



CANADA

# House of Commons Debates

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OFFICIAL REPORT  
(HANSARD)

**Thursday, November 6, 2003**

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**Speaker: The Honourable Peter Milliken**

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# HOUSE OF COMMONS

Thursday, November 6, 2003

The House met at 10 a.m.

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*Prayers*

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●(1000)

[English]

## PRIVILEGE

FORMER PRIVACY COMMISSIONER

**The Speaker:** I am now prepared to rule on the question of privilege raised by the hon. member for Scarborough—Rouge River on November 4, 2003 concerning the conduct of Mr. George Radwanski before the Standing Committee on Government Operations and Estimates.

[Translation]

I would like to thank the hon. member for Scarborough—Rouge River for having raised an issue which is of importance to all members and to the institution of the House of Commons. I would also like to thank the hon. member for New Westminster—Coquitlam—Burnaby, the right hon. member for Calgary Centre and the hon. member for Winnipeg Centre for their interventions.

[English]

On November 5, 2003, the hon. government House leader rose in the House to contribute to the discussion. Acknowledging the seriousness of this matter and the importance of the ruling of the Chair in this case, the hon. House leader called on the Speaker to render a ruling which would also provide two statements. To use his own words, the House leader looked to the ruling, first:

...to make it clear to every citizen who may come before a committee of the House the responsibilities that he or she has...and the consequences that may follow from a failure... to uphold those responsibilities...

And secondly:

...to provide the House with an outline of its options should [the Chair] find a prima facie case of contempt...

[Translation]

The hon. government House leader went on to discuss various issues surrounding the possible summoning of a private citizen to the Bar of the House. I wish to thank the hon. government House leader for his intervention.

[English]

Before rendering my decision, I want to address the two requests he has made to the Chair.

First, let me deal with the suggestion that my ruling should lay out the options before the House in this matter. As hon. members know, the role of the Speaker in matters of privilege is well defined in *House of Commons Procedure and Practice* at page 122, which states:

The function of the Speaker is limited to deciding whether the matter is of such a character as to entitle the Member who has raised the question to move a motion which will have priority over Orders of the Day; that is, in the Speaker's opinion, there is a prima facie question of privilege. If there is, the House must take the matter into immediate consideration.

The Speaker's ruling does not extend to deciding whether a breach of privilege has in fact been committed—a question which can be decided by the House itself.

It is clear to me that the Speaker's role in matters of privilege and contempt is well established in our practice. In my view, it is not the role of the Speaker to suggest how the House may wish to deal with a question of privilege or a case of contempt, always assuming that the House has decided that it is faced with such an offence. The ruling will therefore deal only on whether or not the Chair has found a prima facie case of contempt.

Secondly, it has been suggested that the ruling lay down guidelines for individuals appearing before committees of this House. However tempting the invitation, the Speaker cannot presume to articulate the expectations that committees have of the witnesses who come before them. Suffice it to say that I believe all hon. members will agree with me when I say simply that committees of the House and, by extension, the House of Commons itself, must be able to depend on the testimony they receive, whether from public officials or private citizens. This testimony must be truthful and complete. When this proves not to be the case, a grave situation results, a situation that cannot be treated lightly.

In the situation before us, I have carefully read the ninth report of the Standing Committee on Government Operations and Estimates tabled in the House. The committee's report sets out the testimony of Mr. George Radwanski, the former privacy commissioner, that it found misleading and concludes that, in its view, the former privacy commissioner should be found in contempt of the House. The report reviews the conflicts in the testimony and, it seems to me, draws its conclusions in a manner that seems reasonable in the circumstances.

Accordingly, I conclude that the matters set out in the ninth report of the Standing Committee on Government Operations and Estimates are sufficient to support a prima facie finding of a breach of the privileges of this House. I therefore invite the hon. member for Scarborough—Rouge River to move his motion.

*Speaker's Ruling*

●(1005)

**Mr. Reg Alcock (Winnipeg South, Lib.):** Mr. Speaker, I have some additional information on this matter that just arrived in my office this morning. I wish to share it with the House.

I have a letter addressed to myself from Mr. George Radwanski in which he says the following:

I am writing to apologize to you and your Committee, and through you to Parliament as a whole, for mistakes that were made during my tenure as Privacy Commissioner of Canada.

It was never my wish to show any disrespect whatsoever for Parliament or any of the members. I have, on the contrary, the greatest respect for Parliament—not only for the institution, but for the individuals who comprise it. I have been a close observer of politics and government my whole adult life, and I know well the importance and the challenges of what Parliamentarians do.

I apologize sincerely and without reservation for anything and everything that may have given you and your colleagues cause to believe that I misled your Committee or showed insufficient respect.

I also want to take this opportunity to apologize, through you, to Parliament and to all Canadians for any errors in judgment with regard to administrative and financial matters. I deeply regret that these matters disappointed and offended so many people, including Members of Parliament, on whose behalf I was seeking to work to the very best of my abilities.

Clearly, in hindsight, there are things I wish I had done differently during my tenure as Privacy Commissioner. These past months have been a period of intense reflection, during which I have assessed the events of the past three years and sought the advice of others in order to fully learn from mistakes that were made and be able to do better in the future.

You may also be assured that I have already paid very dearly over these past four months for any and all errors in judgment I made in the exercise of my duties. There is no aspect of my life that hasn't suffered enormous, perhaps irreparable, blows.

It is very much my wish to be able to put these matters behind me—with some very painful lessons learned—to restore some semblance of normalcy in my life, and to continue trying as a private citizen to make a positive contribution in whatever ways may remain open to me.

Yours sincerely,  
George Radwanski.

I wish to table this letter, Mr. Speaker.

●(1010)

**The Speaker:** Does the hon. member have the unanimous consent of the House to table the letter?

**Some hon. members:** Agreed.

**Mr. Derek Lee (Scarborough—Rouge River, Lib.):** Mr. Speaker, I will speak to the motion momentarily, but I first want to acknowledge the efforts of all our colleagues on the Standing Committee on Government Operations and Estimates, as well as those on the subcommittee of that committee dealing with this issue, in particular our colleague, the member for New Westminster—Coquitlam—Burnaby, who co-chaired the subcommittee.

I also want to acknowledge the very valuable assistance of the counsel to the House of Commons, Mr. Walsh; the Clerk of the House; the research staff for the subcommittee and the committee; and the witnesses who appeared at the committee. I also want to acknowledge the valuable assistance among members on both sides of the House and the member for Mississauga South.

I am surprised but pleased to take note of the letter that was read by our colleague and which has now been tabled.

The receipt of the letter from George Radwanski to the House, through the chair of the standing committee, in my view, will allow

or can allow the House to conclude this matter in a way that respects and upholds the privileges of the House and the traditions of the House.

I, on behalf of all members of the House, was prepared today to move a motion, which procedurally would happen now, that would have summoned Mr. Radwanski to the House to conclude this procedure. I mention this so that the record will show that this is what should happen or would happen. The fact that we have not done this in some 90 years may well be enough reason for putting it on record so that we are all aware of how it may be done in the future in the unfortunate circumstance where it might have to happen.

Mr. Radwanski's letter, in my view, and hopefully in our view, allows us to put on record what we might well have had to do using the Bar of the House right here. We wish to do the right thing and we wish to do the right thing for Canadians in their House.

Mr. Radwanski's communication this morning I hope will be taken as good judgment on his part and that the matters raised by the committee had foundation.

Therefore I will not move the motion that I had drafted and submitted to the Speaker. I ask colleagues in the House now to agree that this matter of privilege and the alleged contempt be concluded now and that we return to House business.

●(1015)

**Mr. Ken Epp (Elk Island, Canadian Alliance):** Mr. Speaker, I am somewhat distressed about this. I believe that if any individual were to commit perjury in one of the courts in our country, it is not very likely that the judge would say that since they were sorry, it was okay, and they should just carry on because it really did not matter. That would not happen.

Perjury in court is a serious matter. This particular matter is very serious if we want to uphold the supremacy of Parliament as the highest court in the land. For us to simply pat Mr. Radwanski on the back and say that it is okay, is insufficient

It is obvious that he now sees that the committee was determined to ensure that justice was done. This is, on his part, nothing more than a defence reaction on how to get out of this, probably on the advice of his lawyers.

We err as a House of Commons if we give the message to anybody who comes in front of any of our committees that the person can say whatever he or she wants, whether it is truthful or not, and if that happens, there will be no sanctions or consequences. It is a very serious error.

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, I wish to speak to the same point of order that was raised by the member for Winnipeg South, who read a letter from Mr. George Radwanski.

I believe that it is a poor substitute for the actions that we as a standing committee chose to take, which was to point out our displeasure with Mr. Radwanski from the very start of this painful exercise.

*Routine Proceedings*

The member for Elk Island made a good point. We should be concerned with what kind of precedent we are setting. If in fact we are the highest court in the land, we have a person who has made misrepresentations, possibly stolen public funds, lied to a standing committee, falsified documents and records, and ultimately will walk away with nothing more than a stern talking to.

It is not unusual for people, once they are found guilty, to do a few mea culpas and try to minimize the impact. I do not believe that Canadians would be satisfied that in one of the most obvious cases in recent history of abusing the system as a civil servant and violating the public trust, that it is satisfactory to simply accept a letter of apology from this person.

We have watched the standing committee move to a fairly firm consensus that we should be calling Mr. Radwanski to the Bar. The House of Commons should find him in contempt with consequences and sanctions up to and including time in prison. That was the starting point in our standing committee. We have seen that position watered down to the point now where we are going to accept a letter of apology from Mr. Radwanski.

Surely, we are not satisfied with this. We believe that this sets a terrible precedent for other courts and other situations. We have other cases where senior civil servants have been caught in the maladministration of funds that are yet to be dealt with by Parliament. I am talking about the Groupaction sponsorship scandals and the scandal around the Virginia Fontaine Treatment Centre with Health Canada in the Province of Manitoba.

We will have senior civil servants in the same situation and this sets a precedent where they, too, will simply write letters of apology. That is not satisfactory. I believe we should at the very least today find Mr. Radwanski to be in contempt of Parliament and nothing less will be satisfactory.

• (1020)

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I will not repeat the history of how we got here; however, in discussions with all parties, it was understood and agreed that it was necessary for us to find an expeditious resolution to this matter.

It is a fact that in the subcommittee report, as approved by the main committee, the unanimous position was that the committee would seek only an admonishment of Mr. Radwanski for the contempt should the Speaker find a prima facie case of privilege.

Mr. Speaker, you have found that prima facie case of privilege. Our position would have been to summon Mr. Radwanski to the Bar. He would have then given the letter, apologized to the House and we would have concluded that he was in contempt of this place.

I think it is the will of this place to accept Mr. Radwanski's letter of apology as his statement as if it were from the Bar. Therefore, at the appropriate time, I would be prepared to move that this House find Mr. George Radwanski in contempt of Parliament.

**The Speaker:** With respect, there has already been a finding in the committee and it reported a contempt. Based on the evidence the committee heard, I have made a finding that there is a prima facie case of contempt.

The hon. member for Scarborough—Rouge River, who brought the matter to the attention of the House and got this ruling from the Chair, has indicated he does not wish to proceed with his motion. I would have thought that this might conclude the matter.

The hon. member for West Vancouver—Sunshine Coast on a point of order.

**Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance):** Mr. Speaker, the House leaders are trying to work something out on this issue right now. May I suggest that, with unanimous consent, we go to routine proceedings and come back to this issue when those talks are finished?

**The Speaker:** Is it agreed.?

**Some hon. members:** Agreed.

**ROUTINE PROCEEDINGS**

[English]

**INDIAN SPECIFIC CLAIMS COMMISSION**

**Hon. Robert Nault (Minister of Indian Affairs and Northern Development, Lib.):** Mr. Speaker, under the provisions of Standing Order 32(2), I have the honour to table, in both official languages, copies of the 2002-03 annual report of the Indian Specific Claims Commission.

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**YUKON COMPREHENSIVE LAND CLAIMS AGREEMENT**

**Hon. Robert Nault (Minister of Indian Affairs and Northern Development, Lib.):** Mr. Speaker, I also have the honour of tabling copies of the 2000-01 annual report on the implementation of the Yukon Comprehensive Land Claims Agreement.

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**BROADCASTING**

**Mr. Tony Tirabassi (Parliamentary Secretary to the President of the Treasury Board, Lib.):** Mr. Speaker, on behalf of the Minister of Canadian Heritage, I have the honour to table, in both official languages, the government's response to the report of the Standing Committee on Canadian Heritage from the second session of the 37th Parliament entitled "Our Cultural Sovereignty: The Second Century of Canadian Broadcasting".

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**PATENT ACT**

**Hon. Allan Rock (for the Prime Minister)** moved for leave to introduce Bill C-56, an act to amend the Patent Act and the Food and Drugs Act.

*Routine Proceedings*

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

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**WESTBANK FIRST NATION SELF-GOVERNMENT ACT**

**Hon. Robert Nault (Minister of Indian Affairs and Northern Development, Lib.)** moved for leave to introduce Bill C-57, an act to give effect to the Westbank First Nation Self-Government Agreement.

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

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●(1025)

**VETERANS WEEK**

**Hon. Rey Pagtakhan (Minister of Veterans Affairs and Secretary of State (Science, Research and Development), Lib.):** Mr. Speaker, lest we forget.

November 5 to 11 is Veterans Week. It is a wonderful opportunity for a nation to salute the courage of its veterans and their fallen comrades for the benefit of generations to come.

It is a time for all of us to reaffirm our faith in the cherished values that veterans so dearly fought for: freedom, truth, knowledge, justice and peace.

It is also a time to renew our pledge as a nation to continue to work for the well-being of our veterans and their families, to whom we owe our unending gratitude. This remains the pledge in our hearts and minds. It is also the pledge of Veterans Affairs Canada and the government.

Indeed, Veterans Week is a special time for Canada to honour our heroes of war and peace for they served their nation so nobly in war and so ably in peace for over a century.

I was pleased to take part in the commemorative activities at St. Anne's Veterans Hospital in Quebec on Monday, and in the other place yesterday morning with you, Mr. Speaker, followed in the afternoon by the presentation of the Minister of Veterans Affairs Commendation to this year's recipients. I look forward to participating this coming Monday in some of the Veterans Week activities in my hometown of Winnipeg.

Many Canadians will gather at their local cenotaphs or at our National War Memorial in Ottawa on Remembrance Day.

Indeed, this year and next are remarkable years for commemoration. This year, November 11 marks the 85th year of the signing of the Armistice that ended World War I.

For a nation of barely eight million citizens at the time, Canada's war effort certainly was remarkable. Over 600,000 would fight it out on the killing fields of Europe. Nearly one in ten did not return.

A few decades later, the evil forces of Nazism spread their misery again across the same continent. A new generation was called on to fight. Over one million Canadian men and women joined other allied nations in a war that had to be fought and won.

In the war in Hong Kong, Canadians put up a valiant struggle against an overwhelming enemy. At Dieppe, they bore the brunt of a daring raid against the enemy-controlled coast of France.

Our gallant seamen in the merchant and regular navies sailed the oceans of the world delivering the needed supplies and providing dangerous convoy escort.

Our airmen flew in every sky. Our ground forces fought for 20 months in Italy and were on the front lines when the Allies returned on D-Day. From Normandy to the Netherlands our forces fought bravely. When peace finally came, over 45,000 had paid the ultimate sacrifice.

Five years later, the world was on the brink of disaster once again with the onset of the Korean War. Canada's commitment to the principles of the United Nations was put to the test. Our Korean War veterans met that test with courage, distinction and sacrifice, and so did our country.

This year marks the 50th anniversary of the signing of the Korean War Armistice, which is the theme of this year's Veterans Week.

I had the honour of accompanying a delegation of Korean War veterans to the places where they fought so valiantly. We visited the cemeteries and memorials in honour of their fallen comrades. Their joint efforts contributed to the avoidance of another global war in the second half of the 20th century.

Let us also remember those who have risked and continue to risk life and limb in peacekeeping or with emergency forces where international service has been required by a troubled world.

Wherever the hungry and the dispossessed find themselves at the mercy of war and civil strife, chances are we will find Canadian servicemen and women offering their help and hope.

●(1030)

I wish all colleagues and all Canadians an excellent Veterans' Week, which ends at the end of our Remembrance Day celebrations on November 11.

Once more, let us pledge that we will never forget. We are a better nation for what our veterans and their fallen comrades did in the service of our country. We are a better nation for what we do for their well-being and for what we do in their memory.

**Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance):** Mr. Speaker, I want to thank the minister for his speech this morning.

As a rule I am a more than cheerful type of individual, but as I approach November 11 this year, I approach it with a great deal of sadness, sadness because of events that have happened during the past year, sadness that affects people from coast to coast, and of course, I am sad because of the lack of compassion that has been shown in recent weeks.

*Routine Proceedings*

I found a clear definition for compassion in the dictionary: “pity inclining one to help or be merciful”. I know full well that this government has ignored some 23,000 widows. In turn, that ignores their families. In turn, that ignores their children. I know that all the members opposite have received letters on this, although maybe not as many as I have.

I am going to be saddened when I stand before a crowd in Kipling, Saskatchewan, because I know some widows there who are living in a pitiful condition because this government has not enough compassion to honour these people, these wives who cared for those brave men when they came home. Now, when they are alone, we cannot recognize them.

Another sadness comes over me when I think about the national institutes that refused the Royal Canadian Legion the right to put poppies in their establishments in this past week. That is a disgrace in Canada. I hope that this government reprimands those businesses and reprimands them well. I hope it does not allow this insult to stand in regard to those people who have died and those who are still living. They ordered them to take out the poppies; people could not even leave the baskets there and have money dropped in. That is a disgrace.

I am very pleased that the government has seen fit to lower all flags on all federal government buildings to half-mast on November 11. After that happened, I wrote to every province in Canada suggesting that they should do the same thing for their provincial buildings. Guess what? I received responses from about half of them. I am not very proud of that at all.

As we approach November 11, there are some things I can say that I am happy about. I am happy that the schools across this country are showing more attention to this day than they have in the past. We have outlived the days of television showing that Billy Bishop was not a good pilot and that the Royal Canadian Air Force dropped their bombs in the ocean and ran home. We watched that on Canadian television. We watched it bring our veterans down to the lowest point. I hope we are above that.

I am particularly glad to see that this week has been named Korean War Week by the minister. I am happy about that, because it took the government and this country years to call it a war. They simply called it a police action.

There is another point that saddens me on every morning that I drive in here. Fifty years ago, Canada was promised a war museum. The soldiers were promised a war museum. The military was promised a war museum; we had one million people in uniform and they were promised a war museum. Fifty years have passed after about five different promises. What saddens me today is this: we are the last of all the allied countries to build a national war museum. That is a disgrace.

•(1035)

In closing, I would like to encourage each member, each of the schools listening in and each of the branches of the Royal Canadian Legion to take in the show entitled *Two Minutes of Silence—A Pittance of Time*. It is a beautiful production and I encourage everyone to see at it.

[*Translation*]

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, I am pleased to rise today and very honoured to speak about veterans on behalf of the Bloc Québécois.

Vimy, Dieppe and Juno Beach are very symbolic and very significant places in terms of historic wartime events and of the ultimate sacrifices made by these men—and women, for there were women as well in the theatres of operations. They all symbolize the sacrifice made by those who gave their lives for freedom, democracy and peace in the western world.

It is very important for us to remember them every year. For the Commonwealth countries, the commemoration takes place on the 11th hour of the 11th day of the 11th month, to honour those who died.

We must also remember the veterans. My father was one. He took part in the liberation of Holland. One must go to Europe to appreciate the gratitude people feel for the Quebeckers and Canadians who risked their lives, many of whom died for the freedom of these countries, because it had to be done. If Nazism or the forces of evil had won those wars, the effects would certainly have been felt here, too. Recovery would probably have been very difficult.

But we did go overseas. I think that is important, and it was a common expression at the time. My mother used to say, “Your father went overseas”. I do not want to bring up the whole issue of conscription, but my father was not one of those who wanted to go overseas. Nevertheless, out of duty, he decided to go. That is important.

When we visit the cemeteries in Holland we see the names on the graves and the white crosses. There are many graves that have no names, just plain white crosses. There were mass burials at some of these places. Many of our family members, our uncles, our grandfathers, fought there and were buried there. Lest we forget.

And then there are those who survived. I am a member of the Iberville branch of the Canadian Legion. It is quite something to see the reactions of those who fought overseas. They have been morally and psychologically affected by what they saw over there. They have not only physical scars, but psychological scars, and those will never heal.

Things like post traumatic stress syndrome are starting to be recognized, but at the time they were not. It was simply recognized that these people had witnessed terrible events, and that is true. They never got over it and they never will. It is sad to watch them cry as they talk about their experiences.

They went overseas to fight for freedom and democracy and to ensure peace here in Quebec and in Canada. It is important to acknowledge their contribution.

*Routine Proceedings*

I would be remiss if I failed to mention the women's contribution. While their husbands and friends were overseas, the women kept the war economy going. They ensured that the troops had what they needed overseas, and for that we owe them our thanks.

I want to conclude my speech by coming back to what my colleague from the Canadian Alliance said about the widows. Their dead husbands would not be pleased to know that most of these women are being forgotten. These women did their share for the war effort.

Why are we helping 10,000 of these women and forgetting 23,000 others, when the government has enough money to help them? This is absolutely unacceptable. We have said this before in the House and we are saying it again today. We will not abandon these widows, for the same reasons that I just gave for the men.

Finally, I would like to pay tribute to my father, who passed away a few years ago. He fought overseas. He saw some of his friends come back from the front line in baskets, because they had lost their limbs. They were still alive, but they were being carried in baskets. These are dreadful images.

These people suffered, and today we must acknowledge those sufferings. The last thing I would like to say to them is that we will never forget what they did for us.

●(1040)

[*English*]

**Mrs. Elsie Wayne (Saint John, PC):** Mr. Speaker, I do hope that we can have silence and attention in the House of Commons as we give our Veterans' Week messages.

Last month, the people of Canada were again reminded of the risks of military service when two brave Canadian soldiers lost their lives while on duty in Afghanistan. Not only were we reminded of the courage of our Canadian Forces, we were reminded that those who serve under the Canadian flag are prepared to make the ultimate sacrifice in the defence of freedom. The families of those who have lost their sons remain in the thoughts and prayers of each and every one of us.

Our Canadian history is made complete by our proud military heritage. Since Confederation, Canadian men and women have repeatedly shown that they will offer their lives so that we, each and every one of us here today, may live in peace and security.

Some 60 years ago when I was just a little girl, my five brothers answered the call of duty. I will never forget that day. I was only five years old and my mother was ironing in the kitchen when they walked in and said, "Mum, we all signed up today". "Oh, no," she said, "not all of you". They said, "Yes, Mum, we all signed up today".

Two of my brothers were in the full force overseas through all those years of the second world war. With the fires of war burning in Europe, they volunteered their service in the name of Canada. For as long as I live, I will always remember my mother's face when they told her that day what they had done. On her face was a mixture of fear, hope, pride and concern.

Our experience was no different from that of many Canadian families. As the hon. member from the Bloc has just stated, his father

went. Many of our fathers and brothers were there and, yes indeed, our sons. They left the safety of our continent for the untold dangers abroad. Many returned. Too many did not return.

There are no words to express the sorrow and grief we feel when a man or woman in uniform is taken from us. There is nothing we can say here today that will restore their place in our hearts, but we can and we must honour their memory. We honour their memory by sharing the stories of their selflessness with future generations.

As was stated by the hon. member from the Alliance, many of us have asked our veterans to go into the schools. Many of them do. In fact, I will be going into a high school on Monday to talk about what happened in the second and first world wars.

We honour their memory by sharing the stories of their selflessness with future generations. We honour their memory by worshipping those who return home.

In our memories, these great Canadians continue to serve. They serve as an example of the best our nation can offer the world. They serve as a warning for those who would challenge the safety and security of our borders. They serve as a reminder of the courage that lives in the hearts of men.

And yes, like all of my colleagues who have spoken here today, I too want the war widows to all be treated equally. I cannot believe we have not done that. I know that a lot of our colleagues on the government side agree with us. They must all be treated equally. I stand here today because of the selflessness and sacrifice of those war widows as well as that of our men and women in uniform. We enjoy the luxury of freedom because they stood to defend us in times of need.

Ladies and gentlemen in this House and members of Parliament, let us never forget them. Let us always remember them. Lest we forget.

●(1045)

**Mr. Bill Blaikie (Winnipeg—Transcona, NDP):** Mr. Speaker, I am honoured to speak on behalf of my NDP colleagues this morning in paying tribute to Canada's veterans. All of us will be participating in Remembrance Day services in our ridings in the coming days, but it is important that here in the House of Commons we remember those who paid the supreme sacrifice and also those who were willing to sacrifice themselves but who were fortunate enough to be able to return, sometimes after having already given the best years of their lives.

We especially remember this year those Canadians in our forces who tragically continue to give their lives in defence of Canadian values. We remember those killed in Afghanistan. Like those who went before them, we will remember them, as we do all those who gave their lives in peacekeeping and peacemaking operations.

As the minister said, this November 11 marks 85 years since the signing of the armistice that ended the first world war, a bloodbath which challenged western civilization's self-image as an advanced civilization and set forces in motion that we are still dealing with today.



*Routine Proceedings*

In that terrible war, over 600,000 Canadians would volunteer and put themselves at risk in what has been called the killing fields of Europe. In 1992 I had the privilege of visiting the Vimy Memorial, the Menin Gate at Ypres, Beaumont Hamel and other World War I memorials and war cemeteries, and I will never forget the names, row upon row, of young men who lost their lives to the carnage of World War I. My grandfather Blaikie fought in that war with the 1st Canadian Mounted Rifles, a regiment raised in Saskatchewan and Manitoba.

I also had the privilege of visiting World War II Canadian war cemeteries at Adagem, at Bergen op Zoom and at Dieppe. Today we remember the sacrifice of those who served in that war, the army, the air force, the navy, the merchant navy and all the ways that Canadian men and women dedicated themselves to the collective task of winning the war against fascism.

Today I would like to pay special tribute to my father, Robert Blaikie, who passed away in July. He joined the Canadian navy at HMCS *Unicorn* in Saskatoon when he was 17 and served in Squadron 803 of the fleet air arm as an air engine mechanic. He was honoured some years ago to have been made a life member of the Transcona Legion Branch No. 7 for his dedication to the legion and to veterans.

The other day I attended a ceremony in the Senate marking the 50th anniversary of the end of the Korean War. Today we remember Canadians who served in that first UN multinational force. Our Korean War vets served with courage and distinction and one hopes that part of the land created by the termination of the Kapyong barracks in Winnipeg, named after their sacrifice, might be set aside as a memorial to them and to all who served their country in time of war and conflict.

As an MP from Winnipeg, I also cannot help but mention, as the minister rightly did, the fate of so many Canadians at Hong Kong and in the Dieppe raid where the Winnipeg Grenadiers and the Queen's own Cameron Highlanders of Winnipeg served respectively or the role of the Royal Winnipeg Rifles on D-Day.

May I also on this occasion say that supporting the surviving spouses of our veterans is an important part of how we honour them and the fact that the government has yet to reinstate the VIP benefits for all widows who were once receiving it is a source of shame to all of us here in the House of Commons. There are a couple of days until November 11. The government has time yet to make that announcement.

Finally, let us dedicate ourselves to properly supporting and equipping the men and women of today's Canadian Forces who are asked to do so much to make the world a safer place for Canadians and for other peoples. Let us also support every policy that offers the possibility of peaceful resolution of disputes, respect for international law and the prospect of a world in which the vision of the prophet Isaiah will be fulfilled, when we shall beat our swords into ploughshares and our spears into pruning hooks.

**The Acting Speaker (Mr. Bélair):** The House will now observe a moment of silence in honour of our war veterans.

*[Editor's Note: The House stood in silence]*

● (1050)

**INTERPARLIAMENTARY DELEGATIONS**

**Ms. Paddy Torsney (Burlington, Lib.):** Mr. Speaker, pursuant to Standing Order 34(1), I have the honour to present to the House, in both official languages, the report of the Canadian interparliamentary group respecting its participation at the 108th conference and related meetings of the Interparliamentary Union held in Santiago, Chile from April 6 to 12, 2003.

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**COMMITTEES OF THE HOUSE**

## PUBLIC ACCOUNTS

**Ms. Beth Phinney (Hamilton Mountain, Lib.):** Mr. Speaker, I have the honour to present, in both official languages, the 25th report of the Standing Committee on Public Accounts on chapter 5, Citizenship and Immigration Canada—Control and Enforcement of the April 2003 report of the Auditor General of Canada, and the 26th report of the Standing Committee on Public Accounts on chapter 4, Correctional Service Canada—Reintegration of Women Offenders, of the April 2003 report of the Auditor General of General.

Pursuant to Standing Order 109 of the House of Commons, the committee requests the government to table a comprehensive response to these two reports.

## GOVERNMENT OPERATIONS AND ESTIMATES

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I have the honour to present, in both official languages, the 10th report of the Standing Committee on Government Operations and Estimates in regard to its review of the Seized Property Management Act. Our report makes recommendations.

I also have the honour to present, in both official languages, the 11th report of the Standing Committee on Government Operations and Estimates regarding the proposed appointment of Ms. Jennifer Stoddart as Privacy Commissioner of Canada.

I would indicate that the committee recommends that the government proceed as provided in Standing Order 111.1(2) with the appointment of Ms. Jennifer Stoddart as Privacy Commissioner of Canada and that the House do ratify the appointment.

## FISHERIES AND OCEANS

**Mr. Tom Wappel (Scarborough Southwest, Lib.):** Mr. Speaker, I have the honour to present, in both official languages, the seventh report of the Standing Committee on Fisheries and Oceans entitled, "Atlantic Fisheries Issues: May 2003", which is a unanimous report of our committee, with supplemental reasons by the Canadian Alliance regarding our findings on our trip to the Atlantic provinces.

*Routine Proceedings*

Pursuant to Standing Order 109, the committee requests that the government table a comprehensive response to this report within 150 days.

While I am on my feet, Mr. Speaker, may I, on behalf of our committee, thank our hard-working clerk, researchers, support staff and specialized interpreters for everything they have done for us over this time.

## NON-MEDICAL USE OF DRUGS

**Ms. Paddy Torsney (Burlington, Lib.):** Mr. Speaker, I have the very great honour this morning to present, in both official languages, the first and second reports of the Special Committee on the Non-Medical Use of Drugs.

Specifically, this committee was given Bill C-38, an act to amend the Contraventions Act and the Controlled Drugs and Substances Act. That in fact is our second report.

Our first report is also a recommendation to the government, a unanimous recommendation from all committee members, that focused on two main issues: We encourage the government to focus on the renewed national drug strategy and that the government further its work on the recommendations made by the predecessor committee and that this strategy work to resolve the issue of drug impaired driving, as this issue was raised by witnesses and by all members of the committee. We really encourage the government to move rapidly.

With your permission, Mr. Speaker, I will thank all my colleagues on all sides of the House for their incredible dedication and hard work in a very short order. We were blessed with great researchers and a great set of clerks. Everyone really pulled together, and we know that there was a big team working very hard last night. To all of them I say thank you very much.

\* \* \*

●(1055)

## CRIMINAL CODE

**Mr. Chuck Strahl (Fraser Valley, Canadian Alliance)** moved for leave to introduce Bill C-468, an act to amend the Criminal Code (joyriding).

He said: Mr. Speaker, I would like to thank my colleague from Dewdney—Alouette for seconding the bill.

In 2001 statistics show that there were 170,000 motor vehicle thefts reported to police in Canada. Car theft now stands 10% higher than a decade ago and costs Canadians \$1 billion a year. Yet the average penalty, when someone is convicted of joyriding or car theft, is only \$100. The average damage to a vehicle is over \$4,000. In my own constituency in the city of Chilliwack, auto theft is up 33% this year alone.

My bill would strengthen the provisions of section 335 of the Criminal Code, a section that deals with motor vehicle theft, prescribe a minimum or maximum sentence in terms of jail, a jail term or restitution to the victim. It also states that parents of young offenders who have contributed to the delinquency of a child can be held responsible for restitution as well.

I hope that all members will take note of this serious problem in Canada, the cost to society as a whole, and give careful consideration and support for my bill which deals with joyriding and car theft before we see greater increases in this most damaging crime.

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

\* \* \*

## NATIONAL HERITAGE HUNTING AND FISHING ACT

**Mr. Robert Bertrand (Pontiac—Gatineau—Labelle, Lib.)** moved for leave to introduce Bill C-469, an act to recognize Canada's recreational hunting and fishing heritage and to establish the National Fish and Wildlife Heritage Commission.

He said: Mr. Speaker, the purpose of my bill is to establish the right to hunt and fish in accordance with the law.

[*Translation*]

The bill also establishes a National Fish and Wildlife Commission that will be required to make recommendations to the Minister, notably in respect of the promotion of activities related to fish and wildlife.

[*English*]

This enactment also would require that a report on the activities of the commission be tabled annually in each of the Houses of Parliament.

I would like to thank my colleagues in the Liberal outdoor caucus who co-sponsored my bill: Mr. Jordan, Mr. Szabo, Mr. Steckle, Mrs. Ur, Mr. Adams, Mr. St. Denis, Mr. Savoy and Mr. Speller.

**The Acting Speaker (Mr. Bélair):** The hon. member has been in the House for quite a while. He knows that he cannot identify members by their personal names.

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

\* \* \*

## CANADIAN FARM-RAISED DEER AND ELK MONTH ACT

**Mr. Rob Merrifield (Yellowhead, Canadian Alliance)** moved for leave to introduce Bill C-470, an act to designate the month of November as Canadian Farm-Raised Deer and Elk Month.

He said: Mr. Speaker, I ask for consideration of this legislation because the animals of 2,000 farmers across the country have been hit by a critical wasting disease. We need to raise awareness of this industry that has great value, not only to Canadians but to international trade as well. It provides nutraceutical in the way of elk velvet that is very popular in Asian countries as well as in North America. The quality of red deer and elk meat is lower in cholesterol than chicken. It is of very high quality. This industry needs support and awareness brought to it.

I encourage members of the House to consider my bill because it is a very valuable bill.

*Routine Proceedings*

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

[English]

\* \* \*

• (1100)

### CRIMINAL CODE

**Mr. Kevin Sorenson (Crowfoot, Canadian Alliance)** moved for leave to introduce Bill C-471, an act to amend the Criminal Code and the Corrections and Conditional Release Act (sexual assault on child—dangerous offenders).

He said: Mr. Speaker, I thank my colleague from Yellowhead for seconding my private member's bill, which I believe to be an important.

If enacted, my bill will amend section 752 to section 761 of the Criminal Code automatically making anyone convicted of two or more sexual offences against a child a dangerous offender.

I brought my bill forward for the sake of the children of the country. I believe that the laws in existence today do not deal appropriately with those who are obviously ongoing risks to society. We need laws that more properly reflect some of the bleak realities of the world, of society and of our country. I believe my private member's bill is one that would reflect that.

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

\* \* \*

### PERSONAL WATERCRAFT ACT

**Mr. Clifford Lincoln (Lac-Saint-Louis, Lib.)** moved for leave to introduce Bill S-10, an act concerning personal watercraft in navigable waters.

(Motion agreed to and bill read the first time)

\* \* \*

### APPOINTMENT OF PRIVACY COMMISSIONER

**Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.)**: Mr. Speaker, there have been consultations among all parties in the House and pursuant to the agreement that was made, I think you would find unanimous consent for the following motion. I move:

That Motion No. 134, standing in my name on the Order Paper, is now moved and adopted unanimously.

The motion reads:

That, in accordance with subsection 53(1) of the Act to extend the present laws of Canada that protect the privacy of individuals and that provide individuals with a right of access to personal information about themselves, Chapter P-21 of the Revised Statutes of Canada, 1985, this House approve the appointment of Jennifer Stoddart of Westmount, Quebec as Privacy Commissioner for a term of seven years.

[Translation]

**The Acting Speaker (Mr. Bélair)**: Is there unanimous consent to adopt the motion?

**Some hon. members**: Agreed.

(Motion agreed to)

### MEMBER STATEMENT

**Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.)**: Mr. Speaker, there have been further consultations among House leaders and I also believe you would find unanimous consent for the following motion. I move:

[Translation]

That at 3 p.m. on Thursday, November 6, 2003, the member for Davenport and a spokesperson for each opposition party shall make statements of no more than five minutes.

**The Acting Speaker (Mr. Bélair)**: Is there unanimous consent to adopt the motion?

**Some hon. members**: Agreed.

(Motion agreed to)

\* \* \*

[English]

### FORMER PRIVACY COMMISSIONER

**Mr. Derek Lee (Scarborough—Rouge River, Lib.)**: Mr. Speaker, there have been consultations and I think you would find unanimous consent to adopt the following motion without amendment or debate. I move:

That this House find George Radwanski to have been in contempt of this House, and acknowledge receipt of his letter of apology, tabled and read to the House earlier today.

