Canadian missions abroad and through working in other international fora to build support for Canadian positions on outstanding issues of concern, for example, on documentation, transit, trade with non-parties and decision making.

In addition, Canada will continue to act as a model by providing all information called for under the protocol through the biosafety clearing house. In fact, Canadian agricultural exporters are prepared to provide on a voluntary basis all documentation currently called for under the protocol.

Finally, the Government of Canada is seeking to negotiate bilateral agreements with key LMO importing countries that are, or are likely to become, parties to the protocol. Our objective for these bilateral arrangements is to create reasonable market access conditions for our exporters and to address the elements of documentation and transit with respect to interpretation and implementation of the provisions of the protocol.

It is hoped that these measures will provide the Government of Canada with the information necessary for taking a decision on ratifying the protocol in advance of the first meeting of the parties expected early in 2004. I am very supportive of this action plan and the clear mandate it gives officials to go forward internationally.

The government is confident that we can make considerable progress toward resolving the outstanding issues in the coming months so that we can address the ratification question in light of the progress before the end of the year and before this protocol comes into force.

• (1835)

**Hon. Charles Caccia:** Mr. Speaker, I thank the hon. parliamentary secretary for his comprehensive reply.

At the beginning of his intervention he referred to the possibility that this convention may be ratified sometime later this year, but at the end of his intervention he made reference to early next year. Perhaps he could be more precise in indicating what really is the intent of the government because he has not clarified that point at all in his intervention.

The parliamentary secretary made reference to a number of market access conditions, outstanding issues of concern and uncertainties that must be resolved, all of a technical and market oriented nature. He did not mention one concern related to public safety and environmental concerns.

Could the parliamentary secretary give us a more comprehensive elucidation as to what really he has in mind?

**Mr. Bryon Wilfert:** Mr. Speaker, on the first part I think I was very clear. The government hopes to ratify it before the end of 2003.

The hon. member may be referring to the fact that we would like to do the ratification in advance of the first meeting of the parties which is expected in 2004. It is the intent of the government to ratify it by the end of 2003, hopefully in advance of the meeting of the

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parties expected in early 2004. There is no reference to ratification in 2004. It deals with 2003.

On the second part of the hon. member's question, I am not in a position to expand on it much further. I could talk a little with regard to one of the key elements of the plan, on the issue of bilateral arrangements and in particular with importers who are likely to become a part of the process. As we know the Canadian grain industry supports these bilateral arrangements. Again, I would point out that we are in negotiation with a number of countries that are very important in this regard.

**(1840)** 

#### HEALTH

Mr. Greg Thompson (New Brunswick Southwest, PC): Mr. Speaker, again I am up on the SARS issue. I have had a number of questions, including an emergency debate, on this issue in the House. To put it very bluntly, I am not completely satisfied with the way the federal government has handled this issue and specifically, the Minister of Health. I am not alone in this. A number of people are saying the same thing. In fact the Canadian Medical Association has come to the same conclusion, that the Government of Canada has done a very poor job in the containment of this disease.

As we sit here this evening there has been a further outbreak in Toronto. It has not been contained. Again I think it lies directly at the doorstep of the Minister of Health.

I want to quote from the edition of Canadian Medical Association Journal which just came out. Most of the major newspapers today have reported what the Canadian Medical Association Journal has said regarding SARS and the responsibility of the government and the way it handled that responsibility. The journal said that politicians responded to the "epidemic of fear" unleashed by SARS by "dining out conspicuously in Toronto's Chinatown". It went on to say that there is "a real lack of sophisticated health leadership nationally" within the federal Department of Health to deal with that issue.

What we have to be concerned about is that we are coming into another potential crisis. That would be the West Nile virus. On top of that, mad cow disease is another raging issue across the country.

The question would be, does the Minister of Health understand what her role is? If she does have a role in this issue, I wish she would let us know what it was, or at least that she understood what her role was.

One of the lines I used the other night is that the first line of defence in any war should be leadership. There has been no political leadership in the government on this issue. I have suggested that the Minister of Health and the Prime Minister have been partners in neglect on this issue.

The question I put to the minister a number of weeks ago was responded to by her parliamentary secretary. Early in March, this is how the government responded to the SARS issue, and I am quoting directly from the parliamentary secretary:

We know that it is not a real threat because the virus has been traced back to Hong Kong. There have only been a few cases in Canada that have come from there.

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That clearly indicates that from the outset the government was not prepared to do what was necessary to contain this disease. There are only two things basically we can do. There is no cure, so we have to contain it. We have to not allow the disease to be imported and not allow it to be exported. That is where the government fell short. That is why I am taking the government to task on that very issue again here tonight.

**●** (1845)

[Translation]

Mr. Jeannot Castonguay (Parliamentary Secretary to the Minister of Health, Lib.): Mr. Speaker, I thank my colleague for giving me the opportunity to explain what happened in this whole situation. Of course, the government has been taking and continues to take this issue seriously.

Since the SARS outbreak began over a month ago, Health Canada has worked tirelessly and cooperatively with front line health care workers, provincial authorities and key stakeholders in an effort to control and contain SARS, which is not necessarily an easy task.

Beginning on March 15, Health Canada's Emergency Operations Centre has been a crucial point of coordination between Health Canada and players globally, nationally and locally.

The minister and officials at Health Canada began working with the World Health Organization as soon as SARS was identified and have stayed in very close contact every since.

On March 18, to assist airport staff to identify ill travellers, Health Canada sent officials to Vancouver International and Pearson Airports and on April 1, the department stepped up its efforts regarding the travelling public by providing information for departing passengers, people in flight as well as arriving passengers. By May 8, special equipment was being tested in Toronto's Pearson Airport to ensure we are identifying as many ways as possible to stop the spread by travellers.

Soon after hearing about the first case of SARS in Canada, Health Canada deployed six infectious disease and epidemiological experts to assist Toronto's public health unit and the Ontario Ministry of Health with the investigation of SARS cases. An additional eight experts were sent to Toronto during the week of April 1. An outbreak investigation team in Ottawa is in constant contact with the Toronto team

As you know, managing a disease outbreak that is national in scope calls for national guidelines and Health Canada provided this expertise and advice to ensure that all parts of the country were equally protected and benefiting from the experiences of other countries and other parts of Canada. Health Canada developed, in collaboration with the provinces and territories, guidelines for infection control and for public health control measures in a variety of settings.

Health Canada has worked diligently with its partners, other government departments, federal, provincial, and territorial partners, the Centre for Disease Control and the World Health Organization.

Health Canada's National Microbiology Lab in Winnipeg has worked tirelessly to find the cause of SARS as well as a diagnostic

test. Our research to do this is taking place in collaboration with labs throughout the world.

Health Canada established a toll-free, public information line where callers can receive information on SARS and talk with health professionals.

In early April, the WHO said "Canada is doing an exemplary job and much of what has been going on in Canada, including the system of notifying airline passengers and of screening airline passengers, has been shared with other countries as an example of best practices".

Let me repeat that, from the very beginning, Health Canada officials have worked around the clock with their provincial, territorial and international partners to investigate the cases, to reduce further transmission and to find the cause.

[English]

**Mr. Greg Thompson:** Mr. Speaker, this simply is an indication of how unprepared the government was for SARS and how it has not even learned from its past mistakes. A couple of weeks ago during that debate in the House, the question was put directly to the minister. The government is still not prepared to deal with any future outbreaks. It has not learned anything from its past mistakes.

One of the things we have suggested is that we should have a centre for disease control, similar to the one in the United States of America. In fact, some of the U.S. officials are up here helping us deal with it and have found that the Government of Canada, in terms of emergency preparedness for situations like this, has dedicated less money to it for the next three years than what it would otherwise have dedicated to it. It is trying to do more with less but again it has no plan for the future—

**The Deputy Speaker:** Order. Let us find out just how much and for how much less. The hon. parliamentary secretary.

**●** (1850)

[Translation]

Mr. Jeannot Castonguay: Mr. Speaker, it is no coincidence that the minister asked the Dean of Medicine at the University of Toronto to chair the committee to draw lessons from our experience that was unfamiliar to many, to see how we could improve our approach. I should add that there was communication with the Center for Disease Control in Atlanta to learn from their experience and to see how we could improve our situation here in Canada.

Pretending that nothing is wrong is not realistic and it is my pleasure to share this with the House.

The Deputy Speaker: Pursuant to Standing Order 81, the motion to adjourn the House is now deemed withdrawn. The House will now go into committee of the whole for the purpose of considering votes under justice in the main estimates for the fiscal year ending March 31, 2004. I do now leave the chair for the House to resolve itself into committee of the whole.

[Editor's Note: For continuation of proceedings see Part B]

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**CANADA** 

# House of Commons Debates

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OFFICIAL REPORT (HANSARD)

Tuesday, May 27, 2003 Part B

Speaker: The Honourable Peter Milliken

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## HOUSE OF COMMONS

**Tuesday, May 27, 2003** 

[Editor's Note: Continuation of proceedings from Part A]

## **GOVERNMENT ORDERS**

[English]

#### **SUPPLY**

JUSTICE-MAIN ESTIMATES 2003-04

(Consideration in committee of the whole of all votes under Justice in the main estimates, Mr. Kilger in the chair)

The Chair: Order, please. House in committee of the whole on all votes under Justice in the main estimates for the fiscal year ending March 31, 2004.

I would like to make a brief statement before we begin this evening's proceedings. Earlier, slightly late this afternoon, a motion was put and agreed to by unanimous consent and I wish to share it with those who are here this evening participating. It is somewhat different than the regulations by which we were guided in the last debate of this nature a few weeks ago on the subject of Health. It is an exact duplicate of what the orders of business were on June 4, 2002. Let me share this with you in case some of us have not had an opportunity to be made aware of this agreement made earlier, as I say, less than two hours ago.

#### The motion reads:

That, notwithstanding any standing order or usual practice, when the House is in Committee of the Whole later today pursuant to Standing Order 81(4)(a), time be allotted to the recognized parties in the House in periods of 20 minutes as follows:

(a) the first period to the Liberal Party, the second, to the Canadian Alliance, the third, to the Bloc Quebecois, the fourth, to the Progressive Conservative Party, and the fifth, to the New Democratic Party, and subsequent periods shall be allocated to the parties in proportion to their representation in the House; and

(b) within each 20-minute period, each party may allocate time to one or more of its members for speeches or for questions and answers, provided that, in the case of questions and answers, the minister's answer does not exceed the time taken by the question, and provided that, in the case of speeches, members of the party to which the period is allocated may speak one after the other.

This is what the Chair will be guided by this evening. Again, as a matter of information, just a very short period ago I received correspondence from our Speaker on the subject of the rotation for these proceedings. The matter has been referred to the modernization committee, which I chair, but for this evening I have laid out for you what the procedure will be.

Without any further ado, let me proceed to the first round which is allocated to the governing party. I look to the hon. Minister of Justice.

• (1855)

[Translation]

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Chair, dear colleagues, this is the second time that I have the opportunity to present the estimates for the Department of Justice. I must say that I still find this quite an interesting exercise. Every time, colleagues and members of Parliament have had some constructive input to offer.

[English]

I am pleased to present the spending estimates of the Department of Justice Canada to the House.

[Translation]

As I just said, this is the second time I appear before you to deal with the estimates. I would like to take this opportunity to highlight our current priorities and to discuss the latest achievements of the Department of Justice. I would also like to go over some of the challenges we are facing.

[English]

First, as we have seen today, one of the priorities of my department is the reform of the cannabis legislation, which I have tabled as the cannabis reform bill.

I want to be clear from the beginning that we are not legalizing marijuana and I have no plans to do so. Marijuana remains a controlled substance and offenders will continue to be punished by law.

What we are changing is the way we prosecute certain offences of possession through the use of alternative penalties.

[Translation]

The bill I introduced earlier today amends the legal provisions with respect to the possession of small amounts of marihuana, which will become a ticketing offence instead of leading to criminal prosecutions.

While introducing these new legal provisions, the Government of Canada will continue to proactively implement its renewed drug strategy to discourage young people from using drugs and to go after traffickers in order to reduce both the demand and supply for illegal drugs.

Through the renewed Canada's Drug Strategy, we will review the legislation to take into consideration the modern viewpoints of Canadians. The strategy seeks to ensure that the provisions concerning possession offences are more consistently enforced and that the penalties fit the seriousness of the crime.

In order to promote health, the use of marihuana must be discouraged and cannabis possession will remain illegal in Canada. However, the new measures reflect the opinion of the majority of Canadians who no longer accept the permanent stigma of a criminal record or a prison sentence that the people found guilty of possessing small amounts of cannabis have to bear.

#### [English]

The debate over modernizing our marijuana laws has been on and off the public agenda for three decades now. The time has come to act. We need strong, enforceable laws that make sense for Canadians and make sense internationally, laws that will send a strong message to our young people, a message saying that marijuana is harmful and will remain illegal.

This reform will address the current lack of consistency in the enforcement of cannabis possession offences across the country and ensure that enforcement resources are focused on where they are most needed by allowing police to enforce the law, but without the complications of going before the courts for minor offences.

The decision to reform the law was not taken lightly. It came as the result of an enormous amount of research, consultation and debate. Cannabis consumption is a complex issue and is first and foremost a health matter. However, one thing is clear, the time has come for us to reform our laws in this area.

The House of Commons Special Committee on the Non-Medical Use of Drugs recommended that cannabis be decriminalized. The Senate special committee on illegal drugs recommended that the production and sale of cannabis be legalized.

Recent polling indicates that a majority of Canadians believe that convictions for possession of small amounts of cannabis for personal use should not result in criminal penalties.

Again I want to be clear that the government has no plans to legalize the possession of this drug but clearly the current laws do not serve the public good.

#### • (1900)

## [Translation]

However, the commercial growing of marijuana is no doubt a serious indictable offence that has serious and negative consequences on society. Commercial growers generate huge profits for criminal organizations and other stakeholders in this trade.

These growers are everywhere in cities and in houses rented in the suburbs, among other places, and often the owners are not aware of these illegal activities.

Marijuana growers resort to water and electricity meter jumping, which means they rob public utilities and pose a serious threat of fire.

Several law enforcement agencies have found very sophisticated traps designed to endanger the lives of competitors, police officers and firefighters. We must obviously protect the lives of women and men who represent our first line of defence.

I believe that Bill C-32, an act to amend the Criminal Code, which was recently referred to the Standing Committee on Justice, will effectively serve as a deterrent. Indeed, it would amend section 247 of the Criminal Code regarding the placing of traps that are likely to cause death. The amendment would provide that, if a trap is used for the purpose of committing another indictable offence, the term of imprisonment would go from five to ten years.

If bodily harm is caused to a person, the term of imprisonment would be 14 years and, if the person dies, the maximum penalty would be life imprisonment, whether the place was used for the purpose of committing an indictable offence or not.

Bill C-32 would also ensure that our laws keep pace with the rapid evolution of the Internet. The amendments in the bill would allow citizens and businesses to take reasonable steps to protect their computer systems and the valuable information that they contain against computer hackers and sly electronic communications that might contain viruses.

