



CANADA

House of Commons Debates

VOLUME 140 • NUMBER 019 • 1st SESSION • 38th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Monday, November 1, 2004

—

Speaker: The Honourable Peter Milliken

CONTENTS

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

All parliamentary publications are available on the
"Parliamentary Internet Parlementaire" at the following address:

<http://www.parl.gc.ca>

HOUSE OF COMMONS

Monday, November 1, 2004

The House met at 11 a.m.

Prayers

GOVERNMENT ORDERS

• (1100)
[English]

TLICHO LAND CLAIMS AND SELF-GOVERNMENT ACT

The House resumed from October 29 consideration of the motion that Bill C-14, an act to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other acts, be read the second time and referred to a committee.

Mr. Richard Harris (Cariboo—Prince George, CPC): Mr. Speaker, I am pleased to speak to Bill C-14, the Tlicho act, which would give the force of law to an agreement between the federal government, the Northwest Territories government and the Tlicho First Nation that was signed on August 25, 2003.

The agreement gives the Tlicho First Nation ownership of approximately 39,000 square kilometres between Great Slave Lake and the Great Bear Lake and participatory-regulatory authority over even a larger area.

The agreement is unique in that it involves both a land claims settlement and a self-government agreement. It creates a precedent for the approximately 600 first nations that may seek similar provisions in their own agreements.

Every day in our opening prayers we pray that this Parliament will be given the power and wisdom to make good laws and wise decisions. That is what we all want in the House. That is what we want for our country and for people.

While the Conservative Party of Canada supports the settlement of the Tlicho land claims and a self-government agreement, we have concerns about five issues in the agreement. I go back to the ability of Parliament to make good laws and wise decisions. I want to go over the five issues in Bill C-14 that we find of particular concern.

First, it is not a final agreement. It contains a clause to reopen negotiations if another Northwest Territories aboriginal group negotiates terms that are attractive to the Tlicho in a future

agreement. It fails to do its most basic job, which is to achieve a final agreement.

The fundamental goal of any agreement should be that it has some finality. In negotiating a treaty settlement and a land claims and self-government settlement, what benefit could it be to Canada to have open-ended agreements in force that could be reopened at any time? In this case, in the event that another Northwest Territories first nation negotiated an agreement with the federal government that was seen by the Tlicho band to be better than the one it signed, under the terms of this agreement it could simply reopen negotiations. That is not the way to have a good agreement that would promote the unity and bonding of our country. An agreement must contain terms that are good for everyone involved in the agreement, not just the Tlicho First Nation, but indeed all the people of Canada.

We do not want to carry on a history that has been carried on by the Liberal government where it introduces legislation that does more to foster divisions in the country than to promote unity. That is what the Liberal government has been doing for decades. It is astounding when we hear the Liberal members talk about the mosaic of Canada and how we need to ensure that the laws we introduce are fair to everybody so that we can stand as a strong united government.

The Liberal government today and previous Liberal governments have introduced legislation again and again that promotes and fosters division, more than it tries to unify the country. They should be ashamed of their record. This is just another example.

• (1105)

Hon. Wayne Easter: That is not correct. You know better than that.

Mr. Richard Harris: The members do not like to hear the truth. The history of Liberal legislation over the past several decades shows very clearly the fostering of divisions by the government and previous Liberal governments. They do not like it but they cannot deny it.

Government Orders

What is astounding is that Bill C-14 appears to recognize the right of the Tlicho First Nation to enter into international agreements and, in some cases, to stand in the way of Canada entering into international agreements. The agreement states that it does not limit the authority of the Tlicho to enter into international, national, interprovincial and interterritorial agreements. Further, it requires that the Government of Canada consult with the Tlicho First Nation before Canada enters into an international agreement that may affect the right of the Tlicho government, the Tlicho First Nation or Tlicho citizens. That is very broad and disturbing language and puts a remarkable restriction on the constitutionality reserved for a federal government.

We in the Conservative Party believe that the broad language of the agreement could impede the power of the federal government to enter into international agreements and agreements with the provinces in the event that the Tlicho First Nation were to believe that in some way it could affect its nation or one of its citizens.