**The Acting Speaker (Mr. Bélair)**: Is there unanimous consent to adopt the motion?

**Some hon. members**: Agreed.

(Motion agreed to)

\* \* \*

### PETITIONS

#### FREEDOM OF RELIGION

**Mr. Myron Thompson (Wild Rose, Canadian Alliance)**: Mr. Speaker, on behalf of the people of the beautiful town of Canmore in my riding, I would like to table a petition that calls upon Parliament to take all measures necessary to protect the rights of Canadians to freely share their religious and moral beliefs without fear of prosecution.

• (1105)

#### MARRIAGE

**Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance)**: Mr. Speaker, I have three petitions all dealing with the same subject. The petitioners come from across Saskatchewan. They are begging and pleading with the Government of Canada to restore the definition of marriage to be the union of one man and one woman to the exclusion of all others.

I certainly have many thousands who have signed these petitions.

*Government Orders*

## THE FAMILY

**Mr. Joe Jordan (Leeds—Grenville, Lib.):** Mr. Speaker, pursuant to Standing Order 36 I have the honour to present a petition from constituents in my riding. They call upon Parliament to reject Bill C-22, to consider parental rights along with parental responsibilities and begin with the presumption of mandatory equal parenting in the event of a divorce.

## MARRIAGE

**Mr. Rob Merrifield (Yellowhead, Canadian Alliance):** Mr. Speaker, I am very proud to present 12 petitions from different communities in my riding. These are from the communities of Wildwood, Edson, Jasper, Drayton Valley, Barrhead, Alberta Beach, Hinton, Grand Cache, Mayerthorpe, Tomahawk, Onoway, and Calahoo.

The petitioners are very concerned about the definition of marriage being retained and they want an open debate in the country. They are petitioning the government to have the definition of marriage retained as being between a man and a woman to the exclusion of all others.

**Mr. Larry Spencer (Regina—Lumsden—Lake Centre, Canadian Alliance):** Mr. Speaker, it is my honour to present three petitions. Most of these are from the maritimes of Canada. They are also asking that Parliament pass legislation recognizing the institution of marriage in federal law as being between one man and one woman to the exclusion of all others.

**Mr. Robert Bertrand (Pontiac—Gatineau—Labelle, Lib.):** Mr. Speaker, it is a pleasure to rise in the House today to present a petition on behalf of Canadians who wish to draw the attention of the House to the following: that marriage is the best foundation for families and for the raising of children; that the definition of marriage as being between a man and a woman is being challenged; and that this hon. House passed a motion in June 1999 that called for marriage to continue to be defined as the union of one man and one woman to the exclusion of all others.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I am pleased to present a petition today signed by a number of Canadians including from my own riding of Mississauga South.

The petitioners would like to remind Parliament that on June 10, 2003, the Ontario Court of Appeal ruled that the traditional definition of marriage was unconstitutional. They also want to point out that under section 33 of our Constitution, referred to as the notwithstanding clause, that the charter provision could be over-ridden.

Therefore the petitioners call upon Parliament to invoke the notwithstanding clause so that the traditional definition of marriage being the legal union of one man and one woman to the exclusion of all others remain the law in Canada.

**Mr. Maurice Vellacott (Saskatoon—Wanuskewin, Canadian Alliance):** Mr. Speaker, it my privilege to table in the House the names of petitioners calling upon Parliament to immediately hold a renewed debate on the definition of marriage, reaffirming, as it did in 1999, that marriage is and should remain the union of one man and one woman to the exclusion of all others, and that Parliament should take all necessary steps within the jurisdiction of the Parliament of Canada to preserve this definition of marriage.

[*Translation*]

## QUESTIONS ON THE ORDER PAPER

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

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

**Some hon. members:** Agreed.

[*English*]

**The Acting Speaker (Mr. Bélair):** I wish to inform the House that because of the ministerial statement government orders will be extended by 24 minutes.

## GOVERNMENT ORDERS

## CRIMINAL CODE

The House proceeded to the consideration of Bill C-20, an act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act, as reported (with amendment) from the committee.

• (1110)

[*English*]

## SPEAKER'S RULING

**The Acting Speaker (Mr. Bélair):** There is one motion in amendment standing on the Notice Paper for the report stage of Bill C-20.

Motion No. 1 will be debated and voted upon.

## MOTIONS IN AMENDMENT

**Ms. Libby Davies (Vancouver East, NDP)** moved:

That Bill C-20 be amended by deleting Clause 7.

Mr. Speaker, I am pleased to rise in the House today to speak to Bill C-20 and the amendment before us.

I would like to make it very clear that members of the NDP support the measures in the bill that are clearly presented and defined. We believe they will help protect children, a goal that is certainly shared by all of us in the NDP and I think by all members of the House.

We believe we have an obligation to do whatever we can to protect children in our society and to stop the abuse and exploitation of children in every form, whether through child pornography or any other way. That is something that we support very strongly. It is a very important value.

In presenting the amendment today to delete clause 7, we do so because we believe the present wording of clause 7 is very vague. Clause 7 talks about the public good defence. We believe that it may, as a result of being very vague, be very difficult to catch child pornographers, while at the same time there are concerns that we will be endangering the rights of artists from pursuing legitimate artistic expression or researchers and health workers from dealing with the effects of child abuse and sexual trauma.

*Government Orders*

We believe that the defence of the public good, as has been put forward in the bill, would transfer too much power and discretion to the courts. For example, it may take years of litigation and jurisprudence for the courts to decide exactly how to apply this defence of the public good in relation to child porn laws. I do not think that is something anyone wants to see.

The scope of the public good is ironically both, on the one hand, too broad and, on the other hand, too narrow. In fact, what we need to be doing in the bill is clarifying it to ensure that the most essential point is that the police will be able to make sound decisions in their investigations of a suspected child pornographer to protect children. Second, that artists who are legitimately engaging in artistic expression will not be prosecuted because of that legitimate activity.

We realize that these are difficult issues but surely our role here as parliamentarians in examining the bill is to make sure the clarification on these issues is very clear and that it does not become a subject of ongoing and endless debate in the court system.

In speaking to the amendment today and urging the deletion of clause 7, we believe that clarifying the definition of the public good is something that has not yet been resolved or taken place. It needs to happen here in Parliament.

We do need to be sending a clear message to the courts on how we want the legislation to be implemented and approached. The way it stands now is that I think there is still ambiguity.

We have presented this amendment because we believe the bill is just not good enough. We want to see a good job done on the bill. A tremendous amount of effort went into the bill and its goal is to protect children from sexual exploitation. We want to do it in a way that we are clearly delineating artistic merit. We believe that the provision in the bill as it stands now is simply not adequate to do that.

**Mr. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, the motion put forward today proposes to delete clause 7 of Bill C-20, which is an act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

In essence the motion seeks to maintain the status quo on child pornography. Simply stated, the government does not accept the status quo and neither do Canadians.

Clause 7 of Bill C-20 proposes two reforms to the existing child pornography provisions. First, it proposes to broaden the existing definition of written child pornography to include written material that describes prohibited sexual activity with children where that description is the dominant characteristic of the material and it is done for a sexual purpose.

Second, Bill C-20 proposes to narrow the two existing defences into one defence of public good, a term that is now specifically defined in the bill. Under the new law no defence would be available where the material or act in question does not serve the public good or where it exceeds or goes beyond what serves the public good. More simply stated, if the risk of harm that it poses outweighs the benefit that it offers to society, then no defence would be available.

The motion to delete clause 7 does more than just seek to maintain the status quo; in fact it says the opposite of what Bill C-20 proposes. It says that written materials that consist primarily of descriptions of unlawful sexual activity with children which descriptions are done for a sexual purpose are not child pornography and that they should not fall within the reach of the criminal law.

In the 2001 Sharpe case, the Supreme Court of Canada interpreted "for a sexual purpose" as being that which can be reasonably perceived as intended to cause sexual stimulation. With this interpretation in mind, it is difficult if not impossible to comprehend the basis for any argument that seeks to support and protect materials that mostly describe the sexual abuse of children and where these descriptions can be reasonably perceived as intended or intending to cause the reader to be sexually stimulated.

It is quite significant that our existing criminal law already clearly prohibits the sexual exploitation of children. The types of written material that this motion seeks to protect are those that portray or purport to portray children as a class of objects for sexual exploitation.

The government recognizes the very real risk of harm that such portrayal and objectification of children poses to our children and to society at large. That is why Bill C-20 proposes to include these types of materials within our definition of child pornography.

The second thing the motion seeks to do is to maintain the current test for when child pornographic materials should be protected by the defence of artistic merit.

Under the current test for artistic merit, the defence is automatically available for material that, objectively viewed, demonstrates some artistic merit no matter how small. For example, if the material in question is a written story, the question becomes, objectively viewed does the story reflect some accepted or recognized literary techniques or styles? If so, the defence is available irrespective of whether the risk of harm that the story poses to children and society outweighs any benefit that it offers.

The government does not agree with and does not support the existing test for artistic merit and neither do Canadians. The Standing Committee on Justice and Human Rights amended Bill C-20 accepting the government's amendment to define the public good as including acts or material that are necessary or advantageous to the administration of justice or the pursuit of science, medicine, education or art.

• (1115)

This definition closely models the language of the Supreme Court of Canada when it interpreted public good in the Sharpe case. Accordingly, the interpretation of Bill C-20 will be guided by the Supreme Court's judgment in this case.

A number of witnesses representing the arts community appeared before the justice committee on Bill C-20 to express concerns that their work or that of fellow artists would be criminalized by Bill C-20. I believe that their concerns are at the heart of this motion.

*Government Orders*

The justice committee's amendment of Bill C-20 to include a definition of the public good directly responds to those concerns expressed not only by the arts community but also to those expressed by child advocates appearing before the committee. They wanted greater clarity in the bill as to what constituted the public good. However, as to the balance of the concerns raised by the arts community witnesses, a number of observations or points in reply should be made.

The first question to be considered and answered in any potential child pornography case is the following: Does the work in question meet the Criminal Code's definition of child pornography? The written works that were described by these witnesses to the justice committee would not meet the existing definition of written child pornography, that is, they could not be said to advocate or counsel unlawful sexual activity with children. Neither would they meet Bill C-20's proposed new definition. That is, they could not be said to be works that one, were comprised primarily of descriptions of unlawful sexual activity with children and two, that such descriptions were written for a sexual purpose.

The second level of inquiry, and one which falls to the courts to determine, is if the material meets the definition of child pornography, is it protected by a defence? Under Bill C-20, as I have already outlined, there would only be one defence and its test would be a two step inquiry and yes, it is possible for art to meet such a two step inquiry.

Bill C-20 in its preamble clearly identifies the bill's objective. It states:

Whereas the Parliament of Canada has grave concerns regarding the vulnerability of children to all forms of exploitation, including child pornography, sexual exploitation, abuse and neglect;

The motion to delete clause 7 of Bill C-20 and to maintain the status quo for child pornography is not only incompatible with Bill C-20's objectives, it is antithetical.

I urge all hon. members to support Canada's children and to support Bill C-20 as passed by the justice committee and not to support this motion.

● (1120)

**Mr. Larry Spencer (Regina—Lumsden—Lake Centre, Canadian Alliance):** Mr. Speaker, I rise today to speak to this motion, which the Canadian Alliance will support not because we support artistic merit but because we do not support the broad definition of public good.

In the John Robin Sharpe case the judge considered some of those vile, ugly drawings to have some sort of artistic merit. That has been a problem with us and, I think, the nation. Even the hon. member across the way who spoke would agree that those drawings should not have been considered to have artistic merit.

Under Bill C-20 the existing defences of child pornography, that is, artistic merit or educational, scientific or medical purposes, are reduced to the single defence of "for the public good". This leaves in the hands of the judges the determination of what is for the public good.

Furthermore, despite the justice minister's attempt to sell Bill C-20 to Parliament and to the nation on the basis that the artistic merit

defence has been eliminated, he admitted recently in the justice committee that it is still included under the broader defence of "for the public good". Here is what the minister said at the justice committee:

Artistic merit still exists in the sense that a piece of art will have to essentially go through the new defence of public good and through the two stages. Of course, the first question is always this. Does it serve the public good?

We on this side of the House object to that and I think Parliament objected to it last week. My memory is sometimes not very accurate and not very clear, but I do remember that last week the House passed a private member's bill in the name of my hon. colleague from Wild Rose. That bill calls upon Parliament to bring forward legislation against child pornography that would remove all defences and would in effect stamp out child pornography, all defences for child pornography that would exploit children and all defences against criminal possession of child pornography.

There is a difference obviously of using some material for certain purposes. We understand that because some of us in the House had the opportunity to be briefed by the crime unit from Toronto some months ago on the nature of child pornography and how awful and terrible it is. We understand that use as being a legitimate one. It was not criminal possession and it did not have to be judged by any kind of law to find out if it was for the public good or not. We understand that it was very helpful in that particular case. We would not think that the law should remove the opportunity for our law makers to view this sort of thing to see what the problem is for our law enforcement officials to use it.

My belief here today is very simple. Parliament just last week said that we should remove all defences for criminal possession of child pornography that exploits children. We do not have to work too hard at figuring out the exploitation of children by that kind of material.

As we look around the House of Commons this week it is probably in its most floral stage. There are more flowers in here than perhaps those outside decorating for Christmas. We remember the veterans who fought in the wars that gave us the freedoms that we enjoy in this nation. None of us would want to deny the fact that these freedoms have been hard fought for, they have been won at the cost of the lives of many of our finest, over the years of the history of this nation.

● (1125)

However, they did not die so that such garbage could be pushed upon society. They did not die so that such garbage could be used to penetrate and bring about harm in the lives of our children. They did not die so that our children could be preyed upon by adult sexual predators in this nation or in any nation.

They did not die for that reason. I believe they died because they wanted a nation that had freedom for families and parents raising children, a nation where parents could raise children in the safety of a free nation, the safety of a nation where the children were free.

*Government Orders*

Can members imagine that? Can members imagine the children of this nation being set free to play on the playgrounds of this country, to play on the playgrounds of the schools, to walk safely home on the sidewalks of our cities and not be in fear of being grabbed or used or taken by sexual predators who run free in this land?

I think we need to remember why these people died, why they gave their lives, and I think we need to remember the kind of freedom they wanted us to have.

I know that many people will not agree with what I am going to say, but let me tell them that I believe there is no such thing as artistic merit in child pornography. There is no such thing as artistic merit. That kind of garbage is not art and it does not need protection.

That kind of garbage is not put there for educational purposes. Not only is it put there to pervert the mind of the one who is producing that kind of garbage, but it is put there to pervert the minds of others. It is there to pervert the minds of other adults and to allow those minds to feed upon this kind of garbage and imagine in their own minds the kinds of things that they might want to do with the children of this land. That has to stop. There is no sense in protecting that kind of thing.

Yes, we want to have freedom in this land, but as we all know, our freedoms are all guided by certain limits. When we drive down the highway, we assert the freedom to drive and to have a driver's licence and an automobile, but as we drive we are restrained by white lines and yellow lines, stop signs and stoplights and all the laws we have. Everything we do is somehow defined and constrained by certain laws.

I do not think we should have absolute unhindered freedom to produce the kind of garbage that places our children in danger in this country.

A Parliament, a nation, a people and a society that cannot place our children truly in a priority position of safety and protection is not a good society. It is a weak society. It is a crumbling society. If it cannot protect its own young people and its own children, it is a society that is on its way to destruction.

We need to remove all kinds of pretended defences for things that place our young people at risk. It is absurd to think that some artist should have the right to depict these kinds of things when it puts our children at risk and when that very depiction is there only for the promotion of evil, for the promotion of predatory thoughts and actions.

We believe that this government needs to go back to square one with this legislation. This will put it back to square one. It needs to start over and put in something here that will be in keeping with the motion this House passed just last week.

● (1130)

[*Translation*]

**Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ):** Mr. Speaker, it is a pleasure for me to speak today on Bill C-20, now at report stage.

Last week, the House unanimously adopted a motion that made quite clear how distasteful we all find those who exploit or hurt the most precious members of our society, our children. They are also

the most vulnerable members of our society. Our children need all the protection society can provide. If society cannot protect those we hold most dear, it has failed to do its most fundamental duty.

Members are sometimes taken by surprise. Sometimes that is good; other times it is not. This week, I was extremely surprised to receive an e-mail message from Mr. Sharpe himself. I think that the parliamentary secretary also got one. For this pornographer—because that is what he is—to write to the members of the Standing Committee on Justice and Human Rights as a legislative analyst and legal commentator of our work is very perplexing, to say the least.

From the outset, the Bloc Québécois has been trying to protect our children from individuals like Mr. Sharpe. We are trying to ensure that our children cannot be hurt or exploited by perverts with rather warped notions about human relationships.

During committee meetings, there were numerous debates, including one on the defence of serving the public good. Initially, the defence of serving the public good was not defined or set out in Bill C-20 and so was quite broad. One after the other, numerous witnesses and experts appeared before the committee to tell members that the concept of public good had to be defined. In committee, the Bloc Québécois moved an amendment in this regard, which served as the inspiration for the final definition found in Bill C-20. As a result, this bill was improved in committee.

One of the Bloc Québécois' amendments concerns minimum sentences, and I wish the government had been open to this. The public feels—and I understand this—that sentences for sexual predators and child pornographers are not tough enough.

It was in response to this concern that we proposed an amendment prescribing a minimum sentence. For example, for a maximum sentence of ten years, I proposed a minimum sentence of one year. It is a rather short sentence, but it is enough to send an important message to the effect that the elected members of this House and the general public want to ensure that the sentences imposed upon these perverse and twisted individuals are harsh enough.

I was hoping that the government would seize this opportunity to have a debate of a much more general nature on minimum sentences.

● (1135)

I had the support of both Alliance members and Progressive Conservative Party members, as well as some government members. Unfortunately, I did not have time to convince a sufficient number of them.

I think that it is our duty as members of Parliament, elected by the people, to address this serious issue and to decide collectively to send a clear message to the judiciary. This message would say, "We, parliamentarians, believe that, because our children are so precious, so vulnerable and so dear to us, those who commit these types of offences cannot get away without a mandatory jail term".

All this to say that the Bloc Québécois is against the amendment brought forward by the New Democratic Party. I am still not clear what its purpose was. The Bloc Québécois is asking members of this House to oppose this amendment. It is also asking them to support Bill C-25. We will come back to that at the third reading stage.

*Government Orders*

We are also asking the House to explore the possibility of imposing minimum sentences. This would ensure that those who prey on our children get the clear message that harsh punishment awaits those who commit these repugnant acts.

● (1140)

[English]

**Mr. Inky Mark (Dauphin—Swan River, PC):** Mr. Speaker, I am pleased to be involved in today's debate at report stage of Bill C-20, an act to amend the Criminal Code regarding the protection of children and other vulnerable persons.

The reason I read the title of the bill is because we pass a lot of legislation in the House with great intent, but when it comes to the actual effectiveness of the legislation, it becomes very questionable.

I would like to congratulate my NDP colleague from Vancouver East for her success in having one of her amendments accepted. That in itself is a success because most times it is not easy to have amendments accepted in any legislation. I have been successful in the past with some amendments I have put forward on bills. The problem is that when amendments come to the House for debate and a vote, most times they end up being defeated.

The PC Party of Canada supports the amendment regarding the deletion of clause 7. Clause 7 probably took up half the time for public hearings on the debate over artistic merit and exactly what public good meant. Both sides of the argument were heard. There was no agreement as to how effective this clause would be if left in the bill. Even opponents were not sure of its affect and how it would relate in court. The artistic community felt it was unnecessary. Some individuals felt the clause was too broad. The PC Party does support the amendment in that it will delete clause 7 of the act.

We need to come back to the focus and intent of Bill C-20. The bill is about the protection of children in this country. A large majority of members in the House are parents themselves and have raised children. Perhaps many are grandparents. We all know that children are our most vulnerable and precious gifts. Whatever we can do to protect them from harm is laudable and that should be our prime focus.

Unfortunately, when we get into legislation, we tend to lose touch with its intent. We are so busy trying to make everybody happy that we lose focus of its intent, which is the protection of children and other vulnerable persons.

Canadians have great expectations of members in the House of Commons. On this very subject, Canadians want the House to remove all loophole wording in Bill C-20. The deletion of clause 7 is a good step.

Canadians want the age of consent for teens having sex with adults raised from 14 to 16. The greater public expects the House to add tough minimum mandatory sentences to all laws regarding adults having sex with underage teens or children.

Canadians have great expectations of members of the House of Commons. Unfortunately, we will probably fail them again like we did yesterday during debate on the sex offender registry, Bill C-23. The greatest shortcoming in that bill was the lack of retroactivity. In other words, what about all those convicted pedophiles of the last 10

years? We will not know where they are. We know that for repeat offenders the probability is quite large, especially for those who have been convicted of pedophilia.

● (1145)

Let me go back to clause 7. Under Bill C-20, the existing defence of child pornography, which is artistic merit, educational, scientific or medical purpose, is reduced to a single defence of public good. This leaves in the hands of judges the determination of what constitutes public good.

In fact, I am surprised and disappointed that the parliamentary secretary said this morning that the government will be opposed to this amendment. Furthermore, despite the minister's attempt to sell Bill C-20 on the basis that the artistic merit defence had been eliminated, he admitted recently in the justice committee that it is still included under the broader public good defence.

The PC Party calls for the elimination of all defences that justify the criminal possession of child pornography. Of course, the criminal possession of child pornography does not apply to those in the justice system for purposes associated with prosecution, or by researchers studying the effects of exposure to child pornography.

Another shortcoming I alluded to, was the age of consent. Bill C-20 fails to raise the age of consent for sexual contact between children and adults. Instead, the bill would create a category of exploitative relationships aimed at protecting people between the ages of 14 and 18. In determining whether a person is in a relationship with a young person that is exploitative of the young person, a judge must consider: the age difference between the accused and the young person, the evolution of the relationship, and the degree of control or influence by the person over the young person. This category is a vague provision that fails to create the certainty of protection that children require. It would not serve as a real deterrent and would simply result in longer trials and more litigation.

It was already against the law for a person in a position of trust or authority, or with whom a young person, someone between 14 and 18, was in a relationship of dependency to be sexually involved with that young person. It is unclear how adding people who are in a relationship with a young person that is exploitative of the young person would add legal protection for young people.



*Government Orders*

As well, *Regina v. Sharpe* carved out two exemptions to the child pornography law: material such as diaries or drawings created privately and kept by that person for personal use, and visual recordings of a person by that person engaged in lawful sexual activity, kept by the person for personal use. The latter exemption would have the potential to expose children aged 14 to 18 to further exploitation by child pornographers since they would be engaging in legal activity.

By the government's failure to prohibit all adult-child sex, children continue to be at an unacceptable risk. Only by raising the age of consent would children be truly protected under the Criminal Code. We are not advocating criminalizing teenagers. As with other jurisdictions with a more reasonable age of consent, such as the U.K., Australia and most U.S. states, a close-in-age exemption would apply to ensure that teenagers were not criminalized.

Another aspect where Canadians expect change is in the sentencing of those convicted. Bill C-20 would increase maximum sentences for child related offences. These offences include sexual offences, failing to provide the necessities of life, and abandoning a child. This is meaningless if the courts do not impose the sentences, and we know by experience that when maximum sentences are raised there is no corresponding pattern in the actual sentencing practices. What is needed are mandatory sentences, truth in sentencing by eliminating statutory release, and no conditional sentences for child predators.

It is high time that the House, in passing legislation, protects the intent of the legislation, in this case Bill C-20, in regard to our children and other vulnerable persons.

● (1150)

**Mr. Myron Thompson (Wild Rose, Canadian Alliance):** Mr. Speaker, I am pleased to address the amendment and talk about this issue one more time.

I am at a point of true frustration when it comes to this particular issue, which I consider to be an absolute no brainer.

We have in the country people who own, possess, manufacture, sell and profit from the exploitation of our children through child pornography. It is a big industry. It is creating a great amount of risk for our kids throughout the country.

We continually sit back and debate the legalities of this or that, or one thing or another. We are fearful that we might step on someone's toes and harm some individual who has some artistic talent or is a great writer of some sort. That is the most frustrating part about this whole episode.

Are we truly taking the steps necessary to protect the children of our country? Are we? We are debating legal parts of a particular bill. By the way, all the expert witnesses before the justice committee indicated that this was not the way to go, that it was a bad bill and would not achieve its goal. All the expert witnesses said that in the committee. Yet the committee has brought the bill forward with no changes.

While the justice minister stands on his feet with his parliamentary secretary and others insisting that this will be the great thing that will protect our children forever and ever, the legislation is still allowing

a defence of public good which no one can define because it is too broad.

Therefore, I applaud the NDP for bringing forward a motion that would delete clause 7 of Bill C-20. The bill needs to go back to the minister's office, back to the justice department, and it needs to reflect the will of Canadians.

What is the will of Canadians? We had a vote in the House of Commons. All members who were present stated loud and clear that, on behalf of their constituents, they were casting a vote in favour of eliminating all defences that exploit children when it comes to child pornography. That is not some defences; that is not one or two defences. That is all defences.

There is no debate about what certain experts are doing with this material in trying to fight it, for example, police have possession of it because they confiscate it and they want to get to the bottom of it so they can clean it up. However, what stops them from doing their job properly? It is weak legislation like Bill C-20. They have to examine this material because it might have some public good.

I fail to understand what kind of possible public good could come out of something that exploits our children in the manner that we have all witnessed through different methods.

I too received a letter from John Sharpe. It was a wonderful letter. It is not very often that an MP can brag about getting a letter from a pornographer. The member from the Bloc said he received a letter. I think several of us received this letter from this ingenuous artist who has artistic merit in his writings, who even dared to put a quote in about how some people were saying that a sexual relationship between an adult and a child was healthy and it should be blossomed and encouraged. It stated that teachers in schools should have sexual relations with their students because it was good. What are we coming to when we allow that to go on?

● (1155)

It takes real courage and determination to say no, we are not going to allow it, it is utter nonsense that we even entertain these kinds of things, and we are going to end it.

Bill C-20 will not end it.

Clause 7 of the bill allows "public good". It is a broad statement and nobody knows what it really means. Sure, I support the motion to get rid of that clause, and far better yet, I say, we should get rid of the bill, go back to the drawing board, start over and say that we are going implement something that has some real teeth in it, something such that judges will clearly understand that the people of Canada, through their elected representatives, want child pornography wiped off the face of the earth. Let us say that we are going to put all our ammunition toward fighting this war and get the job done.

*Government Orders*

Instead, we debate and debate. I am so disgusted with the media across the land, with the news items and all of that which they keep flourishing while they do very little on this extremely dangerous thing that is affecting our children. I wish the media would get off their rear ends and start telling the truth about what child pornography is all about and how it is harming this nation. When we start harming our kids, we harm our families and we harm the nation. As my colleague said a few moments ago in his speech, a nation that allows this to carry on is a nation that is doomed.

Let us talk about democracy. We had a vote in the House of Commons. You know what the vote was, Mr. Speaker. Everyone said yes, let us have legislation that will eliminate the defences for child pornography. Let us eliminate them, everybody said.

On that side of the House, they all know that Bill C-20 does not do that. How can they, with good conscience, stand in the House of Commons and declare on one day that this is what must happen and be proud of it—and I was proud of them for doing so—and then turn around and defeat a motion on this amendment because they want to keep Bill C-20, which does not accomplish the job. And they know it.

The justice minister needs to give his head a serious shake if he thinks for a moment that Bill C-20 is the answer to defeating child pornography in this country. He needs to listen loud and clear to those who appeared as witnesses at committee and said how ineffective this particular bill is in accomplishing a very important mission for the sake of our kids, our grandkids and our future grandchildren.

**An hon. member:** The police are asking for help.

**Mr. Myron Thompson:** The police are asking for help. Even the judges want a clear definition. When something comes to their court they do not want to have to decide based on some possible little clause that would provide an excuse to have a good defence. It would tie up the courts forever and ever. All the lawyers would get rich.

How disgusting it was when I listened to one person from the Liberal government being interviewed. I believe it was the member for Scarborough—Rouge River. When he talked about the motion that was voted on last week he simply said that it was nothing more than a motherhood statement. Darn right it was a motherhood statement: it is a statement that every mother and grandmother in this country is crying out.

**An hon. member:** And every father too.

**Mr. Myron Thompson:** Every parent, every grandparent, every aunt and uncle, and every friend of a child is calling out, “Put an end to this nonsense”.

I am so frustrated today that we have to debate this one more time, that we have to take the time of the House and spend it debating a no-brainer. We just are not going to tolerate it anymore.

● (1200)

Zero tolerance means zero tolerance, and for Mr. Sharpe and all the rest of the pornographers out there who want to write letters to all of us, I have a short, quick message. They might as well stop,

because this member is not going to stop until their actions and activities cease to exist, for the sake of our children.

And it has to happen today, because I think today could be our very last opportunity. I ask members to please honour their democratic decision last week, support this motion, get the bill back to the drawing board and do it right.

[*Translation*]

**Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ):** Mr. Speaker, it is my pleasure to address Bill C-20, in a perspective slightly different from that of the previous speaker of course, but it is the role of Parliament to offer different perspectives.

I would like to start by thanking the members of the Standing Committee on Justice, particularly the hon. member for Charlesbourg—Jacques-Cartier, in the beautiful area of Quebec City, Quebec's national capital, who has worked very hard with all the parliamentarians on the committee to report an improved bill.

We must remember that this bill was in response to court decisions attempting to determine what constituted child pornography offences and what constituted the right to freedom of expression. Any attempt to oversimplify this issue should make us suspicious.

The basic premise of the bill is a real and perfectly defensible one and I think it is a bit of an exaggeration to say that we are opposed to it. We must not change or allow the law to be changed in such a way that children under the age of 14 could have sexual relations with adults and vice versa.

There is a bias in this bill reflecting this reality. Representations were made by a number of groups, and parliamentarians as well. Also, I had the pleasure of exchanging ideas with a member of the other place—I do not think our standing orders allow me to name her—who has been looking into this whole issue of sexual exploitation for a decade. She testified before the subcommittee on solicitation laws.

Our colleague from the NDP proposed a motion to the committee on which I represent the Bloc Québécois with our colleague, the critic for justice. The senator made us realize that, of the problems we are facing, human trafficking is the biggest. Bigger than property trafficking, and bigger than drug trafficking. The danger exists that children will be used and exploited for sexual purposes.

The Bloc Québécois supports this bill because it creates a new criminal offence in Canada that did not exist before. It amends section 153 by adding subsection (1.2), which stipulates that, in order to determine that a person—meaning an adult—is in a relationship with a young person that is exploitative of the young person, a judge may take into account the nature and circumstances of the relationship.

*Government Orders*

Under the Criminal Code, it is already an offence to have sexual relations with anyone under 14 years of age, and that is understandable. There should be something beautiful, egalitarian, and noble about sexuality that contributes to personal growth, which is not the case for 11-, 12- or 13-year-old children who do not have the maturity or experience to engage in, enjoy and benefit from a sexual relationship.

That is how the Criminal Code used to deal with this. For decades now, courts have been convicting individuals who have sexual relations with children under 14 years of age. This bill makes it clear not only that a adult in a relationship with a young person that is exploitative of that young person—note the use of the word exploitative—cannot have sexual relations with the young person, but that the nature of the relationship will be taken into consideration. Originally, the bill set out a number of criteria to be used to determine if a relationship was exploitative.

The first of those criteria was, of course, the age difference between the adult and the young person. The second one was the evolution of the relationship, and the third one was the influence the adult had over the young person.

• (1205)

The Standing Committee on Justice, as I understand—the parliamentary secretary may nod if I am right—added a fourth criterion, namely the age of the teenager.

That goes to the heart of the bill. We believe all those things are relevant. The biggest traffic in the history of mankind, no longer of goods only, but of human beings, is a problem compounded by Internet and new communications technologies. It is now possible to get a lot of information and have access to sites showing teenagers.

This is why a new offence has been added to the Criminal Code; it is aimed at those individuals who have sex with children under 14.

The issue is not as straightforward as it may appear, because of the right to freedom of expression. Of course, no one would claim that freedom of expression justifies having sex with a person under 14. The Supreme Court handed down a decision. What did it say about child pornography? I would like to quote the following:

I conclude that “artistic merit” should be interpreted as including any expression that may reasonably be viewed as art. Any objectively established artistic value, however small, suffices to support defence.

What the Supreme Court said is that we should never interfere with an artist's creative process. As law makers, we are certainly concerned by the Supreme Court's very broad interpretation of freedom of expression and creative process. This is why we had to set limits.

Bill C-20 says that if the depiction of sexual acts with teenagers goes too far, under Bill C-20, it will not be accepted even if it is part of a creative process. That is indeed setting limits.

The definition that would be found in the bill, if passed, would include some safeguards. Thus, we would talk about material that might objectively consist of child pornography, and I quote:

c) any written material the dominant characteristic of which is the depiction, for a sexual purpose, of a sexual activity with a person under the age of eighteen years.

This would be an offence under the current legislation. We understand there should be a balance. We agree that there might be painters or other artists who will, in their creative process, reproduce scenes of nudity that might involve children. What we do not agree with is written material the explicit and dominant characteristic of which is the depiction of an activity for a sexual purpose and involving people under the age of 18. I think the difference is extremely important.

I was a little sad about the comment from our Canadian Alliance colleague. He suggested that some parliamentarians, because they support Bill C-20, might agree with the fact that there are sexual activities without consent with children. I think we must recognize and say that this is not the objective of the bill.

In substance, the bill would create a new offence, the exploitation of children with the intent of having sexual activities. It would include safeguards in this definition.

When this offence is brought before a court of law, we believe there would be enough safeguards to ensure there is no abuse.

The time that was allowed to me to make my point on this issue has expired.

• (1210)

[*English*]

**Ms. Wendy Lill (Dartmouth, NDP):** Mr. Speaker, I rise today to speak to the amendment to Bill C-20, put forward by my party to delete section 7, which would remove the defence of artistic merit from the child pornography legislation, draft Bill C-20 before the House.

I start by saying the New Democrats and certainly myself are extremely concerned about child pornography and want to see it eradicated from the face of the earth. As parents, as artists, as parliamentarians, we all believe that we need to find many new mechanisms to ensure that child pornography cannot exist and that it gets no sustenance in this society. We believe there is a lot of good in Bill C-20 and some real progress is being made here.

I want to make that point because it is important to make it right off the bat. We are trying to change a bill which is ostensibly about protecting children. To oppose parts of it does not mean we do not want to protect children. Of course we want to protect children.

We want to talk about the fact that clause 7 weakens the whole bill. It weakens the ability to work against child pornographers. We heard witness after witness who came before the committee, from the Toronto Police Association to the B.C. Civil Liberties Association, to the Canadian Conference of the Arts to the Canadian Bar Association, indicate that clause 7 was problematic because the language that was used was vague and contradictory.

*Government Orders*

We do not want that kind of statement or those concerns when we talk about legislation which judges then have to interpret and which police on the street have to interpret and make snap decisions about whether they can take something to court and win. We want to make clear that the defence of public good at this point in time is not clear enough to be of any good in the fight against child pornography.

There are three reasons why clause 7 should be removed from the bill. One is that it does not, in our estimation, in any way further protect children from child pornographers. The law as it stands already criminalizes possessing and distributing child pornography. During the justice committee hearings on Bill C-20, many people brought up the silence around child abuse and how important it was not to return to the time when children and adult survivors of abuse could not talk about it. I want to read a letter from Ian Murray of Current Projects. He said:

The desire to punish those who would bring the abuse of minors to the public view while ignoring the actual victimization of children is a pattern I saw often growing up in the Catholic Church in Nova Scotia, working with abused youth in the Arctic and working as an artist and teacher.

Censorship, like abuse of minors, is an abuse of human rights. It is part of the same power relationship. You are following the pattern of the abuser who says "telling is a sin" while using the silence to continue the abuse.

It would be far more helpful to the protection of children to concentrate on the prosecution of people who abuse minors and those who silence the victims rather than suppressing information about abuse, which is what this law does.

I note that a number of institutions that are currently being sued for or found guilty of aiding and abetting criminal sexual abuse of children, including many churches, schools and the Government of Canada, support this law. Those who have exposed the sexual abuse of children through stories, pictures, plays, film, video, comedy, television programs and songs oppose this law. That should tell us what side the silencers are on. The vicious abuse of children at Mount Cashel is a perfect example of the power of the state and the church working together to silence victims.

As a society we need to deal with the power relations that lead to sexual abuse of minors. We need to talk about it and expose those images and confront the abusers. This law, at the present time with this section in it, makes this illegal.