#### [English]

The amendments to the Divorce Act contained in Bill C-22 address a top priority of Canadians, ensuring that the best interests of the child remain paramount in decisions made following their parent's divorce or separation. I understand that the Standing Committee on Justice and Human Rights expects to resume hearings on C-22 shortly.

Canadians have already stated clearly that changes to the law are not enough. Improvements must also be made to services, such as mediation and education. Canadians have also demanded a simpler, more efficient court system to accommodate the needs of parents and families struggling with separation and divorce.

In December we responded by proposing the child centre family justice strategy. Together with the provinces, territories and non-government organizations, we have embarked on an ambitious and multi-faceted program of change that includes increased funding for family justice services, expansion of successful initiatives, such as unified family courts, and legislative amendments, such as Bill C-22.

The Department of Justice will make substantial investments in this strategy. In December I announced \$163 million over five years to modernize the family justice system in Canada.

Now, another very important issue raised by Bill C-20.

#### • (1905)

## [Translation]

This bill deals with the protection of children and other vulnerable persons. Protecting children is obviously a high priority for Canadians, and the government is listening to them.

Bill C-20, which was introduced recently, provides better protection for children against all forms of exploitation. It reflects the broad consultations and close cooperation with the provinces, the territories, non-governmental organizations and the general public.

The proposed reforms are designed to give children better protection against all forms of exploitation, including sexual abuse and child pornography, and to meet the needs of children and other vulnerable persons, such as victims and witnesses in the criminal justice system, more effectively.

Canada's criminal laws against sexual abuse of children, including child pornography, are among the strictest in the world. Bill C-20 will go even further in strengthening our prohibitions with regard to child pornography. It also proposes creating a new category of prohibited sexual exploitation for those who are between 14 and 18, which will require the courts to examine the nature and the circumstances of the relationship, including the age difference.

Another purpose of Bill C-20 is to make it easier for young victims and witnesses to testify. It proposes to strengthen their ability to provide a clear, complete and accurate description of the events while ensuring that the rights of the accused will be protected and respected.

[English]

Another topic that I would like to talk about concerns the protection of Canada's capital markets. I believe that improving the fairness of our system extends well beyond matters of liability and into our capital market. Recent scandals involving corporate malfeasance in the United States have spurred officials in my department to review Canadian laws. I hope to table a bill on this matter in the very near future.

My department will be investing resources and playing a significant role in the integrated enforcement teams that will be investigating and prosecuting the most serious corporate frauds and market illegalities. Justice officials will partner with their peers in finance, industry and the office of the Solicitor General in this coordinated approach.

[Translation]

The other important topic I would like to talk about now is the criminal liability of corporations. Improving fairness in our justice system is indeed an ongoing priority.

The Department of Justice has been working very hard to draft new legislative provisions on corporate criminal liability taking into account the recommendations made by the many commissions and studies on the Westray mine disaster. A series of amendments to the Criminal Code would make business executives more responsible for the safety of their employees.

Another important topic I would like to raise here is access to justice; as we have said, this has been an ongoing priority of my department, which wants to ensure that Canadians, no matter where they live, can use the official language of their choice in all their dealings with federal legislation. This is the whole issue of official languages.

We have made great strides in that respect, working closely with our governmental and non-governmental partners in the provinces and territories, and I am confident we can still improve access to justice in both official languages.

Under the government's action plan on official languages, my department will invest \$27 million over the next five years to meet its obligations under the Legislative Instruments Re-enactment Act and the Federal Court's decision on the Contraventions Act.

Another \$18.5 million will also be invested in a fund in support of access to justice in both official languages. Together, these initiatives represent a \$45.5 million investment in the area of access to justice in both official languages.

**(1910)** 

[English]

Legal aid is another significant component of the access to justice. The government is strongly committed to ensuring that economically disadvantaged Canadians have equitable access to criminal legal aid. I am pleased to report significant progress on initiating criminal legal aid renewal.

The recent federal budget announced increases to the criminal legal aid base fund and committed additional funds for innovative programs developed and implemented by the provinces and territories. Federal funding for criminal legal aid will increase by \$89 million in the new criminal legal aid agreement. Of this amount, \$83 million will go directly to the provinces and territories.

Over the next three years the government will invest \$379.2 million in legal aid. These funds will help ensure that economically disadvantaged Canadians have access to justice.

[Translation]

Now let me deal with another important topic, crime prevention. To work effectively, our justice system must be relevant to all Canadians. It must be directly connected to and be an integral and familiar part of every community.

I am convinced that a relevant system must help citizens recommend, develop and implement effective solutions to community problems. Even though such solutions may go beyond the regular limits of case law, often they are powerful engines of social change.

[English]

The national crime prevention strategy has proven to be especially successful at improving the relevance of Canada's justice system. This strategy involves providing financial support for innovative local projects that reduce crime and victimization, and target issues of local concern.

For example, in Surrey, British Columbia, a literacy project would enable disadvantaged Canadians to acquire new skills and jobs. In Fort McPherson, a summer camp program would help instill a new sense of pride in young people at risk. In Ontario, a partnership project with the Canadian Association of Chiefs of Police would help combat auto theft by educating youth about the negative consequences of that act.

These projects are just a few current examples of our collaborative approach to crime prevention, an approach that has succeeded in enlisting an increasing number of Canadians in the fight against crime. These projects also establish vital links between Canadians and their system of justice. I am pleased to say that over the next three years the national crime prevention strategy will invest \$225 million to make our communities safer.

In conclusion, while I am pleased with the accomplishments of my department, I recognize that much work remains to be done to create a system that is fair, accessible and relevant to all. We must broaden our collaboration with the provinces, territories, and with individual Canadians to improve our justice system, prevent crime, and reduce the effect of victimization.

**Mr. Vic Toews (Provencher, Canadian Alliance):** Mr. Chair, we too are concerned about a fair and accessible justice system.

This morning in committee we dealt with Bill C-32. I was amazed that in Bill C-32 where a probation order expires and restitution has been ordered, a victim is told that he must get a civil order to enforce restitution ordered by a criminal court. Under our law the criminal court loses jurisdiction over the enforcement of its own order. Therefore, if there is a six month probation period and restitution has been asked to be paid within three months, if that is not paid and the Crown does not proceed within that period of time all the victim has is the right to go to a civil order.

If we could imagine an elderly woman in North Winnipeg who has a restitution order against a street gang member and she receives a judgment in her name against a street gang member, what are the odds of that poor woman in terms of not just enforcing that order but indeed in protecting her safety?

Why does the minister think victims should be left out on their own instead of receiving the protection of the criminal courts?

(1915)

Hon. Martin Cauchon: Mr. Chair, essentially what the member is referring to is a bill that we are very proud of, Bill C-32. I referred to that bill in my opening remarks. The bill deals with deadly traps and the use of traps by criminal organizations and within the place where they commit crimes as well. We believe that it was important to proceed with the renewal of the legislation on that side, change the sentencing, and create some offences as well.

With regard to the matter that the member just referred to, that would happen essentially when, for example, conditional sentencing that has been fixed by the court has expired. That is what is in the hill

**Mr. Vic Toews:** Mr. Chair, that then begs a question. That is what we find in the bill. We find a provision that does not help victims. I am asking the minister to look at the bill. Can we not say that if a restitution order is unpaid, regardless of the probation period or the

conditions expiring, the courts could have criminal jurisdiction, so that it is the court and the police that then go enforce the restitution order on behalf of the victim?

Why should we make criminal justice difficult on the victim? Why can we not assist the victim through the criminal court in the effective way it used to be? This is a new process that has changed in the last seven or eight years, brought under a Liberal administration that has left victims out to hang by themselves.

**Hon. Martin Cauchon:** Mr. Chair, the member should read Bill C-32. It is clear to me that the situation that he is referring to is when the court has no more jurisdiction on a case. A victim could then take that judgment and refer it to a civil court without going through any further process. That has been asked for by the victims and has been made available for the victims. In other words, we are not talking about a status quo here. We are talking about improving the system.

**Mr. Vic Toews:** Mr. Chair, I do not think the minister gets it. This victim now gets a judgment in his or her name.

Imagine that I am a little old man in north Winnipeg. A street gang has broken my fence. A police officer has caught them. I get a restitution order for \$200 or \$300. The gang members are put on probation for six months. The expiry of the probation order occurs. The restitution has not been paid. I now get a judgment in my name. The gang members get a copy of the judgment in my name. Does the minister not think that when I get paid a friendly visit by my local street gang members, I am going to say "Look, I do not want to proceed any further"? That is exactly what is going to happen.

The criminal courts and the police should be there to protect. Why do we not simply allow the criminal courts to enforce the judgment they way it used to be prior to 1995, so that the victims do not have to be in the courts to advance their interests? The police and the criminal courts should say that this is an order of the court and it must be respected. The obligation is to the court, not to the individual victim to be collecting that bill.

**●** (1920)

**Hon. Martin Cauchon:** Mr. Chair, I do not know what the member is talking about. My understanding of the situation is that we are talking about additional tools. This tool has been asked for by victims groups. As long as the criminal courts have jurisdiction, they are in a position to enforce the judgment. If they lose jurisdiction, then the judgment would be used in order to enforce it in civil court without going through the court process.

For example, if at the time that the criminal court has jurisdiction and the person on the other side does not have money to meet the judgment, then the victim has a judgment that is good for a long period of time. It can be enforced in the civil court without going through the court system.

This has been asked for by victims' groups. We are not talking about the status quo. We are talking about an effective tool that should be seen as adding onto the existing system.

**Mr. Vic Toews:** Mr. Chair, I will tell you how it could be an effective tool. There is a six month probation order. The order expires and the restitution has not been paid. The victim goes to the police and tells them the restitution has not been paid. The police officer lays a breach of probation. It goes back to the sentencing judge and the sentencing judge says, "Look, we gave you a period of time to pay and you have not paid. Come up with an excuse". Instead, this minister wants to give them a hollow civil judgment that does nothing for the victim, so I want the minister to consider that.

I want to move on to the other issue and that is the issue of traps for our firefighters. We know that our firefighters and other emergency personnel, including police officers, are subjected to traps. When they go into grow ops there are shotguns and crossbows rigged to go off. The minister says, "We want to send out a strong message that this is not a good thing".

Well, we all agree it is not a good thing, but what does the minister do in typical Liberal fashion? He proposes increasing the maximum sentences. He knows that the courts do not follow those maximum sentences. The courts will continue to go on imposing whatever sentence they want to impose. If the minister really wants to protect our firefighters and our emergency personnel, he should mandate minimum prison sentences. For someone who sets a trap, we do not raise the maximum penalty to 14 years and see the courts still giving a suspended sentence. What we do is we say that if someone puts a trap into place the minimum sentence is two or three years.

If the minister cares about our firefighters and cares about our emergency personnel, he should put some teeth into the law. The minister knows that the courts will not respond. This is nothing but window dressing for political purposes. He should put real teeth into the law and put mandatory prison sentences into place. Why will the minister not do that?

Hon. Martin Cauchon: Mr. Chair, obviously the member is referring to the question of the mandatory minimum sentencing. We know very well what the situation is here in Canada and the view that we have taken in the past. We tend not to use that notion of mandatory minimum sentencing. What we prefer to do is fix a maximum and give the courts the discretion to decide based on the facts of each and every case, depending on each and every circumstance as well. We do believe that the Criminal Code, the overall legislation we have in place, has proven in the past to work very well.

Having said that, instead of trying to change the old notion or the old philosophy that we put in place here in terms of dealing with criminal law, the member should recognize what we did in that piece of legislation. It was something that was requested by many professional organizations across Canada. We have changed the penalties in terms of the use of traps. We have created new offences as well. Of course when a trap causes death, we are talking about a life sentence. It is a major step.

The question of traps is exactly in line with the policy that the Solicitor General and I have tabled today in order to be tougher on that side, tougher against organized crime and with those involved in marijuana grow ops. If the hon, member has read the bill that we have tabled today, he will see that there are some aggravating

circumstances that could be used, of which we can make a demonstration.

Essentially the bill and the policy we have tabled today go in the very same direction and that direction is to be tougher on crime.

• (1925)

**Mr. Vic Toews:** Mr. Chair, the minister has said that he wants to see tougher measures on crime but he discounts the idea of mandatory prison sentences, which is not an unknown concept in our law. If we look at the murder sections, for example, there is a minimum sentence before someone is eligible for parole. In second degree murder it is 10 years and in first degree murder it is 25 years, so we have mandatory prison sentences imposed in our Criminal Code.

We have the same thing in our firearms sections. If someone uses a firearm in the course of a robbery there is a mandatory prison sentence, because the message we want to send out to the criminals who use firearms in that fashion is that they go to prison if they use a firearm in the course of a robbery.

But for our firefighters who in the course of their jobs go out to protect our lives and go into a trap, get an arrow through their chest or a shotgun blast to the head, what is the answer? The answer is, "We do not want to do mandatory prison sentences".

Yes, victims have asked for these kinds of laws, but they want effective laws and effective sentences. An effective sentence is a mandatory prison sentence that sends a message to criminals and to judges that anyone committing that type of crime will go to prison. Why does the minister not want to protect our firefighters and emergency personnel with the same kind of protection that a 7-Eleven clerk gets when somebody goes into the 7-Eleven with a shotgun and robs the place? There is a mandatory minimum sentence. Why is the same thing not here if he cares about firefighters and police officers?

**Hon. Martin Cauchon:** Mr. Chair, one must take into consideration that Bill C-32 has been developed with professional organizations. One he is referring to is the firefighters. We have been in discussions with those organizations. As a matter of fact, on the day we tabled Bill C-32 I was standing here in the lobby and talking to the media with a representative of the firefighters. They recognize that this bill is a very important component and will help them do their work.

When we are talking about the provisions or the penalty scheme that we have put in place, I would ask that we just have a look at exactly what we are doing with Bill C-32.

Let us start. Anyone who sets a trap or allows one to remain in a place could face imprisonment for a maximum of five years. If a person is injured it is a maximum of 10 years. If anyone sets a trap in a place used for a criminal purpose or allows one to remain in such a place, it would be a maximum of 10 years. If a trap that is set or left in a place used for criminal purpose causes injury to a person, it would be a maximum of 14 years. If a trap causes death to a person, it would be a maximum of life imprisonment.

This is a very nice piece of legislation. The government is very proud of what it is doing in Bill C-32. As I said, it is going exactly in the very same direction as the policy we tabled today, which is to be tougher on crime.

But we know what those members would like to do. We are living in our Canadian society with our Canadian values, but on the other side of the House they essentially would like to put in place a legal system that would not give the court system or justices across the country any room to manoeuvre. I believe we have a very good court system. We have very good judges and I would like to give them occasion to decide based on the case, based on the circumstances of each and every case before them.

**●** (1930)

**Mr. Vic Toews:** Mr. Chair, it is no surprise, then, that two-thirds of Canadians think our judicial system is influenced by politics and they have lost faith in it. It was two-thirds in a recent poll.