We do not need agreements in this country that could be tied up in court challenges on an endless basis, which is why we must be very clear and concise with the language we use. We must do our best to ensure that words like “may, should, could, possibly, perhaps” or “maybe” cannot be applied to the language of the agreement and cause challenges to it. Our obligation to the people of Canada is to ensure that every piece of legislation or agreement that we enter into with the provinces, the first nations or any other peoples or territories do not use terms that cause doubt about the agreement that may lead to challenges on and on in the years to come.

The Conservative Party of Canada looks for agreements that have distinct language and very clear terms that should not be able to be challenged because of broad language that may cause people to believe they can interpret the language for their own terms. We have all the abilities to ensure that agreements are safe and sound and have safety nets within them for all people of Canada.

The electoral system within this agreement causes us great concern. People living in a new Tlicho First Nation government, living within those territories and under that jurisdiction, while they should still be under the jurisdiction of Canada as a whole, because all of the territories, all of the provinces and all of the first nations in our country are all part of Canada, they all must be covered and protected under the Constitution of Canada and under the Charter of Rights and Freedoms of Canada.

● (1110)

It appears to us that this agreement would create what could be described as a racially based electoral system. The agreement creates a category of citizen called Tlicho citizens who are the only people who may be elected as chiefs. Further, 50% of the elected council must be Tlicho citizens. This is arguably counter to our Charter of Rights and Freedoms. We must ensure that anyone living under the jurisdiction of the Tlicho self-government is treated fairly, equitably and in a manner that is governed and overseen by the Constitution of Canada and the Charter of Rights and Freedoms as it applies to every other individual in Canada.

Another point I would like to make is the agreement contains similar languages to what I believe will create a problem down the road. It appears to be giving governing powers within our country

which in some respects, and even one is too many, would allow the formation of another country or nation within the Canada. It would have powers that would supersede the powers of the Government of Canada, the Constitution of Canada and the Charter of Rights and Freedoms. We are very dangerously close in the agreement to creating a country within a country as we have been dangerously close on previous agreements.

The Liberals have talked about wanting to unite and have a unified Canada. If there is any doubt they have said that, one only has to look at their attempts in the sponsorship issues going on right now. One only has to see how much money they spent, in many cases under suspicion, but that is another story. They talked about how important it was to have a total Canada, including Quebec and including every people in this country, no matter from where they came, Canadian citizens or landed immigrants, a Canada that was unified. We are in danger once again, as we have been on past agreements dealing with first nations. The terms of the agreements gave rise to fear that we could be creating a country within a country, enclaves within a country, apartheid, a partition, because of the lack of common sense and the use of broad language in the agreements that we have entered into.

When I believe a divisive type of legislation is being applied to people of the country, I am very happy to say that I have had the opportunity to speak against it. This is another example to which I am proud to speak.

The agreement is jurisdictionally confusing as well. I just talked about this. The agreement describes three different hierarchies to determine which legislation is paramount in the event of conflict: the federal legislation, the territorial legislation, Tlicho laws or the agreement. It is not clear that the Tlicho citizens will have the benefits of protection under Canada's Charter of Rights and Freedoms in the even of conflict with the Tlicho constitution.

It just amazes me how the government could allow such open-ended language in such an important document. We are trying to create a self-governing environment for the Tlicho nation, one that will give it the confidence that it can do some long terms planning and one that will give Canadians confidence that the issue will now be settled. It will be one that we will not be looking at over and over again as we go down the road into the future. It will be one that we will not be faced with constant challenges and confusion about who has the authority.

● (1115)

Canada has the authority. Canada is the federal authority to run the country. It creates laws. It delegates authority to provinces and to territories. Authority that the federal government delegates away must be an authority that is good for all Canadians and good for the agreement. It should not give rise to questions in the future.

Government Orders

I remember speaking to the dangers of Bill C-68, the infamous gun registration bill, when it came into the House in 1995. I asked then justice minister, Allan Rock, if he would tell Canadians whether Bill C-68 and the regulations contained therein would apply to every single Canadian. It was a simple question. We had been hearing from the Liberals for several weeks that Bill C-68 was a law for all Canadians and everyone would be included under the regulations. New parliamentarians in the House will hear the following type of responses from ministers. The justice minister said, "Bill C-68 is universal in its application". That was okay because it would apply to everybody. He then said, and it is in *Hansard*, that it would be "flexible in its implementation". In other words, it would apply to everyone but it really would not.