● (1215)

I would like to move to a second reason why we think it is important that we make an amendment to Bill C-20 and remove section 7, and that is for the protection of artists.

The new defence of public good is too vague and unproven. It would take years of jurisprudence from the courts to decide exactly how to apply this defence in relation to child porn laws. It would literally take years to try to puzzle through it. Will museums be prosecuted for holding classic works of art that depict children in sexual acts? Will libraries, which protect the rights of Canadians to read any and all kinds of literature, have to clear the stacks of any books that might suggest teenagers had sex with adults? This is a slippery slope. Judges and courts should not decide what is for the public good, just as they should not be deciding what has artistic merit.

The third reason why we cannot support this clause in the bill is that it is too vague and leaves both the courts and the police wondering exactly how to prosecute someone and who they can protect.

I want to quote what Detective Sergeant Paul Gillespie of the Toronto Police Service said when he came before the justice committee meeting on October 7. He said:

We've seen what happens when police are left to define what is or isn't artistic merit. We'll be fighting about this one for years. Police would simply appreciate laws that are very clear and that will allow us to make better informed decisions at the time we are required to make them. Wording that is very open to speculation and suggestion and not quite clear makes it very difficult for officers to understand exactly what they're supposed to be doing. I can tell you from experience that when officers aren't quite sure of the wording, they don't do anything.

The Canadian Bar Association, representing over 38,000 lawyers in Canada, also found section 7 vague and contradictory. As written, it says the intentions of an accused are both relevant and irrelevant. Its brief to the committee warned this inconsistency may actually attract constitutional scrutiny and should be redressed.

I want to just say something about what I think is a question on everybody's mind or sits beneath all of this debate. That question is: what is the difference between art and pornography? With respect, I believe that one can tell the difference. I do not believe it is quite as murky as some might believe.

I believe pornography sensationalizes and glorifies. It seeks to deny the truth of what it purports to represent in favour of fantasy or fabrication. Art, on the other hand, seeks truth. Even when art is not a literal depiction of everyday reality, even when it employs fantastical imagery or ideas, it aims to hold up a mirror in which people can see their everyday lives, their emotions and their aspirations reflected. Any legislation in this area should reflect that critical essence of what art is.

Members from the Alliance have already complained about the courts deciding legislation around same sex marriages. Clause 7 would make law the responsibility of the courts to decide how far a bill extends. That is not the role of our judiciary; it is our role as legislators.

In conclusion, we in the New Democratic Party feel section 7 of Bill C-20 is too vague and contradictory and it clearly does not serve the people who are on the streets trying to fight child pornography. It does not serve children. It does not serve the artists and people in the country who have a deep need to express the damage done to them through sexual abuse and violence at the hands of adults.

*Government Orders*

There are many areas of Bill C-20 that we want to support. It does extend protection for children and other vulnerable people. However, we cannot support treating all work that deals with children and sex as pornography.

• (1220)

It is important that survivors can speak or draw about their experiences without facing prosecution. It is important that artists can explore, not just the virtuous part of society but also its evil side.

The NDP hopes that the rest of the House will agree that section 7 needs more debate and fine tuning and that it should be removed from Bill C-20.

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

**Some hon. members:** Question.

**The Deputy Speaker:** The question is on the Motion No. 1. 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 nays have it.

*And more than five members having risen:*

**The Deputy Speaker:** Call in the members.

*And the bells having rung*

**The Deputy Speaker:** Accordingly, the vote is deferred until the next sitting day at the end of government orders.

[*Translation*]

**Mr. Jacques Saada:** Mr. Speaker, I rise on a point of order. I would like to clarify what you said a few seconds ago. Are we talking about the next sitting day or next Monday? Until when exactly will the vote be deferred?

[*English*]

**The Deputy Speaker:** Let the Chair then ask the question to the House, in terms of the clarification, because we do not normally defer votes to Friday on a Thursday's day of business.

Let me see if I can get some clarification from the hon. whip of the official opposition, the member for Wetaskiwin.

**Mr. Dale Johnston:** Mr. Speaker, my motion was that it be deferred to the end of business on Friday, but all motions deferred to Friday are automatically deferred to Monday.

**The Deputy Speaker:** Then the vote is automatically re-deferred until the next sitting Monday.

• (1225)

**STATISTICS ACT**

The House resumed from October 20, consideration of the motion that Bill S-13, an act to amend the Statistics Act, be read the second time and referred to a committee.

**Mr. James Rajotte (Edmonton Southwest, Canadian Alliance):** Mr. Speaker, it is my pleasure to speak to Bill S-13, an act to amend the Statistics Act regarding census records.

Many members of Parliament have received hundreds and thousands of e-mails and letters regarding the bill. This is a very important bill to a great number of people, particularly those who are interested in historical research of family records and genealogists who obviously like to trace not only their own family's history, but other family histories in terms of preserving and knowing our heritage.

Before I address the bill specifically, I should pay tribute to two of my colleagues, the member for Calgary Southeast and the member for Peace River.

The member for Calgary Southeast introduced at one point in the House a motion which we in the Canadian Alliance supported unanimously. The motion stated:

That in the opinion of this House, the government should take all necessary steps to release the 1911 census records once they have been deposited in the National Archives in 2003.

The member for Peace River, the previous industry critic, dealt with this issue and certainly shepherded it through our caucus in the main discussions back in 2001.

We all know that census records are an invaluable source of information for those conducting historical or genealogical research. In fact, the 1906 census, the document which gave rise to this specific bill, was a special census that was conducted only in the prairie provinces after the massive influx of immigrants at the turn of the century.

The release of the 1906 census generated more than four million hits in the 12 days it was online. The same story holds true for the 1901 census which received more than 50 million hits for its first six months online. This obviously demonstrates a deep desire by Canadians to know more about their collective history.

The problem as I understand it is the nature of census data itself. Statistics Canada strives to protect the integrity of the information it gathers. It strives to protect the privacy of the individuals as much as possible. This is something which we in the Canadian Alliance are concerned about.

In Canada we have kept census information secret for a long time after the data has been initially collected. We have kept census information secret for 92 years on average in order to address those privacy concerns. That is 20 years longer than in the United States and eight years shorter than in the United Kingdom. In my view, 92 years is a reasonable time period to wait before releasing the census information to the National Archives.

*Government Orders*

At the turn of the century, ambiguities were raised as to how long such information should be kept from public release. According to Statistics Canada, census takers were given conflicting instructions on how to collect census data. This may have led some Canadians to believe their information would be kept secret forever. The situation was clarified when confidentiality and disclosure regulations that had existed for previous census operations were enforced by law for the 1911 census.

The Canadian commissioner of privacy and a legal opinion received by Statistics Canada have led some groups to push that census records be kept secret for 20 years longer, a total of 112 years, due to the provision in Canadian law to keep personal records secret until 20 years after the death of an individual.

Bill S-13 proposes a compromise between concerns for privacy and the covenant agreed to by Statistics Canada and the Canadian public through the census.

It was originally proposed that the bill be passed in a single sitting without full deliberation. We in the Canadian Alliance could not agree to a course of action as proposed by the government on the bill. We have some serious concerns that need to be addressed and I would like to touch upon those concerns at this point.

First of all, we are seeking clarity concerning the conditional release of information. Second, I would like to discuss the creation of a new bureaucracy and new regulations to police the conditional release of information. Last, I would like to debate the appropriate passage of time before census information should be released to the public.

Bill S-13 is silent on the issue, but the research I have is that this type of information will be available in the initial release after 92 years. My understanding is that the only information that will be released after 92 years is what they call tombstone information: name, address, age, date of birth, marital status, sex, occupation.

● (1230)

At the turn of the century, this scope of information comprised the bulk of the census. However, some interesting questions have been asked over the years, some fairly personal questions ranging from the mental state of members of a person's family to the type of company that a person keeps, questions that understandably Statistics Canada would like to treat gently.

One has to wonder whether the questions that needed to be treated differently needed to be asked at all. That is a concern I have. Some members argue that this information should not be released because it is too personal and too private. I would advise and guide members of the government that they themselves should question whether they should be asking those questions at all. If the information is too personal to be released after a 92 year period, then perhaps the government ought not to be intruding on the privacy of Canadians today by asking those types of questions.

Nonetheless I am hoping to clarify why there will only be a partial release of this information, especially since researchers will be required to fill out an application in order to access this information. This brings me to my second point.

The bulk of this bill deals with section 17 of the Statistics Act which governs secrecy. The information released after 92 years will be reviewed by those who fill out an application to view the records. There will then be two separate sets of researchers allowed to access census records after 92 years, genealogists and historians.

Genealogists will be required to fill out a very simple form and their qualifications to the best of my knowledge will not be reviewed. Historians, however, will have to be vouched for. According to the draft regulations proposed to cabinet, persons applying to conduct historical research will be required to submit an application on their own behalf, accompanied by a form from a list of people who have "assessed the public and scientific value of the research".

The people identified who can approve historical research are presidents or faculty deans of universities, a senior elected community official such as a mayor or a reeve, a president of an ethnic or cultural association, a member of Parliament from either this House or the Senate, a member of the provincial legislature, senior clergy, a native chief, a chief librarian, a provincial archivist, the national archivist of Canada or the chief statistician of Canada. Clearly this list of people who can approve access to census information should be included in the bill itself in order to outline exactly who can approve someone under the historian category.

If we take the example of a member of Parliament, many people question, justifiably I think, whether MPs are able or qualified to assess the public and scientific value of the proposed research. Members of Parliament and their staffers are incredibly busy. To assess the 50 or 100 historians who would approach our constituency offices and ask us to assess whether they should be allowed access to this research, quite frankly I am not sure whether a member or a senator is a good person to do that.

Further to the release of information, there is a clause in the bill which states that those people filling out the 2006 census will have to give their consent at the time they fill out the census forms for the information to be disclosed after 112 years. This is one clause that is quite confusing. It has caused a lot of concern in the genealogical community.

Some questions have been raised. Will there be a campaign to educate people about this clause? Is this a one time offer? Could people go back and change their decisions? Who is allowed to check the consent box for children? How many people is it expected will opt out of a public release? If more than 50% of Canadians choose to keep their census records secret until the end of time, ad infinitum, how will that skew the other 49% of records that are to be released? How much will it cost Canadians to administer and keep these records secret?

Finally, I wonder why we need to create a new bureaucracy to police this endeavour. A form is being created for those who wish to conduct research on census information.

*Government Orders*

•(1235)

In a speech, the sponsor of the bill, Liberal Senator Lorna Milne, stated:

The government does not want to make it difficult to conduct historical and genealogical research.

I think the senator is a genealogist herself. She is an advocate on behalf of that community and she certainly deserves credit for her activities.

If it were the case that the government does not want to make it difficult, in my view the government would not be imposing new and complicated procedures in order to access census information. It is my experience that regulations, forms and bureaucracy make things more difficult, not easier.

I must ask has the government conducted a cost benefit analysis on these new regulations? Does the government have any idea how many people will be applying to view these records? How is the government going to police and monitor the use of these records? Will there be fines or jail times for those who misuse their privileges?

We in the Canadian Alliance will be proposing amendments to the bill. We assume it will be in committee if the House continues to sit.

One of the most important questions facing the House now is how much time is appropriate to respect the privacy rights of those who have completed these census forms. Today the average life expectancy for Canadian males is 75 years and for females it is 81 years. In all likelihood, people's personal census information would not be made available while they were still alive.

As may be noticed from my speech, we in the Canadian Alliance believe that 92 years of secrecy is a sufficient and reasonable time period to protect the integrity of census records. At the same time we do not belittle the privacy concerns of Canadians and the Privacy Commissioner on this subject. The Canadian Alliance is very concerned about the breadth and scope of the current census forms.

There is a balance in saying that a 92 year period is reasonable but at the same time if there are questions for example about the mental state of members of a family, and it is something that is deemed to be too personal, we ought to consider whether we ought to ask that question at all at any time.

Many of us know people or have heard from constituents who feel especially that the long form of the census asks for too much personal information, financial information or otherwise. Statistics Canada is a depository of highly sensitive and private information of private citizens and corporations. Many individuals and corporations believe that Statistics Canada collects too much information these days and then because of the sheer volume of information, is delayed in releasing its analysis in a timely matter. That could be a full debate on Statistics Canada and the Statistics Act but it is a partner to the debate on this bill.

I would hope that the government would simply adopt the approach proposed by the Canadian Alliance in its previous motion which said that 92 years is a reasonable time period to release this information to the National Archives. Frankly, let us trust the

National Archives and the archivists there to determine who should or who should not view the census information.

We will be watching what the government does with the bill and how long the House sits. If the bill gets to committee, we will certainly be participating in those discussions and proposing amendments at that stage to try to improve it.

[*Translation*]

**Ms. Jocelyne Girard-Bujold (Jonquière, BQ):** Mr. Speaker, I am pleased to speak today on behalf of the Bloc Québécois on Bill S-13 to amend the Statistics Act.

There are three specific points in the bill. Among other things it states, and I quote:

This enactment removes a legal ambiguity in relation to access to census records taken between 1910 and 2003.

There will be limited publication of census records and full publication. With respect to limited publication, it says:

It allows genealogical and historical researchers access to these records under certain conditions for a 20-year period, beginning 92 years after the census took place.

For full publication it says:

One hundred and twelve years after the census, anyone may examine the records without restriction. The bill also includes a provision for avoiding any problem with respect to divulging data contained in any future census.

The important elements of this bill concern the availability of information contained in census records taken between 1910 and 2003.

Subsection 17(4) of the bill would allow, after 92 years, any person who so desires to conduct genealogical or historical research if that person seeks written permission to examine the information contained in the census records. A person could do so if that person obtains written permission.

The approval of any research project is subject to its public and scientific value. Conditions for the use and communication of information apply if a person seeks permission to conduct historical or genealogical research. A person who wishes to examine the records must sign—and this is very important—an undertaking in the form prescribed by regulation and abide by it. Every person who contravenes this undertaking is guilty of an offence and liable on summary conviction to a fine not exceeding \$1,000.

Who is interested in examining this information? Whom is this bill for? It is for everyone interested in history, such as historians and genealogists who want to consult these census records. Historians and genealogists seek information about households and families in earlier times. They want to find out about how work was shared among members of the family, the geographic and socio-economic mobility of ordinary Canadians, and the growth or decline of rural and urban areas, all essential aspects of our national history. That is what they want to know.

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These census records are a unique source of information on the Canadian population and patterns of settlement. It is of inestimable importance to our understanding of the past. If you do not know where you have been, the saying goes, how will you know where you are going? We often use historical data to see the path behind us and to stake out the path ahead.

Historians say that only access to individual census records will enable them to do their research adequately. Why, after all, do we take a census? Why, after all, do we go from house to house, as used to be the case, to ask people questions? It was the only way to find out how families were made up.

• (1240)

Some families at the time were very large. Many people went to work in the forests; others went to work in another city, but they still had one specific place of residence.

People at the time, then, were very mobile. Nevertheless, their physical place of residence remained the same, even though they went elsewhere to work. They would come back after several months.

I always give the example of my father and grandfather. My father lived in Laterrière and my grandfather, in Chicoutimi. At the time, in the early 1930s, my father worked in the Price logging camps. He left in the fall, spent the winter in the forest, and returned in the spring.

Every time he came home, my mother had given birth to a new baby. My mother had 16 children. That was quite an accomplishment. A census was needed to count the people and observe how they were living.

In those days, many households also included the grandparents or, if not the grandparents, some great uncles. So this was a kind of blended family, a different kind from those we have now. At that time, it was the extended family all living under one roof.

As a result, it was important to carry out a census. Data is not collected in the same way nowadays.

Many Canadians and Quebecers have an interest in genealogy and need to consult census data on individuals in order to establish lineage and to trace families back in time.

As I said, this is very important. People have more and more free time these days, and more and more are retiring early at 50 or 55. They then have time to look up their ancestors and investigate their family tree.

In my own family, we have done this on both sides. My father's and my mother's ancestors are all from the same French background. They came from Normandy. We have done the research and found that out.

It is very important to be able to tell children where their ancestors came from, who their relatives are, and how their ancestors came here.

Census data is therefore very important for providing information from which people can investigate their family tree.

Census data is a source of very important and valuable information, because it provides names and ages.

In the past, many people went by nicknames. Someone might, for instance, have been baptized as Amédée but have been known all his life by some other name. People did not even know what his real name was, what names were on his baptismal records. This was a common occurrence.

For instance, my father always told us about his uncles, but we never knew their real names. We found them out only when the family tree was done. They had been known by nicknames.

Census data includes names and ages. It used to be difficult to figure out people's ages, because they might have been baptized long after their birth. So we could not always know their exact age.

Certain details about all family members are also given in the census. They provide information specific to an individual, such as date of birth, whether or not they were an immigrant, level of education and economic situation.

It is only through an examination of the lives of each family member that we can establish the lineage of Canadian families.

In my opinion, it is very important. Gérard Bouchard, the brother of the former leader of the Bloc Québécois, Lucien Bouchard, has compiled a database on all the lineages in my area.

I do not know if you are aware that there are a lot of diseases such as cystic fibrosis in my area. There is a high incidence of these diseases because, through the ages, there has been too much inbreeding. It is important to be able to retrace lineages through statistics to find solutions to this problem and deal with these diseases.

So we can see how important this bill is. The main point of the bill is to make census records available. There is also another important thing. Subclause 17(7) indicates that, starting 112 years after the census is taken, the information may be examined by anyone.

• (1245)

Subclause 17(8) says that "the information contained in the returns of any census of a population taken in 2006 or later may, starting 92 years after the census is taken, be examined by anyone if the person to whom the information relates had given their consent to disclosure of that information".

If consent to disclose personal information is not given by the person concerned, the information will never be made public. Earlier, a Canadian Alliance member said that the bill was dangerous. I say no, it is not, because if a person were to refuse consent, the information will never be disclosed.

Subclause 17(10) states that the returns of each census conducted between 1910 and 2003 or effective 2006 shall, "92 years after the census is taken, be transferred to the National Archives of Canada in order to permit their examination".

The Bloc Québécois finds that Bill S-13 allows important historical information to be studied after an acceptable statutory timeframe. Consequently, we are in favour of Bill S-13.



The Bloc Québécois' political action and presence here in Ottawa help to extend Quebec's common history. Access for archivists and historians, 92 years after the census is taken, will allow the production of better historical documents that enrich the cultural heritage of Quebec.

In fact, Quebec does not have access to information from this period in Quebec's history. This will enable us to enrich Quebec's heritage. Many experts maintain that census documents are essential. This is an important point. With regard to historical or genealogical research, where does the right to privacy end and the need for historical information begin?

That is the question we need to ask: Where do we draw the line between privacy and the need for public disclosure? The Bloc Québécois feels that while the right to privacy has to be respected, census information should not be subject to perpetual confidentiality.

With the passage of time, respondents' concerns about protecting their privacy will diminish and, after an appropriate period of time, the public's right to access census records overrides respondents' rights to privacy.

Furthermore, since the data is not harmful to those still living and that releasing such data cannot harm them, we feel that historical and scientific requirements are more important than protecting the privacy of the dead.

Some people would argue that Canadians were assured that their privacy would be protected. The threat of harm to persons still living is very slim.

I want to digress here. Next Saturday, people in my riding will celebrate a woman's 100th birthday and her husband's 98th birthday. They will also be celebrating their 75th wedding anniversary. This is unusual and an honour for Jonquière to pay tribute to this couple, originally from the Magdalen Islands. They settled in my area when the Abitibi Consolidated plant was built in Kénogami and raised their family there. Now, we are paying tribute to them.

This bill could adversely affect them, but I think not. I think that they are proud to talk about their lives; they are proud of their children, their grandchildren and their great grandchildren. I am sure that, if asked, they would agree to disclose their information so that their family and their great-grandchildren can have access it, to do their family tree.

The Bloc Québécois does not believe, however, that the dead do not have the right to privacy protection. The terms in the bill will ensure a reasonable statute of limitations, as recommended by a committee of experts, including Mr. Justice La Forest.

• (1250)

Most of the census data is not confidential. Data that is confidential, such as income data, probably lose its confidential nature over the years.

Despite assurances about confidentiality given to people providing census data, we believe there was a desire at the time to keep the information for future generations. A good indication of this is that the information was always sent to the National Archives of Canada,

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as indicated in the current act. The National Archives have always had the mandate to conserve the data for future consultation.

Many concerns relating to the private nature of census records deal with ephemeral issues that are of no great interest 92 years later. We realize that some people may have concerns about the privacy of people who provided census information, but we believe the reasons for these concerns will disappear over the years.

The additional 20 year time limit, that is between the right to examine records for historical or genealogical research and the right for anyone to examine them, in relation to census records taken between 1910 and 2003, shows a great respect for people covered by previous censuses.

For all these reasons, the Bloc Québécois believes that making legislative changes to allow for the divulging of census information considered to be confidential does not affect privacy.

A March 2000 study revealed that Canadians are in favour of releasing census information under the method proposed by Bill S-13. For all these reasons and many others, therefore, the Bloc Québécois agrees with the principle of the bill.

As I said at the beginning, the bill respects privacy and shows great respect for the people concerned and those who might be 100 years old today. The provisions of Bill S-13 are also critically important for historians and records officers, allowing them to pursue their historical and genealogical research.

The Bloc Québécois will gladly to vote in favour of this bill.

• (1255)

[English]

**Ms. Paddy Torsney (Burlington, Lib.):** Mr. Speaker, I am very pleased to rise today to speak about this very important issue, Bill S-13, an act to amend the Statistics Act.

Certainly those of us who have been here since 1993 know that there has been much debate over the last few years, and quite intense periods of debate, about access to historical census records.

I have been very pleased to see throughout this debate just how many of my constituents and how many people across the country are hooked up to the Internet, because I think it was one of our first blasts of e-mails on a major subject.

In fact, many of us in this House have been contacted by constituents on this issue. All of us understand their need for access to census records and the value that they can provide to their family's history and genealogical research. All of us, I am sure, are in agreement with the reasons why genealogists, historians and researchers want historical census data. They are legitimate reasons and they are important reasons.

At the same time, of course, colleagues in this House had to recognize that while there is an undeniably great value attached to historical census records, there are also important principles of privacy protection that must be addressed.

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We have to be sensitive to the privacy concerns of Canadians. Careful thought has been given to this matter, in fact, and both sides of this debate have been considered and extensively debated in the Senate and by Canadians at large. I think there have been many private members' bills on this, both in this place and in the other.

Bill S-13 addresses the legal ambiguity concerning the confidentiality status of historical census records. This bill would allow the access to historical census records that genealogists and historians have been seeking, while balancing Canadians' concerns for the protection of their personal information.

Specifically, the legislation would amend the Statistics Act to permit access to the 1911 to 2001 census records after 92 years, with conditions, and after 112 years, without conditions. For 2006 and all future censuses, it would permit access after 92 years because consent would be provided at the time the census was taken.

For all members of this House, let us have a brief overview of Bill S-13. The bill makes changes to section 17 of the Statistics Act, which is the section that governs secrecy. There are three main clauses to the amendment. The first sets out the release of historical census records. The second clause gives the governor in council certain regulatory powers. Clause 3 sets out a penalty provision should the conditions of access not be respected.

Let us look at clause 1. It governs the release of census returns collected between 1910 and 2003, which in fact would cover the censuses of 1911 through to 2001. This means that 92 years after the census has been taken, a person may have access to those census records to conduct genealogical research on their own family or on behalf of another person from whom they have written consent.

Anyone conducting genealogical or family research will be required to sign an undertaking in order to have the right to use these census records. This undertaking will be prescribed by regulation and will contain certain conditions that would restrict the disclosure to only tombstone information related to a person's own family.

Similarly, historians or researchers wishing to have access to census records must also sign an undertaking limiting disclosure to only tombstone information from the census record. In addition, historical research projects must demonstrate public and scientific value and be approved by an individual who is on the list of authorized persons. This will be prescribed by regulation.

After 112 years, census records may be used without restrictions. The 112 years represents a condition that provides 20 years of additional privacy protection for Canadians. The Privacy Act permits information to be released from a census 92 years after that census. The Privacy Act also permits the release of personal information 20 years following the death of an individual.

• (1300)

Since at this point in time there are few people alive by the age of 112 years, or even very many who are much beyond the age of 92, the conjunction of these various conditions has resulted in the 112 years as set out in Bill S-13.

Beginning with the 2006 census, the government will be asking Canadians to consent to the release of their personal census information 92 years into the future. If consent is given, then

anyone will have access to the information after that period. It is proposed as an opt-in question, seeking the permission of Canadians to have their census information eventually made available to the public.

Clause 2 states that the governor in council is to make regulations setting out the form of the undertaking required to gain access to census records and the conditions for the use and disclosure of that information. This will ensure that the personal information of other individuals contained in the census record is protected. In addition to this undertaking, the regulations will list the category of persons who will approve historical research projects as described.

The regulations will be made on the recommendation of the Minister of Industry, as that minister is responsible for Statistics Canada, and the Minister of Canadian Heritage, as that minister is responsible for the Library and Archives of Canada.

Clause 3 sets out the penalty for failure to respect the undertaking given by genealogists and historical researchers. A violation of this undertaking could result in a summary conviction and a fine of \$1,000.

As I have mentioned, there has been much debate in this place, in the other place and in the general public about how to deal with census records. I am sure most of us in the House agree that we can support Bill S-13. The conditions outlined in the bill are neither onerous nor restrictive for genealogists and historians, but put appropriate safeguards in place to protect the privacy of individuals. Bill S-13 provides reasonable access to historical census records and meets the needs of genealogists and historians for information about their families and their community.

Some people may view these conditions as being overly bureaucratic or burdensome. However, the proposed procedures to gain access to historical census records follow those already in place at the Library and Archives of Canada. The only additional requirement being asked of genealogists and historians is to sign a form guaranteeing that they will release only the tombstone information. It is a small price to pay to protect the privacy of our ancestors.

As well, some genealogists and historical researchers feel that if Canadians are permitted to determine the accessibility of their personal census information, the complete history of our country will be lost to future generations.

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Canadians should be allowed to decide whether others can have access to their census information. This is in keeping with the highest standard of privacy protection, which Canadians have come to expect. Informed consent about the use of one's own personal information is a matter of fundamental personal privacy protection.

In closing, I want to reiterate that Bill S-13 has achieved the right balance between access to census records for historical and genealogical research and the protection of the privacy of Canadians. I urge all members of the House to support the bill and finally put this issue to rest.

\* \* \*

● (1305)

[*Translation*]

### BUSINESS OF THE HOUSE

**The Deputy Speaker:** The hon. member for Peterborough has informed me in writing that he would be unable to introduce his motion during the hour provided for private members' business on Friday, November 7, 2003. Since it was not possible to arrange an exchange of positions in the order of precedence, I am directing the clerk to drop that item of business to the bottom of the order of precedence.

Private members' hour will thus be cancelled and the House will continue with the business before it.

\* \* \*

### STATISTICS ACT

The House resumed consideration of the motion that Bill S-13, an act to amend the Statistics Act, be now read a second time and referred to a committee.

**Mr. André Bachand (Richmond—Arthabaska, PC):** Mr. Speaker, I will be brief since several of my colleagues who spoke to Bill S-13 summarized it very well. As my Liberal colleague was saying, it is not the first time that we debate this issue. Having been here since 1997 also, I know that it has been discussed on several occasions, either through private members' initiatives or through bills from the other place.

Essentially, it must be understood that, with Bill S-15 and Bill S-12 and numerous private members' bills considered previously, this issue has been thoroughly researched. A bill is never perfect. Its regulations will determine how it is implemented.

There is really nothing new in Bill S-13. What it does, however, is that it responds to Statistics Canada, which had refused to release census records on the grounds that people had provided that information under a confidentiality clause. There was indeed a 92-year rule. Five or six amendments were made to the act since the beginning of the last century, but the 92-year rule did exist.

I may also correct something my hon. colleague from the Bloc Québécois said, if I understood correctly. Under Bill S-13, after 92 years, all basic information may be disclosed, as set out in the bill. As far as the rest of the information is concerned, we have to tuck on another 20 years to that. A 20-year lead is given to family members, historians and genealogists conducting research. After 112 years, the information enters into the public domain anyway. No census

information is confidential 112 years after the census was taken. We must be clear on that. If a document was signed, requesting that the information not be disclosed, the period is 112 years. In the absence of such a document, the period is 92 years.

There have been debates in the Senate, and I encourage members to read them, particularly the ones in which Senators Comeau, Kinsella, Murray and Lynch-Staunton, the leader of my party in the Senate, spoke. They made some extremely impressive points about the bill. The bottom line is the confidentiality issues involved in taking a census. The debate is about whether or not information released should remain confidential. How far should confidentiality go? And for how long? I am not talking about the secrets of Fatima. I am about talking about information contained in census records in Canada. How long should this information remain confidential?

In spite of certain questions raised, I personally find that Bill S-13 makes a great deal of sense. As my hon. colleague from the Canadian Alliance said, it does, as long as no one is tempted to ask too many questions and Statistics Canada does not ask questions that could embarrass individuals, their family or descendants or cause problems for them.

There is definitely the whole issue of the census questions, but what control does Parliament have over these questions? Will those individuals who, during the 20 years, can authorize census information to be collected have their say about future census questions? In a census, any question may be asked, but one may choose to answer only some of them. Everyone has to fill out the census forms, but no one is forced to answer every single question.

We will have to be careful not to include in the census any new questions that could be a problem. I give this example as a joke. The end of the session is near, and we will have new ministers, new ambassadors and perhaps new senators. This tradition is being upheld.

● (1310)

For instance, fidelity is an issue that could be addressed. It is the in thing now, with all the reality shows on television. If asked in a census, "Have you ever had an affair?", a person could answer yes because the census is supposed to be confidential.

Can you imagine the stir that could cause among grandchildren or if family law and alimony provisions were to change in the next 92 years. I am kidding, of course, but flawed examples and analogies such as this one bring us back to what is truly at stake here, which is the confidentiality issue.

We agree that, with proper authorization, the basic data could be released 92 years after the census took place. However, release of all the information and all the answers to all the questions will not be authorized. This data will be made public only 112 years after the census. Once that is made clear, we can be for or against the bill.

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That is what we need to discuss, not only with the experts, the genealogists, the historians, but with everyone. It will have to be explained in the next censuses if Bill S-13 is passed. And between you and me, that is not a done deal. However, if it is passed in a future parliament, we will have to inform the public properly. Members of Parliament will have to closely monitor the questions that will be asked, as well as the ones whose answers will be made public, at some point after you and I have retired.

Bill S-13 is the result of all the questions that have arisen since the decisions Statistics Canada made about the 1906 census. It is a much more comprehensive and professional bill in terms of its content and of the debate that it will generate.

We, in the Progressive Conservative Party, look forward to the debate on this bill, which is a step in the right direction for some and a huge question mark for others.

[English]

**Ms. Wendy Lill (Dartmouth, NDP):** Mr. Speaker, it is a pleasure to again speak to Bill S-13, an act to amend the Statistics Act. The NDP supports the bill because we believe in information exchange, the preservation of information and the extension of our collective knowledge of the past. Bill S-13 would move us in that direction.

We appreciate that there has been non-partisan support on this issue and a real desire among senators to find a compromise between the parties involved.

We support the Senate's work on the bill and the amount of collegiality there has been. We also support the work of the expert panel from Industry Canada that recommended the transfer of census information to the National Archives after 92 years.

Each one of us has heard from constituents on this issue who are dismayed at the delay in releasing the data from the 1911 census. They are also concerned that in the future, census data will not be available for various kinds of research.

I would like to inform the House of one interesting submission that was made to the expert panel, which will be enlightening to this discussion. It was a submission by Gordon Watts who quoted from the journal *Archivaria* 45 of the fall of 1998. The article, entitled "Counting Archives In: The Appraisal of the 1991 Census of Canada", was written by Jean-Stéphen Piché and Sheila Powell. It is an excellent explanation of why the census is so important to historians and to all of us.

The article states:

Macro-appraisal analysis of other data collected by the federal and provincial governments led us to determine that the census was the single most complete and uniform body of demographic data in Canada. The provinces are responsible for maintaining records of births, marriages, deaths, adoptions, divorces, and changes of names. These records contain much of the data on individuals that has been traditionally sought by genealogical researchers: date of birth, date of death, names of parents, occupation of parents, residence, place of birth, cause of death, religious denomination, and date and place of marriage.

The crucial difference between provincial vital statistics and the census records is that the provincial data is event-driven and thus recorded only at certain points in an individual's life when these events occur, while the census collects data at regular intervals throughout the course of a person's life. For example, provincial vital statistics on an individual who never married and who had no children would be limited to those collected during registration of their birth and death.

End of story.

The articles goes on to state:

On the other hand, census questionnaire forms would provide information at regular five-year intervals on other aspects of a person's life, such as address, marital status, language, and the identity of the person who pays the rent or the mortgage in the family. This information is collected on all individuals, and even more is collected on twenty per cent of the population through the long census form (Form 2B). This data is extensive, including information on ethnic origin and immigration data, aboriginal status, education, religion, labour force participation, income, housing, and disabilities.

In the last census that was taken there was an extensive survey on disabilities and the extent and range of disabilities within the Canadian public and the impact that has on people's abilities to work and function in society and their mobility.

• (1315)

So many important issues were raised in that study that will go into the public record and will be available four or five years down the line to do more comparisons. We will see legislation come out of that. That is a good example of why the census is so critical for us to value and to support.

Data is also collected by a number of other federal government programs. Taxation records and records maintained for the purposes of administering federal income security programs such as the Canada pension plan, old age security, and the disability tax credit contain information on the date of birth, the place of residence, income, marital status and other individual characteristics, depending on the type of program. There is, however, no federal government system that contains all the types of data that are captured through the census.

For the departmental systems, specific data elements are collected for the purposes of administering and delivering specific programs within a limited period of time. The data is relevant only to those programs and the more limited needs of those citizens interacting with them. It is maintained only so long as is necessary to deliver those programs. The census, on the other hand, by definition covers all Canadians.

In an increasingly mobile society, children may not see their older relatives for years at a time. Having access to historical records for genealogical purposes becomes more vital than ever. We know that oral history is being lost. We are not seeing the same level of transfer of information from one generation to another.

We also need to acknowledge that Canada's history, even in the previous century, included orphan children being moved around the country, first nations children adopted off reserves, and the movement of millions of immigrants from one population centre to another. The record of the census provides some information on where these people were at different times in their lives and allows relatives to track their history.

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The census has become more intrusive over the years as Statistics Canada collects more information. However, the provision in this bill to allow citizens in a future census to opt in for the release of their information after 92 years is a positive step. It allows a measure of control for individuals, which we all agree is important.

Some people have suggested that this opt in measure would negate any potential value of a future census. Statistics Canada has asked people in the past if they would be willing to allow their private information to be shared and 95% of the population who were polled responded favourably on that. Since participation in our census is already very high, at almost 97%, we can be certain that most people will opt in to sharing that information in the future.

In closing, I want to emphasize how important this information will be to the continuance of our collective knowledge. As we know more about our past through genealogical studies and our understanding of our ancestors, we will know more about how we should be moving into the future. Many historians are already raising the alarm on how little of our daily information will survive into even the next decade. By turning to electronic forms of communication, we are choosing a temporary medium and cannot be certain that materials in today's hard drives will be accessible in decades to come.

The information in census records may be the most complete picture of a person's life that his or her ancestors may have or historians can access. We want to ensure that the fair access to records moves ahead and we will be supporting this bill.

• (1320)

[*Translation*]

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

**Some hon. members:** Question.

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And more than five members having risen:*

**The Deputy Speaker:** Call in the members.

[*English*]

Similarly to previous vote deferrals, the vote stands deferred until the next sitting Monday.

• (1325)

[*Translation*]

**RADIOCOMMUNICATION ACT**

**Hon. Denis Coderre (for the Minister of Industry)** moved that Bill C-52, an act to amend the Radiocommunication Act, be read a second time and referred to a committee.

**Mr. Serge Marciel (Parliamentary Secretary to the Minister of Industry, Lib.):** Mr. Speaker, I am very pleased to address the House and begin debate at second reading of Bill C-52.

As we all know, this bill deals with the growing problem of piracy of direct-to-home satellite broadcast signals. Obviously, its purpose is to strengthen the measures employed to fight unauthorized decoding of direct-to-home satellite signals in Canada.

This kind of piracy is a theft of intellectual property and a growing problem in Canada. Illegal dealers make huge profits from the sale of unauthorized products capable of decoding encrypted signals sent by satellite television broadcasters.

These pirated systems function through the use of illegally altered smart cards, that enable unauthorized users to outsmart the conventional signal decoding technology used in satellite television receivers.