On the maximum sentences the minister has pointed out in this context, presently we have maximum sentences for manslaughter as well. We have life imprisonment as a maximum. Yet we see courts consistently giving conditional sentences, house arrest, for manslaughter. People who kill children get house arrest. If we want to send out a message, let us make sure that the criminals hear the message and that judges realize this Parliament takes that crime seriously.

I agree that the bill is going in the right direction in recognizing this particular offence, but we can do better. If the minister asked the firefighters and the emergency personnel if they had a choice between raising the maximums to 14 years without a minimum and raising the maximums as well as putting in appropriate minimum prison sentences, is he suggesting that the volunteer sector, the emergency personnel sector and the firefighters would reject that? Is that what he is saying? That is simply not correct from what I know of what the firefighters and emergency personnel and police officers have been telling me.

**Hon. Martin Cauchon:** Mr. Chair, let us have a look at the two points that have been raised. The first point is the question of what we call the mandatory minimum sentencing. Essentially that has been used on a large scale in other jurisdictions in other countries. What we see now is that there are studies going on demonstrating that maybe it is not the best system to put in place.

As I said, I believe we have a fantastic court system here in Canada. We have very good judges as well. They have a good reputation and are highly respected not only here but all over the world. What I said was that it is important to give them the chance to proceed with a full assessment of the situation in order to impose the penalties based on the circumstances and the facts of the case they have before them.

The other point the member has alluded to is essentially the notion of conditional sentencing. It is something that actually has been working for more than four years. The member knows very well, because he is a member of the committee, that it is under review by the justice committee.

It has been used by the courts and it is used when an offender is deemed not to pose a risk to the public. Of course, if it has been used it is because the courts find it an interesting way to deal with offenders who do not represent a risk to the public. Having said that, let me say that we are reviewing the situation at this point in time and I am waiting to see the report that will come out of the justice committee.

(1935)

[Translation]

**Mr. Robert Lanctôt (Châteauguay, BQ):** Mr. Chair, I will start with an issue that the minister did not mention even though it was there in the first session of the 37th Parliament and again in the second session, and I am talking about Bill C-10B on cruelty to animals.

When we started looking at this issue, the goal was to impose stiffer penalties; of course, the Bloc Quebecois agreed that something had to be done to protect animals against cruelty. These provisions were to be removed from where they are in the Criminal Code and included in a new part V.1.

However, there is a problem with the new part. The government has forgotten to explicitly include the defences provided for the animal industry, including researchers and all those who deal with animals, like hunters, ranchers, farmers, those who are there to protect animals from cruelty. These people came to testify that it was indeed necessary to impose stiffer penalties and to enforce legislative provisions with regard to cruelty to animals, but that the animal industry should not be jeopardized by these efforts.

During the proceedings of the Standing Committee on Justice and Human Rights, we brought forward an amendment to stand by those who act in a responsible manner and want to protect the animals, just like the Bloc Quebecois, without hurting the animal industry. We asked that all the defences provided for in section 429 be made explicitly available. We were told that these rights are protected, that the farmers, the researchers and all the animal industry were implicitly protected.

Strangely enough, when we asked for these defences to be explicitly included, we were referred to section 8 providing for the rights based on the common law. We were told that this provision allowed defences implicitly. But they did listen to my request. Section 8 is explicit, and yet, the defences allowed under section 8 are implicit.

I want to ask this of the minister. It would not take away anything if you do not want to hurt the animal industry. Why not include the defences laid out in section 429, which were part, of course, of the property provisions, in the new part V.1?

Those who seek to protect animals have even told us, "We are willing to go along with this. We do not want to hurt those in the animal industry who meet the standards and do everything right. Why not include this explicitly?" That is my question to the minister.

**Hon. Martin Cauchon:** Mr. Chair, I appreciate my hon. colleague's remarks in reference to an important bill that aims to modernize legislation that has not been updated in a very long time.

First, what is important is that the legitimate trade practices in existence today—and I think everyone agrees here—are not affected and will be not harmed by the bill.

My hon. colleague talked, essentially, about something called a common law defence, found in section 8. This section applies essentially to this case. To come back and repeat what section 8 says would be, at the very least, redundant.

That being said, I would just like to mention something else. In a bill there are certain concepts of law. It is important when looking at a bill to keep in mind the case law. We explained the test to be applied to cases dealing with cruelty to animals. That case, which my colleague must be very familiar with, was the Quebec court of appeal case of Regina v. Ménard. The decision was rendered by Mr. Justice Lamer. If I may, Mr. Speaker, I would like to review the court's analysis.

Mr. Justice Lamer stated that any suffering inflicted needlessly was prohibited. He expressly rejected the notion that the pain inflicted be substantial. He also clearly stated that assessing unnecessary pain, suffering or injury involved two steps. That is the critical test,

First the lawfulness of the purpose for which the pain was inflicted must be examined. If the purpose is illegal, the inquiry ends there. On the other hand, if the purpose is legitimate, there is a second issue to examine, namely whether or not the means used to achieve the purpose are reasonable under the circumstances including the purpose itself, social priorities and available means.

I believe that is a very telling test that offers maximum protection against what the member has just mentioned.

That being said, I would just like to say in conclusion that the bill is now in the other place. It is not yet back in the House of Commons, but we expect that there will be some amendments. That is what I have been given to understand.

• (1940)

**Mr. Robert Lanctôt:** Mr. Chair, I do not know what amendments the Senate will want to propose. However, we find it deplorable that the minister tells us that everything is based on section 8, on the common law defence and that it would be redundant to put in explicit defences.

I find this difficult to understand and I will tell the House why. If defences, which are already set out in section 429, under property, were redundant, why did the legislator already set them out in section 429? The reason is that there are great differences. They are not there for nothing and they are not redundant.

By agreeing with the amendments that we proposed, by explicitly putting in these defences, the government would probably get the unanimous consent of the House to pass the bill. How can it be said that it is redundant? This was already set out in section 429, under property. As the saying goes: *You cannot be too careful*.

All this is intended to reassure the animal industry, researchers, hunters, and breeders. Imagine. That is a lot of people. They came—as I remember since I was on the Justice Committee— one after the other to testify and to let us know that they were in favour of protecting animals from cruelty, as we in the Bloc Quebecois are.

As for what you have said about Regina v. Ménard, it is obvious that everything is based on the fact that there are two criteria for assessing legitimacy, according to industry standards. We must go Supply

beyond that, however, because this is a structural change. A new section has been created. I would like to hear from the minister's own mouth that the purpose is not to hurt the animal industry but to protect animals from cruelty.

Why not subscribe to the old adage *You cannot be too careful*? It is wrong to say that this is redundant. It is already in one section, and by adding it to section 5.1 the entire animal industry will be reassured and at the same time you will have the support of the Bloc Quebecois on a bill such as this, since you will have retained the amendment relating to animal cruelty.

I think that it would be sending out a good signal to all Canadians and Quebeckers if we were to say that animals must be respected, that there must be no cruelty toward them. If the bill is accepted by all political parties, both opposition and government, I cannot see where there is any redundancy.

● (1945)

**Hon. Martin Cauchon:** Mr. Chair, first, the bill is presently in the Senate. I have no control over the other House. All I can do right now is anticipate amendments.

However, I can certainly say, as Minister of Justice, that before going ahead with certain amendments, we must be extremely careful not to change the tests provided in the bill which, as my colleague mentioned, are aimed at protecting the legitimate industry while protecting the animals also, since that is the purpose of this bill.

That being said, my colleague just said, *You cannot be too careful.* You know, I am always very reluctant to be redundant in drafting legislation. When you take the time to repeat an existing provision in a bill, the courts will immediately wonder what the legislator meant by that. Was it done to change the way this provision was interpreted in the past or was it done to add a totally different kind of protection?

In any bill, we must be careful when deciding to make changes.

**Mr. Robert Lanctôt:** Mr. Chair, I will change the subject. As you know, this was provided for under section 429. I am finding it difficult to follow the minister's logic on this.

Let us now look at a critically important issue in this place for more than seven years. I am talking about the amendment of the Young Offenders Act.

The Court of Appeal has rendered an opinion concerning the new Bill C-7 concerning young offenders and the legislation that has come into force. The problem was raised by the Court of Appeal, but the Bloc Quebecois has been doing so for years. All we were asking for was the opportunity to opt out with compensation.

The government did not appeal the opinion of the Court of Appeal of Quebec. All our young people can thank it for that. The problem is in applying such a complex piece of legislation. We must not forget that the ultimate goal of Bill C-7, with its two unconstitutional provisions, is to do exactly what Quebec is doing and does best: rehabilitation and reintegration of our youth.

What I am telling the minister is, with nearly \$1 billion earmarked for the implementation of a very complex piece of legislation, the Young Offenders Act being properly enforced and Quebec's success with reintegration, imagine what could be achieved with the \$1 billion that will have to go to other things.

In Quebec, we could ask to keep going as we are. The other provinces will eventually catch up to Quebec in this regard. What we have is working well. What your new bill is seeking to do, we are already doing under the old act. Of this \$1 billion, 25%, or \$250 million, will go to Quebec; this money will be directed to our young people, to achieve what other provinces are hoping to achieve. They can implement it, but why not allow Quebec to opt out and give it the necessary funding to rehabilitate our youth?

**Hon. Martin Cauchon:** Mr. Chair, first, concerning not Bill C-7 but the new legislation, there has been a lot of discussion. As my colleague just pointed out, it is based mostly on the Quebec legislation which puts a lot of emphasis on social reintegration. It was felt that young offenders deserved another chance, and we support those principles.

Of course, there is a substantial difference in the fact that we, on this side of the House, believe that the penalties must fit the seriousness of the crime. That is not necessarily what has happened in the past in Quebec. So, the penalties now fit the seriousness of the crime.

Having said that, I want to point out that, when the issue was referred by the Quebec government to the Quebec Appeal Court, some points were raised. The first one had to do with jurisdiction. The constitutionality of some of the provisions laid out in the bill was also addressed.

I am content. We have not appealed this decision because, essentially, it is easy to see that the decision confirms clearly, cleanly and precisely the Canadian government's jurisdiction in this area.

Second, two sections, two elements of the law, were declared invalid. That is a question of presumption, presumption as to adult sentencing and presumption concerning the issue of publication. This presumption is now squarely on the shoulders of youth. We decided not to appeal because we believed that we could reach the same goals, that is the goals set by the legislators, without necessarily using these two presumptions.

That said, since our hon. friend referred to the funds allocated to implementation and enforcement, I should say that when the law was being drafted, there was always tremendous collaboration among the provincial, territorial and federal governments.

In order to ensure the smooth introduction of the reform and ensure that, together, we could test new ways of doing things and new practices, a fund was set up for the youth justice renewal initiative. I will just point out that from 1999 to 2002-03, this fund contained a little over \$6 million that was available to the

Government of Quebec, which was led at that time by the friends and colleagues of my hon. colleague, that is, the Parti Quebecois.

I would simply like to point out that the Government of Quebec never accepted any of this money. That \$6 million was lost to organizations working at ground level, who could have used it to create all kinds of programs that would have helped Quebec youth. It is outrageous.

**(1950)** 

**Mr. Robert Lanctôt:** Mr. Chair, 20 minutes goes by very quickly when you have an exceptional number of questions for the minister.

I am going to immediately address the fiasco still being discussed, firearms, which is an important issue. To think I have to rush through this. The Bloc Quebecois has always been in favour of a firearms registry. But how is it that, today, we must talk about a fiasco, not a registry as such, nor the principle, but the way it has been managed.

Motion M-387, presented in the House by an independent member, asks the government to immediately suspend application of the Canadian Firearms Program. The Bloc Quebecois is asking for one thing in order for Canadians and Quebeckers to respect this registry. For there to be a public inquiry to see where the money went.

I was in the House when the minister said that each of the programs that the government is trying to implement costs \$1 billion. It is impossible for each program to cost \$1 billion. So, a public inquiry should be held to see where the funds went. People would then be interested in having a program and a firearms registry.

**Hon. Martin Cauchon:** Mr. Chair, on this side of the House, we have a fundamental belief in this policy of registering firearms. It is a question of principles; it is also a question of values. We will continue to apply this legislation and go forward with the registry, as well as with the permits.

That said, I greatly appreciate my hon. colleague's question, because this gives me the opportunity to come back to the question. Now, the program has been transferred to my hon. colleague, the Solicitor General, who has responsibility for it. However, this evening, I want to take a small liberty in order to come back to the report.

I am asking the Chair for some time, because this is important. I see the Chair, and I understand. Unless my hon. colleague is willing to come back with the same question.

• (1955)

The Chair: I insisted.

**Hon. Martin Cauchon:** Mr. Chair, essentially what the Auditor General's report said and what was questioned, was how reporting was done to Parliament. It was not at all a question of whether or not money was lost left and right. It was very clear that all of the money was very well spent. Why did the prices rise? All of that was very well explained for several weeks here in the House.

So, I think we need to put things in context. There was never any professional misconduct in the firearms file.

[English]

Mr. Bill Casey (Cumberland—Colchester, PC): Mr. Chair, it is a privilege and a pleasure to rise and talk about this. I will focus my address mostly to the Solicitor General, although I believe the Auditor General will get honourable mention through the debate. I want to bring some things to the attention of the Solicitor General.

I want to focus on credibility of the gun registry system. The Solicitor General has said many times in the House that it is a great system and that the police depend on it. I want to point out to him that maybe the police should not depend on it.

My office has had several calls from people who say that they have tried to utilize the gun registry system and have found a lot of trouble with it. On May 6, I raised it in the House. I asked the Solicitor General about the problems that people were reporting. He said, and I quote from *Hansard*:

I am not denying for a moment that there are not bad examples out there. There are

What we are trying to do...personally is talk to some of those individuals... we want to talk directly to those people who have problems and we want to fix those problems.

We are here to help the Solicitor General. We are going to help him make contact with those people. To do this, we have set up a website at www.gunregistry.ca. In the first two weeks it has been open, without even any advertising, we have had 34,000 hits at www.gunregistry.ca. That is 50 per hour on average and we peaked out at 359 an hour at one time. To say there is not a lot of interest in this is an understatement.

There are two ways to comment on www.gunregistry.ca. People can leave a comment that everybody can see, and members can go to the website right now and see those comments. There are dozens and dozens of them. Alternatively, people can send a letter to me, which I personally will turn over to the Solicitor General because he wants to hear from people who have had problems and he wants to fix those problems. He told me that earlier in the House. Therefore, if people have a problem with the gun registry, they should go to www. gunregistry.ca, click on comment, send me the comment and I will put it in the hands of the Solicitor General.

In any case, I want to bring to the attention of the Solicitor General a couple of the comments we already have received so he can get a flavour of the comments. They are from all across the country. We are going to start with one from Nova Scotia. This man started to register his firearms in 1998. He applied for his possession certificate and filled out the first forms. Twelve months later he started receiving a plastic firearms certificates. Over the next six months he received one or two plastic firearms certificates. Then he started receiving cardboard ones, until in the end he had 23 registrations more than he had guns.