Bill C-14 is proof positive that we were getting double talk back in the days of Bill C-68. The agreement specifically gives the Tlicho first nation authority and power to make its own laws over firearms and ammunition. Therein is the comment the minister made back then, "flexible in its implementation". It never was meant to apply to everyone. Time and time again we have seen the government delegate authority to first nations to govern their own firearms and ammunition regulations.

Bill C-68 then becomes what could be called race-based legislation because it applied to one group of Canadians but not to another. That is very dangerous. Why would we want to foster divisions rather than promote unity? Every Canadian is as valuable and equal to every other Canadian and should be treated the same under the same laws and under the same Constitution and Charter of Rights.

The Conservative Party of Canada believes that self-government must occur within the Constitution of Canada, but it must have a finality to it, it must have clear language and it must have absolute terms. We cannot have terms in broad language that would lead to interpretations down the road once the agreement was signed.

To ensure fairness and equality, a Conservative government would ensure that the principles of the Charter of Rights applied to aboriginal self-government. The least we can do for our first nations people in Canada is give them equality, protection under the Charter of Rights and the Constitution and assure them, by signing agreements with them, that they are equal and as valuable as any other citizen in the country. We are a unified Canada, not one where divisions are fostered by a government.

• (1120)

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, my colleague spent a great deal of time on clause 5, which deals with the issue of paramouncy. In other words, if the Tlicho pass some legislation, it is paramount to federal, provincial and any other type of legislation.

This makes me think of that old political maxim that all people are created equal, but some people are more equal than others. Would my colleague elaborate a little more on this? Why should one group of people have more rights than another group of people?

My friend spent a great deal of time talking about the charter in which we are all supposed to be equal. Clause 5 is the most glaring

of all the sections in the bill. The legislation makes one group of people more equal than others.

• (1125)

Mr. Richard Harris: Mr. Speaker, I go back to my earlier comments that it is historical that Liberal governments in Canada, including this one under this Prime Minister and when he was in cabinet before, have continuously introduced legislation that affected the people of Canada and fostered divisions in the country.

When the government was out on the election stump, it claimed that we were one great nation and that it wanted to ensure that people from coast to coast received all the benefits and the attention of the federal government. That is just lip service when we compare it to the historical record of Liberal governments of fostering division. This is not what Canadians want.

When we sign agreements with first nations people, in my opinion and in my party's opinion, we want them to reflect the principle of equality in the country, that everyone is created equal and has an equal opportunity to create and improve a standard of life that is as good as anyone else. I believe people should not be deterred from that in any type of legislation. The job of the government is to allow Canadians the opportunity to live and prosper in safety, to raise families and to have adequate access to health care. That should apply to everyone.

In an agreement such as this those principles must apply to the agreement as to how it will affect the Tlicho first nation in the same manner that it affects every other Canadian. Provinces do not have the right to supercede the government on international decisions. Provinces are unable to successfully challenge the Constitution. There is a formula involved. Provinces cannot arbitrarily say that they have made a decision that something does not work for them and, notwithstanding the Constitution, then change it.

That is a provision in Bill C-14. In some cases it can be seen very clearly to supercede the Constitution of our country. We cannot have that. We cannot allow that to happen. Everyone must be governed by the Constitution of Canada.

Mr. Art Hanger (Calgary Northeast, CPC): Mr. Speaker, I really appreciate that we are in the middle of this debate on the Tlicho agreement because there is so much that needs to be addressed.

I too have a constitutional question for my colleague in reference to this agreement. It does in fact seem to be creating a separate, almost sovereign, kind of region in our nation. I have always believed that self-government, when it comes to our aboriginal or native populations, would always be within the Constitution of Canada. That is the only way that fairness and equality can be ensured, and we can adhere to the principles of the charter as it applies to aboriginal self-government.

The whole issue of aboriginal government and the powers that are granted to it, if in fact it operates within the framework that it can collect its own revenues and reduce its dependency upon the federal government, is in the form of accountability. The self-government framework actually creates an accountability chain within its structure and the people all benefit from that accountability structure.

Government Orders

Could my colleague address that particular point? Where does the accountability factor lie within this arrangement or is there any accountability?

• (1130)

Mr. Richard Harris: Mr. Speaker, every agreement that the government enters into with anyone in this country, any first nation band or any province, must have terms within the agreement that certain things are going to be carried out.