The viewers buy these pirated decoders from illegal dealers and then have access at no cost to satellite television.

Such actions are illegal and unethical, and pose numerous risks to the consumer.

They are illegal because they are in direct contravention of section 9 of the Radiocommunication Act, which was passed by Parliament in order to guarantee that Canadian companies can operate in a fair and equitable market without hesitating to take risks with respect to technological and programming innovations.

The broadcasting sector generates several billions of dollars in revenue and employs thousands of Canadians. I have some figures I would like to share with the House. Licensed Canadian broadcasters are described by the generic term of broadcasting distribution undertaking. These undertakings provide Canadians with broadcasting services in various formats, depending on the technology used.

Last year, private broadcasters earned \$3.6 billion in revenue, employed more than 12,000 people and invested \$1 billion in Canadian programming.

Cable distribution undertakings earned \$1.7 billion, employed more than 9,600 people and provided services to 7 million subscribers.

*Government Orders*

The newcomer to this industry is direct-to-home or direct broadcasting by satellite, a service that has been provided in the United States for over a decade. It was not introduced in Canada until 1997 when Bell ExpressVu and Star Choice began providing their services after receiving CRTC approval.

These companies serve 2.1 million subscribers combined. Although they are not turning a profit yet, they have generated a combined revenue of \$940 million. Last year, they invested \$46 million in the production of Canadian programs.

To sum up, satellite broadcasters have quickly become fierce competitors for cable service providers. They cornered 20% of the entire Canadian market in 2002, while providing Canadians with a better choice of Canadian programming.

The vitality of the DBS industry is based on innovation. This industry uses new satellite technology such as Nimiq, the powerful DBS satellite developed by Telesat Canada. With this technology, satellite broadcasters are able to provide digital services to previously underserved urban and rural areas.

This is undeniably a good thing for Canada, and businesses in this industry must be able to rely on a fair and equitable market to get a good return on their investment in this type of technology.

However, the profitability of satellite broadcasters and of all broadcasting distributors, for that matter, is threatened when consumers try to have access to programming without paying for it.

When they illegally buy material that allow them to get around the technology and to get the signals free, they undermine the capacity of these businesses to get a good return on their investment.

• (1330)

We want to encourage innovation. We want to promote vitality and creativity in the broadcasting industry in Canada. We must implement market control rules that protect intellectual property. We must make legislation that encourages those who take risks to continue down the road to innovation. We must stop the proliferation of illegal equipment dealers.

The industry estimates that the number of unauthorized users of direct satellite broadcasting services ranges from 500,000 and 700,000 in Canada. Studies reveal that these activities lead to annual losses of \$400 million on subscription revenues for this industry in Canada.

The provisions of the Radiocommunication Act clearly define the activities of illegal equipment dealers as being illegal. In fact, a decision by the Supreme Court in April 2002 says that unauthorized decoding of any encrypted subscription programming signal, no matter where it comes from, is considered illegal. But it would appear that the current provisions of the Radiocommunication Act are not enough of a deterrent.

The use of decoders is not only illegal, it is also ethically wrong. It is theft. This trade is in the hands of unscrupulous business people who, by making their services known on the black market, have shamelessly incited people to break the law.

Using illegal decoders to watch television is also a financial risk for consumers, who believe they are getting something for nothing

or in exchange for a onetime payment to unscrupulous business people. In the end, however, consumers could be left empty handed.

To protect their interests and discourage satellite signal theft, direct-to-home broadcasters frequently scramble their broadcast signals. Consumers purchasing illegal decoders are at the mercy of unscrupulous corporations, which must continually provide their clients with the most recent encryption keys, allowing the uninterrupted decoding of broadcast signals.

Consequently, Canadians using illegal decoding equipment could face substantial financial losses. Their service may be terminated without notice or possible recourse, because consumer protection laws do not apply to purchases of illegal goods.

Corporations selling illegal decoding equipment are exploiting consumers who may be unaware that the technology they are buying could quickly become useless. The bill before the House today includes measures to protect consumers. However, our target is the unauthorized resellers, who earn millions of dollars from their illegal activities. This kind of crime is on the rise, and it is our intention to put a stop to such activities.

In closing, I want to add that this bill also includes measures on public safety. The use of pirated receiver cards has been found to create signal interference with licensed radiocommunication systems of emergency and police services. We must put an end to the illegal exploitation of radiocommunication signals, as this endangers the legitimate use of wireless first responder services.

Those are the problems we face. How will the bill help us to resolve these problems? It will do so by presenting three measures aimed at discouraging the unauthorized decoding of satellite signals.

First, the bill improves import controls in order to prevent unauthorized radiocommunication material from entering Canada, including illegal satellite broadcasting material. The Canada Customs and Revenue Agency has indicated that the current Radiocommunication Act is difficult to enforce.

Right now, import controls for illegal satellite broadcasting material are ineffective. We want to improve the ability of the Canada Customs and Revenue Agency to seize illegal satellite broadcasting material as soon as it gets to the border.

Second, the bill increases the penalties set out in the Radiocommunication Act so that they will be more of a deterrent for anyone tempted to steal satellite broadcasting signals or to commit certain other crimes.

*Government Orders*

•(1335)

Satellite piracy is an extremely lucrative business. Dealers advertise their illegal products and services in our newspapers and on the Internet.

There are penalties under sections 9 and 10 of the existing act, but they are not harsh enough to have a deterrent effect on dealers. In fact, paying the fines that are set out in the act can be considered as the price to pay to engage in these lucrative illegal activities.

Therefore, this bill proposes penalties that will send a strong message to industry stakeholders and to the courts to convince them that Parliament sees satellite piracy as a serious offence.

Third, this bill reinforces the existing right to take civil action. The Canadian broadcasting industry tried to curb the growth of pirated satellite services. However, the civil recourses that are available are both expensive and ineffective. In many cases, it is difficult and costly to prove a causal link between the illegal act and the extent of the losses incurred by the industry. With this bill, it will be possible to elect to receive statutory damages instead of having to prove the extent of the damages caused.

Satellite signal piracy causes financial losses to an important cultural industry in Canada, an industry that supports Canadian programming and that employs thousands of Canadians. The government is committed to improving the stability, integrity and general conditions of broadcasting in Canada. We wish to improve the stability of the industry in order to encourage investment and competition.

Current penalties are not tough enough to discourage satellite signal piracy. We shall make the penalties stronger, make it possible to seek statutory damages, and increase our capacity to stop illegal equipment imports.

The purpose behind these measures is not to limit the choices that are available. What we want is to prevent the slow death of broadcasting in Canada. The end result will be better programming and wider choices for Canadians, and fewer opportunities for those who are tempted to make money through illegal activities.

I invite all members of the House of Commons to join me in supporting this bill.

[*English*]

**Mr. Jim Abbott (Kootenay—Columbia, Canadian Alliance):** Mr. Speaker, I rise today to speak against Bill C-52, an act to amend the Radiocommunication Act. According to the Liberals, we need this bill to fight the “financial and cultural damage that illegal satellite dishes and the piracy of intellectual property have caused in our country”.

It is interesting that just today the Minister of Canadian Heritage tabled the response of her department to the report that was put forward by the heritage committee, of which I am vice-chair, on the state of broadcasting in Canada.

What is interesting is that in spite of this urgency, the minister in her response was totally silent on this issue. Let me repeat this very serious thing that they are talking about, that they have to fight the

financial and cultural damage that illegal satellite dishes and the piracy of intellectual property have caused in the country.

This line of reasoning happens to come directly from a June 2003 presentation to the Liberal caucus by the Coalition Against Satellite Signal Theft. The coalition made a presentation to the Liberal caucus, but it should not be too surprising that the minister was paying particular attention because the coalition members did, after all, donate 25% of her spending limit in the 2000 election, or over \$15,000 to the election campaign of the Minister of Canadian Heritage. One would have to say that it obviously got her attention.

On page 18 of the coalition's presentation, it calls for increasing fines for individuals watching unauthorized television from \$5,000 to \$25,000 and a year in prison. It also calls for a restriction of imports of dish network and direct television systems and the seizure of such systems at the border.

Bill C-52 implements every recommendation of the coalition. It is interesting to note that Bill C-52 was first read on October 22 this year, roughly a month before the CRTC's November 14 deadline for public submissions on how to best support Canadian television drama. Presumably those submissions could have informed the debate on Bill C-52, as we struggled with issues about grey market and black market and the most important issue of all, how to encourage more Canadians to watch more Canadian programming, stories about Canadians by Canadians and for Canadians. However, the government is more interested in doing what it is being directed to do by the people who were the major donors to the minister's last election.

Our objective is to encourage Canadian programming. Bill C-52 is a big step backward and may in fact be counterproductive. Further, I do not believe that Bill C-52 is even necessary to solve the problems identified by the Coalition Against Satellite Theft to the Liberal caucus.

In Canada at present there are two authorized satellite service companies; Bell ExpressVu and Star Choice. The first of these, Bell ExpressVu, has a serious problem with people stealing its signals. For example, on October 21, 2002, Quebecor president, Pierre-Karl Péladeau, told the CRTC of a fall 2000 Léger marketing survey showing that fully 20% of Bell ExpressVu's 1.2 million subscribers were not paying for the service. He said:

ExpressVu's system is so simple, it possesses an irresistible attraction to hackers and signal pirates.

He went on to say:

ExpressVu should be forced to improve its system to deter hackers and pirates.

The Canadian Association of Broadcasters agreed saying that ExpressVu should regularly report to the CRTC on the number of receivers it had sold and the number of active and inactive accounts.

### Government Orders

We know that Bell ExpressVu has a much bigger problem with hackers and pirates than Star Choice, primarily because Star Choice uses Motorola's proprietary video distribution system DigiCipher II just as Canada's digital cable services do. I am unaware of a coalition to stop digital cable theft or major signal problems for Star Choice. Therefore, presumably a fairly significant part of the problem with people stealing Bell ExpressVu signals is within the company's own ability to fix it.

• (1340)

Bell ExpressVu and the Coalition Against Satellite Signal Theft are not just concerned about the people who steal their signals. They are also concerned about people who steal the signals of American satellite service companies like Dish Network and DirecTV.

Therefore, the Liberal government wants to crack on the people who are stealing the signals of Dish Network and DirecTV. Essentially the coalition says that if Canadians are able to get free TV channels by stealing from Dish Network and DirecTV, there is little incentive for people to subscribe to ExpressVu, or Star Choice or digital cable. Of course I agree. However before we agree to spend taxpayer money to solve the problem, we need to ask what the coalition members have done.

For example, this is really instructive. People who watch Dish Network or DirecTV need to know what is on. Many people subscribe to a magazine called *Satellite Direct*. It is a TV guide published "exclusively for owners of DirecTV system". It is what one reads if one wants to find out what is on tomorrow night on HBO Showtime or ESPN. Here is the interesting thing. The magazine is published by Vogel Communications which is the same Edmonton based company that publishes *Vu Magazine*, the official guide for Bell ExpressVu satellite system. If one is looking for people stealing DirecTV or Dish Network signals, we might think that one of the first places to start would be the subscription list of a Canadian magazine that tells black market television watchers what is on next week. However, instead of going after Vogel, Bell ExpressVu contracts with it to publish ExpressVu's own TV guide.

I am going to repeat that because it is so astounding that Bell ExpressVu contracts with Vogel for ExpressVu's TV guide and the same publisher publishes a magazine called *Satellite Direct* which is the way that the black market viewers can see what is on their black market channels. Therefore, we have a situation where Bell ExpressVu is calling on the taxpayer to solve a problem that is well within the corporation's own grasp, but it does not end there.

The Liberals at the coalition's urging are now planning to block the import of Dish Network and DirecTV systems and seize them at the border. Before we consider such a drastic step, we should ask what steps this government and the coalition will take to ensure that no Canadian dishes are sold in the U.S., which of course is zero.

Not only does Bill C-52 call for tax dollars to be spent fixing problems within the coalition's reach, it also discriminates against many minority groups.

What about the grey market? This is where Canadians use a fictitious U.S. address to subscribe to satellite channels that are not distributed by ExpressVu or Star Choice. Often these are minority cultural and religious programming for which there is not a large

domestic market and subscribers are paying far more money for each channel received than either Bell ExpressVu or Star Choice would charge for a similar domestic channel.

In our view the deployment of any existing or new police resources to patrol neighbourhood for satellites rather than criminals is inappropriate and wasteful.

I watched a program last night that talked about the terrible scourge of child pornography and child pornography rings and the fact that the investigators were incapable, simply because of an overload of work, to get to this terrible scourge in our society. Yet the government is actually be thinking of deploying police resources to patrol neighbourhoods to find out what people are watching on their home television. That is disgraceful.

The Liberal government and the Coalition Against Satellite Signal Theft speak in terms of promoting Canadian culture and the potential unravelling of the Canadian broadcasting system. These are serious allegations so we need to look at both of them.

• (1345)

First, let us look at promoting culture. Bell ExpressVu's website prominently features the logos of ABC, Citytv, CBS, Fox, NBC and A&E, but only one of these is Canadian. The mailouts that Bell ExpressVu sends to subscribers highlights U.S. movies like *Bringing Down the House*, *Chicago* and *Daredevil*. The movie network is owned by Astral Media, whose chairman of the board, Andre Bureau, gave \$5,000 to the 2000 election campaign of the Minister of Canadian Heritage. The network bills itself as a "Canadian premier pay-tv channel" and has written promotional materials that state that the movie network offers the "Best of HBO and Showtime".

With all due respect to the government, the Coalition Against Satellite Theft, Bell ExpressVu and Astral Media, I do not consider *The Sopranos*, *Six Feet Under* or *Curb your Enthusiasm* to be very reflective of Canadian culture.

The fact is that the average English speaking Canadian can easily spend an entire evening watching TV without seeing a single minute of Canadian programming.

Quite simply, the past practices of giving Canadian satellite companies and broadcasters special TV channels exclusive rights to broadcast foreign, mostly U.S., programs in Canada in exchange for a promise to produce quality Canadian drama is not working. The two things are not related.

If we were to say to the U.S. that we would let its satellite companies distribute U.S. content in Canada if it distributes Canadian programming in the U.S. and around the world, we would face two problems. There would be huge opposition from Canadian companies that make big profits from distributing U.S. programming in Canada, and we would find out that we are really short on good quality content. That is why the CRTC is looking at supporting Canadian television drama.



*Government Orders*

In the study that our committee did, it was clearly demonstrated that the volume of Canadian drama has actually increased but that viewership has decreased. It is an issue of quality, not quantity.

Now let us consider the potential unravelling of the Canadian Broadcasting System. When we buy a Star Choice or ExpressVu system we can time-shift. In theory we could watch the same program five times in a single evening. In practice it means we can watch *Law and Order* at 10 p.m. eastern time on Wednesday night on any one of seven CTV stations. At the same time, viewers in Lloydminster, Prince Albert, Saskatoon, Kitchener and Ottawa cannot find their local CTV station, even though Bell owns CTV.

Local news is a big part of Canadian content and it is being ignored by Canada's satellite companies. In the U.S., the satellite home viewer improvement act of 1999 prevents satellite companies from transmitting a national network signal into a home if that transmission would compete with a local affiliate.

No one needs seven stations carrying *Law and Order* but all Canadians have a real interest in local news from their community. Local news is part of what defines local communities and keeps them together.

Bill C-52 would focus taxpayer dollars on problems that Bell ExpressVu can solve by itself. It hurts ethnic and religious groups and does not offer an additional minute of Canadian quality drama. Finally, it ignores the erosion of local news.

We in the Canadian Alliance believe that the legal reception of Canadian satellite signal in the U.S. would open up a market 10 times the size of the Canadian market and expose Canadian content if we were to enter into a reciprocal agreement with the U.S. that the legal reception of American satellite signal could be received in Canada legally.

What we would give for the ability of Canadians and Canadian content to have 10 times the exposure is the issue here. What we should be doing is entering into an understanding that there is no conceivable way that this law or any other law will enable the government, the regulators, to stop Canadians from accessing the programs that they want.

• (1350)

We propose that the government negotiate with the U.S. to allow signal reception on both sides of the border. We are aware there are program ownership issues and copyright issues but we are also aware that there is technology that would permit control of reception of signal. We want Canadians to have choice. We want the market to decide. Technology continues to evolve that will not permit the control of signal. Canadians want choice.

The bill is an ill-thought bill. The bill completely ignores technological reality. The bill is unenforceable unless we are prepared to deploy many hundreds of millions of dollars to a police force to go up and down our streets to find out what people are watching in their own homes.

The argument that the government will propose, of course, is that it will stop the equipment from coming in across the border. What happened with cigarettes? When the government increased the taxes and said that it would be creating more of a barrier to cigarettes,

although they are very small they come in very large cartons, those cartons continued to come into Canada.

If we are in the business of creating law in Canada, we must create law that is actually enforceable. We must create law that has the support of Canadians, otherwise we simply encourage anarchy.

I say again that what will happen is that technology will overtake the ability to regulate the theft of satellite signal.

The bill, as I stated, is an ill-thought bill. The bill is one that is simply reflective of going after the end user. The bill is simply reflective of where the government wants to go in some kind of a world that really in fact does not exist.

We want there to be a proper control and proper regulation within the marketplace and Bill C-52 does not cut it.

• (1355)

[*Translation*]

**Ms. Christiane Gagnon (Québec, BQ):** Mr. Speaker, the studies on the viewing habits of Canadians and their appreciation of Canadian programming, whether it is movies or television series, always make me smile. According to these studies, Canadians do not watch television series because of their poor quality, supposedly.

That is a very Canadian vision that does not reflect the reality in Quebec. Of all the television programs watched in Quebec, 77% are made in Quebec, while 85% of the shows watched in English Canada are made in the U.S.

I would like my hon. colleague, with whom I sit on the Standing Committee on Canadian Heritage, to comment on that difference. It gets to be a bit annoying to hear about those Canadian statistics that do not reflect what is going on in Quebec. Quebecers love Canadian programming, whether it is from Radio-Canada or private stations.

Those studies do not reflect reality. I would like the hon. member to explain this difference.

[*English*]

**Mr. Jim Abbott:** Mr. Speaker, of course I agree with my colleague from the committee. The fact is that the people in Quebec are making a choice. The market is deciding. The viewers are deciding what they want and do not want to watch. In Canada they are making the same decisions.

What I find very frustrating is that this summer the CBC, which is supposed to be the epitome of Canadian broadcasting, in English Canada went to U.S. blockbuster shows just to maintain their viewership.

I agree with the member that there is a difference between the English market and the French market.

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## STATEMENTS BY MEMBERS

[English]

### NATIONAL 4-H WEEK

**Mrs. Rose-Marie Ur (Lambton—Kent—Middlesex, Lib.):** Mr. Speaker, this week is National 4-H Week. This year the organization is celebrating its 90th anniversary.

The Canadian 4-H program had its beginnings in Roland, Manitoba, and currently has approximately 33,000 members across the country.

This historical roots of the Canadian 4-H program are solidly grounded in rural Canada. The program originated for the purpose of improving agriculture, increasing and bettering production, and enriching rural life.

Its beginnings were inspired by energetic and idealistic agricultural officials, dedicated school teachers and others committed to ensuring young rural Canadians learned the important skills required to succeed on and off the farm.

Today's programs continue to serve primarily rural communities but one does not need to live on a farm to join. Open to male and female youth between the ages of 8 and 21, 4-H focuses on developing well rounded, responsible and independent citizens. Members participate in technical skills development, club projects, as well as other fun club activities like camping, public speaking, travel, conferences and much more.

I would like to congratulate the 4-H organizations and members throughout Canada for all their work.

\* \* \*

• (1400)

### CHILD PORNOGRAPHY

**Mr. Myron Thompson (Wild Rose, Canadian Alliance):** Mr. Speaker, on the eve of the Prime Minister's retirement I would like to suggest a wonderful legacy that he could leave to the Canadian people. They would never forget him and eternally thank him.

The Prime Minister could require that Bill C-20 be amended to reflect the will and concern of the people. He could eliminate all defences for the possession of child pornography that allow for the exploitation of children. He could raise the age of sexual consent to 16 instead of 14.

Children are the world's most valuable asset. We in the first world are not doing very well in our pathetic efforts to take care of them. They are being tortured, raped, assaulted, murdered and made to perform despicable acts for the gratification of perverted minds.

As a wealthy nation we have the money and the technology to protect our children, yet we are taking a backseat to the rest of the G-8 countries in fighting this horrific crime.

I ask the Prime Minister to please find the courage to step forward and erase all the legal loopholes in Bill C-20.

### NATIONAL 4-H WEEK

**Mr. Murray Calder (Dufferin—Peel—Wellington—Grey, Lib.):** Mr. Speaker, November 3 to 9 is National 4-H Week. This year the club is celebrating its 90th anniversary.

The Canadian 4-H program had its beginning in Roland, Manitoba in 1913. It now has over 33,000 members across the country between the ages of 8 and 21 and more than seven million members in over 80 countries worldwide. In my riding of Dufferin—Peel—Wellington—Grey there are four 4-H Clubs.

The 4-H Club was originally founded to improve farming methods and increase production. It was one way to enrich the lives of young people in rural communities. Today, while the club is still at work in the countryside, there is no need to live on a farm to be a member. In fact, nothing more than a concern for the environment is needed. Members also take an interest in computers, crafts, theatre, carpentry, among other things.

The club's motto is to "Learn by doing". I ask everyone to please join me in congratulating the Canadian 4-H Club on 90 years of loyalty and service to their club, their community and their country.

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### GUNTER PLAUT HUMANITARIAN AWARD

**Ms. Anita Neville (Winnipeg South Centre, Lib.):** Mr. Speaker, on Thursday, October 30, one of our own was recognized by his community for his distinguished contribution to both Canada and to the world.

The member of Parliament for Mount Royal was the recipient of the Gunter Plaut Humanitarian Award at the Holy Blossom Temple in Toronto. The award is dedicated to honour one who has shown a high commitment to community leadership, to social justice and to Jewish and universal human rights.

Throughout his career, our colleague has distinguished himself through an uncompromising dedication to the advocacy for the rights of others, be they the freedom of expression, freedom of religion, minority rights, war crimes, women's rights or peace law.

Our colleague's work is rooted in a firm grounding as a Jew, his pride in his heritage, his love for Canada and for the state of Israel, and very important, in the profound moral imperative of his tradition.

I offer my congratulations to a distinguished colleague.

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### REMEMBRANCE DAY

**Mr. Andrew Telegdi (Kitchener—Waterloo, Lib.):** Mr. Speaker, November 11 is Remembrance Day. On Remembrance Day we express our greatest respect and gratitude to those Canadians who over the years served so that we could live in a free and democratic country.

Many thousands of those heroic men and women sustained life-altering wounds or made the ultimate sacrifice to secure the rights and freedoms we enjoy today.

The most profound testament to their sacrifices is the civil liberties and fundamental freedoms all Canadians enjoy and which are now secured in the Canadian Charter of Rights and Freedoms.

The charter, which provides all Canadians with the same rights, is the greatest legacy of our veterans. Let us honour them by ensuring all our laws reflect not just the word but also the spirit of the charter.

\* \* \*

#### MEMBER FOR EDMONTON NORTH

**Miss Deborah Grey (Edmonton North, Canadian Alliance):** Mr. Speaker, Elwin Hermanson and the Saskatchewan Party team came up a bit short in last night's provincial election, but they gained two seats and elected three MLAs in Saskatoon, not bad for a party that is barely six years old.

Elwin and I are longtime friends. We bought our Reform Party memberships the same night in Lloydminster, Alberta, on September 28, 1988.

I look back on the last 15 years of my life and the paths which Elwin and I have followed. After my first term as the initial Reformer in Parliament, Elwin and 50 others joined me here in October 1993. After the 1997 election, Elwin went on to lead the Saskatchewan Party and his province has been the better for it.

As I wind down my 15 years here in Parliament, I thank the Lord for giving me lifelong friendships with Elwin and Gail Hermanson and so many others in this place. God bless them all.

\* \* \*

• (1405)

#### REMEMBRANCE DAY

**Mr. Julian Reed (Halton, Lib.):** Mr. Speaker, Remembrance Day is next week, and so we think of the heroes who have willingly put their lives on the line in order to protect the values of this great country of ours.

From World War I, World War II and Korea, through peace-keeping missions, Bosnia-Herzegovina and Afghanistan, our soldiers, sailors and air crew have exemplified the best of what is Canadian.

Every November 11, we remember and honour those who have served in the name of freedom by wearing a poppy, attending ceremonies and laying wreaths in the communities we are privileged to represent.

As we honour our veterans, let us also remember our soldiers who are currently serving in operations overseas, the risks they face, their families' hardships and their contribution to the well-being of Canada.

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[Translation]

#### MEMBER FOR RIMOUSKI-NEIGETTE-ET-LA MITIS

**Ms. Christiane Gagnon (Québec, BQ):** Mr. Speaker, I am pleased to rise today to pay tribute to my colleague, the hon. member for Rimouski-Neigette-et-la Mitis, who will be presented with the Monique Vaillancourt-Antippa award on the occasion of the 50th

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anniversary of the Association d'éducation préscolaire du Québec, which she founded. The presentation will take place at the 24th convention of the association.

During her career in early childhood education, my colleague showed the same dynamism and enthusiasm that she has brought to serving her fellow citizens over the past ten years. Throughout her time as a member, she has vigorously defended all those in need of the support of parliamentarians and of society as a whole.

The Monique Vaillancourt-Antippa award pays tribute to a woman whose work on behalf of young children merits consideration and recognition. This is a cause that has always been very close to my colleague's heart.

On behalf of the Bloc Québécois, I extend heartiest congratulations to this woman, friend, and above all member of Parliament, who has always acted on her convictions.

Bravo, dear colleague, we are proud of you.

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#### REMEMBRANCE DAY

**Mr. Yvon Charbonneau (Anjou—Rivière-des-Prairies, Lib.):** Mr. Speaker, in a few days we will be marking Remembrance Day and will be paying tribute to the thousands of men and women who served our country and defended the cause of world peace and freedom in both times of war and times of peace.

Veterans all like to talk about their memories of service in Europe, Korea or elsewhere. Those I have met this week are no exception.

One in particular, Sergeant Fernand Trépanier, remembers the landings in Sicily, which took place 60 years ago—an operation that lasted 32 days and cost 560 lives—the landings at Reggio di Calabria in mainland Italy, the battle of Casa Berardi, and the battle of Ortona, which, despite the Allied victory, remains one of the deadliest battles of the World War II.

These oft-ignored engagements by the Royal 22nd Regiment contributed as early as 1943 to wearing down the enemy and preparing for the Normandy landings a few months later.

To all these brave veterans, thank you and long may you live.

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[English]

#### GRANDE CACHE

**Mr. Rob Merrifield (Yellowhead, Canadian Alliance):** Mr. Speaker, the Liberals may be excited about breaking for Christmas in the first week in November, but there is one thing I want every Liberal to think about as they scurry away to their winter hideouts.

This week, the community of Grande Cache, located in my riding, found out unexpectedly that its sawmill will be permanently closing its doors, putting 156 people out of work. This is the largest private employer left in Grande Cache after the closure of a coal mine two years ago.

It did not have to be this way. I put the blame squarely on the shoulders of Liberal incompetence and the mishandling of the softwood lumber file and the economy.

*S. O. 31*

Grande Cache has faced economic challenges before and it will again. Its community spirit and determination have already made it a first class retirement community and tourist recreation area.

While it may be too late to save the mill jobs, I hope the human resources minister does whatever she can to help the highly skilled, highly motivated residents of Yellowhead get back to work.

It is unfortunately the least this Liberal government can do.

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#### CHINATOWN MEMORIAL

**Hon. Hedy Fry (Vancouver Centre, Lib.):** Mr. Speaker, on Sunday, November 2, I had the honour to unveil the Chinatown Memorial Square place marker in Vancouver. Sculpted by Arthur Shu-Ren Cheng and funded by the federal government and the Chinatown Business Association through the Vancouver agreement, the monument depicts a Chinese soldier and a railway worker, with a column between them representing the Chinese character for "centre".

It is part of the revitalization of historic Chinatown in the downtown east side, while paying tribute to the Chinese indentured labourers who faced hazardous working conditions and often death to build a nation, connecting it from sea to sea via the Canadian Pacific Railway.

It also honours the same Chinese immigrants who gave their lives in the war to protect a country that at the same time denied them citizenship and the right to unite with their families.

Today, as the children of those immigrants play a full and equal role in the economic, political and social life of Canada, this monument reminds them of the bitter history of their ancestors and of their loyalty and courage in the face of discrimination and hardship.

Lest we all forget.

\* \* \*

● (1410)

#### REMEMBRANCE DAY

**Mr. Rick Borotsik (Brandon—Souris, PC):** Mr. Speaker, when I look around the House today, I see my colleagues proudly wearing and displaying their poppies.

What I see is much more than just a bit of red and black. What I see are the freedoms that we as Canadians hold so close and dear to our hearts.

What I see are the freedoms that were fought for and won during the two world wars and in Korea.

I see the contributions and sacrifices made by those brave men and women, some of whom made the ultimate sacrifice on our behalf.

What I see are the dedicated men and women of today's Canadian military, serving with pride and professionalism here and abroad.

This poppy is a symbol of that and so much more. I would like to thank the thousands of veterans and Legion volunteers who keep the poppy campaign alive.

My message to all Canadians is to wear a poppy, to thank a veteran, but above all, on Tuesday, November 11, Remembrance Day, to take time to appreciate our country and reflect on our freedoms that we so often take for granted.

And when Canadians take off their poppies, I ask them not to put them in a box, but to put them out where they can be seen so that we can always remember.

Lest we forget.

\* \* \*

[*Translation*]

#### BILL SAMPSON

**Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ):** Mr. Speaker, we have among us today Mr. Bill Sampson, who was here to appear before the Standing Committee on Foreign Affairs and International Trade about his more than two years of detention in hellish Saudi jails. This is his first visit to Canada since his release, in August. This is also the first opportunity I have had to see him since I visited him during his imprisonment, in March of 2002. Today's events understandably bring back strong emotions in me.

He survived during all that time because of his uncommon courage and strength. In his cell, thousands of kilometres away from home, he was isolated, tortured and awaited death by beheading. I want to pay tribute to him for being an example of courage and tenacity to us all. I also want, on his behalf, to thank the people of Canada and Quebec for their unrelenting support.

The evidence he gave this morning was extremely unsettling, especially with respect to the attitude of members of the Canadian foreign service, who apparently presumed he was guilty rather than innocent. Canadian citizens must be able to rely on their government to protect them against this kind of abuse abroad. This evidence makes an independent public inquiry into this matter all the more necessary.

\* \* \*

[*English*]

#### MAHER ARAR

**Mr. Irwin Cotler (Mount Royal, Lib.):** Mr. Speaker, the compelling testimony of Maher Arar has reinforced the argument for an independent public inquiry to address the following unresolved issues.

First is the precipitous role of the United States, which breached international law and its own domestic law in deporting Maher Arar to a country where the U.S. acknowledges that a detainee cannot get a fair trial, and is routinely tortured.

Second is the role, if any, of Canadian security and intelligence agencies in facilitating Maher Arar's deportation.

Third is the review of the character and efficacy of Canadian public policy respecting both the U.S. and Syria, particularly during the period of Maher Arar's detention and torture in Syria.

*Oral Questions*

Fourth is the clearing of Maher Arar's name from false and prejudicial allegations, such as that he was a member of al-Qaeda or had visited Afghanistan.

Fifth is the Jordanian transit connection.

Such an independent public inquiry is not mutually exclusive from the pursuit of other remedies, such as the RCMP Public Complaints Commission and Security Intelligence Review Committee oversight.

Justice delayed is justice compromised or denied.

\* \* \*

**GOVERNMENT OF SASKATCHEWAN**

**Mr. Dick Proctor (Palliser, NDP):** Mr. Speaker, all members will want to congratulate the NDP and Premier Lorne Calvert on winning a fourth consecutive mandate yesterday in Saskatchewan.

Scared by skyrocketing auto insurance in other provinces and a significant power failure in Ontario, Saskatchewan voters made sure that their phone, power and auto insurance are not going to be privatized but will remain in the hands of the government and the party that created them. Yesterday's victory was strongly assisted by workers and their representatives who campaigned vigorously on a progressive platform of keeping these crown matters in public hands.

The NDP and its forerunner have now governed Saskatchewan for 45 of the past 60 years.

The Saskatchewan Party, a facsimile of what the new federal entity will resemble once the Alliance has finished digesting the Progressive Conservatives, campaigned on "time for a change", and they were right. It is time for the party to change its leader and replace Elwin Hermanson, whom the electorate has concluded is clearly not up to the task.

As for the Liberal results, there is absolutely nothing to say.

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**REMEMBRANCE DAY**

**Mrs. Karen Redman (Kitchener Centre, Lib.):** Mr. Speaker, next week Canadians will pause for a moment to remember all those who gave their lives in defence of their country.

Canada is a champion for peace and justice around the globe and we have committed our best and our brightest to this noble goal. From the world wars to Korea and Afghanistan, we have paid the price in blood for that peace.

I grew up in a free country because my father fought in the RCAF and many other young people from Kitchener fought to guarantee my future. My children live in a free country because a new generation continues to make the ultimate sacrifice to ensure that peace.

My father and my grandfather came back from two world wars, but many thousands did not. I would like to pay tribute to the 1,500 veterans who reside in Kitchener.

Let us never forget their sacrifice.

● (1415)

**DIWALI**

**Mr. Leon Benoit (Lakeland, Canadian Alliance):** Mr. Speaker, Diwali, a festival of lights, is celebrated by a large segment of the South Asian community around the world. It commemorates the return of Lord Rama to his kingdom after completing 14 years in exile. Streets and homes are brightly lit with rows of lights.

The festival symbolizes the victory of righteousness over evil, light over darkness. Hindus join with their families and friends in celebrating it with prayers, sweets, exchanges of gifts and fireworks. This occasion also marks the Hindu New Year.

On behalf of the South Asians in Ontario organization, I extend my personal invitation to all members of the House to attend a Diwali celebration tonight at 6 p.m. at the Hindu Temple at 4835 Bank Street. Let me say Happy Diwali.

\* \* \*

[*Translation*]

**MUNICIPALITY OF SAINT-AMBROISE**

**Mr. Sébastien Gagnon (Lac-Saint-Jean—Saguenay, BQ):** Mr. Speaker, allow me to point out to the House today that the municipality of Saint-Ambroise, in my riding, is celebrating its 100th anniversary of municipal life.

Many activities are taking place this week to commemorate this important milestone in the democratic municipal life of Saint-Ambroise.

The organizing committee also wants to mark the courage and vitality of the women and men who, throughout the past century, shaped Saint-Ambroise and gave it its unique colour and *joie de vivre*, which has been passed down from generation to generation.

I give congratulations everyone in Saint-Ambroise, wish them a great 100th anniversary of democratic life, and invite all the residents of the Saguenay and Lac-Saint-Jean to take part in this important celebration.

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**ORAL QUESTION PERIOD**

[*English*]

**TRANSPORT**

**Miss Deborah Grey (Edmonton North, Canadian Alliance):** Mr. Speaker, before our Prime Minister lifts off, I would like to remind him that the airport in Red Deer, Alberta is open 12 months and it has over 40,000 flights per year. It has made requests for funding but it has received nothing. In contrast, the airport in Charlevoix is closed for more than half the year and has fewer than 1,500 flights, yet it received over \$5 million in government funding, compliments of the former finance minister.

Could the government tell us why it is flying Charlevoix in first class and the west in coach?

*Oral Questions*

**Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, we have in place across Canada regional development agencies. Of course when we look at the programs, because they are flexible, we have programs that could vary from one region to another.

On the question of Charlevoix, it is clear to me that tourism development is key. Of course when we look at what we have there, the golf courses, Le Manoir Richelieu, as well as the casino, it is just normal to get involved in such a fantastic project for economic development there.

**Miss Deborah Grey (Edmonton North, Canadian Alliance):** Mr. Speaker, for corn's sake, we have a little tourism out west ourselves.

Red Deer is only one example of western airports that have been virtually ignored by the government. Swift Current, Tofino, North Battleford and Yorkton have received precious little funding despite growing needs.

The Prime Minister's understudy laments about western alienation, but cheating these airports certainly is not the way the west is won. Looks like he has been caught with his flaps down. How can the Liberals claim to care so much about the west, yet leave the airports running on empty?

[*Translation*]

**Hon. Claude Drouin (Secretary of State (Economic Development Agency of Canada for the Regions of Quebec), Lib.):** Mr. Speaker, what the hon. member does not understand is that the region has an unemployment rate of 16% and that 30% of the jobs in the region depend on tourism. It is an important tool for development in the region. Transport Canada had issued a warning that this was a dangerous runway. We have acted in the interests of the people of the region and faced up to our responsibilities.