#### Supply

This is the firearms system upon which the Solicitor General says the police are depending. If they went to this man's house, they would expect him to have 23 firearms which he does not have, 23 firearms that do not exist. Again, if something happened to this man, the estate would be held responsible to produce these 23 firearms, but they do not exist.

He says, "Me being a frustrated, law-abiding, tax paying, slow to anger Canadian citizen, I called his 1-800 number. After waiting on hold I got to talk to a real person. I take my time and I try to explain what has happened. I want to mail back these 23 certificates to the gun registry, and the staff person who answered the phone, not real polite, tells me this is not going to happen. Then she starts to give me a 20 minute lecture explaining what I have to do.

This is where my nightmare with the gun registry ends today, May 16, 2003. I hope I do not spend my golden years in jail for trying to be a law-abiding citizen, but out of frustration I have given up on the Canadian gun registry. If my nightmare can be corrected, good, if not, thanks anyway".

I know the Solicitor General is going to take this letter and fix this problem because he promised he would do that right here in the House

Here is one from a man in Saskatchewan. He says, "While the firearms registry cashed my cheque and sent me a new possession acquisition licence, which I received about a month ago, lo and behold I got another one yesterday. This was after waiting several months to get the first one". His friend got his for free, but other people had to pay \$80 each. He has two of these systems now.

**●** (2000)

Here is another one from Alberta. He says, "I applied for an FAC. I had my photo taken, wrote out my cheque and dropped the whole package in the mail. The wait began which indicated it was to be six to eight weeks. However I waited and I waited. I waited for eight months and then I called. I waited again. Six weeks more passed and then eight weeks more passed and my cheque had not been cashed.

I called the registry, the 1-800 number, and I waited on hold for over an hour. When the agent answered the phone she was abrupt and rude but did check the system and said that I was not in the system. I called back again a few weeks later and they said I was in the system even though I had not added anything.

Eleven weeks later a letter arrived from CFC. I opened the letter to find my acquisition licence with all my information but someone else's picture".

This is the system that the Solicitor General is talking about that is so important to the police. This is a man who waited all this time for his licence and when it came it had someone else's picture.

This is people's lives, their rights, their property and ultimately their freedom with which these people are playing. The penalties under Bill C-68 are no laughing matter and the incompetence at the CFC put people at risk of arrest and imprisonment.

I have another one from Ontario. He says, "I submitted my wife's possession and acquisition application in the same envelope I put my own in. My wife got her licence at least one month before mine was even looked at, even though her references were never contacted. We know this because we asked and I, her spouse, was never contacted by the police to see if I had a concern about her having firearms. I didn't get the same treatment. While my references were also never called, my spouse was contacted by the police who wanted to know if she minded me getting firearms licence".

Therefore it is the same family, same guns, same envelope, same applications and the man is treated differently than the woman. The minster might like to explain that one.

Here is another one. It states, "We registered our guns but when the registration papers came the owners name wasn't even on them". This is the credible system that the Solicitor General says the police are depending on.

Here is one from Owen Sound, Ontario. It says, "Here is my experience: missing information on the registration card, incorrect information on the registration card, failure to return my phone calls, failure to answer e-mails, two weeks to talk to a human being and stickers that don't stick.

The stickers that do not stick are little stickers that when they are sent says "Here is your firearm identification number sticker, FIN". These little stickers are to go on firearms. I received four of these stickers for guns that do not exist from another person in Nova Scotia who said: "Here are licences, certificates and stickers for guns that don't exist and the police somewhere think these guns exist and they don't. They are figments of the firearm registry's imagination".

Here is another one from a man in Nelson, B.C. who registered two shotguns and he got his certificates and he got his stickers but there is no way to identify where the sticker goes and on what gun the sticker goes. The sticker has the date and the registration number but it does not say on what gun it goes. He has two guns, two stickers and he does not know which is which.

He says, "I am frustrated with the incompetence of the gun registry. I have requested assistance from the CFC repeatedly and received one non-helpful answer. I requested help directly from the Attorney General, and the Solicitor General, but neither has replied in any way". I know that must be a mistake because the Solicitor General said he wanted to hear from people and would help solve their problems. We will give him this right away and then he can address it and I am sure he will.

Here is an interesting one from a man from New Brunswick. He owns a restricted handgun. He is law-abiding citizens and follows all the rules. He sold his house. He has to move from one house to the new house and to do that he has to have a transfer permit to move his handgun, his restricted weapon. Can he get it? He cannot get one.

He says, "I proceeded to call the firearms registry for 30 consecutive days approximately three times a day, at times on hold in excess of 30 minutes and gave up each time".

That is 30 consecutive days three times a day. He wants to comply. He does not want to be a criminal. He does not want to move his gun illegally, but he has to have a permit, but he cannot get one. What did he do? He illegally transferred the gun to the new address. It did not make sense for him not to sell his house because he could not get hold of the firearm registry, so he illegally transferred his gun. He even told the RCMP he was going to do this and the RCMP said if it caught him it could charge him. In any event he was trying to comply. He moved the gun and then he had to reregister the gun. He re-registered it at the new address.

#### **●** (2005)

The firearms registry shows this gun still at the old address, so if the police, whom the Solicitor General says are depending on the system, go to that address, they will expect that handgun to be there when in fact it is at another address altogether. Again, double registration and no credibility for the system.

This is from Peace River, Alberta. It says, "I registered my firearms in October of 2002. I am still waiting for at least six registrations that have been in progress since December 2002. It is now May 2003. How long does it take to register six guns?"

That is a question the Solicitor General should answer. How long does it take to register a gun? What is reasonable, not an abnormality nor an aberration, but what is the normal acceptable level of service that a Canadian should expect from the gun registry? How long should it take to register a gun? Everybody has to provide service in business and in life. We as members of Parliament have to provide a service. The Solicitor General and the gun registry have to provide a service. There should be a level of service that is acceptable and one that is not.

Here is one from Sudbury, Ontario. It say, "I have in the past waited for hours on the phone, talked to as many as 11 individuals to get my problem resolved, only to be told to call back because the individual who looks after it is not available. I have been told that although I feel that I have a problem, I really do not have a problem. One problem I have is the need to apply for replacement I.D. stickers". These are the little stickers we talked about before. These are for guns that do not exist. They fall off. It goes on to say, "I think the registration provisions are needlessly regressive and complex while not aimed at the correct targets".

Again, the same story. The one common thread through this is if we have a problem, we cannot get it fixed. This man has waited for hours on the phone, talked to 11 individuals and still has not got the problem fixed. He was told he did not have a problem, even though he knew he registered his gun in error. He made a mistake. He tried to correct that mistake and the registry said that he did not have a problem because it was not a mistake but it was.

This one is from Belleville, Ontario. It says, "It has been over two years since I submitted my registration for my firearms. I have submitted three inquiries to the registry as to the status of my registration because I have not yet received anything in the mail about the registration. Fortunately I kept photocopies.

My first inquiry was in June of 2001. I was told they did not have to be registered till 2003 and not to worry. Late in 2002 I inquired again with no response.

In January 2003 I sent another inquiry. In the last e-mail I informed the Leader of the Opposition and the leader of the Conservative Party that I needed help with this matter. Finally, I received an e-mail to say that if I did not register I could be charged".

This is a man who says he wants to register his gun and asks where it is in the system. He is told not to worry and that there is no hurry. Then he gets an e-mail saying that he will be charged because he did not register his firearm. He goes on, "I am not a criminal, and this program has been so mismanaged that it is trying to turn lawabiding citizens into criminals. I would still like to have my firearms registered".

The Solicitor General will get this letter and I am sure he will look after it.

This is another one from Victoria, B.C. It says, "From September to December 2002 I tried to register all my firearms online".

It is the same old story; it is still not registered. This one is from North Saanich. It says, "I had approximately eight rifles registered with the wrong serial numbers by the firearms centre".

That is eight rifles registered with the wrong serial numbers. What is the point in having a registry if they are registered with the wrong serial numbers? What good is that to the police if they have the wrong serial numbers? It goes on to say, "As well, last December I was unable to either fax, e-mail or phone into the firearms centre to confirm I had rifles to register. These rifles were left off my initial list in the initial registration by myself and my wife.

I guess the biggest complaint is, whenever something comes up, I feel as if the firearms registry employees have a big stick to wield and the innocent Canadians who are licensed to carry firearms for sporting purposes are being singled out by the feds for treatment".

Again, there has to be a level of service and I will ask the Solicitor General to tell us what the minimum level of service is for registration of firearms. How long should a person wait on the phone before a human being answers the phone at the firearms registry? What is reasonable? One minute? Two minutes? What is it? I want to know what is the minimum standard of service. I am not talking about the odd occasion, I am asking what should Canadians accept and what should they expect when they call the firearms registry?

We have one person who called 30 days in a row, three times a day and waited as much as 30 minutes. I want the minister to tell us, what is the minimum level of service?

• (2010)

A dealer in Victoria said that the only way he could get a gun licensed and transferred was through the back door. The purchaser of

the firearm knew somebody at the registry office and somehow it was done.

Here is a letter from an individual in Ontario who says that when he re-registered his restricted firearm he was sent a sticker to put on one of his guns. He said that all his registered handguns had serial numbers and that the gun he re-registered already had a serial number. The registry office, however, created another serial number and sent him a certificate and a sticker for it. This gun now has two serial numbers, and what the police will do with that I cannot imagine.

The Solicitor General says that they are depending on this but I do not think they should.

I have another letter from a gentleman in Nova Scotia who says that his wife attempted to register via the Internet in December 2002. She received a message back stating that the submission was not accepted. She re-tried but a message came back stating that the application had already been submitted. She did not know whether it was accepted or not so she sent a letter of intent. A message came back telling her to re-submit within 30 days from that date. When she tried to re-submit, the system said that the web page was not available. It goes on and on.

I have another letter from an individual in Mississauga who says that at no point was his wife or any of the references contacted, although one of the big selling points of the new legislation was the creation of a culture of safety. He guesses that the CFC was just too busy to bother calling.

These letters go on and on.

It is the same old story from a man in New Brunswick. He says that beginning in early November 2002 he began to actively register the firearms belonging to himself and his wife.

We will be turning over these letters, which have come from all across the country, to the Solicitor General. We are hoping he will keep the promise he made on May 6 when he said that he wanted to hear from people. We want people to tap into gunregistry.ca. We want them to send us their letters and we will put them in the hands of the Solicitor General. He has said that he wants to talk directly to those people who have had problems and he wants to fix those problems.

Could the Solicitor General tell us what minimum level of service we should expect? How long should a person have to wait when they call the firearms registry? How long should a person have to wait to get a registration back from the registry if the application is completed and done right? What is the minimum time that they can expect to do that?

Hon. Wayne Easter (Solicitor General of Canada, Lib.): Mr. Chair, first, I want to inform the member that the police do not depend, which is the word he used when he was referring to the police, on one system. The Canadian Firearms Centre and the firearms registry is one tool of many that the police services use in their work.

We have admitted that there were problems in the past, and the member went through a long rendition of problem cases, but in the last three months we have taken substantive measures to improve the system. He should not believe everything that he has been told because there are some real horror cases out there. I have to think that there may be some exaggerations.

I encourage the member to call the 1-800 number tomorrow. I called it tonight before I walked into the House. After my call went through I waited eight seconds before a person came on the line. We have improved the system substantially in order to do that.

I would like to mention some of the improvements that we have made in Miramichi, the central processing site. The response time for answering public inquiry calls has been improved. We have reallocated 10 resources from the data processing centre to the call centre. We have reallocated 10 resources from the exceptions handling unit. We appointed a call centre monitor to re-direct resources and calls in real time. We hired 20 to 25 additional staff for the phones, and back fills by May 5, 2003. The list goes on.

We have introduced electronic ordering of registration applications. We have modified the system to allow faxing of registration applications to clients. We have analyzed call volumes and call types, and I could go through those. The average response time on the English business hotline is 52 seconds. This was for the week of May 18 to May 25.

I know the hon. member continues to go back in history to around the year 2000. However the bottom line is that 90% of the time we are now meeting the 30 day turnaround time. I would be most interested in seeing the binder that the individual has. However we have improved the system substantially and we are very proud of the improvements we have made to the system since it came to the Department of the Solicitor General.

#### • (2015)

**Hon. Lorne Nystrom (Regina—Qu'Appelle, NDP):** Mr. Chair, I have questions and comments in a number of areas that I want to make tonight for either the Minister of Justice or the Solicitor General.

I will begin in an area that is very relevant to my city and my province. A lot of aboriginal people live in the city of Regina in Saskatchewan, and in my riding in particular. The city of Regina has one of the highest crime rates in the country. A lot of it is in the aboriginal areas where there is a lot of poverty, where many people are without jobs or have few opportunities and hence we have a lot of problems in terms of crime.

I understand that statistics now show that roughly 27% of the federal offender population is aboriginal people. The population of aboriginal people is very small in the country compared to the number of people in federal penitentiaries. About 50% of female federal inmates in maximum security institutions are of aboriginal background.

In terms of examining their estimates, what plans do the ministers have in terms of making sure first nations and Métis people have more opportunities? I realize that a lot of the problems are due to the lack of social, economic and job opportunities and the lack of education.

However if we look at our country as a whole, one of the great negatives is the discrimination over the years against first nations and aboriginal people. A lot has to be done in terms of training, skills and education. A lot has to be done in terms of economic opportunities for first nations and Métis people right across the country. Some progress has been made in the area. We are seeing more and more first nations and Métis people coming out of universities.

In fact, when I was at the University of Saskatchewan in Saskatoon last fall I was surprised to find that more than 10% of the students in the law faculty now are first nations students. That is certainly a very positive step and a very good thing for the country and the first nations people.

What I want to ask tonight is what is being done in this area, as well as what is being done in terms of sentencing circles and alternatives forms of justice, restorative justice, the availability and funding of healing lodges, the whole area that is so important to the first nations people of Canada. I know the Solicitor General is very familiar with Saskatchewan. I hope the Minister of Justice has had a chance to study some of the problems that I am talking about tonight.

#### **(2020)**

**Hon. Martin Cauchon:** Mr. Chair, since I became justice minister I have had the occasion to travel the country and meet with my counterparts, as well as with various members of different communities.

The point he is referring to is a real concern. For example, I was once in Saskatchewan having discussions with people of the aboriginal community, although I do not remember the exact number, of approximately 17% of the first nations people in Saskatchewan something like 70% to 75% of them were incarcerated. The member is right, we do have to address that problem as a community.

I am pleased to say that last year the department was able to renew our aboriginal justice strategy. We will be investing \$57.3 million over the next five years in various programs that will help those communities. As well, we have renewed the court worker program and invested \$5.5 million during 2002-03. This is a fantastic program and I will explain why. People are there to help aboriginal people, to explain the legislation and the court process, and to divert them to social programs when needed in order to ensure that some time down the road they can go back into the community and live a normal life.