\* \* \*

[*English*]

**MEMBER FOR EDMONTON NORTH**

**Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance):** Mr. Speaker, the very hon. member for Edmonton North might not have another opportunity to rise in the House again. I have a question for all members. Will they ever forget her first appearance in Canada's Parliament as the advance guard for the Reform Party?

The answer is we will never forget. She will never forget either, because her caucus today has purchased her chair to take back to Edmonton so she can sit and watch question period every day.

Who will join me in standing and applauding the hon. member for Edmonton North for her service to Canada, her constituents and her country?

**Some hon. members:** Hear, hear.

• (1420)

**The Speaker:** The hon. member for South Shore.

**FOREIGN AFFAIRS**

**Mr. Gerald Keddy (South Shore, PC):** Mr. Speaker, William Sampson's testimony at committee this morning was poignant and damning. It clearly demonstrated the abject and sorry failure of the Department of Foreign Affairs to protect Canadian citizens abroad and further underlined the ineffectiveness of Canadian soft power diplomacy.

Ministerial platitudes did not save William Sampson. British strong-arm diplomacy did.

Will the minister commit today to a public inquiry before another Canadian is tortured in another Saudi jail?

**Hon. Bill Graham (Minister of Foreign Affairs, Lib.):** Mr. Speaker, I will have an opportunity to meet with Mr. Sampson tomorrow and we can discuss his case. We are going to do our best to find out how we can serve Canadians in the future and I will listen attentively to the advice he can give me. However, all members of the House have to know that from the Prime Minister to myself to the House leader to many private members on both sides of the House, we worked incessantly for the release of Mr. Sampson and I defend how we did it in a way which was in his best interests.

What happened, and the House will know, is that four British prisoners were in there at the same time as Mr. Sampson. They got out at the same time. We worked together. Our diplomacy worked with their diplomacy.

**Mr. Greg Thompson (New Brunswick Southwest, PC):** Mr. Speaker, the fact is that William Sampson was brutalized and tortured while the government silently watched this happen.

This question is for the Prime Minister. It is one of the few times that I will be able to put the question to the Prime Minister, probably the last time. Is this the kind of legacy that you want to leave, where Canadians are brutalized—

**The Speaker:** The hon. for New Brunswick Southwest knows that he must address his questions to the Chair. He has been here a long time. He is fully conversant with that and I know he will want to comply with the rules in every respect.

**Mr. Greg Thompson:** Mr. Speaker, I am suggesting that Canada could leave a better legacy on behalf of the Prime Minister in terms of the torture and brutality inflicted on this man, and it was very damning testimony this morning in committee, while the government stood by.

Will the Prime Minister launch a public inquiry?

**Hon. Bill Graham (Minister of Foreign Affairs, Lib.):** Mr. Speaker, I can tell the House that when the Prime Minister asked me as chairman of the House committee in this affair to go to Saudi Arabia to speak to the king and to speak to Prince Abdullah about the fate of Mr. Sampson, he was not thinking about his legacy. He was thinking about the safety of a Canadian and how we could effectively assist that Canadian.

The Prime Minister's instructions to me have always been to act in a way to ensure the safety of Canadians through the diplomatic channels that we have established because of the goodwill that Canada has working with other nations and to have success in the end. Mr. Sampson is here with us today to—

*Oral Questions*

**The Speaker:** The hon. member for Laurier—Sainte-Marie.

\* \* \*

[*Translation*]

#### EMPLOYMENT INSURANCE

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, yesterday the Minister of Finance had the gall to state that the unemployed do not contribute to EI.

I would remind him that, before they lost their jobs, they made their contribution, their full contribution and now they are unemployed, a mere 40% of them are receiving benefits, because the government has helped itself to \$45 billion from the employment insurance fund.

Given his minister's insensitivity to that reality, will the Prime Minister admit that, under his government, six out of ten workers paying into the fund do not get anything back from it when they become unemployed, and thus are doubly taxed?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, first, I think that the hon. member ought to recognize that the government and the Canadian economy have created 3 million jobs in recent years. This is a considerable contribution to those who, unfortunately, find themselves facing unemployment.

The unemployed receive benefits, which is why the minister said, "When they are unemployed, they unfortunately do not pay into the fund". When they are working, however, they do.

I think that anyone would have understood the Minister of Finance very well if they had listened carefully.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, anyone who looked at the statistics carefully would see that only 39% of the unemployed draw benefits. With the creation of 3 million jobs, the means were in place to look after those in need.

Will the Prime Minister admit that this represents a poor social choice by his government and that, among other things, it has paid down its debt by taking money from those who needed it most?

• (1425)

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, I think everyone knows that Canadians have collectively rolled up their sleeves and succeeded in eliminating the deficit. That is why today, for example, instead of mortgage rates of 11.5%, people with low incomes are paying only 6%.

That is why there is so much construction, which creates jobs, thereby reducing unemployment. I believe we have always been concerned with ensuring that the weakest members of society have access to work and the self-respect that goes with it.

**Mrs. Suzanne Tremblay (Rimouski—Neigette-et-la Mitis, BQ):** Mr. Speaker, six out of every ten persons who lose their jobs are denied employment insurance benefits. The other four, who receive benefits, receive less money for a shorter time because of government decisions.

How can the Prime Minister justify his government's stubborn bias against the most vulnerable people in our society, those who have lost their jobs?

[*English*]

**Hon. Jane Stewart (Minister of Human Resources Development, Lib.):** Mr. Speaker, let me be clear that the employment insurance system is there and it is working for those for whom it was designed. Of those who pay premiums, close to 90% will be eligible for benefits should they need them.

As the Prime Minister has said, the government has created three million new jobs for Canadians since it was elected. At the same time, as we have had more people working and more premiums being paid, we have been reducing employment insurance premiums. That has saved individuals and employers a considerable amount since 1993.

[*Translation*]

**Mrs. Suzanne Tremblay (Rimouski—Neigette-et-la Mitis, BQ):** Mr. Speaker, I call on the minister to listen to the real statistics, not the ones her department keeps going on about.

When the Prime Minister took office, 57% of people who lost their jobs received EI benefits. Today that figure is 39%, not 90% as she just said. She repeats the same thing over and over.

Is it not the case that the government's refusal to review the rules for eligibility for EI benefits illustrates how the government has made a very poor choice with serious consequences for all those who lose their jobs, that is, 61% of unemployed—

**The Speaker:** The hon. Minister for Human Resources Development.

[*English*]

**Hon. Jane Stewart (Minister of Human Resources Development, Lib.):** Mr. Speaker, let us look at some of those statistics. Again, three million jobs have been created since the government took office. Half of those jobs have been created for Canadian women.

Let us understand that every single year since we have been in power, we have reduced employment insurance premiums. For the next year they will be at \$1.98 for employees.

When it comes to investing in Canadians, I want to remind the hon. member that it is through the employment insurance system that we have doubled parental benefits, that we will be now introducing a compassionate leave program.

We understand our role in supporting Canadian workers.

\* \* \*

#### TRANSPORT

**Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance):** Mr. Speaker, Red Deer airport has local support for airport improvements. It has provincial support. It even has \$1 million committed by a commercial airline carrier that wishes to start scheduled service.

How can the government justify denying federal help to Red Deer, while handing out \$5.3 million to a rarely used airport at Charlevoix?

*Oral Questions*

**Hon. David Collette (Minister of Transport, Lib.):** Mr. Speaker, the hon. member should know that Transport Canada has divested a lot of airports over the last number of years and is not involved in the daily operation.

We do have ACAP funding which provides for certain safety measures and we have spent nearly \$5 billion on various improvements over the years. However, regional development agencies are entitled for regional variations to make certain investments and that is what is done from time to time.

**Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance):** Mr. Speaker, the time is when it suits the Liberals.

In Red Deer, funding commitments have been made by the local and municipal governments and private users. The airport in Charlevoix serves cabinet ministers and the Desmarais family.

When other airports are willing to put up a third, a third, a third, how much money did the Desmarais family contribute to airport improvements in Charlevoix?

[*Translation*]

**Hon. Claude Drouin (Secretary of State (Economic Development Agency of Canada for the Regions of Quebec), Lib.):** Mr. Speaker, what the hon. member needs to know is that it is not a one-third-one-third-one-third program; it is a program of Economic Development Canada within the program of strategic infrastructure for regional development, in areas where tourism-related development is very important and 30% of employment is related to tourism. Le Manoir and the casino were important elements to which we contributed in order to help provide employment for the people.

\* \* \*

•(1430)

[*English*]

**FOREIGN AFFAIRS**

**Mr. Bill Blaikie (Winnipeg—Transcona, NDP):** Mr. Speaker, my question is for the right hon. Prime Minister.

Yesterday the Prime Minister rightly expressed concern about what had happened to Maher Arar. He pointed the finger at the fact that it was the Americans who actually deported him, yet there remain many unanswered questions with respect to the Canadian role. Did the Americans consult the Canadian government as to whether or not they should deport him to Syria? If they did, what did Canada say? If they did not, what does that say about our relations?

I ask the Prime Minister, is he not willing today on his last day in the House of Commons as Prime Minister to do the right thing and initiate an adequate inquiry into what exactly happened and what the Canadian role was in this particular incident?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, I said yesterday that this deportation was done by the American government and we were not involved.

One official said that they had received advice from the Canadian government. The Minister of Foreign Affairs asked his counterpart who had said so to reveal the name and the information they have about the so-called Canadian participation. We are not to start an

inquiry in Canada about something that has been done in the United States, having no facts to justify an inquiry.

If things come from the Americans that demand that we look further, of course we will look at what can be done. Accordingly, at this moment—

**The Speaker:** The hon. member for Winnipeg—Transcona.

**Mr. Bill Blaikie (Winnipeg—Transcona, NDP):** Mr. Speaker, in my last question ever to the Prime Minister, I would ask him in his answer not to abdicate to the Americans the responsibility for sorting out what happened. Why are we asking the Americans what Canadians did? Why can we not find that out for ourselves, either as the government or through an inquiry?

Would the Prime Minister use this last opportunity to finally give an answer I might be happy with and say that he will do something about this, that he will have the appropriate inquiry? Let Canadians find out what Canadians did. Let us not depend on Americans to tell us what happened.

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, I like to be nice. It is not that I do not want to be nice.

I know one thing, when we have inquiries of this nature a lot of expenditures are incurred. If there is no Canadian, it cannot be justified. He cannot name one person on the Canadian side who is responsible for anything. We checked with all the departments. We could not find anything. The only accusation came by a statement from the secretary of state of the United States who said that Canadians were involved. It is in my judgment his responsibility to say so.

If there was no Canadian involved, this is not the time to have a fishing expedition.

**Mr. Inky Mark (Dauphin—Swan River, PC):** Mr. Speaker, hopefully the Arar case will not become a black mark in Canadian history. The way this man was treated goes against basic human rights. Canada's reputation is at stake. Canada is known around the world as the protector of human rights.

Mr. Arar's family and friends, the Liberal backbench, and the opposition are unified in calling for a full public inquiry.

My question is for the Prime Minister. To clear the air, why will the government not hold a full public inquiry?

**Hon. Wayne Easter (Solicitor General of Canada, Lib.):** Mr. Speaker, in fact, we are taking this issue very seriously. The commission for public complaints, on the original allegations raised by members opposite and others, is doing its review under authority granted to it by Parliament.

We are moving ahead and the member opposite should not be portraying otherwise.

**Mr. Inky Mark (Dauphin—Swan River, PC):** Mr. Speaker, that leads me to ask another question. What is the value of Canadian citizenship?



Citizens of Canada must be assured that the government will do everything possible to protect them if they are detained in another country. Now we hear of Abdullah Almalki, another Canadian, who is imprisoned in Syria without charges.

When will the Liberal government come to the aid of another detained Canadian?

**Hon. Bill Graham (Minister of Foreign Affairs, Lib.):** Mr. Speaker, as I explained to the press yesterday, we are doing exactly that.

We have requested consular access in respect of this gentleman. Up until now, the Syrian government has taken the position that he is a Syrian citizen and it is not obliged to do that.

We said that this answer was not satisfactory. I am awaiting a reply from the foreign minister as a result of my enquiry to the ambassador as of the day before yesterday.

• (1435)

[Translation]

**Ms. Francine Lalonde (Mercier, BQ):** Mr. Speaker, we must be dreaming. The Canadian government is holding the U.S. government to account for information provided to it by Canadian sources, which led to the deportation of a Canadian, Maher Arar, to Syria.

Does the Prime Minister not find it odd to ask the U.S. administration to reveal who, in Canada, provided it with information? Is it not up to his government to tell us?

**Hon. Bill Graham (Minister of Foreign Affairs, Lib.):** Mr. Speaker, all the members of this House want to know the truth behind what happened. The Attorney General has launched an investigation into this deportation in an attempt to get answers. In the meantime, the Prime Minister has quite reasonably asked me to ask our American friends, who allegedly received some information, whether they could help us in this investigation. This is entirely reasonable. It is in line with the cooperation we have always enjoyed with the United States. I believe this is a reasonable measure, and completely acceptable under the circumstances.

**Ms. Francine Lalonde (Mercier, BQ):** Mr. Speaker, many have said that the current investigation will not uncover the truth, hence the need to turn to the Americans.

Will the Prime Minister admit that the reason everyone is able to shirk their responsibilities in this case, as they did with Bill Sampson, is because the government is refusing to hold a public inquiry for fear of finding out the whole truth?

[English]

**Hon. Wayne Easter (Solicitor General of Canada, Lib.):** Mr. Speaker, first and foremost, we operate on the presumption of innocence in this country and I think that should be stated.

Second, the commission has a lot of authority at its discretion in terms of doing its investigation, given to it by Parliament for this specific purpose. We want to get to the bottom of this issue and the CPC is looking into those allegations so we can see where the problem was.

### Oral Questions

#### FINANCE

**Mr. Grant Hill (Macleod, Canadian Alliance):** Mr. Speaker, the new Liberal leader has a program that talks about \$62.5 billion of debt reduction. There are two ways he can do that. He can lower services even more and he can raise taxes even higher.

My question for the finance minister, has the new Liberal leader talked with him about the way he is going to come up with this \$62.5 billion?

**Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.):** Mr. Speaker, I cannot take any of his estimates of the cost of anything seriously.

We had remarkable success this year in spite of the fact that we had a series of difficult situations to deal with, natural disasters as well as human tragedies.

Notwithstanding all of that, we were able to forecast again this year a seventh consecutive surplus. That provides the government with true options.

**Mr. Grant Hill (Macleod, Canadian Alliance):** Mr. Speaker, maybe the minister could take the figures of the Auditor General seriously, \$100 million for fat cat cabinet jets and \$1 million for the long gun registry. Maybe he could pay attention to those figures.

The new Liberal leader has also talked about \$34 billion of increased spending. So I ask the same question, has he confirmed with the finance minister where that money will come from? There is only one taxpayer in Canada.

**Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.):** Mr. Speaker, again, I do not take his estimate of any costs seriously.

When he makes these exaggerated claims about the cost of programs, he undermines any credibility he might have had otherwise.

In the meantime, the record of our government has been that we have paid down sufficient debt that we have actually freed up \$3 billion in funds that were otherwise going to be spent paying interest costs to be used in other programs. That is a good record.

\* \* \*

[Translation]

#### BIOCHEM PHARMA

**Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ):** Mr. Speaker, on the issue of BioChem Pharma, the Minister of Industry has all the tools he needs to negotiate with Shire and revitalize this distinguished research laboratory.

With every passing day, the project's survival is threatened. Does the Minister of Industry intend to take advantage of today's meeting with Shire to ensure that BioChem Pharma's revitalization project can start up quickly?

**Hon. Allan Rock (Minister of Industry, Lib.):** Mr. Speaker, this matter is extremely important to me. My sole concern is ensuring that Canada's interests are protected, that jobs and investments in Canada and Quebec are protected and that Shire's commitments are honoured.

*Oral Questions*

● (1440)

**Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ):** Mr. Speaker, the Minister of Industry must realize that Quebec stands to lose a great deal of expertise and that time is of the essence in such matters.

We agree that Shire must honour its commitments, but can the Minister of Industry guarantee that he intends to act with due diligence to prevent Quebec from losing these researchers, who are its pride and joy?

**Hon. Allan Rock (Minister of Industry, Lib.):** Mr. Speaker, we are currently working to ensure that research jobs, in particular, are protected here in Canada and Quebec, and I will do everything possible to see that they are.

\* \* \*

[English]

**INTERNATIONAL AID**

**Mr. James Rajotte (Edmonton Southwest, Canadian Alliance):** Mr. Speaker, the Canadian Alliance supports Bill C-56 which attempts to facilitate the delivery of drugs to help developing countries deal with public health emergencies, such as the HIV-AIDS crisis in Africa.

We would have liked to have this legislation in September when it was first announced by the Minister of Industry rather than on the day before the House closes.

Why has the Minister of Industry waited so long to introduce this legislation?

**Hon. Allan Rock (Minister of Industry, Lib.):** Mr. Speaker, I was very proud today to table in the House, in the name of the Prime Minister, legislation which will lead the developed world in dealing with the urgent health needs of least developed countries.

What Canada has done today is global leadership for the health interests of the developing world.

We too are anxious to see this bill become law and to see the regulations enacted so that those drugs can be provided where they are most needed.

We should do everything we possibly can, respecting all the interests involved, to get this done and get it done right.

**Mr. James Rajotte (Edmonton Southwest, Canadian Alliance):** Mr. Speaker, this is a good initiative, but the Canadian Alliance publicly expressed our support over a month ago to the government in writing. This is a crisis situation that requires action on our part.

Will the government commit to passing this legislation immediately, so that Canada can take the lead in helping developing nations deal with their public health emergencies?

**Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I thank the hon. member for his support for the bill. His House leader contacted me earlier today. We are presently negotiating time with everyone concerned with the possibility of doing just that.

**VETERANS AFFAIRS**

**Mr. John O'Reilly (Haliburton—Victoria—Brock, Lib.):** Mr. Speaker, as we approach Remembrance Day, there is one item that stands out. The treatment of the widows of veterans must be equal for all.

Can the Minister of Veterans Affairs tell us today that this situation has been addressed?

**Hon. Rey Pagtakhan (Minister of Veterans Affairs and Secretary of State (Science, Research and Development), Lib.):** Mr. Speaker, as I have said in the House a number of times, it was not for lack of heart nor lack of will.

Today, I am pleased to announce, thanks to the Prime Minister and the Minister of Finance and the government as a whole, that we will be able to reinstate VIP maintenance and ground services for qualified surviving spouses.

\* \* \*

**AGRICULTURE**

**Mr. Rick Borotsik (Brandon—Souris, PC):** Mr. Speaker, why does the Minister of Agriculture and Agri-Food always react and never lead?

The culled cattle problem was apparent soon after the border closure on May 20. Almost six months later, there is still no program. The minister says he has a plan, but he cannot tell us about it because the process is not complete.

Is that his code word for "Let's play the provinces again"? What is his excuse?

Why is he taking so long? Why does he not take a page out of the Minister of Veterans Affairs and announce the program in the House of Commons right now?

**Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.):** Mr. Speaker, the hon. member knows very well that we have been working with the provinces and the cattle industry.

I know that he wants us to put in place a program that will meet the needs of everyone: the dairy industry, the beef industry, the concerns of the provinces, and the concerns of the whole beef economy.

That is exactly what we are doing. When that is completed, I would be pleased to announce the program.

● (1445)

**Mr. Rick Borotsik (Brandon—Souris, PC):** Mr. Speaker, we know that cabinet has approved the money. We know from the minister's past programs that it can take months to get money into the producers' hands, or in some cases, the money never gets there.

Why can the Minister of Agriculture and Agri-Food not fulfill just one of his promises, even if it is his last one, and send out the cheques now and tell us about the program?

Tell us how much money and tell us how you are going to get the money into the producers' hands, Mr. Minister.

*Oral Questions*

**The Speaker:** The hon. member for Brandon—Souris knows he must address all his questions to the Chair. I have told him this before and I am sure he intended to do that.

The hon. Minister of Agriculture and Agri-Food.

**Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.):** Mr. Speaker, this hon. member has been very vocal in the past suggesting that we in the government work with the industry to make any programs as satisfactory to the industry as we possibly can.

Those discussions are still ongoing as recently as yesterday and today. When those discussions are completed with the industry, that is when we will make the announcement.

**Mr. Dick Proctor (Palliser, NDP):** Mr. Speaker, I have a question to the same minister but on a different issue.

Last month the agriculture minister expressed concern about the commercialization of genetically modified wheat without a market impact analysis, even if the tests on Monsanto's product were deemed to be safe.

The minister knows that 82% of our current international wheat buyers have stated they will not purchase our wheat if Canada licences GM wheat.

Would the minister advise the House, and particularly grain farmers, what discussions have occurred with provinces and the industry to ensure that a full market impact analysis is completed before this product is deemed to be put on the market?

**Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.):** Mr. Speaker, I said in the House a number of months ago that the consultation process would be ongoing with the provinces and with the industry. That is exactly what is happening.

The decisions will be based on safety and science. We also said, and I have said, that we need to look at another step in the process before a product is commercialized in order to recognize any concerns that may come forward because of this development and innovation.

\* \* \*

**FOREIGN AFFAIRS**

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, a few months ago, U.S. Air Force Secretary James Roche declared that war in space had begun.

The U.S. acknowledges its ballistic missile defence system is an evolving project that will include weapons in space.

The government would rather stick its head in the sand and pretend that it is not the case.

When will the government see past the dollar signs, accept the truth about Bush's star wars, and reject any Canadian participation in weaponizing space?

**Hon. Bill Graham (Minister of Foreign Affairs, Lib.):** Mr. Speaker, as the Minister of National Defence and I have often explained in this House, we are interested in protecting Canadians and ensuring the security of North America in partnership with the

United States, with whom we have always acted in the interests of security of North America.

We will do that in discussions with the Americans in respect to missile defence, along with other discussions. However, in the course of those discussion, we make it plain that we have strong policy considerations. One of them is the non-weaponization of space. We have made that clear to our American friends and they understand that.

My hon. member's question is loaded with misapprehensions. Congress does not allow weaponization of space. Let us get on with discussions—

**The Speaker:** The hon. member for Calgary West.

\* \* \*

**NATIONAL DEFENCE**

**Mr. Rob Anders (Calgary West, Canadian Alliance):** Mr. Speaker, our 40 year old Sea Kings were grounded for six days and one just caught fire yesterday. Yet the \$101 million Challengers will serve fresh red snapper, scallops and shrimp. While on the Challenger, the new Liberal leader will enjoy crab, steak and shellfish.

Why is spending on Liberal luxury for Challengers better than safe Sea King replacements?

**Hon. John McCallum (Minister of National Defence, Lib.):** Mr. Speaker, the two simple words safety first are very deeply embedded in the psyche of the Canadian Forces. It was that reason, just to be absolutely certain of safety, that the Sea Kings were temporarily grounded, and they will continue to fly at this time in a limited capacity while the investigations continue.

The bottom line is that nothing in the Canadian Forces is done without putting safety first.

**Mr. Rob Anders (Calgary West, Canadian Alliance):** Mr. Speaker, tell that to Iltis drivers.

When the new Liberal leader was finance minister, he oversaw 10 lean years for our military. The air force flies less for want of fuel, the navy sits idle for lack of crew and the army has thinned.

Will the new Liberal leader's appetite for review of current spending result in starvation or decimation of our armed forces?

● (1450)

**Hon. John McCallum (Minister of National Defence, Lib.):** Mr. Speaker, I was not in politics at the time, but as an economist I remember very well that at the time the government came in there was a \$42 billion deficit. Therefore, it became necessary to reduce expenditures in virtually every area, including defence.

However more recent, thanks to the efforts of the government, the finances have improved in a radical fashion, and only this last year the defence department received \$800 million in new base funding, the largest increase that has occurred in more than a decade.

*Oral Questions*

[Translation]

**AGRICULTURE**

**Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour, BQ):** Mr. Speaker, the Fédération des producteurs laitiers du Québec is concerned by the bankruptcy facing at least 15% of dairy farms in Quebec, not to mention all the others struggling through a catastrophic situation. The Minister of Agriculture and Agri-Food keeps saying that there will be no preferential treatment for producers in Quebec.

Does the Minister of Agriculture and Agri-Food not understand that, with half of all dairy producers in Canada concentrated in Quebec, there is a unique situation that necessitates financial help and an appropriate assistance plan?

[English]

**Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.):** Mr. Speaker, we understand very clearly and have been informed by the dairy industry that about 95% or 96% of its gross income comes from the sale of milk and the other 4% to 5% of its income comes from the sale of cull cows.

The cull cow program is being worked on. Those in the dairy industry selling cull cows will be as eligible for that as those in the beef industry. Every dairy farmer and every beef farmer in every province in the country will be treated the same.

[Translation]

**Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour, BQ):** Mr. Speaker, after what he just said, the minister would greatly benefit from meeting with the federation again. I think he did not get the message. The percentages he just quoted are totally wrong.

Whether the minister likes it or not, half of the production is in Quebec. This is a problem specific to Quebec, which demands a specific solution, as Quebec's agriculture minister pointed out.

Will the minister, first, announce a plan to help Quebec's producers and, second, ask that Quebec administer its funding itself?

[English]

**Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.):** Mr. Speaker, I will not repeat the answer that I just gave because the hon. member has heard it a number of times.

When we announce the details of a plan, it will be a national plan. The federal government will be contributing 60% of it. If provinces wish to put the other 40% with it or if provinces wish to do more than that to deal with the cull animals in their province, whether they be dairy animals or beef animals, they will be at liberty to do so.

\* \* \*

**HEALTH**

**Mr. Rob Merrifield (Yellowhead, Canadian Alliance):** Mr. Speaker, today at the United Nations Canada abstained from a crucial vote on human cloning. A resolution to delay a decision on human cloning for two years was passed by just one vote, 80 to 79. Yesterday the Minister of Health promised the House that Canada would support a comprehensive ban, a promise that was only good for one day.

Why would the minister say one thing and do another?

**Hon. Anne McLellan (Minister of Health, Lib.):** Mr. Speaker, the resolution that the government indicated we would support, the Costa Rican resolution, unfortunately never made it to a vote yesterday at the United Nations.

It did not make it to a vote because the Organization of Islamic States decided to put forward a motion that called for a hoisting or deferral of the issue for two years because the Organization of Islamic States believed that there was no consensus and therefore no agreement could be reached.

Unfortunately, because of that motion, we were unable to reach the vote on the substance of the Costa Rican motion.

**Mr. Rob Merrifield (Yellowhead, Canadian Alliance):** Mr. Speaker, Canada's abstinence on that vote cost the vote. Abstinence does not show any kind of leadership.

I will quote what the minister said yesterday. She said, "We will be supporting a resolution that bans all forms of cloning".

Why did the government renege on that commitment?

● (1455)

**Hon. Anne McLellan (Minister of Health, Lib.):** Mr. Speaker, we did not renege on that commitment. I was very clear. We wish to bring the Costa Rican resolution to a vote, and we would have supported that resolution, which was a prohibition, a complete ban on all forms of cloning.

We did not in fact support the Organization of Islamic States in its attempt to defer this for two years.

\* \* \*

**FISHERIES AND OCEANS**

**Hon. Charles Caccia (Davenport, Lib.):** Mr. Speaker, my question is of the Prime Minister, and it is as follows.

When can Canadians finally expect the ratification of the United Nations law of the sea to take place?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, I want to thank the hon. member for the question. I know of his very deep commitment on the issue.

I am pleased to inform him and the House that this afternoon the Minister of Foreign Affairs will sign Canada's instrument of ratification for the UN convention on the law of the sea. The instrument will be deposited with the secretary general of the United Nations soon after.

This is great news for all Canadians. By ratifying, Canada gains a voice in an international institution set up by the convention and will be able to advance our commitment to improving the conservation of fisheries on the high seas.

### THE ENVIRONMENT

**Mr. Bob Mills (Red Deer, Canadian Alliance):** Mr. Speaker, I know with interest that U2's Bono will be attending the Liberal convention next week. Given Bono's well-known interest as a humanitarian and an environmentalist, will the Minister of Environment mention to him that the new Liberal leader's shipping company is a little less than sterling in the area of environment? It has been charged and convicted with environmental infractions, like illegally dumping oil in the ocean.

**Hon. David Anderson (Minister of the Environment, Lib.):** Mr. Speaker, I am delighted to hear that Mr. Bono will be attending the Liberal convention. It is an excellent forum for such a person to get together with like-minded people who are concerned about humanitarian issues and the environment.

He will have a warm welcome from all of us and we are looking forward to having good discussions with him.

I am just delighted that the hon. member has raised this. I am only sorry that he will not be there unless we have a conversion in the next couple of days.

**Mr. Bob Mills (Red Deer, Canadian Alliance):** Mr. Speaker, Sonny Bono has not come back, so maybe the minister should check out who will be there.

Today the Minister of the Environment will appear before our committee about estimates. We requested this input on May 27. It is interesting that the estimates were deemed reported back to the House on October 24, and were voted on, on October 28. That is some input that we will have to the minister.

How can the minister totally disregard his committee in that way?

**Hon. David Anderson (Minister of the Environment, Lib.):** Mr. Speaker, I am puzzled. If in fact the decision on supplementary estimates, to which the member refers, only came forward on October 28, I think I am responding pretty quickly to get there this afternoon.

As he knows, I attended the committee many times this year and was always delighted to be there. I am really looking forward to questions from the hon. member because it will be a real opportunity for him to learn something.

\* \* \*

[Translation]

### CANADA CUSTOMS AND REVENUE AGENCY

**Mr. Gilles-A. Perron (Rivière-des-Mille-Îles, BQ):** Mr. Speaker, yesterday, the Minister of National Revenue tried to be reassuring by telling us that nobody gets a free ride from the Canada Customs and Revenue Agency. We would love to take her word for it. But we have to wonder when an investigation that normally takes 90 days is done in record time, a mere 10 days, especially when the Prime Minister's son-in-law is involved.

What we would like the minister to tell us is who lifted the order for Seizure No. 3123-03-0110 and why was this done in record time?

[English]

**Hon. Elinor Caplan (Minister of National Revenue, Lib.):** Mr. Speaker, everything I said yesterday in the House was correct.

### Oral Questions

I would say to the member opposite, he should be aware that in the year 2001 changes to the Customs Act, which were fully debated in the House, made a provision for an administrative review where errors had been made in seizures so they could be dealt with without going through the long and cumbersome adjudication procedures. That applies for all cases, and that law, after full debate, was passed in the House in 2001.

I will say very clearly, if people abuse our programs, they lose it.

\* \* \*

● (1500)

[Translation]

### OFFICIAL LANGUAGES

**Mr. Mauril Bélanger (Ottawa—Vanier, Lib.):** Mr. Speaker, my question is for the Minister of Health. Last week, the Standing Committee on Official Languages tabled its ninth report on the lack of access by minority linguistic communities to health care services in the language of their choice.

One of the committee's fourteen recommendations asks the Government of Canada to make this important issue the focus of the next federal-provincial-territorial conference. Is the minister favourable to this recommendation?

**Hon. Anne McLellan (Minister of Health, Lib.):** Mr. Speaker, I thank my colleague and all the members of the Standing Committee on Official Languages for this report. I will examine this report and the recommendations with interest.

[English]

Let me say that I am willing to include the issue of minority language access to health care services on the agenda for the next formal meeting of federal-provincial-territorial health ministers.

Health Canada will continue to work with minority language communities as well as the provinces to ensure enhanced access to health services for all Canadians.

The 2003 budget allocated over \$89 million to improve access to health services and to health care professionals—

\* \* \*

### PRESENCE IN GALLERY

**The Speaker:** I wish to draw the attention of hon. members to the presence in the gallery of the 2003 recipients of the Governor General's Performing Arts Awards.

The recipients for Lifetime Artistic Achievement in the Performing Arts are: the hon. member for Kicking Horse Pass, also known as Dave Broadfoot, Douglas Campbell, Norman Jewison, Micheline Lanctôt and Ian Tyson.

The recipients of the Ramon John Hnatyshyn Award for Voluntarism in the Performing Arts are: Sandra Pitblado and Jim Pitblado.

**Some hon. members:** Hear, hear.

**The Speaker:** I invite all hon. members to meet the recipients at a reception at 3:15 p.m. in Room 216-N.

*Tributes***BUSINESS OF THE HOUSE**

**Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance):** Mr. Speaker, I would like to ask the government House leader to indicate what business is scheduled for the rest of today and tomorrow.

Mr. Speaker, all opposition parties have agreed to pass at all stages, Bill C-57, which is the enabling legislation to bring into effect the Westbank first nation self-government agreement of October 3, 2003 and the Westbank first nation constitution.

My party has also agreed, and we hope others will, to pass Bill C-56 at all stages. Bill C-56 amends the Patent Act and the Food and Drugs Act to facilitate access to pharmaceutical products, to address the public health problems affecting many developing nations, especially those resulting from HIV-AIDS, tuberculosis, malaria and other epidemics.

Could the government House leader advise us whether we will put those through the House before we leave on Friday? With great anticipation, could he also tell the House what business we will be dealing with on November 17?

• (1505)

[*Translation*]

**Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I am pleased to answer all these questions.

This afternoon, the House will proceed to the report stage of Bill C-19, the first nations fiscal legislation. If this is completed in time, we will call Bill S-13, the census bill.

[*English*]

Tomorrow morning the business will be Bill C-51, the amendments to the Canada Elections Act. In the afternoon, pursuant to the offer made by the hon. member and others, we will proceed with Bill C-57, for our aboriginal community of Westbank, and hopefully will do all stages.

There have been discussions among House leaders. I understand that we could also, pursuant to the outcome of further negotiations, deal with Bill C-56.

We would then return to Bill C-52, the radiocommunication bill.

On our return from the remembrance week break, we will return to the unfinished business from this week. We will also commence report stage of such anticipated legislation as Bill C-38, the marijuana bill.

May I in conclusion thank all House leaders for the excellent cooperation they have given me throughout the last several years. Of course I will get to say that when we come back in November. I thank the right hon. Prime Minister as well.

**Mr. Bill Blaikie:** Mr. Speaker, I rise on a point of order.

Given that we were pushing for Bill C-56 long before the Alliance ever knew there was a problem, we just want you to know that the NDP agrees to pass it at all stages right away.

**The Speaker:** They are delighted, I am sure, to know that.

Pursuant to order adopted earlier this day, we now have statements. The hon. member for Davenport.

\* \* \*

[*Translation*]

**THE RIGHT HONOURABLE PRIME MINISTER**

**Hon. Charles Caccia (Davenport, Lib.):** Mr. Speaker, for 35 years, it has been my good fortune and great honour to be part of this magnificent institution, our Parliament, and to make, in my own way, a contribution to public life.

For all that time, the hon. member for Saint-Maurice was also present, successfully taking on one important political function after another. The most important, of course, is that of being our Prime Minister for the last 10 years, and what a Prime Minister he has been.

[*English*]

Yes, what a Prime Minister he has been and what demonstration of political instincts he has displayed. He is a man of infallible political instincts who pressed forward with the clarity bill and ensured that any future referenda would be fair and understood by everyone. He is a man of infallible political instincts who knew how to keep the right divided and put the Bloc Quebecois on the ropes and on the brink of extinction. He is a man of infallible political instincts who understands Canadian values and who knows what Canadians want from their government.

He is a man of infallible political instincts on the world scene who recognized Canada's obligation to the global community in resolving the difficult problems posed by climate change by ratifying the Kyoto accord. He is a man of infallible political instincts in moving forward the G-8 agenda resulting in NEPAD, the new partnership for Africa's development, a true breakthrough for the African continent, in the improvement of the condition of people in the least developed countries, in an impressive global partnership, and in the program for the destruction of chemical, biological and nuclear weapons of mass destruction. He is a man of infallible political instincts in the United Nations Security Council, in keeping Canada, in true Pearsonian tradition, loyal to multilateralism and the United Nations' approach on Iraq which, if it had prevailed, would have saved so many innocent lives and the lives of so many soldiers.

Finally, he is a man of infallible political instincts who could have led the Liberal Party of Canada to a fourth consecutive majority victory.

If the Liberal government shows up so well in public opinion polls, it is in large part due not to deficit elimination or debt reduction, but to the courageous and timely leadership given by the Prime Minister on so many issues over the past 10 years, including his recent stand during the Iraq crisis.

Major initiatives which can be traced back to the influence of the member from Shawinigan include the national child benefit, the millennium scholarship, the creation of 10 new national parks, the federal-provincial-municipal infrastructure program, the endangered species legislation, the Romanow commission, and now the ratification of the United Nations law of the sea.