As everyone can see, we have addressed the aboriginal concern with the renewal of our aboriginal strategy and with the court worker program. We are also involved in different projects across Canada with another national strategy that is in place, which is the national crime prevention program. It has given us wonderful results so far and we will continue with that strategy. We are involved in some projects with the aboriginal communities as well.

**Hon. Lorne Nystrom:** Mr. Chair, in the same area, could the Solicitor General tell us what percentage of the RCMP officers are of aboriginal background in comparison to the population of aboriginal people in Canada? Could he tell us what progress is being made in this area?

I have 12 first nations Indian reserves in my riding and several thousand first nations and Métis people in the city of Regina, in the part of the city that I represent. I am often asked why there are not more RCMP officers who come from first nation and Métis background. What is the percentage and what progress have we made or are we indeed slipping backwards in proportion to the population?

**Hon. Wayne Easter:** Mr. Chair, I will have to get back to the member on the specific number but we are not slipping back, we are actually moving ahead. Fairly good progress has been made in terms of training aboriginal people to take on the role as an RCMP officer.

I have had several opportunities to go to areas where these RCMP officers are operating. It really helps to have an aboriginal RCMP officer in the aboriginal communities, in part due to the trust factor and due to the culture.

I can say at this stage that we are making progress and I will get back to the hon, member on the percentage.

**Hon. Lorne Nystrom:** Mr. Chair, I am pleased there is progress being made and I hope it is substantive once we get back to the answer.

In terms of what is being spent on RCMP officers, I noticed in the estimates that the RCMP officers in terms of the population have been declining in recent years. I wonder if the government has any plans to increase the number of RCMP officers in our communities right across the country. I am not speaking only of the aboriginal communities but of the RCMP officers in general because there has been a decline in the number of officers in proportion to our population.

Why has this happened and is there a plan to turn this around? One way to prevent crime is to have more officers involved in the community.

● (2025)

**Hon. Wayne Easter:** Mr. Chair, in fact, we did increase funding for policing quite considerably in budget 2000-01.

In terms of the figures the member talked about, we would have to look at total police services in the country. I can tell him that three or four weeks ago I was at the training depot in Regina which is world renowned facility for training police officers. Of course the RCMP itself is world renown. Depot is working full out. It is full to capacity. In fact, the previous seven weeks prior to my being there it had a graduating class every week. We are working to full capacity to keep the human resources in place within the RCMP ranks.

**Hon. Lorne Nystrom:** Mr. Chair, I certainly have a lot of praise for the RCMP but my understanding is that the ratio of RCMP officers to population is in decline. I wonder if the minister can verify that, if not tonight at a later date. If it is in decline, does he know why that is happening and does he have any plans to turn that around?

#### Supply

My other question for the Solicitor General has to do with whole issue of gun safety. The registration has been a controversial issue but I do not want to get into that tonight. What I want to ask him about is the whole issue of the safety of firearms.

The majority of homicides or deaths from firearms in Canada are either suicides or accidents. I think that is something that puts the whole gun control issue into a bit of perspective. Yet we have some of the safety programs, such as one in Saskatchewan called SAFE which has now expired. There was a contract and it has now expired.

I am wondering why the minister's government would not be spending more money on the safe use of firearms for children and for adults since the majority of deaths by firearms actually occur due to accidents or suicides.

**Hon. Wayne Easter:** Mr. Chair, as part of the whole firearms program, we recognize there are suicides and accidents with guns and one of the important factors is the safe storage of guns. That is one of the areas we are working with under the firearms program to get the information out there so that people understand the necessity of safe storage, how to ensure that guns are stored safely and that those kinds of accidents do not happen.

In terms of the program that the member indicated was cancelled in Saskatchewan, that was a three year contract. There still remains in place and it is in part as a result of that three year program, 450 training people in Saskatchewan I believe it is. It is one of the best percentages in the country and that is to ensure the safe use of firearms within that province and within the country.

**Hon. Lorne Nystrom:** Mr. Chair, I will ask another question of the Minister of Justice.

Going back to the aboriginal people again, I want the Minister of Justice to comment for a moment or two on what he thinks the federal government can do in terms of some of the alternatives for aboriginal people. Sentencing circles are gaining popularity as an alternative form of justice. Does he have any other comments on the kinds of restorative justice that the aboriginal people may want? This is a question I have been asked a number of times by aboriginal people.

• (2030)

**Hon. Martin Cauchon:** Mr. Chair, the question is very interesting. When I was in western Canada I had the opportunity to visit a place where they were proceeding with a sentencing circle. I saw the way they proceed with the sentencing circle and the result that was obtained. We have to recognize that when we are talking about sentencing circles we are really talking about them expressing their concerns.

It is interesting because that way of proceeding with sentencing has been put in place when looking at the Young Offenders Act, the new bill. There is room for the community to get involved with regard to the sentencing process. It is a bit like what they are doing and I find it very interesting. They are using it at the present time. What I have heard is that they would like to do more of that.

It takes a lot of people. It takes time as well. They recognize that but we also recognize the benefit of the sentencing circle. We are very much in favour of what they are doing.

**Hon. Lorne Nystrom:** Mr. Chair, I want to switch to a different topic for the Minister of Justice. A number of years ago when we repatriated the Constitution I was the NDP spokesperson. I was very involved in the whole process for about a year.

One of the very important parts of the Constitution was the charter of rights. Section 15 of the charter of rights states "every individual is equal before and under the law and has the right to equal protection, equal benefit of the law without discrimination".

This right is not really universally enforced in a courtroom because our legal system is blind to the costs of litigation. Sometimes the impact on citizens who do not have much money is greater in terms of the fight for equality than someone who has deeper pockets. What is the minister doing to make sure that all citizens in this country have equal access to the law, in particular a clause like clause 15 of the charter?

More specifically, I also notice in the estimates that the contributions and grants to legal aid research will be eliminated after 2003, in other words eliminated altogether. I want to ask him why that is being done in terms of equality for all citizens before the law.

I also want to ask him whether or not he is open to the idea of greater funding for legal aid programs across the country. Of course these are cost shared with the provinces. I am thinking particularly on the civil side of the legal aid question which in many people's opinion is now underfunded. I would like to ask him what his future plans are for expanding services of this type to make sure that all citizens regardless of whether their pocketbook is thick or thin have equal access to the law in our country.

**Hon. Martin Cauchon:** Mr. Chair, the member has raised a very interesting and important question. I hope I will have a bit more time to express myself because the legal aid question is very important. When we are talking about legal aid, we are talking essentially about access to justice.

We have to make a distinction. For example, criminal legal aid involves the Canadian federal government. Civil legal aid involves the provinces. When we talk about legal aid as well, it is a provincial jurisdiction.

We are getting involved with funding, as the member said. I am pleased to say that over the past few years we have increased our funding. Our aid base was \$82 million. Because of unique pressures the provinces were facing, we have added \$20 million for the past two years. In the last budget as well we have been successful in obtaining additional funding. That means \$89 million over the next two years. That brings our yearly contribution to legal aid to \$126.4 million for the next two years.

The member said that the program is sunsetting after two years. That is because the existing program that we put in place is there for two years and after that we will see. In the meantime we are working with our provincial and territorial counterparts in order to renew the system, renew the program, share our experiences, look at best practices and make sure that we have an open access to our justice system. We can have a fantastic justice system but if people cannot access it, we will get nowhere.

**●** (2035)

**Hon. Lorne Nystrom:** Mr. Chair, I want to switch to another area but I want the minister to make a short comment when he answers about the contributions and grants to legal aid research that will be eliminated at the end of 2003, which is only about seven months away. Perhaps he could tell me why that has happened. It may be interesting to hear the answer.

I want to switch now to the sex offender registry. As the minister knows, the RCMP now has CPIC, which is a database for sex offenders that is used around the country by the police. Ontario now has a sex offender registry that came into force retroactively.

Since we are debating Bill C-23, which is a proposal to have a national sex offender registry, I want to ask him what the advantages of the new registry will be over the existing ones, which are the Ontario one and CPIC.

If he would also make a comment about the legal aid question, I would appreciate it.

**Hon. Wayne Easter:** Mr. Chair, the Minister of Justice may want to comment on the legal aid question. The sex offender registry falls under my portfolio.

As the member knows, we gained agreement with the provinces and the territories in late October or early November to move forward with a national sex offender registry and that is the way we have proceeded. We tabled it in the House in December. I believe I will be before the Standing Committee on Justice and Human Rights on Thursday to talk further about the sex offender registry.

Specifically on the member's question, it will be a national registry. We believe that it will be both a prevention and investigative tool. It will be another tool for police officers. We see it as being very important for tracing where sex offenders, those who have been convicted of sex offences, may be across the country.

We are in negotiations with the province of Ontario to see if it is possible to make the legislation retroactive into our jurisdiction for the Ontario registry. We are not anticipating making the legislation retroactive nationally across the country for a number of legal reasons.

The Chair: We now move back to the government side for debate in the next 20 minute slot. I know the other minister would have liked to respond to another portion of the question but the time has lapsed and I must move on.

[Translation]

Mr. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Chair, at this time in the appearance of the Minister of Justice and Attorney General of Canada, I would like to discuss a topic of considerable importance to the Department of Justice of Canada and to Canadians, in other words, access to justice in Canada's two official languages.

Ensuring an effective justice system that is fair and equitable as well as accessible to Canadians is one of the elements of the Department of Justice's mission. This means that among other things, legal services have to be accessible to Canadians in the official language of their choice.

This may seem obvious, but reality is quite the opposite for triable Canadians in official language minority communities. This is a true challenge for our justice system and its various players. In her Infoaction, spring 2003 bulletin, the Commissioner of Official Languages, Dyane Adam, described access to justice in both official languages as a sizeable challenge.

The Department of Justice has been working on overcoming this challenge for many years. I think it still has a great deal of work to do. It is a complex situation that requires cooperation among many stakeholders, including provincial and territorial governments. It also requires political will by the government.

Everyone agrees that administering justice is a shared responsibility. A series of constitutional, quasi-constitutional and legislative provisions govern the use of French and English in Canada's courts.

Federally, this legal framework is subject to section 133 of the British North America Act, 1867, paragraph 19(1) of the charter, part III of the Official Languages Act, 1988, and sections 530 and 530.1 of the Criminal Code. The latter have been in effect across the country since January 1, 1990. In addition to these provisions there are various provincial and territorial laws that also govern the use of French and English in provincial or territorial courts. Therefore, it is essential to work in close cooperation with the provinces and territories.

A number of studies and decisions by Canadian courts have shown that the implementation of these rights remains far from perfect and varies hugely from province to province. The Office of the Commissioner of Official Languages released two studies in 1995 and 1999 showing that there are many obstacles to achieving the goal of equal access to federal courts.

It should be noted that over the past few years the case law has definitely confirmed the existence of these difficulties. The Beaulac case, the Devinat case and the matter of the Contravention Act are three recent examples where the implementation of existing linguistic rights regarding the administration of justice in both official languages was found to be wanting.

Since then, in the 2001 Speech from the Throne, the Government of Canada has reaffirmed its commitment to the linguistic duality of our country. This commitment was again made in the 2002 Speech from the Throne. In support of his commitment, the Prime Minister of Canada gave the President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs the responsibility of coordinating the official languages issue across the federal government and of developing an action plan to implement the commitments made in the 2001 and 2002 Speeches from the Throne.

It is in that context that the issue of the access to justice in both official languages has resulted in new steps being taken by the Department of Justice. Those steps are in addition to the initiatives already in place in the department and in the Government of Canada.

#### Supply

Until very recently, there was only one program throughout the federal government dealing with administering justice in both official languages, namely the National Program for the Integration of Both Official Languages in the Administration of justice, the so-called POLAJ. Jointly managed by the Departments of Canadian Heritage and Justice, for over 20 years POLAJ has helped improve —but not enough—access to justice in both official languages through the development of legal and linguistic tools for Canadian lawyers working in these communities.

POLAJ has resulted in the creation of a network of agencies concerned with access to justice in both official languages, with whom the Department of Justice has been working on a regular basis.

#### **●** (2040)

Moreover, the department has been working for some years in close conjunction with the associations of French language common law jurists and their national federation. These seven associations encompass more than 1,000 French-speaking jurists serving francophones in Ontario, New Brunswick, Nova Scotia, Manitoba, Saskatchewan, Alberta and British Columbia. For more than eight years, the department has been providing them with financial support.

Access to justice in both official languages is a priority for official language minority communities. The FCFA, the Fédération des communautés francophones et acadienne du Canada, ranks it third in its priorities after health and education.

in 2002, the Department of Justice released a study providing an overview of the situation. This document, entitled "Environmental Scan: Access to Justice in Both Official Languages" gives a picture for each province or territory of the situation as far as access to justice in both official languages is concerned.

The objectives of the study were as follows: to collect qualitative and quantitative data relating to services, to identify and describe the principal barriers restricting access to judicial and legal services, to identify possible solutions to the situations identified, and to identify existing and planned innovative practices.

The research team collected comments from 359 respondents to fulfill its mandate.

The study reached the following conclusions on access to justice in both official languages: first, delays and costs associated with requests for service are higher when the request is made in the official language of the minority; second, there is a lack of public servants capable of supporting a bilingual judiciary system; third, there are few judges capable of hearing a case in the official language of the accused; fourth, there is a lack of active offer of legal services; fifth, there are problems of access to legal documentation in French; sixth, there are problems relating to interpretation, that is to say costs, skills and so on.

The report does not just illustrate the obstacles to access to justice. It also offers some prospects for solutions, and we all hope the department will follow up on them, examples being the appointment of judges capable of hearing a case in the official language of the accused—some progress has been made in this but there is still a long way to go—; appointment of bilingual prosecutors and legal staff; language training for judges and legal staff; information and awareness sessions for public servants and triable Canadians; single service points; travelling courts; and legislative amendments.

The department's experience shows that measures designed to improve access to the Canadian justice system in the provinces and territories must not be implemented in the same way across the country. The findings of "Environmental Scan" confirm this.

The government's Official Languages Action Plan, which was announced on March 12 at the Cité collégiale, in the riding of Ottawa—Vanier, provides for measures to help improve access to justice in both official languages. These measures are based on "Environmental Scan", but also on previous studies on access to justice, including studies by the Office of the Commissioner of Official Languages.

The department has provided for three categories of measures.

The first category includes measures that would allow the department to fulfill its legal obligations under the Contraventions Act and the Act to re-enact legislative instruments enacted in only one official language.

Regarding the Contraventions Act, the department must implement the federal court judgment in the Contraventions Act case. As part of the review of existing federal, provincial and territorial agreements, additional financial support to the provinces is required to allow for the use of the minority language in proceedings by the provinces under this act.

Concerning the re-enactment of legislative instruments, the department must also ensure that it implements the Legislative Instruments Re-enactment Act.

## • (2045)

The act corrects the procedural flaw in legislative instruments originally enacted in only one official language.

The act requires that measures be taken and that their status over the first six years of operation be reported to Parliament. Any legislative instrument that has not been re-enacted within this timeframe will be automatically repealed.