*Tributes*

Appointments, much maligned by so many, also carry his imprint. For example, there is the recognition of 52% of Canada's population, women: the Governor General, the chief justice of the Supreme Court, the leader of the government in the Senate, the lieutenant-governors in many provinces, our whip, the improved number of women candidates at election time in Parliament and in cabinet. There is also the unprecedented number of appointments of visible minorities and aboriginal Canadians.

One should also reach back to 1982 and the fact that 20 years later the member from Shawinigan is still pursuing the ideals of the charter through his reinstatement of the court challenges program, his commitment to legislation on same sex benefits and marriage, and his longstanding efforts to improve the quality of life of aboriginal Canadians.

• (1510)

Throughout his long and remarkable career in Canadian politics, he has never lost sight of the fact that the role of the state is to serve citizens, not corporations or special interests. He never lost sight of the essential Liberal values of tolerance and equality of opportunity.

Canadians have been well served by the Prime Minister and he is justly deserving of the high esteem in which they hold him. This esteem does not stop at the Canadian border. Among his many friends and supporters abroad is Nelson Mandela who, in praising Canada, referred to the Prime Minister by saying, "Whenever we have needed support, he has never been found wanting".

What a Prime Minister. What a fine record. What a fine reputation for which Canadians can be proud.

• (1515)

**Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance):** Mr. Speaker, it is a privilege to follow the member for Davenport whom I first met in 1972 when I came to the House. I could not help but notice when he was speaking the colour of our hair, and the Prime Minister still has a different colour. It must be the way he has treated us both.

Today we pay tribute to and salute a long and distinguished career in Canadian politics of the right hon. gentleman from Saint-Maurice. He has served Canada for nearly 40 years. In fact, it was in April we stood and recognized the 40th anniversary of his first election to the House.

All hon. members offer congratulations for a career spanning five decades.

We have disagreed vehemently many times over the issues and policies of the day but today we lay all that to rest when we thank him for his service to Canada.

We will recall that when he first came here he was the hon. member for Saint-Maurice—Laflèche. I am certain that the people of Saint-Maurice are grateful for his long years of service to his constituents. They will remember, when he was once questioned about federal grants and contracts in his riding, his response to the media. He said "What do you say after you say you're not sorry?"

Somehow I doubt if the little guy from Shawinigan ever regretted anything he ever did. That is not to be taken as criticism but simply

recognition that he probably retired most evenings knowing that in the morning both his desk and his conscience would be clear.

We were colleagues on the opposite sides of this place back in the early 1970s and the contact we had in those years was renewed many years later.

In 1987 my friends and supporters organized a fundraising roast. The little guy from Shawinigan was the featured speaker. He could not be called little by that time because he drew a very broad audience that included Liberals. They would come to see and hear him even though it meant spending money that would go to some other political party.

That evening drew more than 1,200 paying guests and raised the largest amount of money of any political fundraiser to that time in British Columbia history.

His career has been a remarkable one. He has seen seven prime ministers come and Joe—

**Some hon. members:** Oh, oh.

**Mr. John Reynolds:** —and go during his time. In fact it can be said that he helped some of them go.

He has served under the following: Diefenbaker, Pearson, Trudeau, the right hon. gentleman from Calgary Centre, Turner, Mulroney and Campbell.

We are aware of his musing about staying on as a backbencher where all the power will reside when the ancient mariner takes the helm. We would strongly urge it because power is addictive. If he can enjoy as much power on the backbenches as he does now, he will not suffer withdrawal pains.

I am sure that the hon. member for LaSalle—Émard would welcome the thought of having the former Prime Minister sitting behind him and watching his back, and watching it closely, intently, day in and day out, and every day that the House is sitting, just as the member for LaSalle—Émard watched his back very closely, intently, day in and day out over the last 10 years.

If the right hon. gentleman did decide to stay on as an ordinary backbencher, he could assume the role of the conscience of his party. He could remind the House daily that the new Liberal leader has not yet brought the cod back to Newfoundland or raised the average family farm income to a quarter of a million dollars annually. He could ask the new Liberal leader to identify which streets in which cities he plans to pave with gold. He should be there to act as the conscience of his party and to remind the new leader that a promise made is a debt unpaid.

When the new leader falters, as he inevitably will, the little backbencher from Shawinigan would be close by, sitting here in the opposition benches ready to heed the call to return and save the party.

Seriously, we are here to recognize and pay tribute to the right hon. gentleman for his over 40 years of public service.

*Tributes*

• (1520)

As I said earlier, he did not do it all on his own. He did not win his first election and subsequent elections all on his own. He had the loving support of a devoted partner and family.

We pay tribute to him but also to those who supported him throughout his political life. The Prime Minister has often paid tribute to Aline and we do as well for her contribution to Canada.

We have sharp differences of opinion in this place. Now, however, at this moment in time, we think it appropriate to offer our best wishes and thanks on behalf of all Canadians to the Prime Minister.

All political differences aside, he did his best and he did it straight from the heart. And he did it with Canada always foremost in his thoughts and his heart.

We have found little common ground in our political relationship but we find common ground on the other side of the curtains. It is our deep abiding love for Canada that is our common ground.

My own leader, who is in Toronto with the leader of the Conservative Party organizing a new party to beat the other guy, has written a personal letter to the Prime Minister, and I am told the letter will be made public in due course. I know my leader joins me and all caucus colleagues in wishing the Prime Minister a long and healthy retirement that will include many good golf days in the sunshine and even birdies on the bluebird days, when the swing is in synchronized rhythm.

Godspeed, good health and contented days ahead is our wish for him and his family.

[*Translation*]

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, dear colleagues, this is the first time since I became the leader of the Bloc Québécois that I have had the opportunity to pay tribute to the Prime Minister, and I hope it will also be the last. I am afraid that the tributes paid to him today might make him change his mind and attempt a comeback.

More realistically, the Prime Minister has decided, with a little help, to retire after 40 years of political life, including 13 as the leader of his party and 10 as the Prime Minister. After all these years, even a sovereigntist has to recognize his feistiness and his unwavering commitment to Canada.

In politics, we must respect our opponents and recognize their strengths. The Prime Minister has been a feisty and tenacious politician. He has been a formidable foe. With him, politics has never been boring. Between opponents, we must also be able to deal with issues openly, while being respectful of our opponent's views. That is what I shall do today.

Giving the impression that I agree with everything he has said and done would not only be denying who I am but also would be insulting to him. When he was first elected, it was on the platform of amending the Constitution, not among the 10 provinces but between two peoples, as he put it then. I think that he in actual fact, for 40 years he has done just the opposite, that is he tried to reduce Quebec's status to that of a province no different from the others. He did so unwaveringly.

Upon his arrival in Ottawa, he immediately chose Canada. Over the course of 40 years, he never wavered. Here is just one example of that. He considers the unilateral patriation of the Constitution as one of his greatest achievements. By contrast, the National Assembly sees it as isolating Quebec. What was viewed as a triumph in Canada has left deep scars in Quebec.

The Prime Minister never once wavered, and in that he will probably remain unequalled. After 40 years of effort, the Prime Minister is leaving, convinced that the issue of Quebec has been resolved. He is one of a long line of prophets who have announced the demise of the sovereigntist movement. Like them, he is wrong.

I will tell him that he can count on us. The issue of Quebec will not be resolved until Quebec has become a sovereign country. In spite of our very fundamental disagreements, I must recognize the strength of the Prime Minister's Canadian beliefs. I wish him a pleasant retirement and a very happy life.

I want him to know that he will always be welcome in a sovereign Quebec, at home, in Shawinigan.

• (1525)

[*English*]

**Right Hon. Joe Clark (Calgary Centre, PC):** Mr. Speaker, the Prime Minister most of all will understand if I divert from my remarks to respond to the glancing reference by the member for West Vancouver—Sunshine Coast to my glancing period as prime minister. That's it, John. The deal is off.

You will know, Mr. Speaker, that the Prime Minister and I have had our disagreements. You also will know that in our most recent skirmishes, I won some debating points and he won another general election.

The Prime Minister knows that I think power has changed him, and we would disagree about that too. However what is beyond question is that he has proven himself tough enough, shrewd enough and able to win and hold that power, in his party and in his country, in a way that has very few parallels in our history.

Something else that is beyond question is his patriotism. I think the Prime Minister has been wrong on some fundamental questions about our country, and we have fought in the House, historic fights, but never for a moment have I doubted his passionate commitment to Canada.

That commitment is not abstract or intellectual. It comes, as the book says, straight from the heart. It is palpable and powerful and part of what has made him seem so real and so genuine to ordinary people across the country, and, unfortunately, so popular.

One of the reasons I welcome his retirement, just one of the reasons, is that I know his successor, whatever his strengths might prove to be, will never strike that personal chord with the people of this country.



*Tributes*

A little more than a decade ago, the Prime Minister came with me to Yellowhead, when I had the privilege of representing that constituency here. For 20 years I had done everything I could to ensure that his party was unpopular there, and it was, but sadly, he was not. I watched the people of Drayton Valley treat this guy as though he was their next door neighbour, and I got him out of town just as soon as I could.

What is remarkable about the Prime Minister, at least before power changed him, is that he could have been the next door neighbour, anywhere in Canada. It is not just that he felt at home. Canadians feel at home with him, and that is a real and personal tribute.

[*Translation*]

In particular, I want to emphasize his commitment to two major issues that politicians tend to avoid. The first is the status of aboriginals in Canada; the second is Africa and its challenges. First let me say that, in my opinion, the Prime Minister has not always been right with regard to these issues, but we disagree on policies, not intentions.

He could easily not have focused on either issue, like most people; however, he decided to take an interest in these areas. I am among those who hope that he will continue to show leadership in this regard once he retires.

● (1530)

[*English*]

However challenging his public life has been, the Prime Minister was never in it alone. He has been often lucky in life, and most of all, in being married to Aline Chrétien.

Maryon Pearson, who was also married to a prime minister, once said something like, behind every great man there is a truly astonished woman. Maureen quotes that observation to me regularly, although she doesn't say "behind".

[*Translation*]

Anyone who knows the Chrétiens can see that they have a strong and very loving marriage. This is the kind of people they are.

Aline Chrétien also leads a public life, and she has always been gracious, strong and courteous. She has done us proud. She did not choose to be in the public eye, unlike the rest of us, but she has embodied the nobility of values. For this, Canada owes her a great debt of gratitude.

[*English*]

The member for Saint-Maurice first came to this Parliament 40 years ago. Virtually nobody knew his name. I have had the same problem. It lasted longer than 20 years.

Even then some of his colleagues sensed his talents: his intuition, his ability to connect with people, his passion about issues that interested him. They gave him opportunities. He seized them. He always did.

This Prime Minister earned his way to high office. Time and again, he did the heavy lifting. Time and again, he took hard decisions which Canadians in the end supported.

Sometimes his opponents made victory easier than we should have, but that takes nothing away from the skill and toughness and determination the Prime Minister has always shown.

The tributes here today are to a man. But in a larger sense this is a Canadian story, a Canadian success story, about a democracy where ambition and ability and accomplishment can prevail.

On behalf of my colleagues, my party, my family, my country, I thank the Prime Minister for his service and wish him great success in years to come.

● (1535)

**Mr. Bill Blaikie (Winnipeg—Transcona, NDP):** Mr. Speaker, as the Prime Minister prepares to take his leave as leader of the Liberal Party and soon thereafter as Prime Minister, although we still do not know exactly when, I am pleased to be able to, on behalf of the NDP, congratulate him on his obviously very successful 40 year political career and to wish him and Madam Chrétien well in their post-parliamentary life, whenever that begins.

As one who has been in the House for 24 of those 40 years, I cannot share the view of the hon. member for Davenport that the Prime Minister is infallible, but I can say that he has always been a worthy and challenging opponent.

This is not to say that sometimes, particularly of late, as I have had the opportunity to ask him many questions here in the House, his talent for ambiguous and even incomprehensible non-answers has left me breathless in frustration.

Sometimes it has been hard to know where the right hon. member was going on an issue, but I know I speak for many Canadians when I say that he found his way to the right position when he decided that Canada would not participate in the war on Iraq. We hope that this significant act of Canadian independence in an era otherwise marked by an increasing loss of sovereignty will be an inspiration to other Liberals, and I do not have anybody particular in mind, as they navigate the new world order.

Indeed, as the Prime Minister neared the end of his career, we felt that sometimes he was secretly listening to the far off, not far out, beat of an NDP drummer. Who knows what he could have done if he had started this sooner? If he had been freed from the conservative influence of the member for LaSalle—Émard even earlier, we might have been able to have sold him a membership, provided he changed his mind on free trade, national missile defence, and the list goes on.

Like the PM, I will soon be working on my seventh prime minister, or being stonewalled by my seventh prime minister; it depends on how one looks at it. I will remember this Prime Minister, not so much as the street fighting Prime Minister but as the street fighting Minister of Justice who aggressively put forward the Canadian Charter of Rights and Freedoms and defended it against all comers, not always gently, not even always elegantly, but persuasively, with passion and with conviction.

I will also remember his insistence and determination about the need for the clarity act, a view not shared by all in my party, but it remains a fact that Canada is much less likely to be broken up as a result of an unclear question and an unclear majority.

*Tributes*

In 1986 I had the opportunity of spending some time with the then future prime minister as part of a Canadian delegation to Greece and Cyprus.

We registered those trips, Mr. Speaker, with the clerk. At least I did. I had to, as I was a member. He had already resigned. It was shortly after the right hon. member left the House for a time.

I knew then, after that trip, that we had not seen the last of him. Just making money and playing golf was not going to cut it. Indeed, Don Johnston was also on that trip, another leadership contender of 1984. When we talked into the night about Liberal leadership politics, I learned more than I ever wanted to know about the Liberal Party. It continues to be a subject that should not be visited without parental guidance or some other warning as to its content.

• (1540)

[*Translation*]

The Prime Minister's imminent departure marks the end of an era for the little guy from Shawinigan, a man proud of his roots and proud of his hometown of Shawinigan. He did a lot for his riding. There was an inn and a golf course.

He is also proud to be a Quebecer. However, knowing the Prime Minister as long as I have, he feels at home anywhere in Canada.

He is a true blue Canadian, who loves the Rockies, the beaches of New Brunswick, the wheat fields of the Prairies, the big cities of Toronto and Montreal, and the aboriginals of Canada's north.

[*English*]

The Prime Minister is entitled to a significant place in Canadian history, and that same history will ultimately be his judge, as is the case for all of us.

We wish him well and we issue a warning to all Canadian golfers: keep your eyes peeled for someone who says he once was the Prime Minister and do not get in his way if you value your neck.

[*Translation*]

**The Speaker:** I draw the attention of hon. members to the presence in the gallery of an important and distinguished Canadian, Mrs. Aline Chrétien.

**Some hon. members:** Hear, hear.

[*English*]

**The Speaker:** The order adopted by the House earlier today does not provide for a response from the Prime Minister, but I suspect the House will give unanimous consent.

The right hon. Prime Minister.

[*Translation*]

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, after the tributes I have received from the member for Davenport, the member for West Vancouver—Sunshine Coast, the leader of the Bloc Québécois, the member for Calgary Centre, and the member from the New Democratic Party, I am at a loss for words.

What I found most touching is that everyone mentioned my wife Aline. She has been by my side since 1963, through very difficult political battles and tense moments in this life, which we love so

much but which is so fraught with pitfalls. I benefited from her incredibly good advice and very sound judgment on political situations and on people. I thank her for everything she has done for me, the party and the country.

• (1545)

[*English*]

Mr. Speaker, when I arrived here in 1963, as the leader of the Bloc Québécois said, indeed I had some different views. However, when I came to the House of Commons and I met the representatives of all parts of Canada, some of my views changed.

As I said in a speech one day, I was, like many young Quebecers, a very proud Quebecer, a very proud French Canadian. When there was some crisis, for example the case of Marcel Chaput, I had a hell of an argument with some of my colleagues in Trois-Rivières after court. I socked it to you anglophones on that lunch; my friends, you do not know how much.

There was one friend of mine who had been studying previously in Ottawa and in New Brunswick. He said to me bluntly, “Jean, you are talking through your hat. You've never been out of la Mauricie. You've never been outside of Quebec, in the rest of Canada”, and he was right.

When I left that lunch, I was not happy. I was inclined to want to extend to him the Shawinigan handshake. After 5 miles, 10 miles, 15 miles on the way to Shawinigan, I began to say to myself that he might be right. A few months later I was a candidate for my party. I came here and learned what it was all about to be a Canadian.

Some of my views changed for the better. After 40 and a half years, I am still here. It is a great institution. We have very different points of view, but I know everybody is working on behalf of his or her constituents to make this country better, to make everybody's life better.

It is a coincidence that the member for Edmonton North, who just left the House, is quitting at the same time as I am. I remember when she arrived as the first member of the Reform Party. She was a very aggressive person who was really tough on me. I was sometimes a bit tough on her too, but I have great respect for her and I would like to wish her good luck.

I went to raise money for the member from West Vancouver, but I thought he would keep his money in B.C. and not come to Ottawa.

**An hon. member:** That was the deal.

**The Right Hon. Jean Chrétien:** Yes, that was the deal. He is trying to make another deal, but the member for Calgary Centre is not in agreement with the deal. The member for Davenport said that one of the very important tasks of the leader of the government was to ensure that the opposition was extremely well divided. I think, collectively, we have been quite successful.

*Tributes*

[*Translation*]

I disagreed with the leader of the Bloc Québécois. This is indeed a fundamental question. There must be mutual respect. I have of course changed some of my views, but who has not over a lifetime? I have, however, always held the conviction that my pride in the French language and in my ancestry is the best way to preserve what is precious to me, to my family and to my neighbours. All of my ancestors were French speaking. I am a true blue, one hundred percent Quebecer, pure laine, au coton as we say. I have always held the fundamental belief that if the French fact has survived in America, it is because there was a Canada.

It is my own family history. My father spent his early years in the United States. He was involved in the battle to preserve the French language in his part of the country, where there were a great many francophones.

He was involved for 50 years in trips to Manchester as a member of the board of the Association canado-américaine, a fundamentally francophone association for the people of New England and of Canada. He saw that it was impossible in the other country to retain the French language, but that it was possible in Canada. That is why, when he came back to Canada with his family, he was such a proud Canadian. He showed us that the best solution for survival as a francophone was the Canadian solution.

In a democracy we respect everyone's opinion. I respect the opinions of those who do not share my beliefs. That is politics, after all.

● (1550)

[*English*]

I come now to my good friend from Calgary Centre. We have had a lot of nice little exchanges over the years between us. I remember one day when there was a convention for his party. I was chatting with him and I said, "You should run". He said, "Why?" I said, "For a few reasons. One, you are from Alberta and you are a junior. If you do really well, you will become senior in Alberta. Second, you are a red Tory, so you speak like a Tory from Ontario but you are from Alberta. Third, you speak some French. And fourth, I am sure that if you do not run, you will not win". I studied philosophy and I have found that.

So he ran, and we kept having a good time. He was the critic for Indian Affairs and Northern Development, along with the member at the time for Kingston. Imagine, he and the member for Kingston, Flora MacDonald, were the critics when I was the minister of Indian Affairs and Northern Development. I used to call them the flora and the fauna, because he is a tiger, that guy. He served his country very well. We have disagreed on a lot of problems, but his commitment to Canada is great.

I am very pleased he mentioned some of the things that we shared, even if we are not from the same party and the same philosophy, such as the problems of the natives of Canada and the problems of the people in Africa. These are two problems that in many ways are not very good to win votes, but these are the types of preoccupations that members of Parliament need to have to make sure that the world will be better in the future than it was in the past. It is what this institution is all about, the exchange of ideas.

When I arrived here, there was another member of the NDP who welcomed me, Doug Fisher. He was almost as big as the member. He is the one who got me to move around the House. My seat was in the corner, quite far. In the discussion I said, "I do not like it here. I would like to be in the front eventually". He said, "Young man, you have to work for that". He said, "Get up in the morning, go to the committees, work hard and if you work hard, they will notice you".

This is a great institution. This institution has changed somewhat because television is here, and we talk too much to the crowd that is listening rather than to each other. It used to be a great debating club here, where we talked to each other, not to the gallery. In that time members of the press were always there. They were not somewhere else. They do not even have notepads anymore. They had to watch us work, and it was the real place where there were great exchanges, where we debated more ideas than we do today because we talk too much outside rather than talk to each other to advance ideas.

In those days we did not have the right to have speaking notes. We had to speak our minds, in both official languages which was always a problem for me. I am the only one, besides Maurice Chevalier, who ever had to practise to keep the French accent in English.

I hope we will keep that in mind.

● (1555)

We have to respect each other. We try too much to attack the personalities and the so-called conflicts of interest and so on about everything and small things. I urge all members of Parliament not to fall into the trap that sells newspapers but destroys the institution.

We are elected from all parts of Canada, and we come and share. So many of you coming from the east, the west or the north, when you have spent a couple of years in the House, meeting other members, going to committees, discussing, having lunch with others, very often you make friends easier with the people on the other side because you see them. That is dangerous.

We learn a lot about the country. We learn because now members are travelling. They go outside the country and when they come back they all know that we are very, very, very privileged to be Canadians.

I will be forever grateful to the people of Saint-Maurice who voted for me when I was 29 and sent me here. I will be forever grateful to the people from Beauséjour too, who cut me a seat when I was out of the House.

[*Translation*]

I spent three great years with francophones outside Quebec and learned that the French fact does not exist only in Quebec. It is everywhere in Canada. I learned so much from those people.

Now it is time for me to move on. When I started out in politics, I told my wife that I would stay in politics for 10 years. Now it has been forty and one-half years, and her comment is, "You never put it in writing". Under the French legal system, things have to be in writing.

*Government Orders*

I will sorely miss this House, these companions, these comrades, who are here to serve their constituents and to make this a better country.

[*English*]

I will have time to read more. Somebody gave me a book today about Gladstone. Gladstone came back when he was 86. So I say to all of you, watch me.

**Some hon. members:** Hear, hear.

• (1605)

**Hon. Jim Peterson:** Mr. Speaker, I rise on a point order. I think you will find that there is unanimous consent for the following: That, notwithstanding any standing order, Bill S-21, an act to amalgamate the Canadian Association of Insurance and Financial Advisors and The Canadian Association of Financial Planners under the name The Financial Advisors Association of Canada, be now called for second reading, and that the House do proceed to dispose of the bill at all stages, including committee of the whole.

I thank hon. members on all sides of the House for their excellent cooperation on this.

**The Deputy Speaker:** Does the hon. member for Willowdale have the consent of the House to propose the motion?

**An hon. member:** No.

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## GOVERNMENT ORDERS

### FIRST NATIONS FISCAL AND STATISTICAL MANAGEMENT ACT

The House proceeded to the consideration of Bill C-19, an act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Acts, as reported (with amendments) from the committee.

[*English*]

#### SPEAKER'S RULING

**The Deputy Speaker:** There are 56 motions in amendment standing on the Notice Paper for the report stage of Bill C-19.

#### MOTIONS IN AMENDMENT

**Mrs. Bev Desjarlais (Churchill, NDP)** moved:

Motion No. 52

That Bill C-19 be amended by deleting Clause 134.

Motion No. 53

That Bill C-19 be amended by deleting Clause 134.1. Debate arose on the motions in Group No. 1.

She said: Mr. Speaker, I am pleased to have the opportunity to speak to Bill C-19.

I want to preface my remarks by reflecting on the retirement of our Prime Minister and the numerous comments about his efforts to improve the life of first nations people throughout the course of his years. In the area of first nations governance and the treatment of first nations in Canada, we as a nation sadly are still failing.

The Prime Minister will leave the House on a note of grave sadness and with a demoralizing situation for first nations people with the introduction of the last number of bills on first nations issues, those being Bills C-7, C-19 and C-6. First nations in Canada have come out in an extremely strong voice. They are united in their opposition to these bills the government has put forward. Never in the time of my knowing first nations throughout the country have I seen such a unified voice in objection to what the government is doing.

I say to the Prime Minister as he is leaving, this will not be a high point of his career. This suite of legislation on fiscal management is not what the first nations want. They do not want to be told, "This is how you have to do it".

If we as a Parliament firmly believe in the right of first nations to self-determination, just as I believe quite frankly that Quebec has a right to self-determination—and I do not want Quebec to separate but I believe that Quebec has a right to self-determination—I believe that the first nations in the country have a right to self-determination. They do not need legislation put forth by the Parliament of Canada to tell them what to do.

We are not living in a time when first nations people are being forced onto reservations and are being given no access to education or their children are being ripped away from their families. We are not in that situation any longer. Thank God, we are not there. There needs to be time for first nations to make the advancements that they want to make on their own, not by a dictate of the Government of Canada.

I say this representing over half the first nations of Manitoba in my riding and knowing that some would support some of the legislation. They would support the concept of the legislation but they do not want to be told by the Government of Canada that they have to do it and how they have to do it. That is the fault here. It is not that some of the systems are not right, not that they will not take on some of those systems and put them in place. What is at fault is that the Parliament of Canada is telling them they have to do it.

I can say that I am happy it will not be the opposition parties in the House doing that. I believe there has been a unified voice from the opposition parties opposed to the legislation. They recognize that the first nations do not want it.

I brought forward these amendments in the hope that somehow the government would see fit to abandon this agenda. There is going to be new leadership within the governing party. There is an indication that the legislation will not be pushed forward. I see no reason whatsoever to force it on first nations to just put them in their place. What this feels like is the heavy hand of government stomping on them saying, "You are going to do what I tell you once again. You are not going to have a choice". That is not right.

I am glad I have been given the opportunity to speak to this issue. I am disappointed that a number of the motions were ruled out of order. I had got wind that it might happen and I sent a letter requesting some indication ahead of time as to what would happen. I am quite disappointed that a number of them were ruled out of order.

*Government Orders*

In dealing with the ones that are in place, I will certainly try to get my message out there. I want to read clause 134 into the record since a good number of people will not have an opportunity to see it. The government tends to think that because the Internet is available in Canada it somehow will be available to all first nations, but that is not the case. There are more pressing needs in first nations communities, such as houses, schools, water and sewage and decent economic opportunities.

• (1610)

As not everyone has ready access to the information, I will read clause 134. It states:

No civil proceedings lie against a commissioner or employee of the First Nations Tax Commission, or any director or employee of the First Nations Financial Management Board or First Nations Statistical Institute, for anything done, or omitted to be done, in the exercise or purported exercise in good faith of any power, or in the performance or purported performance in good faith of any duty, of that person in accordance with this Act.

My amendment would remove that clause. I am sure that as I read the clause everyone fully understood it but let us try to understand why it is in there.

The bottom line is that we have a piece of legislation that did not really take note of what first nations wanted. I am highlighting the fact that we have one clause in there which is somewhat convoluted and the everyday ordinary person hearing it would have no idea what it is in conjunction with the rest of the bill. The first nations throughout Canada have objected but nobody listened.

Since September, 400 letters have come in from first nations objecting to the bill and more come in on a regular basis. I have received e-mails from native student organizations throughout the country. The youth, the young people within the first nation communities, who will be the leaders in the future, are saying that it is not okay to introduce this legislation. They do not want it because it is not what is best for them. They want to make the decisions on the type of organizations they have in place.

What has also been extremely interesting to me over the course of the discussion on the bill is that somehow there is already a management or an administration in place on some of these institutions that we are talking about introducing. It is like having a vote to decide on whether or not we will have a particular business or program but we have already elected the people who will be the representatives. Some of these people, quite frankly, have been promoting the legislation as part of their organization for a fair bit of time.

It makes one wonder whether the dollars spent promoting the bills that first nations do not want, would have been better spent making it available to the first nations to put in place what they want, not promoting what the government wants.

It is like a strange ad campaign where we have, in my view, the bad guys promoting their bad legislation using dollars that should be going to the first nations to do what they want to do. It has just been a strange process and, certainly from my perspective and from what I have seen, a very demoralizing process for first nations people across Canada. It is demoralizing because they were active participants in committee meetings throughout the country. They made presentations and objected to numerous bits of legislation but they were

totally ignored. Is it any wonder that first nations people do not feel they should vote? Apathy is the result. Why should they vote when nobody listens to them anyway?

I am saying today that the time has come for first nations people to be listened to. We should not be proceeding with any legislation whatsoever that does not have the support of first nations, not just individual first nation people but first nations as an individual body. First nations, such as the Opaskwayak Cree Nation. Each first nation and their representative bodies, the AFN and the AMC in the case of Manitoba, and their provincial bodies have objected to the legislation.

I ask each and every member in the House how many Canadians would accept this happening to them without their acceptance and agreement? It is totally wrong.

I would hope, as the legislation progresses through the House, that parliamentarians will respect the wishes of first nations and vote down the legislation and show some respect for the first nations of Canada.

\* \* \*

• (1615)

**BUSINESS OF THE HOUSE**

BILL S-21—FINANCIAL ADVISORS ASSOCIATION OF CANADA ACT

**Hon. Jim Peterson (Willowdale, Lib.):** Mr. Speaker, there have been further consultations and I believe you would now find there is unanimous consent for the following motion. I move:

That, notwithstanding any standing order, Bill S-21, an act to amalgamate the Canadian Association of Insurance and Financial Advisors and the Canadian Association of Financial Planners under the name The Financial Advisors Association of Canada be deemed adopted at all stages.

I again express my great thanks to members from all parties for their cooperation.

**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, bill read the second time, considered in committee, reported, concurred in, read the third time and passed)

\* \* \*

• (1620)

**FIRST NATIONS FISCAL AND STATISTICAL MANAGEMENT ACT**

The House resumed consideration of Bill C-19, an act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other acts, as reported (with amendment) from the committee, and of Motions Nos. 52 and 53.

**Mr. Charles Hubbard (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.):** Mr. Speaker, for the information of all, Bill C-19 deals with the first nations fiscal and statistical management act. It is a bill that would set up four commissions.

*Government Orders*

I know the hon. member was moving her motions but I took great exception to some of the points she made in her presentation. I would like to point out to the hon. members that we have more than 600 first nations across the country. I know in a democracy or in any given society, it is never possible to get unanimous consent from all people.

However I would like to point out that in terms of this particular piece of legislation we have had first nations communities and leaders working toward this legislation for more than 10 years. As members of the committee, we certainly heard from many of them who came to us, appealing to us to pass this legislation.

This is an optional piece of legislation. It is not mandated that all first nations have to work under this so-called piece of legislation. However it does provide the first nations communities, which want to develop their economy and improve the lot of their people, the opportunity to participate in the economy of all Canadians, whereby they can use their fiscal powers to develop a management system of dealing with finances, to be able to bring wealth to their people and offer their people an opportunity to participate in the economy of the country.

I am disappointed that some people in the House would like us to see all first nations people live under the Indian Act of 1876. The Prime Minister today in his remarks expressed his great concern for the lives, the welfare and the future that might be available to first nations people. As the parliamentary secretary to our minister, I want to assure the House that he has worked hard in bringing this legislation to the House because he has a vision of what might happen.

With it, I would hope that all of us can join together to support those first nation communities and leaders who want to see a better society developed for their people.

The motions we are dealing with, in terms of those the hon. member has brought to the House, deal with a very basic concept of how corporate society works. With it, we assume that the chiefs, the council, those who may have important decisions legislated by this particular legislation, will have the same protection in law that all people in Canada have in terms of working in good faith for the corporation and the society which they represent.

I would hope all members can support this legislation and can overlook the particular motion that I see as being outside the general concepts from which all Canadians can benefit in terms of taking responsibility, and with it, we can move on to get the legislation passed and to offer to those people across Canada, especially those in British Columbia and some in Nova Scotia, who are developing an economy for their people, who are offering their people an opportunity to participate in this great society that Canada has, and to get away from the old concepts that the House had back in the 1870s.

[*Translation*]

**Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ):** Mr. Speaker, thank you for allowing me to speak to the amendments to Bill C-19 proposed by my colleagues in the New Democratic Party.

I was very disappointed to see that, of all of the proposed amendments, you have only selected two for debate. It seemed to me

that while we were examining this bill—and a controversial one it is—we would have been able to revisit the debate on some of the truly problematic elements.

First, as we begin, I would like to point out that, contrary to what the hon. parliamentary secretary said a few moments ago, there is no unanimity on this bill, none at all. There are positive things, but there are so many negative ones. It was the minister's responsibility to convince the first nations that the positive elements could outweigh the negative ones in this bill, or else show some openness to substantive amendments. In fact, there are many problems in this bill. It has missed its mark.

A few weeks ago, I attended the special chiefs assembly, held by the Assembly of First Nations in Vancouver. This bill was the subject of a heated debate. Some of the first nations supported the bill because it might mean an improvement. Others, the vast majority in fact, rejected the bill. The results of the vote were clear. If my memory serves me, 103 first nations chiefs were opposed and 59 were in favour. When there is more opposition to a bill than support for it, it is because the minister did not do his job in several respects.

First, he tried to convince some first nations, the most developed ones, that this bill might have merit. He forgot about the others. He forgot that most of the 638 first nations in Canada are experiencing real problems on a daily basis, problems such as poverty, multiple addictions, the lack of management and development resources, and access to drinking water. These problems are major ones. Young aboriginals are also experiencing social problems.

Ten years ago, when the Liberals talked about improving the status of first nations, something should have been done. However, instead of talking about it, instead of proposing concrete measures, they chose to engage in petty politics, to try to convince some at the expense of others; in short, to divide and conquer. Now, the vast majority of the 638 first nations in Canada do not want this bill to pass.

They do not want it primarily because this bill is part of a trilogy. There was Bill C-6 on specific claims resolution. Then, there was Bill C-7. No one knows what happened to this bill or where it is. I hope it stays lost. Then there was Bill C-19. The minister himself appeared before the Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources to tell us that this was a complete package.

When he did present us with Bill C-7, it was the most odious bill possible for the first nations. He claimed to be replacing the odious Indian Act, which has been in place for 130 years. In the end, all that was accomplished was to retain the Indian Act, which treated the first nations like children, while adding on some elements of colonialism. This was not a good start to any demonstration of the virtues of the trilogy.

*Government Orders*

Then he turned up with Bill C-6. Yesterday, convinced of his inability to sell us on its validity, he imposed it on us. He is imposing upon the first nations the amendments proposed by the Senate on specific claims, which are now subject to a \$10 million ceiling, whereas they average out at \$18 million, judging from the situation in Saskatchewan in recent years.

• (1625)

He is using time allocation to shove this bill down our throats, once again thwarting the legitimate aspirations and ignoring the legitimate objections of the first nations. Here we are faced with Bill C-19, which is an attempt to push through something that no one will buy.

Why not focus the same amount of energy, courage, perseverance and political savvy on moving real things ahead? In the case of the first nations, this means speeding up negotiations on self-government. Enough of the apartheid mentality, enough of colonialism, let them speed up negotiations on self-government. That is the only way to ensure that the first nations can develop in keeping with what they are, what they want, and what they aspire to. Is that clear enough?

In order for a nation to develop, it must possess one main tool: government. The first nations have been calling for that government for ages. Their entitlement to it is recognized not just nationally but internationally. Even the United Nations have said that the first nations constituted nations. As nations, they therefore have the capacity to determine their own futures, to put in place their own government, to determine their own policies, their own way of doing things in accordance with their culture, their language and their traditions.

There still exists this paternalistic, colonial, condescending reflex. We thought this reflex had disappeared years ago with the elimination of apartheid in South Africa. We thought that was a thing of the past. Here we are with a bill that would still have us control the first nations.

The minister, in his quest to exercise control, is so driven that he forgets some things and says whatever comes to mind. On Tuesday, in response to questions I had asked him, he said, "We appointed the present national chief to the commission that exists today". They appointed the head of the taxation commission. The minister thinks he has such extraordinary powers that he told us, here in this House, just check Hansard, "The national chief himself was appointed by the government". He said that Phil Fontaine was appointed by the government. It takes a narrow-minded, power-hungry megalomaniac to think like that.

He is so power-hungry that in Bills C-6, C-7, and C-19, the Minister of Indian Affairs and Northern Development is vested with all the discretionary power. He can appoint the members of commissions or institutions, he can reject or accept first nations specific claims. He can also say to first nations, "You have decided one thing, I will decide another". He is so self-important he thinks this power is fully and completely his. He says, "I myself appointed the national chief of first nations". Who does this minister take himself for? He has been in politics for 14 years, and it is time that he left.

This man wreaks havoc. He has become a megalomaniac. Everyone knows that the chief of the first nations is elected by the chiefs of the 638 first nations. He is elected by his peers. Neither the government nor the minister has anything to do with it. He must be really full of himself.

• (1630)

[*English*]

**Mrs. Bev Desjarlais:** Mr. Speaker, I regret interrupting my colleague from the Bloc. We do not appear to have quorum in the House. On an issue of such great consequence for the first nations of this country, I would at least expect a quorum in the House.

*And the bells having rung:*

**The Deputy Speaker:** Resuming debate, the hon. member for Saint-Hyacinthe—Bagot.

[*Translation*]

**Mr. Yvan Loubier:** Mr. Speaker, I am taking advantage of the fact that the minister is here right now. I would like to ask him whether he is so arrogant as to think that he was the one who appointed Phil Fontaine to head the Assembly of First Nations.

He will not answer, naturally, because this was a blunder yesterday. He is so steeped in this power to decide the future of first nations, decide for them, decide what is good for them, decide their style of governance, decide that \$10 million is enough, even when the value of claims may exceed \$18 million.

There is a double standard with respect to first nations. In non-aboriginal society, one may claim any amount before the courts, but not in the first nations. The limit is set at \$10 million. This is how it is with every bill, including Bill C-19. We will oppose this bill with all our might.

**The Deputy Speaker:** Order please. 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 Terrebonne-Blainville, Harassment; and the hon. member for Dauphin—Swan River, Justice.

[*English*]

**Mr. John Duncan (Vancouver Island North, Canadian Alliance):** Mr. Speaker, I am happy to rise today and speak on Bill C-19, a very interesting first nations omnibus bill that deals with the creation of three financial institutions and a separate statistical institute.

Listening to some of the debate today has led me to a thought process which I would like to share before I get into my prepared notes. It deals with the tensions that currently exist between what I would say is the one size fits all approach of the Indian Act, which has been the historical way that the affairs of first nations in Canada have been dealt with for a long period of time, versus the whole trend of now moving toward an opting in or a situation where first nations either singly or as a group propose and become advocates for various other forms of management, administration and governance, all of the critical things that we think of in terms of legislation.

*Government Orders*

I believe that it is a fiction under this new scenario for us to think that a majority decision made by an organization like the Assembly of First Nations, for example, is binding on anyone. Membership of the 633 bands in Canada in the Assembly of First Nations is automatic, just because of the way it is created, the way it is funded and the way it operates.

So I think it is natural that these tensions now exist. They are going to continue to exist, but hopefully it will be a creative tension. I think we see some signs that it will be. For example, we are set to give unanimous consent in the House tomorrow, I believe, to the Westbank First Nations Self-Government Agreement, which was signed in Westbank, British Columbia, on October 3. I think it signals something very constructive for the House.

At the same time, all of that tension leads me to the conclusion, and it should be no surprise to anyone, that Bill C-19 would have its strong opponents and strong proponents. A significant contributor to all of this is that it is omnibus legislation. I do not think the government needed to do that. I do not think the minister needed to do that. I think it was a mistake. The politics of this bill could be so much simpler and so much more productive. I do not quite understand why it was done this way.

The thrust of the legislation is to empower subscribing bands across the country to join together to advance their economic situation. Before I get into the specifics of the bill, I think it is important that we frame the discussion from the standpoint of what we have in Canada as a consequence of the Constitution, the reserve system of land ownership and the Indian Act. It is the very worst of all circumstances for tens of thousands of aboriginal people who are growing up in a cycle of poverty and abuse that in many circumstances is as bad as anything we can find in the third world, and in the worst circumstances in the third world.

• (1635)

It is essential that Canada as a modern country think outside the box so we do not perpetuate that which has been going on for too long in too many places. Economic advancement cannot occur without social advancement and the reverse is also true.

The current system and the current apparatus of government caters to the defenders of the status quo, who benefit from the asymmetrical system we currently have. It is a system that on some reserves has allowed elected chiefs and councillors to use federal money to reward themselves and their friends through jobs, through pay and through perks, to consolidate their status to influence elections, to intimidate members of their community, and to perpetuate themselves in office. This is the basic premise that the government needs to operate on in order to fix the worst of what is happening.

The government must operate from the standpoint that democracy, transparency and accountability are not negotiable. The sad truth is that I have been a witness in this place for 10 years to this government continuing to allow these things to occur. These are my first concerns whenever I am faced with reviewing legislation. Is democracy being served? Is transparency being served? Is accountability being served?

My first important observation when it comes to Bill C-19 is that it applies only to those bands that subscribe to it. My reading of ideas

emanating from some of the most progressive bands in the country is that this is an essential direction in which we have to go, and I certainly concur.

The reason I concur is that when I look at the way the courts interpret transactions on reserve, the first consideration is always given to the Indian Act, which becomes the lowest common denominator and a very huge barrier to progress unless there is specific legislation in place that overrides the Indian Act for that specific band.

For example, a specific piece of legislation applies to the Sechelt band in British Columbia. It is so overwhelmingly different from the Indian Act that it is inappropriate and incorrect to call the Sechelt land base a reserve. The Sechelt band achieved fee simple ownership of their lands in 1985, lands that formerly were reserved for them and held by the Crown.

Like it is for so many other attempts at progress by first nations, the approach taken by the Department of Indian Affairs since 1985, which to me flies in the face of the great successes achieved by the Sechelt, has been to tell any other band seeking any similar treatment of their land base that there were to be no more Sechelts. One might ask why.

There is quite a bit more that I could say, but I am running out of time. I will conclude by saying that one part of this four-suite institution set-up, the first nations statistical institute, absolutely in its entirety has nothing to do with the other three. We could do without it. It is the most divisive part of the bill and should be hived off. It should never have resided in the legislation. It is a total duplication of what Statistics Canada is already carrying out. We would all be better off if we were not in the position of having to support this legislation as it stands.

• (1640)

[*Translation*]

**The Deputy Speaker:** The hon. member for Saint-Hyacinthe—Bagot, on a point of order.

**Mr. Yvan Loubier:** Mr. Speaker, I would call for a quorum count. I do not think we have quorum.

*And the count having been taken:*

• (1645)

**The Deputy Speaker:** We do not have quorum. Call in the members.

[*English*]

*And the bells having rung:*

**The Deputy Speaker:** I see a quorum.

Before I hand over the floor, I understand there have been some discussions between the members in terms of the rotation because I know it would be otherwise unusual to see a spokesperson from the same party back to back under the circumstances.

Just so everyone understands that following this, if someone from the Bloc Québécois should seek the floor after the member of the official opposition, that would be the case. Following that I would go to the hon. member from the Progressive Conservative Party, and so on.



*Government Orders*

The hon. member for Saskatoon—Wanuskewin.

**Mr. Maurice Vellacott (Saskatoon—Wanuskewin, Canadian Alliance):** Mr. Speaker, I want to reiterate right off the top that I could not agree more with my colleague who made a remark about how we could possibly make the case that the First Nations Statistical Institute should be part of Bill C-19, because it does not have a direct connect to other ones.

I do not know why we have omnibus bills, where we have things quite unrelated and not necessarily integral to one another. It diminishes this place some and is disrespectful. I wish we would have bills that we could consider individually and on their own merits as opposed to mixing apples and oranges and things that are somewhat unrelated. That is a problem.

Why we have the First Nations Statistical Institute as part of Bill C-19 is quite beyond me. It does not even reflect good management on the part of the department or on the part of the minister himself.

I will make my remarks around three different headings. Some of the motions under consideration are supportable.

My first point is the government needs to consult first nations communities in the making of appointments. We have come to accept that in respect to other pieces of legislation and bills, yet for some reason under Bill C-19 that appropriate kind of consultation would not take place.

Therefore, we have two good motions in respect to that. Motion No. 4 requires the minister to consult interested first nations prior to the appointment of a chairperson to the financial management board. In its present form the bill allows the minister to make a recommendation to the cabinet without any such consultation, and that is a mistake. It is disrespectful of first nations peoples, those who have so much at stake in the bill before us. That is a flaw and a misstep on the part of the government. Hopefully in future bills it will learn and rectify such a thing so the proper consultation takes place with the interested first nations persons, as suggested in Motion No. 4.

Another motion directs that when making other appointments to the board, the government should do the same thing: consult interested first nations before making recommendations to cabinet. Again, it makes my point around the general theme that the government needs to be consulting first nations communities in the making of their appointments.

Second, the government needs to make a point of building more transparency into the bill. As things presently stand concerning the board's making of rules of conduct for its meetings, nothing requires those rules to be published. We think that should be done.

Motion No. 7 would require these rules to be published in the *First Nations Gazette*. At present, no such publication is required. It should be there on the surface for all to see, a public document in the nature of the *First Nations Gazette*. It is a commendable amendment by the member. Therefore, Motion No. 7 is certainly supportable from the Canadian Alliance's point of view.

Motion 34 would require that the authority's annual report be tabled in the House of Commons. At present, the bill makes no such requirement. Again, we could have a little more transparency. I

appeal to the parliamentary secretary and others who are listening. That makes simple sense and it could be enacted rather easily, and maybe even at this late hour. There could be some heeding in respect to Motion 34.

In addition to my first two points that the government needs to consult first nations communities in the making of appointments and needs to build more transparency into the bill by way of the having rules for conduct of meetings being published in the *First Nations Gazette*, a public document for all to see, an annual report should be tabled in the House of Commons. Presently, things do not read that way.

My third point is the government, from the Canadian Alliance perspective, needs to be clear on the rights and responsibilities of member first nations.

• (1650)

Motion No. 23 is also an important amendment. The bill in its present form would force a band to remain a member unless all other members agreed to allow its membership to cease. The amendment specifies that as long as the first nation has paid off its debt to the authority it can cease to be a member of its own volition and does not need the permission of the other members.

We debated that in committee and had some discussions around that. Why should one band have a veto power and hold another band hostage after it has paid off its debt to the authority? We have a problem with that.

We simply say that Motion No. 23 is supportable. If the first nation has paid off its debt to the authority, it should be able to cease to be a member of its own volition and not need the permission of other members. Why should one band have veto power to keep another band hostage, keep it bound, keep it constrained indefinitely and not allow it out of the particular institution?

Motion No. 24 reinforces the point that the government needs to be clearer on the rights and the responsibilities of member first nations. I would hope the minister and others who have listened attentively today would be supportive of Motion No. 24, which clarifies the obligations of the borrowing member first nation.

At present the bill states that the band must pay off its loan to the authority before making payments to any other creditors. The amendment would change this. It would require the band to first pay off creditors, other than the authorities, if those debts were incurred earlier than debts to the authority were incurred. That makes sense.

If a first nation has incurred a debt at some point earlier and then comes into the authority, why does that other debt repayment not have first call? Why would the first payment go to the authority and the others would get second dibs on whatever money would be owed to them?

*Government Orders*

Again, Motions Nos. 23 and 24 would allow the proper flexibility on the rights and responsibilities of member first nations. They are certainly ones that the Canadian Alliance supports. I would say to the minister and the parliamentary secretary that these are reasonable, sane and are not that difficult to implement. I cannot see that they would even cause a great problem for the department. Maybe there is a way they can segue them in, even in respect of those bigger amendments.

In total, Motions Nos. 4, 5, 7, 34, 23 and 24 are very supportable by the Canadian Alliance and we would like to see those adopted as part of Bill C-19.

[*Translation*]

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, as I always do, I will begin by greeting my aboriginal friends. I want to thank them particularly for the wonderful experiences I have had with them. Yesterday, in the context of a different bill, I mentioned a number of places in Canada where I went to visit native communities. I told a few stories.

Today I would like to reflect on some other unforgettable experiences. Among other things, my native friends have often invited me to participate in their spiritual ceremonies where tobacco is burned and the participants wave the smoke about themselves.

I have always found that they have a profound respect for the Creator. The way they extend their culture to include us, the white people, is very interesting and something I had never seen before.

I see the hon. member for Saint-Hyacinthe—Bagot with his eagle feather. Yes, they often use the wings or feathers of a bird to wave the purifying vapours about themselves. In my opinion they have a true openness of spirit to allow white people like ourselves to take part in these ceremonies.

As for languages, perhaps the people of Quebec are in a better position than anyone else to understand the importance of defending one's language. After all, we have a critical mass of 7 million Quebecers, most of whom speak French. But what we see when we look at the state of aboriginal languages in Canada today is a complete disgrace. Some languages are actually dying. There are perhaps some 40 languages that are still alive. It would be a loss for their heritage if nothing were done to save these languages, which are very beautiful languages. To my ear they have a musical quality, rather like French. I recognize certain intonations. It is interesting that the native peoples share these with us.

There was a time when I used to end my speeches in the language of the nation that was affected by the bill. You will have to excuse me today, because I did not have time to prepare anything. In any case, the bill before the House today affects all the first nations and I could not have spoken in 40 languages.

I would also like to thank them for native cooking. They are very welcoming people. I had the pleasure of eating—and I am not timid about such things—pretty much every kind of food.

I ate whale, seal, bison, beaver, bear, moose, deer, caribou, nearly all species of fish and, of course, Arctic char, which is very tasty.

These aboriginal dishes are truly exceptional. I want to thank them for having shared all of those very new and different things with us.

There are also sentencing circles. Often, judges travel to isolated communities. Before the sentence is pronounced, the judge will tell the community, "Please get together and tell me what sentence I should hand down". Sentencing circles are often used. In my opinion, this approach better includes the community. Once again, this is distinct to aboriginal communities. The judge could ignore their recommendation and apply the white man's law in delivering his sentence. However, those who are a bit more open-minded consult the community before handing down their sentence.

The bill before the House today is directly in keeping with what I spoke out against yesterday. The Minister of Indian Affairs and Northern Development is telling aboriginals, "I know what is good for you and I am going to give it to you. This is what you will do from now on".

The same thing was true yesterday with regard to the specific claims commission. In fact, this bill will give the minister the authority to appoint each member of the commission. He will choose them. Not even the aboriginal community will not have a say. They could end up being a bunch of Liberal supporters, like the immigration board. It is absolutely incredible that the minister is going to make this decision on his own.

This was all here before the Europeans arrived. They took over and did things their way. They told those who were there before them, "We have your interests at heart".

**An hon. member:** And then they said, "Sign them over".

**Mr. Claude Bachand:** They said, "Sign them over, and we will send you to reserves". Since then, nothing has gone well on the reserves and negotiations have never gone well because of this paternalistic attitude that says, "I am the Minister of Indian Affairs and Northern Development. Here is how I am going to legislate on your behalf".

After intense discussions and consultations, the almost unanimous response of those suffering this indignity is, in the majority of cases, "That is not what we need. That is not what we want".

● (1655)

The minister is a little like what the Erasmus-Dussault commission described as the Indian agent of modern times. In the past, the federal government would send money to its white representative on the reserve, the Indian agent, who was responsible for handing it out. He also had the final say about whatever went on on the reserve.

If someone said, "I have three cows and I would like to have a fourth", he had to ask the Indian agent for permission. If he said, "I have a hectare of wheat and I would like to farm twice as much", he had to get permission from the Indian agent. This was true for everything. If someone wanted to move a tent, he had to get permission from the Indian agent. The Indian agent decided how people should behave. He had his favourites and others he liked less. Those who stood up to him were ignored and those who ingratiated themselves with the agent received slightly better treatment.

*Government Orders*

What is happening now? It is the same thing and the same domineering attitude. The Minister of Indian Affairs and Northern Development decides everything. You will say that times have changed, but if an aboriginal wants to add an extension to his house today, I wonder if he does not have to get permission from the department. I do not know whether he would go directly to the minister, because the minister might not have the time to deal with his request.

I hope the minister does not submit this to the governor in council, but if he makes the decision himself, then nothing has changed. Imagine, aboriginals want to keep the Indian Act as a last resort. This empowers the minister and gives rise to bills like the one before us, which perpetuates the tradition of persecution and lack of respect.

In Quebec, I said this yesterday and I will say it again, I think we see things differently. Yesterday, I gave the example of the Cree. That is how negotiations ought to be conducted. The Erasmus-Dussault commission cost the Canadian taxpayers \$58 million.

When in a jam, what do the minister and the government do as soon as the Indians start making themselves heard? The call a royal inquiry. This puts the problem off for another five years. What do they do with the inquiry report? They quickly put it on a shelf to gather dust.

This explains why nothing has changed and nothing will change with the bill we are debating. The minister is not listening to the aboriginal people, he is dictating to them. That is contrary to the negotiating philosophy of Quebec, which negotiates nation to nation. That is how this government should be negotiating.

Each nation has its own characteristics, just as Quebec has its own characteristics, which make it completely distinct from Canada. Aboriginal nations are called nations for a reason. They too have their specificity. When bills are introduced and imposed from coast to coast to coast, it does not work. There are people who disagree and say that the matter should be negotiated within their nation.

The government knows that. It sometimes deals directly with the communities to negotiate a model at the lowest level possible and then apply it to everyone else.

I condemn the attitude of the Minister of Indian Affairs and Northern Development. I think that what he has been doing for the past decade is unfair. If there is an area where there has been injustice, a great deal of it and the worst kind, it is aboriginal issues.

Today, the Minister of Veterans Affairs recognized all widows. It was unfair not to. However, it is even worse in aboriginal issues, because the first nations are not recognized as full-fledged nations, capable of having a future and of determining their future themselves.

It should not come as a surprise to hear me say that Quebeckers are on the side of the first nations and that we will therefore oppose this bill by the Minister of Indian Affairs and Northern Development.

• (1700)

[English]

**Mr. Inky Mark (Dauphin—Swan River, PC):** Mr. Speaker, it is a pleasure to take part in the debate on Bill C-19.

I wish to thank the member for Perth—Middlesex for his work in the aboriginal affairs committee. Having been a former member of the committee, I do have a few things to say. My riding of Dauphin—Swan River has 13 bands and a significant population base of aboriginal Canadians.

It was mentioned earlier that it is so unfortunate that on a day when we pay tribute to the Prime Minister, his biggest failure in 40 years of public life is on the aboriginal affairs file. I know that he always had good intentions in terms of helping the aboriginal community, but unfortunately, the process is fatally flawed. I could say the same thing about our current minister. I am sure the minister is well intentioned to help people, but the problem is that the system does not work.

Having been a former critic for the PC Party going back almost two years, Bill C-19 was already on the Internet. Members of the committee and members of the aboriginal community did not know anything about it. It is a good example of the flawed communication process. We cannot force or expect people to do things unless they sit down at the table and discuss issues.

Bill C-7 is about governance. The change of governance for the aboriginal community which supposedly was to work toward self-government just did not work out. It was well-intentioned. The topic made sense, but the process was flawed.

The aboriginal community opposed Bill C-7, even though there are many good things in it. It is about setting up governance vehicles and making people accountable.

Unfortunately, unless the stakeholders are there, the people who this bill is going to affect, they are not going to buy into it. No more than if the federal government decided that all of a sudden it would dictate how municipalities should operate. People at the grassroots level would not take it sitting down because they want input.

In fact, that is one of the weaknesses of the government as we have heard in this House. Cooperative federalism in terms of relationships between the provinces and this place can certainly be improved. We know there can be huge improvements in terms of the relationship between the federal government and the aboriginal community. It is a terrible relationship which is so unfortunate. We go from a national chief to a national chief. It is poor planning and in no way does it deal with people.

We spend a great deal of money on this file, over \$7 billion, and yet people still live in third world conditions. It just does not make any sense. Aboriginal communities and aboriginal people of this land are living in third world conditions.

In a rich country like this where everyone in the world wants to come to Canada because of the opportunities here, our first nations communities are living in squalor in many places. I have 13 reserves and many of them do not have running water. They have probably 10 to 12 people living in one house. It is just pathetic how the majority of people live.

Unfortunately, because of the lack of accountability, there is no accounting for how the money is spent. Again, I blame the federal government.

*Government Orders*

•(1705)

The Indian Act seems to have the attitude that father knows best. It is just as the Bloc member said. They are just like modern Indian agents; they decide how the money is spent and to whom they should give the money. I guess the band councils learned from their masters at this level about rampant spending and not having to account to anyone. It is very frustrating. It is frustrating for the people who live on reserves. They do not know what to do.

I have many contacts with the people who are on reservations in my riding. I forward them on to the minister and I am not even sure what happens, even on the issue of third party debt. There are millions and millions of dollars of third party debt incurred by what I say is the federal government but the minister said it is not his debt, that it is the bands' debt. Unfortunately someone gets hurt and it is usually the third party. There is no fairness in this.

The biggest irony is that this country believes in democracy and human rights. We travel all over the world promoting democracy, transparency and accountability. I met with Mr. Roy of the International Centre for Human Rights and Democratic Development which was established in 1988.

We do this yet at home we do not look at what we are doing in our own backyard. One would think that in 2003 as rational people in this place we would try to figure out a solution. After a contribution of 40 years to the country by the Prime Minister, surely it is time to sit down and work this out so that the aboriginal communities, the first nations of our land, have an opportunity to grow and to create wealth like other Canadians. Otherwise we are not going to go anywhere.

We have heard about the self-government initiative. It is not going to happen. It is not going to work as long as the Indian Act is in place. The Indian Act is a millstone around the first people's necks. The only way to have true autonomy and self-sufficiency is to let people manage their own affairs.

We are a country of regions. We are a country of first nations, distinct francophones and distinct anglophones. The strength of the country is that we have many differences and many regions. They can all learn to work together, not only the east, the west and the centre but also the north.

The government has a lot to learn. I will close by saying it is so unfortunate on the day we have been praising the Prime Minister for his contribution to the country that a file in which he has great interest is a total failure.

•(1710)

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, it should be noted that we are debating a group of amendments at report stage of Bill C-19, but 54 out of 56 amendments put forward by the NDP have been disallowed and will not have the benefit of debate. We will not have the opportunity to re-craft the bill with language more acceptable to first nations on whose behalf we speak today. We were hoping the minister would stay and listen to our arguments because he did not listen to first nations in crafting this legislation.

I can say categorically that first nations across this country oppose Bill C-19 just as they oppose the rest of the minister's suite of bills, Bill C-7, Bill C-6 and Bill C-19. They viewed it as the reincarnation of the 1969 white paper which is something with which the current Prime Minister is very familiar.

We are debating two amendments to a bill that we in the NDP fundamentally oppose and that is the least crucial point. First nations oppose the bill as well.

I have in my hand a letter dated October 31, 2003 from the national chief of the Assembly of First Nations. He is prepared to admit and concede and put on the record that he too opposes Bill C-19 on behalf of first nations across the country. I will read it because it is important. To hear the minister and the parliamentary secretary tell it, the Assembly of First Nations wants the bill but we and a few first nations are somehow blocking it.

I would like to read from this recent letter from the legitimately elected leadership of first nations. He said simply:

As many of you know, an AFN Special Assembly was held in October at Squamish First Nation.

I was there, as was the member for Saint-Hyacinthe—Bagot. During that meeting, a resolution was put forward concerning the AFN's position on Bill C-6, Bill C-7 and Bill C-19. The resolution which the chief endorsed called for the rejection of Bill C-7, the rejection of Bill C-6, but proposed to support Bill C-19. I quote:

The resolution failed to receive support from the Chiefs.

In other words, the chiefs voted down support for Bill C-19. I want to be perfectly accurate here because this is critically important. The letter continues on:

We must, as an organization, remember that unity is often best measured.... And while we do not support Bill C-6, Bill C-7, and Bill C-19, the AFN's view respects and gives dignity to those First Nations who disagree.

Fair enough. It is as clear as the writing on the page that the Assembly of First Nations oppose it. Therefore it is the height of colonial style arrogance for the Minister of Indian Affairs, in the last days of his being the Minister of Indian Affairs, to shove the bill down the throats of aboriginal people. We have seen this consistent pattern with Bill C-7, Bill C-6 and now with Bill C-19.

Will those members never learn? Will they never listen to first nations people across this country who have said categorically and unanimously that they oppose this suite of legislation? They are offended and insulted by the manner in which it has been rammed down their throats without consultation. They reject it and we in the House of Commons should reject it as well.

I have been denied the right to move 54 significant amendments which were drafted not by me and my researchers, but were drafted by people in the Assembly of First Nations. Leadership in the aboriginal community fed us material. They provided us with changes that they found acceptable. We are not even going to get to debate those amendments.

*Government Orders*

•(1715)

I regret that this will probably be the last time I will have a chance to share my thoughts with the House on this very flawed bill. In the few minutes that I have, I want to pay tribute to the courageous leaders in first nations communities who have dedicated months and months, actually years now, standing up for their rights and opposing the strategy of the Liberal government.

I have to begin with Chief Roberta Jamieson of the Six Nations of the Grand River. She has tirelessly led a campaign to coerce the government into respecting aboriginal and treaty rights and to bypass this flawed package. Also, the vice-chief for Ontario for the Assembly of First Nations, Charles Fox, representing all of the first nations in Ontario, is vehemently opposed to this bill. The vice-chief for the Assembly of First Nations for Quebec, Ghislain Picard, is vehemently opposed to this legislation and has said so categorically in print and verbally.

The vice-chief of the Assembly of First Nations for Manitoba, Grand Chief Francis Flett, is opposed. The grand chief of the Assembly of Manitoba Chiefs, Dennis Whitebird, is opposed. The grand chief for the Southern Chiefs Organization, Margaret Swan, is opposed. Stewart Phillip, the grand chief of the Union of British Columbia Indian Chiefs is opposed. Stan Beardy from the Nishnawbe Aski nation in northern Ontario is also opposed. Leon Jourdain represents the treaty 3 people in the minister's own riding, the 54 first nations in the minister's own riding. They are unanimously opposed. They do not want it.

What is so difficult to understand? Where do the Liberals get off being so arrogant in thinking that without consultation, without cooperation and without the participation of first nations they are going to fundamentally change the way the first nations are supposed to govern themselves? It is the very antithesis of self-governance to impose government structures on a free, independent and sovereign people. It makes me mad just thinking about it.

I attended the Assembly of First Nations national assembly in October and the Squamish first nation of British Columbia and I saw the debate. There are, legitimately, first nations leaders from British Columbia who support Bill C-19 which is fair enough. However there is nothing stopping them from moving forward with the issues we find in this bill without national legislation because of the 633 first nations, the majority of which are overwhelmingly opposed.

I also would be remiss if I did not mention the courageous battle and the energetic, enthusiastic actions of my colleague, mon frère autochtone, my brother in aboriginal issues, the member for Saint-Hyacinthe—Bagot.

Both of us had the honour of being recognized by the Assembly of First Nations for the positions we have taken on this bill. Both of us were given spiritual names, which is an honour that I will never forget and an honour that I will value all of my life. I could not have been more proud if I had received the Order of Canada when we were brought before the Assembly of First Nations and thanked.

We were told it is a rare thing when non-aboriginal people actually get it for a second, actually understand the issue of sovereignty and self-governance and the inherent rights of a people to be independent and sovereign. My colleague from Saint-Hyacinthe—Bagot has no

problem with that concept. I learned that concept more recently perhaps. We were both very honoured and very proud to work hand in hand with the people in the Assembly of First Nations.

I also want to recognize some of the elders, the clan mothers of the Oneida, the Cayuga, the Mohawk and Six Nations who came out night after night to represent the interests of their people. They reminded us that frankly the eurocentric view of the government does not honour and respect tradition, culture and heritage. The clan mothers reminded us that we must think seven generations back and seven generations forward before we introduce this kind of change. My thanks go to them. They have my never-ending respect for the work they have done in their representations.

We should defeat this bill in its entirety. We should go back to the drawing board. We should work with respect and cooperation to craft self-governance legislation, as the emancipation of aboriginal people is the civil rights challenge of our time.

•(1720)

[*Translation*]

**Ms. Pauline Picard (Drummond, BQ):** Mr. Speaker, I must say that it is with great emotion that I rise to speak in this debate on the amendments to Bill C-19.

When I arrived here in 1993, my leader gave me the role of health critic. At that time, we were the official opposition. The health committee recommended doing a study of the health and welfare of the native peoples.

I was really shocked and I could hardly believe what was going on in some communities and among the native peoples of this vast country of Canada. One thing really astonished me, and that was what the chiefs of the first nations came to tell us in the committee. They warned the government and the committee that this was the last time they were going to be studied. Every time there was a change of government, everyone got very busy telling the native peoples they were going to help them, support them, and improve their quality of life.

At that time, I accepted the government's intentions in good faith. Of course, I was in the opposition. I also was one of the first to agree to the native peoples' demands and say that we should make things happen and not leave the report on the shelf to gather dust.

That was a warning. The first nations, and the women in particular, came to tell us that for hundreds of years people had always promised them the same thing. They had been parked on the reserves. Then, we acknowledged their existence, but dragged things out. They were made wards of the state and told that the state would take care of them. However, taking care of them did not mean just sending them cheques. First, why keep them as wards when they are acknowledged as the first nations and as a people? Why do we always want to make decisions for the native people when we recognize their autonomy? Why is there still this hand pulling the strings?

**Ms. Jocelyne Girard-Bujold:** As if they were marionettes.

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**Mrs. Pauline Picard:** As if they were marionettes, as my hon. colleague from Jonquière says. These are people who have the right to be fully recognized. If we recognize them, we should give them their financial independence, gave them the means to develop and to improve their quality of life.

When the committee decided to visit particular communities in 1993, the focus was always on the health and well-being of aboriginal children. It is shocking to see children so poor. It is truly alarming. It moves you to tears.

If the children are poor, it is because their parents are poor. The parents are not neglecting their kids. They want to feed them and encourage them to go to school too. However, they have nothing, not even plumbing or toilets. They live in hovels. There is nothing, not even a school.

Nothing is being done about this and the first nations are told that their peoples have been recognized. The rest of the world says we treat our aboriginals well. In reality, this is not true. We have been studying these issues and promising all kinds of things for years.

• (1725)

In 1983, a special parliamentary committee on aboriginal self-government tabled a report. In 1988, with Bill C-15, another point of view took hold. There were other initiatives in 1991, 1992 and 1993.

In the meantime, the Standing Committee on Health, the Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources and the Standing Committee on the Environment and Sustainable Development carried out studies. We bothered these people; we said, "Come see us, look how we are taking care of you, we need to hear from you".

One or two years later, a bill gets passed by the House, then the report gets shelved. It gets covered in a good inch of dust, and then everything starts all over again.

**Mr. Yvan Loubier:** It starts all over and nothing is settled.

**Ms. Pauline Picard:** Nothing is settled, as my colleague from Saint-Hyacinthe—Bagot said. Enough is enough, I say.

There is something else I do not understand. We considered Bills C-6, C-7 and C-19. No one wants them. How is it that my government colleagues and the Minister of Indian Affairs and Northern Development do not understand this? None of the aboriginals want this. How can that be? Who can answer my question?

Bill C-19 was drafted for the well-being of the first nations, but even they are saying that it does not make sense, that it is demeaning and still places them under trusteeship. Why is the government and its minister insisting on shoving this down their throats? There is a limit. When is this going to end?

I will list the primary reasons people do not want Bill C-19. It is part of a long line of measures to modernize the Indian Act, with Bills C-6 and C-7 before it. As I mentioned earlier, there is a consensus among the first nations for first nations taxation reform.

There are, nonetheless, some good points in this bill. But it was created for rich first nations from western Canada and does not meet

the glaring needs of most communities. The voluntary aspect of the bill raises many questions. If a first nation does not sign on, will it be able to receive subsidies from Ottawa for its development or does it have to sign on in order to be able to borrow from financial institutions? By the same token, Bill C-19 allows the federal government to free itself from its fiduciary responsibility to first nations.

Although the minister said that the bill does not affect section 35 of the Constitution, we had to fight to have a non-derogation clause included in each bill.

Bill C-19 is an attack on historical treaties and a threat to the inherent right to self-government provided for under section 35. The bill was drafted without consultation or consent, and based on a flawed process. Therein lies the problem. It was done without consultation or consent. And we are told this is for the well-being of first nations.

I will stop here because I am out of time, but rest assured, we will vote against this bill.

• (1730)

**Ms. Marlene Catterall (Ottawa West—Nepean, Lib.):** Mr. Speaker, on a point of order, though I am hesitant to interrupt the flow of debate.

[*English*]

Discussions have taken place between all parties and I believe you would find unanimous consent that notwithstanding today's ministerial statement, government orders shall end at 6:30 p.m.

**The Deputy Speaker:** Is it agreed?

**Some hon. members:** Agreed.

**Ms. Nancy Karetak-Lindell (Nunavut, Lib.):** Mr. Speaker, I rise to address the House on third reading of Bill C-19, the first nations fiscal and statistical management act.

It has been suggested that the proposed first nations fiscal and statistical management act would have the effect of isolating first nations from the mainstream of Canadian society. Nothing could be further from the truth.

This initiative would help break a legacy of isolation and the economic marginalization, dependency and social ills that the Indian Act has bred. Bill C-19 is a first nations led initiative. It is led by first nations who seek a brighter future as full participants in the Canadian economy.

In part, this means building new relationships with Canadian and international bond underwriters, credit raters, potential investors, business partners, federal and provincial statistical agencies, neighbouring communities, accounting societies and so on.

In fact, consultation on the bill has already done much to open lines of communication where none existed. Let me highlight that Bill C-19 would help first nations build these new relationships by creating the legal and institutional framework by which first nations could work directly with many interests.

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A few examples will help illustrate the importance of the bill. The members of the Canadian Energy Pipeline Association comprise the largest single real property taxpayer in Canada. In its letter of February 11, 2002, to the chairman of the Indian Taxation Advisory Board, CEPA expressed its view that the proposed legislation “will ensure consistent, fair and predictable approaches to valuation and taxation across Canada on first nations lands”.

The board went on to express its thanks “for the opportunity to assist in the development of this new institution through our discussions and input”.

Similarly, in an e-mail of May 16, 2003, to all its members, the executive of the Canadian Property Tax Association stated:

We strongly believe working with the (proposed) First Nations Tax Commission is a continuation of the good relationship we have developed in the past with the Indian Taxation Advisory Board.

Both CEPA and CPTA are important Canadian institutions with significant interest and expertise in the real property taxation field. They attest to the positive relationships that have been built with the Indian Taxation Advisory Board and other first nations proponents of Bill C-19 and express their support for the direction being taken.

Bill C-19 would help strengthen first nations real property tax system in order to support the sustained development of first nations communities. This is being done in a way that is harmonized with the varying real property tax systems which exist across the provinces.

This harmonization helps strengthen existing relationships and provides a foundation for building new ones. As expressed in his letter of November 27 to the Prime Minister, Mayor Colin Kinsley of the City of Prince George noted:

...this model will allow First Nations to partner with local governments on joint services initiatives, like sewer and water projects, thus benefiting all communities involved.

• (1735)

Likewise as expressed in his November 25 letter to the Prime Minister, Mr. Ron Jamieson, Senior Vice-President for Aboriginal Banking at the Bank of Montreal noted:

By providing the capital for infrastructure, through the issuance of First Nations Bonds...the (proposed) First Nations Finance Authority will assist in opening the door to economic development on-reserve. This will provide new opportunities for the traditional financial institutions to support these development initiatives.

Both Mayor Kinsley and Mr. Jamieson are speaking about respectful and cooperative arrangements with first nations. These arrangements would be based upon mutual economic interests. Bill C-19 would lay the legal and institutional framework to support such cooperative efforts.

I might note further that the development of the proposed first nations finance authority is itself a model of federal, provincial, industrial and first nations cooperation. The first nations institution is being developed with support from the very successful Municipal Finance Authority of B.C.

The MFA of B.C. was created by provincial statute about 30 years ago. It allows the more than 180 community governments in B.C. to organize their borrowing in a way that has earned them, collectively,

an enviable triple A credit rating. No local government working in isolation could come close to earning such a strong credit rating.

Under this bond financing regime, each community can use up to 20% of its local real property tax base as collateral for borrowing. These bonds have finance the roads, water and sanitation systems, and public facilities required to support economic activity and improve the quality of life.

By contrast, first nations governments have no such access to bond or financial markets due to the existing legislative vacuum. They thus face extraordinary high transaction costs and crippling interest rates. A tax dollar generated on first nations land buys roughly 30% to 50% less in capital financing. It can also take four to six times longer for first nations to organize such borrowing transactions. This is often too long to hold the interest of private developers.

What does this mean to first nations governments? It means they are isolated. They are not positioned to work with private developers and business partners. It means they cannot compete. Why is this so? It is simply because first nations lack the legal and institutional framework of other governments, a barrier that Bill C-19 would remove. For example, it would give first nations the capacity to borrow much like local governments in B.C.

I would also like to highlight that this borrowing regime is not based on the use of federal loan guarantees or the use of federal transfer payments as collateral. Rather, first nations would use their own long term stable sources of revenue, like real property tax for collateral for such borrowing.

On one hand, concern has been expressed that in giving first nations access to tools used by municipalities, Bill C-19 would be turning first nations into municipalities. This is simply false and incorrect.

On the other hand, it has been argued that as Bill C-19 would give first nations the tools used by other governments, it must be creating a separate parallel society. This again is false and incorrect.

The facts are that Bill C-19 is first and foremost about giving first nations the tools available to other governments. It is not about municipalization and assimilation nor about creating a separate parallel society.