The second set of measures is designed to establish a support fund for access to justice in both official languages. This fund has four components: partnerships, a consultation mechanism, the transfer of the Administration of Justice Program in both official languages and stable funding for French-speaking lawyers' associations and their national federation.

In real terms, better access to justice in both official languages is not possible solely through the cooperation of governments. It requires partnerships with various non-governmental provincial and territorial stakeholders working in the area, including universities, bar associations, provincial associations of French-speaking lawyers and their national federation.

This measure is directly related to the "Environmental Scan" which identifies the lack of bilingual judicial personnel and the costs and delays associated with trials and procedures in the minority official language as barriers to equal access to the justice system for Canadians who are part of official language minority communities.

By entering into partnerships with universities, the justice department has two objectives: training in language rights for law students and future lawyers, and the establishment of a close and lasting cooperation between the universities and associations of French-speaking lawyers.

The findings of a study commissioned by the Association des juristes d'expression française du Manitoba show that graduates from law faculties where the common law is taught in French do not take part in lawyers' associations during the first five years of their working life. It is therefore important to create an interest among young lawyers for practising law in French so that individuals subject to trial can count on them to provide legal and judicial services in their official language. Moreover, these graduates are part of the pool of potential candidates for judicial appointments who are able to hear cases in either official language.

The justice department also intends to maintain and increase its financial support to associations of French-speaking lawyers and their national federation by providing them with stable funding to ensure that these associations can fulfil their lobbying function with governments and play their part in legal education and literacy with official language communities.

Over the past eight years, the department has invested more than \$1.4 million in funding projects created by these lawyers' associations and their federation. The department would now like to be able to provide stable financing to these groups. There is no formal association of English speaking lawyers in Quebec, but the department is working with English speaking lawyers within the Barreau du Québec and the Quebec Communities Group Network, the QCGN.

I have already referred to POLAJ, the Program for the Integration of Both Official Languages in the Administration of Justice, which is a unique program within the federal government. The measures we plan include continued development of the legal tools needed for improving access to justice, which was already begun within POLAJ. This program will move from the Department of Canadian Heritage to the Department of Justice.

The third and final type of measures envisaged by the department concern language rights. The department is putting the emphasis on two activities; one involves training and the development of working tools, and the other, increased legal support for the Official Languages Program at Justice Canada.

The target audience for training and the development of working tools will be the department's legal counsel. I think it is high time that we did this. It will focus particularly on the crown prosecutors and civil litigation lawyers in order to ensure that they understand the nature and scope of the department's constitutional and legislative obligations.

These measures will serve as the foundation for the formation of a network of lawyers in order to better serve client departments and ensure that within each department there is a better understanding of the language rights and needs of official language minority communities.

By introducing the measures I have just outlined, the department will ensure that the system better meets the needs of Canadians and particularly members of official language minority communities.

Others will be needed, of course. For example, the Official Languages Act should be reviewed and strengthened.

#### • (2050)

Perhaps it will be necessary to ask more of the provinces with regard to the administration of certain courts that come under the Official Languages Act, the Canadian Constitution and the Criminal Code.

All that to say that we can feel a willingness, within the government and certainly within the department, to do more than what was done before to give official language minority communities access to the justice system in the language of their choice.

I think that we should perhaps encourage the minister, the government and also those who work within the department, from the highest official, namely the deputy minister, to all those involved in the administration of justice, to do something with regard to official languages. The studies and findings of the Commissioner of Official Languages and of the department itself in its Environmental Scan have made it clear that the situation should be improved.

If the minister agrees, I would invite him to make a few comments on this willingness that is being felt within the government and within his department to ensure greater respect for the laws and for the rights of both official languages communities to have access to the justice system in the language of their choice. Indeed, the Commissioner of Official Languages has made these observations, and so has the department itself in looking at the situation. Everyone agrees that there are significant inadequacies that need to be corrected.

I would like the minister to take this opportunity to tell us about this willingness that can be felt within his department and within the government.

### • (2055)

Hon. Martin Cauchon: Mr. Chair, I wish to say a few words, as my colleague just did, about a fine study by Justice Canada entitled "Environmental Scan". This study allowed us to analyze the situation regarding access to justice in both official languages, and to allow the department to position itself within the government's action plan which was introduced by my colleague, the president of the Privy Council of Canada and Minister of Intergovernmental Affairs.

I simply wish to say that the Department of Justice received \$45.5 million under this action plan. Of this amount, \$27 million will be used to meet legal obligations. I am referring, for example, to the decision of Justice Blais of the Federal Court regarding the Contraventions Act and its implementation by the provinces. Just

#### Supply

recently, we signed an agreement with Ontario which meets all the goals mentioned in Justice Blais's judgment.

That being said, the remaining \$18.5 million will be used to improve access to justice. I also wish to mention that a forum was recently held in Ottawa bringing together various stakeholders, including representatives of administrative tribunals. We had an opportunity to discuss various problems pertaining to the study entitled "Environmental Scan". This will allow us to develop a training program. I think this is one of the basic elements.

Since I seem to be out of time, this is, basically, what the Department of Justice got under the governmental action plan. This is also the amount, namely \$18.5 million, which will go to specific activities allowing us to provide training and other programs, in addition to the \$27 million which will allow us to meet our legal obligations, such as the one to which I referred.

## [English]

**Mr. Kevin Sorenson (Crowfoot, Canadian Alliance):** Mr. Chair, it is a pleasure to be here tonight and question the Minister of Justice and Solicitor General on some of the issues that the Canadian public are facing and are concerned about.

We have already had a number of members who have come into the House and raised concerns about the gun registry. Canadians from all across Canada are telling the government and each one of us that the gun registry does not work. Canadian police are telling the country that the gun registry does not work. Toronto Police Chief Julian Fantino stated:

And I'm very devastated by the amount of gun-related violence that we're experiencing here in the city of Toronto; a tremendous increase over years gone by. The difficulty of course is that we haven't yet come across any situation where the gun registry would have enabled us to either prevent or solve any of these crimes.

The Toronto police chief is saying on the one hand that we are concerned about the increase in gun related criminal activity offences, yet there has not been one instance where this gun registry would have helped solve crime or prevented any of the crimes.

We have wasted a billion dollars on a program that is targeting law abiding citizens, hunters, farmers and ranchers, while police officers are lacking the resources to adequately do the job that they are concerned about. They are lacking the resources to prevent gang related deaths in Toronto.

In March police officers came to Parliament Hill to deliver their wish list for 2003. Topping their list was the protection of children and their concern about child pornography. Another concern dealt with pension accrual and club fed where police killers spend time in resort style prisons.

My question is for the Solicitor General. When will the Solicitor General stop throwing good money after bad and give police officers the resources they need to target their criminals? Why have local police agencies not received the funds that are needed to enforce the laws, such as have been prescribed in Bill C-38 that came down today on the decriminalization of marijuana?

**●** (2100)

**Hon. Wayne Easter:** Mr. Chair, I thank the hon. member for the questions.

As I said earlier in response to a previous question, we have admitted up front that there have been some problems with the gun registry system. The Minister of Justice and I announced an action plan to put the gun registry system in order. In fact, we have been implementing much of that plan.

The hon. member opposite named a couple of individuals who have said that they have had problems with the system. I will not take the time of the House, but the Canadian Police Association and the Chief of Police in Ottawa have outlined very specifically how the gun registry and control system helps them. It can be helpful in terms of preventing violence.

Registering a firearm will assist the police to enforce prohibition orders made by the courts, licence refusal and revocation decisions made by a firearms officer, and make public safety seizure decisions. All of these are important. The system is important for protecting officers. Registration of firearms provides some advance information to police en route to calls of violence. The list goes on. There are benefits here to police in doing policing work. The hon, member should recognize that.

In terms of the action plan, I want to spell out some of the improvements that we are in the process of making. The Minister of Justice and I have said in the action plan that we would reduce costs and improve management by transferring the national weapons enforcement support team to the RCMP. That has been done. We would streamline headquarters operations and consolidate processing sites. That is in the process of being done. We are creating a continuous improvement plan.

**Mr. Kevin Sorenson:** Mr. Chair, Canadians are telling us that the gun registry is not working. The gun registry has been a colossal waste of money. It will cost close to \$1 billion. That is \$1 billion which is much needed in other places. I move:

That Vote 1 for the Department of Justice in the amount of \$308,238,000 be reduced by \$100 million to \$208,238,000.

**The Chair:** Given the limitations on the proceedings this evening I am prepared to continue the intervention by the hon. chief whip for the official opposition while I take the matter under advisement.

Mr. Dale Johnston (Wetaskiwin, Canadian Alliance): Mr. Chair, I would like some clarification. The role of this committee with respect to the main estimates is to examine them with the authority to reduce. Nowhere is it written that the examination of the main estimates in committee of the whole precludes the moving of a motion to reduce the estimates.

If you examine the modernization committee report that recommends this new rule, you will not find any reference to such restrictions. In fact, the report confirms that the consideration of the estimates in committee of the whole replaces the consideration of estimates by a standing committee. The report says:

The regular rules regarding Committee of the Whole would apply. Such a procedure would permit a meaningful examination of certain Estimates; it would facilitate the participation of Members who are interested in the department or agency whose Estimate were being considered; and by being conducted in the chamber, and televised, it would confirm the financial oversight role of the House of Commons.

I would like to know how removing a committee's right to vote down or reduce the estimates would be a confirmation of the financial oversight of the House of Commons? If you read the Standing Orders, Mr. Chair, you will discover that nowhere does it say that motions cannot be moved. If you read the report, you will also fail to find any reference to restrictions regarding the movement of motions.

The Standing Orders provide that "when the committee rises the estimates shall be deemed reported". It does not say "deemed reported without amendment". If the committee changes the estimates, these changes will be deemed reported.

When a Standing Order intends something to be deemed reported without amendment, it says so. For example, I draw the Chair's attention to Standing Order 97(1) in reference to a private member's bill being reported. It is specifically deemed reported without amendment. Obviously, if the intent were to have something deemed reported without amendment, the Standing Order would say so. Standing Order 81(4)(a) simply says "deemed reported".

It is clear that the consideration of the estimates by the committee of the whole is a replacement of the standing committee's consideration of the estimates. Paragraph(a) of Standing Order 81 (4) states:

...the said estimates shall be deemed withdrawn from the standing committee to which they were referred...consideration of the main estimates of the said department or agency shall be taken up by a Committee of the Whole...

(2105)

The Chair: I hope members on either side would understand that the Chair will have to consult and come back with an appropriate decision on this matter. Therefore I suspend the sitting to the call of the Chair.

(The sitting of the House was suspended at 9:05 p.m.)

\* \* \*

• (2145)

#### SITTING RESUMED

The House resumed at 9:42 p.m.

The Chair: I am ready to rule. Obviously, the fact that this motion has been moved has caught the Chair by surprise. I wish to thank members for their patience. I have carefully considered what jurisprudence is available and all the circumstances under which this debate is being held. For the information of members, the relevant Standing Order 81(4)(a) reads:

At the conclusion of the time provided for the consideration of the business pursuant to this section, the Committee shall rise, the estimates shall be deemed reported and the House shall immediately adjourn to the next sitting day.

As present chair of the Special Committee on the Modernization and Improvement of the Procedures of the House of Commons and as the chair of the previous incarnation of that same committee, I have grave doubts that the present motion is in the spirit of the kind of debate that that committee originally intended.

That being said, as I indicated earlier, the subject of these debates will again be discussed in our committee. As such, I am prepared to accept this amendment at this time and allow it to go forward with the reservations I have expressed. It is my firm view that I cannot accept it as a precedent in the circumstances. The debate will resume on the motion.

The hon. member for Crowfoot moved the motion, but his time has lapsed, so I will now go to the government for debate.

**Mr. Dale Johnston:** Mr. Chair, I rise on a point of order. My understanding was that the time that was taken for the Chair to consider this would be taken out of the overall debate and that it would not affect this party's time. It is obvious that the member for Crowfoot has only used about 6 or 7 minutes of the 20 minutes allotted to him. I think the Chair is in error and I think the member for Crowfoot still has at least 13 minutes left in his time.

The Chair: I do not dispute that as far as the clock is concerned the hon. member for Crowfoot had approximately 12 and a half minutes remaining in his 20 minute block. Having moved the motion, it ends that block. We will now continue the debate. The hon. whip of the official opposition.

**Mr. Dale Johnston:** Mr. Chair, why are we not moving to vote on the duly put motion? I move that we go to the vote.

The Chair: It is a debatable motion. We will resume the debate on the most recent motion, that being the one put forward by the member for Crowfoot. The next slot is for debate under the rules that were agreed to by all parties within the framework of the five hours of debate. I now go to the government for debate.

**Mr. Geoff Regan:** Mr. Chair, I rise on a point of order. My colleagues on the opposite side are looking for a vote here. I suggest that nowhere in the procedures set out in Standing Order 81(4) is there a procedure for voting. In fact, if we look at the first part of Standing Order 81(4), it states:

Each such committee shall consider and shall report, or shall be deemed to have reported, the same back to the House...

That is quite different from the latter part of Standing Order 81(4) (a), which states:

—the Committee shall rise, the estimates shall be deemed reported...

It does not say that the committee shall report or shall be deemed to have reported and it does not give the option of the committee actually reporting. Nor is there anything here that provides that all motions necessary to dispose of the item shall be put. There is no process whatsoever in Standing Order 81(4)(a) for voting on motions.

Clearly, the intention of the modernization committee was to have a process whereby there could be debate, the minister could be questioned on the estimates, and there could be discussion of the estimates during the evening. However, there is no process whatsoever for motions as part of this process and certainly not for voting.

**Mr. Dale Johnston:** Mr. Chair, I submit that it is also well within the rules that the motion be deemed put with amendment and I do not see any reason why it cannot be amended. We have moved a motion to amend it and I would like to proceed with a vote to amend the motion.

#### Supply

Mr. Chair, if it is in order I would like to put a motion that the question be now put.

**•** (2150)

**The Chair:** Order. I can appreciate that some members might think somehow or other that we should have a vote on this, but there is no mechanism for a vote. It is a motion that is debatable. I concurred with that party and its members with regard to the motion, so now we debate the motion.

I turn to the government for someone to speak to the motion.

[Translation]

**Ms. Yolande Thibeault:** Mr. Chair, I am against the motion brought forward by the member opposite, because it would jeopardize one of the programs proposed by the Department of Justice, namely the National Crime Prevention Strategy, a very significant initiative for the people of Canada.

To preface my remarks, I would like to quote a document which was prepared last year by the Research and Statistics Division of the Department of Justice. It is quite an interesting paper because it puts in context the—

The Chair: The hon. member for Delta—South Richmond on a point of order.

[English]

**Mr. John Cummins:** Mr. Chair, the whip of the official opposition called for a vote and you did not respond to that call.

This is a committee hearing, Mr. Chair, and in any committee hearing there can be a call for a vote. If the Chair is not prepared or wants to challenge that, then it is the right of the members to give the Chair direction. There has been a call for a vote and if the Chair does not wish to call for that vote, then I as a member of the committee am going to ask you, Mr. Chair, to seek the consent of those who are here to continue. Otherwise, it is appropriate and fitting that the Chair at this point ask for a vote of the members assembled here.

**The Chair:** Let me refer members to *House of Commons Procedure and Practice*, commonly known as Marleau and Montpetit, at page 786 under the heading "Prohibition Against—

**Mr. John Cummins:** Mr. Chair, the whip of the official opposition asked for a vote and you to this point have denied that vote. In standing here, Mr. Chair, I am challenging you and asking you to put that motion to a vote in this House now. That is not a matter of debate. It is a matter of my right as a member of this place to ask you to put that vote and to do it now.

I am challenging you, Mr. Chair, to put that motion to a vote to this committee now, please.

**Mr. Geoff Regan:** Mr. Chair, clearly you are entitled to give your reasons for a decision and give your decision on these matters, but I want to point out that in the provision provided for committees to consider the estimates, in the provision in section 81—

**An hon. member:** Now. There is no debate on this. It is not a debatable motion.

Some hon. members: Now.

• (2155)

**The Chair:** Again colleagues, respectfully, to the hon. member who has just risen with regard to his intervention the Chair has ruled that the motion is in order, it is debatable and now we continue the debate. Before we make a decision we get to debate it.

**Mr. John Reynolds:** Mr. Chair, many times in committee of the whole and in committees, the opposition, and the government many times in public accounts, challenges a ruling of the Chair. My party challenges the ruling of the Chair and we would like a vote on that.

**Mr. Geoff Regan:** Mr. Chair, clearly if my hon. colleagues across the way can stand on points of order, then surely the government side should be able to do so also.

Mr. Chair, in the process provided under the estimates in committees, it provides that the committee shall consider and shall report. In order to have votes in this place on matters and report, there has to be a provision providing for this committee to report. There is no provision.

Some hon. members: Oh, oh.

**Mr. Geoff Regan:** I know my colleagues across the way are not interested in hearing other arguments. They want to have their trick work and these shenanigans carry on tonight, but the point is they do not want to hear the other side of the story. We have heard from their side a number of times on their position on this matter.

The point is there is no mechanism in Standing Order 81(4)(a) for this committee to report, unlike the fact that there is a mechanism of that sort in the process for committees generally that review the estimates. Those committees report. This committee does not. To report, we would have to have votes. There is no mechanism and it is not appropriate in this case.

• (2200)

The Chair: Order. I will suspend the proceedings to the call of the Chair.

(The sitting of the House was suspended at 10:02 p.m.)

\* \* \*

**●** (2220)

#### SITTING RESUMED

The House resumed at 10:20 p.m.

**The Chair:** Order. The situation is as follows. Having ruled that the motion of the hon. member for Crowfoot is in order, the Chair has called for debate. That has been challenged by the hon. member for Delta—South Richmond who wishes to appeal that ruling.

I refer hon. members to page 776 of Marleau and Montpetit, which states:

Members may appeal a ruling of the Chairman of Committees of the Whole to the Speaker... After the Chairman has made a ruling, a Member may rise on a point of order and appeal the ruling to the Speaker. Such an appeal is not subject to debate. The Chairman immediately leaves the Chair at the Table, the Mace is placed back on the Table, and the Speaker resumes the Chair. The Chairman stands in front of the Speaker's Chair and reports the incident and the ruling which has been appealed to the Speaker. The Speaker may hear from other Members on the matter before ruling.

Marleau and Montpetit states:

(In the absence of the Speaker, the Chairman may take the Chair and decide the appeal to his or her own ruling.)

In my view, that would not be appropriate in the circumstances. I have therefore contacted the Speaker who will be here as soon as he can to hear the hon. member's appeal. Accordingly, I will suspend proceedings until the Speaker arrives.

(The sitting of the House was suspended at 10:22 p.m.)

SITTING RESUMED

The House resumed at 10:45 p.m.

• (2245)

The Speaker resumed the Chair, and the chairman of the committee made the following report:

**Mr. Bob Kilger:** Mr. Speaker, it is my duty to report an appeal to you of the decision of the chair of committee of the whole. The situation is as follows.

Having ruled that a motion of the hon. member for Crowfoot was in order, the chair called for a debate. That decision was challenged by the hon. member for Delta—South Richmond, who argued that the committee should proceed immediately to vote on the motion. I respectfully submit the matter to your adjudication in accordance with procedures described on page 776 of Marleau and Montpetit.

**The Speaker:** The Chair will take the matter under advisement and return to the House when I am ready to render a decision on the matter.

(The sitting of the House was suspended at 10:46 p.m.)

\* \* \*

• (2305)

### SITTING RESUMED

The House resumed at 11:06 p.m.

The Speaker: I am now prepared to rule on the appeal of the chair's decision taken earlier this evening in the committee of the whole.

The issue before us is whether the motion moved by the hon. member for Crowfoot is subject to debate when the hon. member for Delta—South Richmond has asked that the committee proceed immediately to vote on that motion.

Standing Order 101(1) states:

The Standing Orders of the House shall be observed in Committees of the Whole so far as may be applicable, except the Standing Orders as to the seconding of motions, limiting the number of times of speaking and the length of speeches.

These are the only exceptions, nor can your Speaker find any provision that would suggest proceeding differently either in the special order adopted earlier today to govern this debate or in the terms of Standing Order 81(4) under which this debate is being held.

Similarly, Marleau and Montpetit at page 779 states clearly:

When an amendment is moved, debate must proceed on the amendment until it is disposed of.

In this case, the committee of the whole is meeting pursuant to Standing Order 81(4)(a) to consider the main estimates under Justice. The hon. member for Crowfoot has proposed a motion to reduce vote 1 for the Department of Justice by \$100 million. That motion is indeed debatable.

Accordingly, the ruling of the chair of the committee of the whole is sustained. I do now leave the chair so the debate in committee of the whole may resume.

**Mr. John Cummins:** Mr. Speaker, I rise on a point of order. If I could just have a clarification, it seems to me that in times past you have always suggested to the House that a committee is the master of its own fate.

In that particular instance under discussion there was a motion put and a question was called on that motion. I do not understand why the question could not have been put at that time.

**The Speaker:** The hon. member knows that he was here and of course I was not. He knows the chairman of the committee of the whole House made a ruling and the ruling was that the question should not be put because he was of the view that the standing orders, as I have indicated, required that the motion be debated and that a motion to curtail debate in the committee of the whole was not admissible.

The ruling, as I understand it, was appealed to the Chair, and I have now given a ruling indicating why I think the chairman of the committee of the whole House was correct.

That is the end of the matter because there is no appeal for my decision, sadly, but that is the fact, and so I know the hon. member must agree with me.

**Mr. John Cummins:** Mr. Speaker, I am not questioning your decision but I am trying to understand it.

There was a question put to the chair, a motion made to the chair and it was asked then that a vote be taken and the chair was challenged. I am not sure that I understand the rationale of the chair in refusing that legitimate request.

**●** (2310)

**The Speaker:** Perhaps I can assist the hon. member. This procedure is unusual in that we do not often sit in committee of the whole House, and the situation in committees of the whole is somewhat different from standing committees of the House because in standing committees there are appeals of the ruling of the chair to the committee and there are votes then in the committee on the appeal. In committee of the whole House the appeal is to the Speaker. The Speaker was found and came in to hear the appeal. I heard the appeal and I say this, again citing from Marleau and Montpetit on page 776:

As with all Speaker's rulings, after it has been delivered by the Speaker, there is no appeal and no discussion is allowed. Only on rare occasions has a Chairman's ruling been overturned. Since the Committee has not risen and reported progress, as soon as the appeal proceedings have been completed, the Speaker leaves the Chair, the Mace is removed from the Table and the Committee of the Whole resumes its deliberations.

I am quite prepared to leave the chair and let the committee of the whole resume its deliberations if that is agreeable to all hon. members.

[Translation]

House in committee of the whole to resume consideration of all votes under Justice in the main estimates, Mr. Kilger in the chair.

The Chair: Order, please. On a point of order, the hon. member for Ottawa—Vanier

**Mr. Mauril Bélanger:** Mr. Chair, could you please tell us how much time we have left from the five-hour period alloted to this debate?

The Chair: Approximately 45 minutes. The hon. member for Saint-Lambert

**Ms. Yolande Thibeault:** Mr. Chair, before I address the House, could you tell me how much time I have left?

[English

**Mr. Kevin Sorenson:** Mr. Chair, before the committee suspended, the Canadian Alliance still had time left in its presentation.

Mr. Chair, you suspended, you took counsel and you left the chamber. We wanted a ruling right at that moment and we wanted the ability to continue on with our time. We looked forward to having the opposition question the minister on a evening that was set apart for that.

We would ask for the Canadian Alliance time back.

**The Chair:** I believe I addressed that matter earlier, but once again, as the member moved amendment that was debatable, respectfully, that ends his intervention.

Resuming debate, the hon. member for Saint-Lambert.

[Translation]

**Ms. Yolande Thibeault (Saint-Lambert, Lib.):** Mr. Chair, thank you for these few minutes. As I was saying when I was interrupted two hours ago, I want to quote from a paper on the cost of crime in Canada; the document was prepared last year by the Research and Statistics Division of the Department of Justice.

It is quite an interesting paper, because it outlines the context in which the government is investing in the fight against crime.

For example, it tells us that crime costs Canadians approximately \$59 billion a year. That includes the actual expenditures of the federal, provincial and territorial governments, a total of \$12 billion, and the cost of our security and insurance systems, which comes to \$7.5 billion. However, the main component of those costs, \$39 billion, goes to victims and pays for health services, compensation for damaged property and loss of production.

Aside from the financial burden, which is heavy enough by itself, there is the terrible loss of life. When we try to evaluate the cost of crime, we must take into account the devastating effects of crime on individuals, communities and society as a whole in Canada.

Crime and the fear of crime deprive us of our liberty, diminish our quality of life and undermine our communities' morale. That is why the government will continue to improve the security of the streets and homes in Canada.

Even though it is reassuring to know that our country is safer than it was 10 years ago, we are still determined to reduce crime. During his speech earlier tonight, the minister talked about the National Crime Prevention Strategy and the efforts that are being made to involve Canadians in the fight against crime and to favour, in terms of crime prevention, the adoption of an approach based on cooperation.

I can only support such an objective, and I would like to seize the opportunity to elaborate on the subject. The national strategy was launched nearly five years ago to help communities fight the root causes and the risk factors of crime and victimization.

Clearly, the traditional methods used to fight crime such as arrests, prosecutions, the incarceration of offenders, are useful. However, in order to prevent crime effectively, we need to fight the causes of crime as vigorously as we react to criminal acts. If we do that, we will be able, as the government has done, to establish a balanced public security program.

This means that no effort must be spared on the front lines. The goal is to improve the quality of life of individuals, families and communities and to promote positive attitudes or behaviour for individuals within their communities by influencing family life, life in general, education, employment, housing and recreation.

Communities share, perhaps, a number of challenges related to public security, but each has its own unique problems and must find the solutions best suited to its needs. One size does not fit all.

There is no miracle cure. Crime prevention through social development in its current form is a long-term tried but true process.

**●** (2315)

The national strategy is based on the principle that the surest way to reduce crime is to focus on the factors that put individuals at risk: factors like family violence, drug abuse and poverty.

No community in Canada is unaffected by these problems, which threaten us all, particularly youth. By targeting the risk factors for crime and victimization, and by cooperating with local communities, the national strategy helps Canadians develop effective solutions to specific problems.

With this in mind, communities were invited to develop solutions for the problems they face, and they responded to this invitation. Since its launch in 1998, the national strategy has supported over 3,200 projects in some 780 communities, of all shapes and sizes, across Canada, that are dealing with problems related to crime and victimization.

The purpose of the national strategy, through such programs, is to support these communities by establishing effective and innovative crime-prevention initiatives. The government is also committed, with regard to assessment and research of the strategy, to determine and demonstrate the effectiveness, cost-effectiveness and the viability of the overall initiative, as well as the projects it supports. The results of this work clearly show that the national strategy is reaching its objectives.

When the resources for the second phase of the national strategy were approved in 1998, a mid-term evaluation was requested. This evaluation was carried out in 2001 and a global evaluation was completed in November 2002. Beside these evaluations and the ones that were initiated after the expansion of the initiative two years ago, a number of studies were carried out in order to examine certain aspects of the national strategy.

I do not have enough time to give all the details of these studies, but I would like to mention some of the conclusions.

A study on the impact of these projects revealed that more than half—63 % to be precise—of the financed projects selected for the study had been maintained beyond the period financing had been provided under the national strategy. The high level of viability of the projects was attributed to the success of the community initiatives, the vitality of the partnerships created for the initial implementation of the project and the ability of the organizations to obtain permanent support from new sources.

The viability issue is of paramount importance. The purpose of the national strategy is still to initiate effective practices that will keep growing within society and in future.

For example, I would like to talk about the Healthy Families project—or Familles saines—that was initiated in Charlottetown, Prince Edward Island. Last November, with the help of the national strategy, the government of that province announced that it was implementing the program and that it would expand the selection, the evaluation and the family support for all the young parents of the province.

#### **●** (2320)

More recently, that is, last week, the Ontario government announced a \$1.2 million investment to expand an online information service for battered women and their children.

In London, Ontario, an initiative known as Shelternet started up last year thanks primarily to the efforts of the national strategy and to a \$50,000 grant.

In Quebec, a diagnostic tool for the analysis of resistance and risk factors in the educational setting, which had been initially supported by the national strategy, has also been supported by the Quebec government.

These success stories say much about the quality of these projects. They are also eloquent testimony to the merit of the partnerships on which they were built.

Since the activities of the national strategy are based in part on partnerships, and in an effort to better understand the roles and contributions of partnerships in the funding of the strategy, a study on this important issue was done in the spring of 2002.

Among other findings, the study showed that partnerships in the national strategy were firmly committed to help both public and private partners to reduce crime and victimization.

This means that the national strategy has been quite successful in building partnerships with organizations that previously felt that crime prevention was not part of their mandate or their activities. The national strategy has been very successful in promoting crime prevention through social development. In fact, given its widespread adoption in communities across Canada, the distinctions between traditional and non-traditional partners are disappearing.

Finally, in insisting on the notion that partnerships be a key element of funding that is offered through the national strategy, almost all project sponsors have agreed to continue seeking out these types of partnerships in the future. And these are not empty promises.

As part of a study of projects from 1998-2000, the national crime prevention centre determined that for every dollar invested in a project, the strategy mobilized between \$1.50 and \$2.40 in funding from partners.

These conclusions were strengthened by the preliminary results from the general assessment over the last four years of the second stage of the national strategy. The results indicate that there is a growing interest in communities across Canada in reducing crime by dealing with the underlying causes. In reality, the projects allow for goals to be attained, for targets set by the national strategy to be supported, for innovative approaches to be developed, and for tools and resources to be produced and, as we mentioned, for community efforts to be sustained.