Bill C-19 is a unique piece of legislation created with and for first nations people. It in no way diminishes the constitutionally protected rights of aboriginal people. Rather, it helps first nations exercise these rights. It aims to create equality of opportunity for first nations people within the Canadian constitutional framework.

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As a final example, I would note that Bill C-19 would also help equip first nations to work with the federal government in resolving important policy issues.

● (1740)

The proposed first nations statistical institute would assist first nations people in defining the issues that they collectively face and bring to bear the type of information and analysis needed to better address these problems. This institute would draw heavily upon the data held by Statistics Canada and federal departments and at the same time have influence over future data collected. Bill C-19 is directed at building this type of cooperative and respectful relationship.

Bill C-19 would create a legal framework by which first nations could work directly and more effectively with the private sector and other governments. In so doing, it would provide the tools to build a better quality of life through cooperative action and sustained regional growth.

[*Translation*]

**Mr. Marcel Gagnon (Champlain, BQ):** Madam Speaker, again today we are having an emotional debate. Having listened to the members for Saint-Hyacinthe—Bagot, Drummond and Saint-Jean, I realize how true my feelings are, and how much they are shared by others.

The government is acting the way it always has. As a superior being telling others what to do and how to do it, rather than allowing the first nations to develop according to their potential, their interests and their abilities.

These are recognized peoples. Why are we always so paternalistic? Why not let them develop at their own speed and according to their own abilities? We have heard the comments on Bill C-6 on first nations specific claims, and C-7, and now on C-19. The first nations are on the verge of announcing that enough is enough, and of demanding the powers they need.

Not long ago, I and my colleague from Saint-Hyacinthe—Bagot had the opportunity to visit the Attikamek of Weymontachie. I was amazed at these brave people, who have done wonders despite being blocked at every turn.

I found it fantastic to see this community of 1,150 had managed to preserve its language and was teaching its children Attikamek up to grade three. This community is perfectly bilingual; both French and Attikamek are spoken.

We can learn something from this people, with their amazing will to survive. We cannot help but be amazed at their determination and their abilities.

The member for Saint-Hyacinthe—Bagot shared my amazement when they told us that there are six seasons when you get 100 km north of La Tuque. The way they explain the different seasons is really extraordinary and well worth the trip just from the cultural point of view. The Attikamek have a very logical explanation for their six seasons.

The member for Saint-Jean has referred to his unforgettable memories of trips to aboriginal lands, and I can say the same.

What is regrettable is witnessing how hampered they are in their development, when that development would enrich all of society. It is not true that we stand to lose when we allow others to grow. The same applies to Canada as a whole. The day that Quebec can reach its full potential on its own, everyone will stand to gain. I am certain that if I develop my personal potential to the fullest, others gain something from it.

I am reading a book about this on that period. We took their land, yet the first nations saved us. Learning about history makes us realize to what extent we owe them our being here. It is painful to see them constantly being put down and told how and what to do, when we have so much to learn from them.

Forty years ago, I was coming back from La Tuque, where I was a manager for a company. I gave a ride to a hitchhiker, a man between 25 and 30, who looked pretty demoralized. I asked him what was wrong.

● (1745)

He said, "I have left my country". I asked him where his country was. "It was located north and west from La Tuque, near Gagnon Lake. Our people lived there", he said, and he added, "We had our customs, our language, our culture". He went on to say, "I buried my father yesterday. He was the last one. He wanted to be buried with his ancestors. But I am leaving because our country is gone".

That day, I told myself I did not know what I would have done in his place. I was the white man who had not allowed him to develop, while he had as much right as I did to do so, and his people and language had enriched my life.

I asked him if he resented me. His answer was, "Why would I? What I have lost is lost forever". That is right. When we manage to pass legislation here that allows these people to survive, they enrich us at the same time as they enrich themselves.

When I was in Weymontachie with my colleague from Saint-Hyacinthe—Bagot, we learned that, in the early summer, one young person a week, for three weeks in a row, had committed suicide.

● (1750)

**Mr. Yvan Loubier:** They were young women.

**Mr. Marcel Gagnon:** They were young women and we could just not accept that. We were shocked. We asked them, "What can we do to help you?" And what they said to us was, "Let us live. Let us flourish. Let us share this country, which was ours before you came, in our own way".

I share my colleagues' opinion that we Quebeckers behave better towards the Amerindians, the first nations.

I would never agree to a law that still told them what to do. "Under certain conditions, we can help you, but you will always be at our mercy, you will always be minors with relation to us". That is demoralizing and humiliating. I understand why these people are doing all they can to try to tell us, "Oppose this bill".

I repeat what was said earlier: we have had Bill C-6, C-7, C-19, enough is enough. We have had enough of pushing around people who have a right to live, who have a right to all they possess, and who have the right to develop in their own way.



Once again, I am probably wasting my breath, because the majority is over there and the bill will pass. Still, we will have the pleasure of saying that we did our duty, that we said what we had to say, and that we have tried to speak up for the people who have asked for our help.

As for the communities in my riding, unfortunately, I do not have an opportunity to see them very often, because they are far away and the riding is large. Still, if I can help them develop in their own way, I will do what I can.

[English]

**Ms. Wendy Lill (Dartmouth, NDP):** Madam Speaker, I am pleased to speak tonight to the amendments to Bill C-19 at this stage of the proceedings.

The current fiscal relationship between first nations and the federal government is still much like that of a parent and child: that is the heritage of colonialism.

The development of a new fiscal relationship between first nations and Canada has been an ongoing subject of discussion. In 1983, the report of the House of Commons Special Committee on Indian Self-Government, the Penner report, agreed that this kind of fiscal relationship was not appropriate for governments relating to governments. It recommended the restructuring of fiscal relationships between Canada and first nations, as did the final report of the 1996 Royal Commission on Aboriginal Peoples, the RCAP report.

As well, the move to restructure fiscal relationships for first nations has remained part of a broader movement toward aboriginal self-government.

All that leads us to Bill C-19, which has been presented under the banner of a new fiscal relationship.

Unfortunately, Bill C-19 falls far short of that mark. It leaves in place the current relationship and suggests that first nations should start meeting their own needs by taxation and selling bonds to raise money for critically needed infrastructure.

Bill C-19 cannot distract us from the real needs of the first nations people.

The institutions proposed by Bill C-19 are not the problem. The problem is that they are being established by legislation rather than by the inherent right of self-government of any first nation that wants to be involved, but it cannot be a substitute for real change in the fiscal relationship, for real political autonomy, for real self-government.

The NDP is vehemently opposed to Bill C-19 because the Assembly of First Nations is against Bill C-19. I cannot in fair conscience impose on the first nations people something they do not want, and neither can my colleagues.

The AFN states that proposed legislation violates the historic nation to nation relationship, infringes upon aboriginal and treaty rights, and is otherwise so flawed that it cannot be corrected by mere amendments.

Although the preamble to the bill says that it is not intended to define the nature of self-government, the majority of first nations

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criticizes it because it takes a strong municipal approach, a very narrow approach to the rights of first nations.

A majority of first nations sees Bill C-19 as being overly prescriptive. It dictates, it limits and it restricts. It insists that any taxation revenues must be directed strictly to certain purposes rather than letting first nations decide how they will use their tax money, just as any other governments do. This kind of restriction violates the principle of the inherent right to self-government.

The Chiefs of Ontario stated:

...all significant matters dealing with taxation and taxation revenue expenditure, particularly as they affect non-Indians, are beyond the independent capacity of individual First Nations.

Passage of the FNFMSA means that the inherent right does not include local revenue collection for local purposes.

That is a remarkably restrictive interpretation of the inherent right, and one that is prejudicial to all First Nations, whether or not they later participate actively in the mechanisms of the fiscal institutions.

Therefore, even though the bill is said to be totally voluntary, this is an example of where it will impact on all first nations whether they participate or do not participate.

A majority of first nations also is unhappy that the legislation does not make it clear what the financial administration laws of a first nation will be required to be in order to obtain approval. No explicit criteria or requirements are set out in the proposed legislation. The worry is that the system required will be just like those of surrounding municipalities.

● (1755)

First nations would go from being signatories to treaties to having the status of a small quasi-municipality. They argue there is no guarantee that the criteria to be applied will take into consideration the priorities of individual first nation governments.

First nations also point out that the proposed legislation provides that first nations must take into account the interests, concerns and protection of the non-native taxpayers. This provision and other related provisions in the bill have been criticized as a further limitation on the authority of first nations to enact local property tax laws based on their priorities and is a provision that is not even in the Indian Act.

There are so many pieces of this bill that are problematic that it is hard even to consider this as something the government wants to pass into law.

There is also a statutory requirement forbidding a first nation from running an operating deficit. Can members imagine imposing that requirement on all governments in Canada? Just imagine what that would mean. Maybe it would be a good thing, but why do we impose upon first nations people something that we do not impose on anyone else? How do we expect first nations to have economic success with these kinds of restrictions unique to them?

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There is also the question of whether the institutions such as the taxation commission are really first nations institutions when the members of the boards are appointed by the ministers.

For example, subclause 18(5) stipulates that commissioners should include some first nation members “who are committed to the development of a system of first nations real property taxation”, but there is not even a requirement that the majority be first nations people. I find that astounding and incredibly insulting.

**An hon. member:** Offensive.

**Ms. Wendy Lill:** And offensive, as my colleague has just said.

There is no provision for regional representation. There is no provision that the minister must even consult to make his appointments.

There is also the question of “double harmony”. How can we have the great diversity among first nations culturally, geographically and politically when, according to clause 27, a key purpose of the commission is to harmonize the tax system for first nations in Canada by promoting “a common approach”? How can we have diversity when in fact the overall goal is homogeneity and the levelling of all of these communities into one cookie cutter approach?

Not only must first nations local tax laws generally be the same, but those taxation laws must be integrated into the broader municipal and provincial tax framework. There is also the requirement that the needs of the first nation members must be reconciled with the interests of taxpayers. This is a most unusual requirement, which basically says, “You can do anything you want, but only if you do it our way”.

There is the further prescription that first nations must take into consideration what the taxpayers want the tax money to be used for, rather than giving priority to the needs, interests and wishes of the first nations members. This is still another reason why first nations oppose Bill C-19. There seems to be a more significant role for the ratepayers than there is for the members of the first nations.

I could go on all day with reasons given by first nations as to why they oppose this bill. Let me conclude with this one. Bill C-19 would give the financial management board the authority to assume third party management of the first nation in order to force it to remedy any situation it feels should be remedied. The manager sent in would have the power to amend or make taxation laws and to “assume control of service delivery of programs and services”.

There is no right of appeal, no time limit as to how long the imposed manager can stay, and no requirement to consult with the people of the first nation. Can anyone in this chamber imagine this? What Canadian would accept this kind of regime?

I join the vast majority of first nations people in opposing Bill C-19 and so do my colleagues in the New Democratic Party. I respectfully urge my colleagues in all parties in the House to do the same.

• (1800)

**Mr. Rick Laliberte (Churchill River, Lib.):** Madam Speaker, it is an honour to speak to this very critical issue at this time in our

history as a country and at this time in our relationship with the aboriginal nations of this land.

First I would like to state that in its intentions Bill C-19, from my perspective, is inappropriate at this time because the relationship between the Crown and our government and the aboriginal nations is not set. We are approaching the end of the indigenous decade. It is coming to a close next year. Ten years were set aside by the United Nations to review indigenous issues throughout the world. Within that 10 years, our country has experienced a lot of reflection. A big part of that reflection was the Royal Commission on Aboriginal Peoples. Within that reflection, I want to focus on that definition of first nations.

Bill C-19 proposes in the definition that in Canada “first nation” has the same meaning as “band” in the Indian Act. I would like to tell Canadians and this Parliament that the first nations of Canada are not band councils. The first nations of Canada are the original nations of Canada. There is terminology in the Cree language.

*[Editor's Note: Member spoke in Cree]*

*[English]*

What I said in Cree was that if I speak in Cree and define myself as *nehiyaw*, I know who I am in my language. I belong to a group of people who come from the *nehiyaw* nation. That is the Cree nation as it is defined in the French language. The Dene Nation is another nation besides the Cree. The Mohawks are another nation. The Oneida, the Tuscarora, the Seneca, the Tlingit, the Haida and the Inuit are all nations. The Métis are a nation.

These nations are recognized in our Constitution and they are also recognized under the purview of our treaties, the treaties of this country engaged with these nations, and these nations have to play a role in this present day context.

Let us talk about these institutions that are being created. If our government is willing to recognize and create four commissions and these four commissions make up a total of 51 seats, 51 members will be assigned to have certain powers and responsibilities in dealing with the tax commission, the financial management board, the finance authority and the statistical institute.

I would beg members to consider this. There are up to 52 and maybe even more aboriginal nations in this country. Why can we not represent and recognize each nation and each nation's representative? Why can we not have a Cree chief, a Dene chief, a Mohawk chief, all of the councils of nations, to help govern this country? Why take our squabbles to the Supreme Court for every wrong that has been done?

Parliament was created to debate and chart a course for all Canadians to journey into the future. That vision was embodied in one of the original treaties called a Two-Row Wampum, where in the original vessel of the original nations, they can keep their languages, they can keep their spiritual beliefs and they can keep their self-governance. If financial institutions are to be created, that is in the vessel, not to be created somewhere else.

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We are embarking on this with this decade of indigenous review coming to a close next year. I call on my aboriginal brothers and sisters throughout this country to gather as nations.

*[Editor's Note: Member spoke in Cree]*

• (1805)

*[English]*

The aboriginal nations have welcomed all the other nations and peoples of the world to live among us on this land in harmony. Let us chart that relationship so it lasts for another 1,000 years and another 1,000 years after that so our children can be proud of Canada. We are a river of nations. We all flow here but we must flow as one.

I sit here as an aboriginal person. I am Metis Cree. The first words that came out of my mouth were

*[Editor's Note: Member spoke in Cree].*

*[English]*

That is the way I see the world. I cannot apologize for that. I was born here and that is who I am.

I bring the House a message. This House came from Britain. Under the British North American Act, the Crown looked at a governing structure for this country and negotiated the territory. There is no country without a territory because without a territory there is no country.

This nation was negotiated on peace and friendship with the original nations to create a country. We must respect the very foundation of that peace and friendship which is the very foundation of this country.

The preamble of Bill C-19 states:

Whereas the Government of Canada has adopted a policy...

No. The Government of Canada adopted that the Crown enter into a treaty to create a country. The preamble has to say treaty first. We just have to ask aboriginals who feel a relationship with this country and they will tell us that it is a treaty relationship. They are proud to have the blood of a nation flowing through them but we must create the country together.

We are one country. We cannot push our aboriginal nations out. We must respect the peace and friendship that is embodied in those treaties. The world is hard-pressed to find peace right now. If we drop the gift of peace that we have right now, we may be ruining it for the rest of the world. That gift of peace is a sacred gift that was given to our first nations. We must nurture it.

*[Editor's Note: Member spoke in Cree]*

*[English]*

I call upon my people, the aboriginal nations of this land, to look at this country and to be proud of their nations.

Over the last 10 years I have mentioned a royal commission. That royal commission has given me a little ray of hope. It recommended that a third house of Parliament be created. We presently have the House of Commons and the Senate which is the upper chamber. There should be a third house.

That third house physically exists right next door and it is called the parliamentary library. It is a circular building, shaped like a teepee, much like the teepees at Fort Carleton where treaties were negotiated. The teepees were set outside and the British commissioners and the Crown sat inside the fort, which was square. As members will notice, the rooms in these buildings are square. If we look at the library we see it is round. We can create a circle and a symbol of unity with the circle.

This room is an adversarial room where we are designed to fight. A circle is a place of unity and consensus. The government must adopt the original symbols of governance that existed on this land.

The House of Commons originated in Britain as a vessel of Britain. It is time we matured as a country and looked at adopting two governing structures, the original governing structure that existed here many years ago and a new structure for the future that would create a country that would show the rest of the world how to live in peace. A colonial country with a colonial past can have a gift that is true and powerful, a gift called peace.

If we give these powers to financial institutions and take them away from first nations, then we are recognizing the power of money over the power of nations and the power of people.

I caution the people who are looking seriously at adopting Bill C-19 that this legislation will cause major problems at the outset for our first nations communities. They can purchase an abundance of riches but there is a long term commitment in the bill. The powers in Bill C-19 would allow a financial management board to invade the powers of first nations' councils and change their bylaws.

• (1810)

I do not want to see banks having powers to change bylaws of first nations and band councils without the government having a thorough relationship with the original nations based on peace and friendship, as defined in our treaties.

*[Translation]*

**Mr. Jean-Yves Roy (Matapédia—Matane, BQ):** Madam Speaker, I want to tell the hon. member who just spoke that I appreciated very much his remarks. We could tell that he was speaking from his heart and that he was deeply affected. I commend him for taking this position in the House.

Before addressing Bill C-19, I wish to formally thank in this House Chief John Martin of Gesgapegiag, as well as all the aboriginal nations of the Gaspé, Chaleur Bay and New Brunswick, for their support in a fight for the environment that is vital to our region, the fight against an incinerator in Belledune.

I had the opportunity to meet Chief John Martin on a few occasions. He is a man for whom I have a great appreciation. My wish is that this government finally recognize that the aboriginal nations exist, and not only virtually. I hope it will recognize that they exist in reality, that they have rights and these rights must be respected.

As my hon. colleague mentioned, what we see today with this government is a paternalistic tendency and a paternalistic system being maintained. In that system, there is no room for trust or for the self-determination of aboriginal people.

*Government Orders*

Where does this attitude come from? Where does this system come from? From the conquest in 1760. This system was imposed on aboriginal nations over the years. First, by the British government in 1760, and then by the federal government, starting in 1867. It has imposed a comprehensive paternalistic system on aboriginal nations.

At the time of the conquest and even before, the British wanted to wipe the aboriginal nations off the face of the earth. They tried to do the same thing with the Acadians, in New Brunswick. If we, Quebeckers, who were known as French Canadians from Quebec at the time, had not been as many as we were, they would probably have tried the same thing with us. Unfortunately for them, there were problems in their 13 colonies, and they were not able to try to do to us what they tried to do to the aboriginal nations.

What we are asking for the aboriginal nations is very simple: the right to govern themselves, to decide their future for themselves, to decide what kind of services they will provide for themselves and so on, as well as, and this is very important, the right to live, in dignity, in accordance with their customs and their needs.

It seems that, in this country, the right to be different does not exist. Look at Canada's fine principles, one by one, from the moment they were implemented. Among them is the Canadian Charter of Rights and Freedoms. Considering what is happening with first nations, this principle does not apply. It remains simply a principle. There is nothing in practice to suggest that the Canadian Charter of Rights and Freedoms is truly being complied with, that Canadian legislation that would allow the first nations to lead a better life is truly being implemented.

In fact, the opposite is true. Simply look at the first nations and all the problems they have. Earlier we were talking about the suicide rate among young aboriginals. Simply look at the dropout rate and the opportunities young aboriginals have to lead a normal, decent life.

I do not think Canada will provide them, at this time, with a system that will help them reach the objectives that would allow their people to lead a decent life. On the contrary, we are perpetuating a paternalistic tradition, a tradition of oppression, and a tradition of wiping out the first nations.

Simply look at what happened recently in the House, when we were talking about recognizing Quebec as a nation, and Quebeckers as a people. Look at the attitude of the government and the MPs opposite. Look at the attitude of the 35 MPs from Quebec, who said no to the Quebec nation and to the existence of a Quebec people.

•(1815)

Is this government going to make us believe that it intends to respect the first nations? Is this government going to make us believe that it will provide services to the first nations? Is this government going to tell us that we are going to improve their lot in life?

The conquest was 230 years ago. Obviously, since 1867, less time has passed. Since 1867, the aboriginals have been waiting to develop. Since 1867, they have been waiting for the right to live. Since 1867, aboriginal youth have been waiting for the right to exist, to live the way they want, to get an education, to integrate into their own society and maintain their language and culture.

One of the first things the federal government did was crush the Métis in western Canada. The first Prime Minister of Canada, John A. Macdonald, sent in the army to crush them and tell them that they did not have the right to exist. This mentality still exists today. Today, we no longer send in the army to crush the first nations, but we continue to send public servants who want to control them, manage them, tell them what to do and, ultimately, take away all their rights.

When they do obtain a right, it is intangible. Once again, that right is controlled. They are told, "You are incapable of managing your own affairs, of managing or providing services, so we, the white men from the federal government, will tell you what to do and we will control you and manage your affairs and tell you how you must live".

**Mr. Yvan Loubier:** Rhodesians.

**Mr. Jean-Yves Roy:** Rhodesians, you are right. My colleague from Saint-Hyacinthe—Bagot is quite right, the government has a Rhodesian mentality when it comes to Canada's first nations. The federal government must grant them real recognition. Real recognition is fundamental; they have the right to be different and to exist.

My colleague is talking about all first nations, since each nation is distinct and these differences must be respected, just as they all deserve to be respected in a sound country.

We could also talk about the way aboriginal women are treated. I know my colleague from Terrebonne—Blainville, the critic for the status of women, is particularly concerned about this problem. Let us look at how aboriginal women and children are treated. As my colleague from Drummond has said, if people live within a system where they have been told for 200 years that they are incapable of doing things properly, of developing their potential, then eventually they develop—

**Mr. Sébastien Gagnon:** A complex.

**Mr. Jean-Yves Roy:** As my colleague for Champlain says, they develop a real complex. Eventually, after 200 years, people start to wonder if they really are incapable. In the end they are diminished. When the English arrived here after the Conquest, the aboriginal nations had a good life. They developed as they should, fed and cared for their children as they should, treated their women in accordance with their customs. Women received the treatment they expected in their culture; they were not mistreated.

**An hon. member:** It was a matriarchy.

**Mr. Jean-Yves Roy:** My colleague is right, a matriarchy. So aboriginal women had a place. Then a system was set up that took everything away from these nations. They were told their way of living was unacceptable.

They were told, "We the British, the conquerors, cannot accept the way you are living. So we must change it".

*Adjournment Debate*

Obviously, the Bloc Québécois will be opposing the bill before us. Once again, it is paternalistic, treats the first nations like children and is unacceptable.

• (1820)

**Mr. Odina Desrochers (Lotbinière—L'Érable, BQ):** Madam Speaker, I also rise to speak to Bill C-19. You are aware that a few hours ago, about 3:30 p.m. or 3:45 p.m., we paid tribute to the Prime Minister. The hon. member for Calgary Centre pointed out that the Prime Minister had been very sensitive to the aboriginal issue.

Permit me to say that, if being sensitive to the aboriginal situation results in Bills C-6, C-7 and C-19, even though the Prime Minister has been here for 40 years, he has never understood the situation of the native peoples. He kept them in ignorance. He did not allow them to flourish. Once again, today, with his legacy, Bills C-6, C-7 and C-19, he is putting them firmly in a box. He is telling them what to do and preventing their development.

In addition, I am the public accounts critic and I respond to the Auditor General. Not a year goes by without a report that denounces and decries the way the Department of Indian Affairs and Northern Development is behaving toward the native peoples.

I can talk about some of these headings: overuse of medication, inadequate housing, the tons of forms that have to be filled in—

**Mr. Yvan Loubier:** There are 138 every year.

**Mr. Odina Desrochers:** There are 138 forms every year, and many of them are out of date. Furthermore, rumour has it that there are consultants helping them, good friends of the Liberals, who are familiar with the forms, but who keep the aboriginals in the dark.

The Auditor General has reported these facts. In the past five years, there have been at least ten reports condemning the federal government's administration with respect to the aboriginals.

Today, the House is considering Bills C-6, C-7 and C-19, and this is supposed to be the Prime Minister's legacy? I do not think so.

Once again, the Bloc Québécois and Quebeckers are taking a stand. Aboriginals mean a great deal to us. Whenever there is a project that threatens the environment, who is our primary partner? The first nations. Who speaks out, often, against the Americans or multinationals threatening our environment? The first nations.

Just now, my colleague talked about the current problem in Belledune, on Chaleur Bay. Another project of great concern to everyone living along the St. Lawrence River was the proposal to ship plutonium, which is extremely radioactive. Once again, the aboriginals got involved, and they blocked these initiatives.

The aboriginal people have given us an incredible legacy. My father followed all the signs he learned from an old Indian. Excuse that expression, but that is how we called them at the time. I learned to read all the weather signs. They made a valuable contribution.

We could learn something new every day from talking to aboriginal people. Unfortunately, all we have done for them is to park them on reserves. Then we set up little displays of little aboriginal knick-knacks. We keep them on the reserve and we sell their handicrafts as gifts just about everywhere in Canada. That is the way we behave toward them.

And it is unacceptable.

**Mr. Yvan Loubier:** They have become tourist attractions.

**Mr. Odina Desrochers:** Yes, tourist attractions. What is the first thing a foreign visitor sees on arrival? How do we show them what is unique about Canada?

I remember when Canada put in its bid to host the Olympics. The first thing they did was to showcase aboriginal dancers. Canada pays attention to its aboriginal nations when the time comes to trot them out for political or sports purposes. But when the time comes to address their problems, the federal government avoids taking responsibility.

• (1825)

We have a lot to learn from the aboriginal people. In Quebec, considerable strides have been made. I issue an invitation to all those listening to us in Quebec, who have unfortunately been exposed to certain media coverage that may have created prejudices against them.

These were isolated cases involving the defence of certain interests. But they involved a minority. The aboriginal people are not as they have been portrayed by the media in recent years. They are people with a heritage. They protect us, and share their traditions with us. What is more, they are our best allies when it comes to environmental causes. Despite all this, the government wants to impose Bills C-6, C-7 and C-19 upon them. As my colleague for Champlain said, "Enough is enough".

We would have hoped that, after 40 years with the member for Saint-Maurice and present Prime Minister, the aboriginal people could have finally felt that at last one man had understood them. But no, they will be saying that unfortunately no one has understood them.

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## ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*Translation*]

### HARASSMENT

**Ms. Diane Bourgeois (Terrebonne—Blainville, BQ):** Madam Speaker, I have come back for the adjournment debate simply because I would like to have a real answer to my question.

Last Friday, I asked the Treasury Board president what she intended to do and what measures she would take to help victims of psychological harassment in the federal public service.

A victim is someone who suffers damages as a result of harmful actions committed by others. Everyone knows there is a policy against psychological harassment in the federal public service. This policy supposedly has mechanisms to help employees that have been harassed.

Last Friday, the minister was honest enough to tell us, and I quote:

*Adjournment Debate*

In terms of enforcing this policy, there are some difficulties at the moment. We are discovering that there are still cases of harassment.

So, what does the minister intend to do to help the employees who relied on being heard and assisted through the policy, and used all the mechanisms it provides? These employees followed all the proper steps. What is the minister going to do for employees who have been harassed?

The existence of harassment has been acknowledged in many reports, by the CSST in Quebec and by professionals hired by departments where there is a problem. What will the minister do to help those employees who are not getting any support either from their employer or from their union and who have exhausted their sick leave and have lost or are about to lose their jobs? What will she do for those employees whose health and family life have been threatened because the government, their employer, did not act?

I have seen many such situations. They can be found at Correctional Service Canada, Citizenship and Immigration Canada, Health Canada, Environment Canada, Canada Customs and Revenue and in crown corporation.

I would like to know what the minister, who is familiar with the situation, is going to do? Will she intervene personally? Will she let the situation deteriorate further or will she demand that justice be done?

• (1830)

[*English*]

**Mr. Tony Tirabassi (Parliamentary Secretary to the President of the Treasury Board, Lib.):** Madam Speaker, I appreciate the opportunity to respond to the question raised by the hon. member for Terrebonne—Blainville.

The government has a policy to prevent harassment in the Public Service of Canada. Our goal is to eliminate harassment from the workplace.

The Public Service of Canada has been successful in reducing sexual harassment significantly. The elimination of other forms of harassment is a priority. This problem has the government's attention and it is addressing it from various angles.

Harassment situations are often very complex and not easily identified and resolved. The government's intent is not only to help employees who experience harassment, but is also to create conditions that foster a healthy workplace for all. This summer, focus groups for public servants were held across Canada to examine thoroughly the causes of harassment and ways of reducing it.

The government has focused on prevention and early resolution and has taken steps to increase awareness of harassment dynamics. In conjunction with the unions, the Treasury Board Secretariat is currently holding workshops to build awareness throughout the public service. Also, the Treasury Board Secretariat recently released a practical online course on the prevention and resolution of harassment. This online course is accessible and free to all public servants.

The government is aware of the critical role that managers and leaders play in development harassment-free workplaces. The Treasury Board Secretariat is currently exploring ways to better

support managers, at all levels, to address problems before they escalate into harassment situations. It intends to better equip managers with people management skills, such as conflict resolution, negotiation and coaching skills.

Eliminating harassment requires the commitment and collaboration of everyone in the workplace. We want employees to feel free to raise issues in their organizations in order to resolve them, without fear of harassment. This is also in line with the professional and democratic values set out in the code.

However, the government knows that employees will be less reluctant to come forward with problems if they are protected from retribution.

A working group to review protection for employees who raise ethical issues in their organizations was recently formed by the government. The working group will examine the existing disclosure regime and propose ways to improve protection of employees who come forward and disclose wrongdoings.

The government is proud of the quality of service that federal employees provide to Canadians. The federal public service is a dynamic organization that is continually renewing itself to maintain high standards of service. We should never take our achievements for granted.

In this broader context, a greater emphasis will be placed on accountability. Officials of the Treasury Board Secretariat are in discussions right now with senior management of federal departments on the basis of our new management accountability framework, which is designed to enhance general management performance, including reduction of harassment in the workplace.

The government's commitment to values and ethics in support of respectful workplaces has been shaping our overall approach. Departments are also reviewing their harassment prevention and resolution processes to improve rigour and credibility. The government is confident that it is making progress and that it will keep improving in the future.

• (1835)

[*Translation*]

**Ms. Diane Bourgeois:** Madam Speaker, there are people who are following the debate on television this evening. They have been warned. Many are going hungry right now because of the harassment taking place in the federal public service. There is a real life story in a book to be published on Monday entitled *Le harcèlement psychologique: un crime d'État*.

The minister is responsible for these employees. What will she do in cases of proven harassment, which she was aware of since I had personally made sure she was? I do not want to hear that the employees involved will be receiving training.

Moreover, while I have proof that there is harassment at Correctional Service Canada, I received yesterday a beautiful letter, saying, "There is no harassment taking place at Correctional Service Canada, Ms. Bourgeois".

*Adjournment Debate*

Wake up. What are we doing about these people going hungry because of those in authority, managers who have harassed their employees?

**The Acting Speaker (Ms. Bakopanos):** I would like to remind the hon. member to address her remarks to the Chair.

The hon. parliamentary secretary.

[*English*]

**Mr. Tony Tirabassi:** Madam Speaker, I can tell that the member is quite passionate about this and would really like a specific answer.

The question of harassment in the workplace is complex and has many dynamics. Treasury Board has been finding ways how to best manage this problem. Many of the large departments have already introduced values and ethics programs, and others are in the process of doing so.

I wish to inform the member that the Public Service Modernization Act, Bill C-25, which was passed in the Senate on Tuesday requires that informal conflict resolution systems be established and applied in each department.

I would hope that she is in agreement that this is a positive development that will lead to a common goal that we all share, which is a harassment free workplace.

## JUSTICE

**Mr. Inky Mark (Dauphin—Swan River, PC):** Madam Speaker, last week I asked the Minister of Justice a question regarding the decriminalization of marijuana bill, Bill C-38. Why the rush in putting the bill through and also who was to be the winner in this marijuana decriminalization matter?

Health Canada says that marijuana is a dangerous drug and that in order to protect our young people they should not be using marijuana.

The whole decriminalization process has been poorly thought out. It is inconsistent in terms of the intent of the bill. I do not know if the intent of the bill is to let the recreational users of marijuana, or pot, get away from being tagged with a criminal record so that they can go across the border and maybe go shopping in the United States. Is the intent to prevent our youth from smoking more pot, or to help the criminal element raise more pot? In other words, it is very unclear.

All the witnesses who came before the committee said there was no advantage to the bill, that it was poorly crafted, and that it was sending mixed messages to our youth.

If the bill were to come into being, it would change the enforcement from a criminal act to one of a parking ticket infraction. That is how the government of the day and the police will be treating people caught with X amount of marijuana. People would no longer be tagged as criminals. They would be fined and written up, like a parking ticket.

Regarding parking tickets, one of the questions that was raised was, how are youth going to pay for these parking tickets? We know the problems municipal governments have relative to the whole issue of collecting parking ticket fines. These fines are not like parking ticket fines in that most parking tickets are \$5 and \$10. These marijuana tickets will be more.

Youth will get a break. I cannot understand why the government would discriminate against adults and side with youth. For example, in the schedule attached in the act, an adult would pay a fine of \$300 whereas a youth would pay a fine of \$200.

The whole thing does not make any sense because we do not know who is going to gain or win from the decriminalization of marijuana bill. Even though the government calls it decriminalization, the use or possession of marijuana would still be an illegal act under the Criminal Code.

Let me conclude by saying that the bill sends the wrong message and the government should forget about the bill totally.

• (1840)

**Mr. Dominic LeBlanc (Parliamentary Secretary to the Minister of National Defence, Lib.):** Madam Speaker, the hon. member has expressed concern, and I have heard that in committee as well, about the alleged mixed messages being given to young people by the so-called decriminalization of marijuana possession.

Naturally, when the government made its cannabis reforms public in Bill C-38, decriminalization was used by the media to describe the effect of the bill, but in fact the bill maintains possession as a criminal offence.

As members know, Bill C-38 substitutes an alternative measure, ticketing under the Contraventions Act, as the procedure for enforcing the ban on possession in all cases where the amount involved is not more than 15 grams and as an alternative to a criminal charge when the amount involved is between 15 and 30 grams.

As the legislative summary of Bill C-38 points out, “depenalization” is probably the term that best describes what Bill C-38 proposes since it removes a custodial sentence as a means of enforcing the law.

Bill C-38 provides for a fine of \$100 for youth where the amount involved is 15 grams or less and where there are aggravating circumstances, including possession in or near a school, a young person will get a fine of \$250. The fine is \$200 when the amount is between 15 and 30 grams but a police officer also has the discretion to lay a criminal charge in that case.

Witness after witness at the special committee's original hearings, and I was a member of that committee, and at the hearings into Bill C-38 agreed that the present regime was not working.

Marijuana use, particularly by young people, has been increasing steadily. Very often the police do not even bother laying a charge. The cost and the time involved in laying a charge and bringing the matter to court are all out of proportion to a penalty that is likely to be imposed by the court. We believe the new ticketing scheme will lead to more enforcement of the law.

*Adjournment Debate*

We recognize the communications challenges to make young people understand that there are serious consequences to using marijuana; serious health consequences and serious legal consequences. However, the government has provided \$245 million for the renewal of the national drug strategy. A key component of the strategy will be tailoring a message to young people on the dangers of substance abuse, including the use of marijuana.

The member has asked whether the intent of Bill C-38 is to help criminal organizations increase their market share. The special committee was concerned that the potential \$5,000 fine and even imprisonment for cultivation of one to three plants could lead to small producers deciding not to take the risk and instead buying on the black market.

That concern was addressed in the amendments made to the bill by the committee last night. It is now proposed that the cultivation of up to three plants would be a ticketed offence with a fine of \$500 for adults and \$250 for youth. Again, we are maintaining the core message that cultivation of marijuana is illegal while allowing an alternative to the criminal process when the amount involved is relatively minor.

• (1845)

**Mr. Inky Mark:** Madam Speaker, two clear messages are being sent by Bill C-38. One is to our youth that it is okay to smoke marijuana because they will just get slapped with a parking ticket fine. The other one is to the criminal world. There will be a demand for marijuana because the youth will smoke even more marijuana.

The irony is, we spend a billion dollars annually on our drug control program. Supposedly the program's target is to suppress drug supply. Why are we doing all this when on the one hand we are promoting its use and on the other hand we are throwing away a billion dollars and tying up the resources of the police departments across the country?

The police associations across the country do not support the bill. They know it does not work. It is not about drug free; it is about promoting drug use. The government is headed down the wrong path when it comes to the decriminalization of marijuana.

**Mr. Dominic LeBlanc:** Madam Speaker, I respectfully disagree with the member's assertion that the government is somehow encouraging the use of marijuana. We have been very clear, both in the legislation and in comments made by various ministers, that the use of marijuana, the possession of marijuana, remains illegal.

We believe a law that is currently not enforced in many areas by police forces because it is thought to place too high a burden on young people is better replaced by a law that will be enforced and will send a clear message that possession and use of marijuana is dangerous and is illegal in Canada.

**The Acting Speaker (Ms. Bakopanos):** The motion to adjourn the House is now deemed to have been adopted. Accordingly, the House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 6:48 p.m.)

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