Generally speaking, the conclusions reveal that the national strategy is working as a pan-Canadian initiative. Beyond our borders, the Canadian model of crime prevention is being held up as an example. Canada is considered a leader in the international community for having managed to take a balanced approach to crime reduction.

Everything seems to indicate that the government has succeeded in promoting a proactive and long-term approach to crime prevention through social development. Knowing that this approach is progressive, which we suppose goes without saying, in the context of efforts being made to eliminate the individual social and economic factors that lead some people to commit crimes and others to be victimized by crime, how do these results really describe what is happening in our communities?

• (2325)

What is happening at the local level and what are the various projects achieving?

Right here, in Ottawa, the review of a community-based life skills program for children 6 to 12 years old who are living in social housing for the very needy showed that the number of calls to the police and the number of charges laid by the police has dropped by 50%. The program has also helped to improve the social behaviour of the participants and to increase their overall school success rate.

In the Northwest Territories, a cultural learning project outside the community which helps young aboriginals 6 to 12 years old to learn social skills is already yielding great results; the attendance rate has increased, the number of cases opened by the RCMP has decreased, and the relationship between RCMP officers and young aboriginals has improved.

These projects were developed to try and solve local problems, but, after reviewing them, the national strategy will try to duplicate Supply

them to guide the efforts being made in other communities throughout Canada facing the same issues. The blunt fact is that no community is totally immune from the problems these projects are trying to address.

Look at the problem with intimidation and violence in schools. I find it hard to accept that many places in Canada have not given this issue serious consideration. Whether they are students, parents or teachers, Canadians are worried about the violence and fights in classrooms and schoolyards.

In Whitby, Ontario, the national strategy supported the Durham District School Board in its "Together We Light the Way" project. This local school intervention project was designed to help children, teachers and parents to respect their peers, their role-models and more importantly, to respect themselves. The project was launched as a pilot project in 1998 and its success has been remarkable. In one school, the number of fights decreased by more than 40%. In another institution, the project worked so well that not one case of intimidation was reported for several months in a row.

Even the students recognized the success of the program. They openly talked about controlling their emotions, increased security in the hallways and schoolyards, about learning respect for others and the importance of succeeding at school.

Of the hundred or so projects funded by the national strategy to deal with intimidation, this one will be used in schools in Nova Scotia and Manitoba.

Intimidation, which is a precursor to delinquency, should no longer be considered a normal phase of growth. The national strategy helps communities and schools together with students, parents, teachers and others, to focus on community initiatives to combat intimidation.

We are delighted with and encouraged by the results so far.

I have many more examples, but I see that my time has run out. I would like to conclude by saying that all this was made possible by the help from the National Crime Prevention Strategy.

• (2330)

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Chair, I am delighted to see so many people tonight to listen to us. This debate must be very popular. I have several questions, but I will unfortunately have to proceed quickly. There are so many points I would like to raise.

Hon. Martin Cauchon: There are 20 minutes left.

**Mr. Richard Marceau:** The Justice minister says we still have 20 minutes, but that is not enough. There are so many things I wanted to talk about.

Here is my first question. In part III of the main estimates for 2003-04, the Report on Plans and Priorities, we can read on page 22, under the heading "Legal Aid Program", and I quote:

The government has annoused in the recent Budget that it would increase its funding support for legal aid to the provinces and territories.

Yet, in the table right above this quotation, we can see that the planned spending for 2003-04, 2004-05 and 2005-06 remains stable at \$126.4 million. Therefore, how it is possible to explain that in the last Speech from the Throne, it was said that the government would increase its financial support and that for the next three fiscal years, the numbers remain unchanged, that is, there is a reduction given that this is not in constant dollars?

#### **(2335)**

**Hon. Martin Cauchon:** Mr. Chair, I appreciate our colleague's question. As he knows, legal aid is an important issue which is directly linked to the justice system as a whole as well as to access to justice.

As soon as I became Justice Minister, I had the opportunity to discuss this with my colleagues during federal-provincial meetings. As we know, there are some well-known difficulties in the legal aid system in all provinces.

Over the last two years, our main budget for transfers to provinces in terms of legal aid was \$82 million. Because of specific requests or demands, we increased our contribution by \$20 million over the last two years, therefore increasing the total government contribution to \$102 million.

Since legal aid does not come under our jurisdiction, although the Canadian government does play a role in crime-related legal aid, we have agreed with all the provinces, during the discussions we had, to join forces in order to renew the legal aid system, and to share our different ways of doing things and our best practices.

I also told all my colleagues that we would obtain additional budgets to increase our participation in legal aid. As I said earlier tonight, the basic amount for our contribution to legal aid is \$82 million. In the last budget, an additional amount of \$89 million was provided over a two-year period, increasing our annual contribution to \$126.4 million over the next two years.

**Mr. Richard Marceau:** Mr. Chair, in recent months, the Standing Committee on Justice and Human RIghts has had the opportunity to address the problem of suspended sentences.

As the minister is no doubt aware, a number of parties, including provincial justice ministers, raised the possibility of ensuring that violent crimes would not be treated the same way as offences where suspended sentences are allowed. If memory serves, the provincial ministers were unanimous on this.

How does the federal justice Minister intend to respond to these oft-repeated requests not to allow suspended sentences for violent crimes?

**Hon. Martin Cauchon:** Mr. Chair, this was touched on briefly at the start of the debate. We are very much aware that it is something that keeps cropping up regularly.

The sentencing mechanism to which our colleague is referring has four years of practical application behind it. We are reviewing it at present. The Standing Committee on Justice and Human Rights is dealing with it and the issue has also been raised at meetings with colleagues on the federal, provincial and territorial levels.

That said, I will be waiting to see what the committee's recommendations will be, since they have the mandate to review application of this sentencing mechanism.

I must also point out that the Supreme Court has also addressed the matter and discussed it at great length. As well, it must be acknowledged that this sentence must be applied and used in a context in which the individual, while displaying criminal tendencies, does not pose a threat to society. This has been repeated numerous times.

Time being short, I will simply say that the issue is before the Standing Committee on Justice and Human Rights and I await its recommendations.

**Mr. Richard Marceau:** Mr. Chair, even though I did not want to see the minister pre-empt the committee's work, I would have liked him to comment on this. I would have liked to know what he thinks about this.

Of course, the Minister of Justice knows that the Quebec Superior Court, the Divisional Court of Ontario, and the British Columbia Court of Appeal have all ruled that same sex marriages should be allowed in Canada. He also knows that three rulings in that direction give us a good idea of the future orientation of Canadian case law.

Has the minister decided if he will file an appeal against the British Columbia Court of Appeal's May 1 decision authorizing same sex marriages? If I remember correctly, he has until the end of June to decide. So has he made a decision yet?

The federal government is filing an appeal against the Divisional Court of Ontario's decision on this issue; can the minister tell the House how much the appeal before the Ontario Court of Appeal will cost the federal government? Does he know how much it could cost to file an appeal before the Supreme Court against the decision of the British Columbia Court of Appeal?

#### **(2340)**

**Hon. Martin Cauchon:** Mr. Speaker, as far as costs are concerned, for a major portion of these applications, this is essentially a matter of speculation. Thus, it is a hypothetical question.

But for costs already incurred, if my colleague wants this information, I can have this looked into and give him an answer.

The question I was asked is important in terms of social development. Last summer, when facing some court decisions, we decided to mandate the Standing Committee on Justice and Human Rights to look into this. If we look at the situation we are facing now, it no doubt involves the courts, but also parliamentarians as a whole, because, as I mentioned, it is an extremely important social issue.

After receiving its mandate, the justice committee proceeded to carry out extended consultations. It also heard many witnesses. I am told that these consultations are now over and that the committee is expected to table its report very soon.

Of course, you will understand that I will wait to see the committee's report and recommendations, because I have a lot of respect for its work. I believe that, before taking a stand, it is important to wait for its recommendations.

As my colleague mentioned, a number of decisions have been handed down in Quebec and in Ontario, and also recently in British Columbia, where the Court of Appeal has essentially declared that the existing definition of marriage is invalid and illegal under section 15 of the Canadian Charter of Rights and Freedoms. We are certainly analyzing all these decisions.

As my colleague also mentioned, a decision will have to be made soon about the possibility of going to the Supreme Court. But before doing so, we will carefully analyze all the decisions, as well as the report and the recommendations of the Standing Committee on Justice and Human Rights.

Mr. Richard Marceau: Mr. Chair, in view of the fact that the minister has recognized that he has great respect for the work that has been done by the committee, work that was done very professionally, will the minister feel bound by the recommendations the committee will be making very shortly in the report, which will hopefully be available before mid-June, giving him a few days to decide whether or not to appeal to the Supreme Court.

**Hon. Martin Cauchon:** Mr. Chair, I will leave it up to the parliamentary process and all that it means, that is that the committee is doing its work. In this case, to reiterate what my colleague said, I know that the committee has done a great job and consulted many people. It also travelled extensively across Canada. It really went to great lengths to meet individuals and groups.

There will be recommendations, but the minister of Justice is not bound by the recommendations made by a committee. In view of all the work that has already been done, the package of recommendations will undoubtedly be analyzed thoroughly. In fact, the report will be a very important part of the process and will undoubtedly have a significant impact on the government's decision. But other elements will also have to be taken into account.

#### **•** (2345)

**Mr. Richard Marceau:** Mr. Chair, still on the issue of the work done by committees, I would just like to make a correction. I did not ask the minister whether he would be bound, but whether he would feel bound by the work done by the Standing Committee on Justice.

There is also another committee that does excellent work, namely the Special Committee on Non-Medical Use of Drugs. The announcement made by the minister today on the changes to the government approach with regard to marijuana obviously raises several questions.

The first question is this. The minister went to Washington on May 13 to inform the American government of the decision and the direction that the Canadian government was taking on this issue. It was noticed, in the bill that was distributed to us today, that it was

#### Supply

printed and finalized on May 14, which is the day after the visit to Washington.

Can the minister tell us what the input of the American government was on this issue and why was the bill not introduced in the House before being discussed in Washington?

According to the normal legislative process, foreign governments should have been asked for their input on this during the consultation process that will be undertaken by the committee, and not before members of this House had a chance to see and study this bill.

**Hon. Martin Cauchon:** Mr. Chair, the meeting I had with my American colleague is part of a series of annual meetings. Such meetings take place between my colleague Mr. Ashcroft and me, as well as between the solicitor general and Mr. Ashcroft. As you know, there is close cooperation between our two countries.

This cooperation has been longstanding, and it will go on. This cooperation can be found in numerous areas. Those areas have to do with economic development but, in this particular case, they have to do with the fight against crime. Today, crime knows no borders. Good cooperation between countries is important.

That being said, what needs to be understood is that the two countries share exactly the same vision in the fight against crime and more specifically the fight against drug use and also drug dealers. We might use different approaches but, at the end of the day, the goals are exactly the same. Moreover, there is a great deal of mutual respect towards each other's jurisdiction and legislation.

The legislation we have put forward has been written by the Canadian government, for the Canadian people, taking into account our goals and the messages we wish to send as a Canadian government.

Mr. Richard Marceau: Mr. Chairman, in the whole debate on decriminalizing marijuana—even though the government seems to be allergic to the word, that is what we are talking about—the House of Commons committee that reviewed the issue came up with the idea of decriminalizing not only simple possession under 30 grams, but also growing marijuana in the same quantity. If I remember correctly it is recommendation 41 or 42 in the committee report.

I have three questions. First, why was that part of the recommendation on cultivation totally ignored?

Second, since the committee had suggested 30 grams, how did the minister come up with 15 grams? What swayed him in favour of this quantity?

Third, does he not see a contradiction between decriminalizing simple possession—of less than 15 grams—and making it illegal to grow marijuana for personal use? In his announcement today he stated that he had created a new growing infraction starting with one to three plants. This would force marijuana consumers to buy on the black market which, for the most part, is run by the underworld as we all know. Does the minister not see a contradiction between his stated desire to stop drug trafficking and the fact that he is forcing people who want to smoke marijuana—which we discourage—to get their supply on the black market when they could very well grow small quantities of marijuana for their own use?

**(2350)** 

**Hon. Martin Cauchon:** Mr. Chair, the answer is simple. The message we want to send to the Canadian public is that marijuana use and production is strictly illegal. Obviously, when we talk about use, what we have wanted and still want to achieve through our policy is to obtain the necessary tools to get people to stop smoking pot.

If we look at what has happened in the last few years, we see that there has been an increase in use. So there will be a zero tolerance policy. We want people to stop smoking pot. It is a substance which is strictly illegal and which is harmful for society as a whole.

It follows that, if smoking is strictly illegal, growing is also strictly illegal. This is why we have decided to increase the penalties, and to even double them in some cases. Currently, the legislation provides for a maximum of seven years in prison. With the new legislation, people could face up to 14 years in prison.

As for the 30 grams recommended by the committee, this quantity was mentioned because there currently is a special system concerning a quantity of zero to 30 grams. For this quantity, we intend to resort to summary convictions.

Now, as for the quantity that we have chosen, 15 grams, as I have already explained today, that has given rise to much debate. We examined what is being done elsewhere in the world. Some countries have chosen 100 grams, others less. There are countries where there are no limits. What we figured is that when those limits were established, marijuana was a less potent drug. Today, marijuana is a lot more potent. It seemed reasonable for us to set the limit at 15 grams.

Mr. Richard Marceau: Mr. Chair, I guess this will be my last question.

The minister, whom I listened to carefully when he was interviewed on television, on *Maisonneuve à l'écoute*, said earlier that one of the problems he hopes to solve with the new strategy announced today is the lack of consistent law enforcement. Often, in an urban setting, police will turn a blind eye, which is not the case in a rural setting, for instance.

In leaving it up to the police as to whether they want to draw up an official statement, that is, to give a ticket, or to proceed by summary conviction for between 15 and 30 grams, does the minister not see that once again he may not achieve consistent enforcement, which is one of his own objectives and which is one of the objectives raised in the report of the House committee with regard to the non-therapeutic use of drugs?

**Hon. Martin Cauchon:** Mr. Chair, criminal law can seldom be enforced with full consistency across the country, because what we call discretion can always be used. But consistency is certainly possible as far as policy is concerned.

In this case, in reference to the whole body of recommendations, the two reports submitted last year by the two committees deal at length with the issue of disproportionate penalties that are being assessed nowadays. Because some 100,000 people use cannabis, we had to better procedures and a more proportionate penalties. If young people were charged under the current legislation, they would face criminals charges and end up with a criminal record.

The purpose of the new policy is to eliminate criminal records for possession of less than 15 grams. Discretion will be used in giving tickets and non-enforcement, but the objective of the policy that we want to have in place will be met.

**The Chair:** It being 11:55 p.m., all the votes are deemed to have been reported, pursuant to Standing Order 81. The committee will rise, and I will now leave the chair.

• (2355)

[English]

**The Deputy Speaker:** The House stands adjourned until tomorrow at 2 p.m. pursuant to Standing Order 24(1).

(The House adjourned at 11:55 p.m.)

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