There are jurisdictions that are delegated to provinces and there are jurisdictions that are delegated to first nations. In those delegations it is assumed that the terms of the agreement would be fulfilled.

I have been here since 1993 and this is one of several first nations self-government bills that have come before the House. Every time the question of accountability came up, there was the issue of accountability from the federal government as well as accountability from the first nation in order to stay within the terms of the agreement. There is a glaring lack of accountability.

In terms of self-government, we in the Conservative Party want the self-government goals to be completed with first nations across the country in respect of the Constitution of Canada.

Back in 1992, in the Charlottetown accord proposal, there was section after section that proposed to give first nations in this country powers of self-government that would supersede federal, provincial and regional authorities.

The people of Canada looked at that Charlottetown accord and they looked at that part of it. Debate after debate went all across the country. The Canadian people said no to that accord, as the House knows. They did not like the terms of it. They did not like the broad language. They did not like the further questions that it could raise in the future.

It was a good day for Canada when the Charlottetown accord was defeated. Since that day, since the Liberals were elected in 1993, slowly but surely, but invariably in every single first nations piece of legislation that has come to the House we have seen the Charlottetown accord provisions being inserted into those pieces of legislation.

The same Charlottetown accord provisions that were defeated by Canadians have been present in every single first nations legislation put before the House. The same provisions that were defeated by Canadians in a nationwide vote have surreptitiously been brought back in every piece of legislation by the Liberals.

• (1135)

Mr. Michael Chong (Wellington—Halton Hills, CPC): Mr. Speaker, Bill C-14, the Tlicho land claims agreement, is worrisome. Before I get into the reasons why I believe it is worrisome let me first say that it is a generous agreement and so it should be.

It gives the Tlicho nation 39,000 square kilometres of land and grants it \$152 million over 15 years. It recognizes that there has been no final agreement between the Crown and the Tlicho nation. In that respect, the fact that the government has attempted to address this inadequacy is also good.

However, there are two problems with this agreement. First, it erodes Canadian sovereignty, and second, the agreement lacks finality. Our party believes in aboriginal self-government but within the confines and framework of the Canadian Constitution. This agreement however goes well beyond that and grants self-government to the detriment of Canada.

This agreement has three chapters in it which are to the detriment of Canada's sovereignty. In this country we have two sovereign layers of government, federal and provincial, that along with the charter vest all the power in these three different areas. This agreement changes that fundamental structure of the sovereignty in this country to include a fourth level of sovereignty which is contained within this agreement.

The erosion of sovereignty has to do with two chapters in the agreement that deal with international treaties and one chapter in the agreement that creates a substantial amount of jurisdictional confusion which could potentially lead to erosion of Canadian sovereignty. The two articles in the agreement that I refer to that erode Canada's ability to be a sovereign nation have to do with international treaties. One is article 2.2.9 in the agreement which states:

Nothing in the Agreement shall be interpreted so as to limit or extend any authority of the Parties to negotiate and enter into international, national, interprovincial, and inter-territorial agreements.

This suggests by implication that the Tlicho government has the authority to enter into international agreements. Article 7.13.2 states:

Prior to consenting to be bound by an international treaty that may affect a right of the Tlicho government, the Tlicho first nation or a Tlicho citizen, flowing from the Agreement, the Government of Canada shall provide an opportunity for the Tlicho Government to make its views known with respect to the international treaty either separately or through a forum.

The right to enter into international treaties or agreements is the exclusive purview of the executive of the federal government. In this agreement, the inclusion of these clauses erodes that sovereignty and may have far-reaching and long lasting implications in decades to come.

The second area of this agreement which may erode Canada's sovereignty has to do with jurisdictional confusion that will be created because of articles 7.7.2 through 7.7.4. In these articles there is a hierarchy of authority that is prescribed, five rankings of authority which seem to conflict with each other.

We in this country, since Confederation and the Constitution Act of 1867, have had enough confusion about intra or ultra vires areas of jurisdiction when it comes to federal-provincial areas of jurisdiction. The last thing we need is to add another area of confusion into this relationship.

• (1140)

One of my questions for the government is, why did the government allow this erosion of Canadian sovereignty to be built into this agreement? International treaties are the exclusive jurisdiction of the federal government. Why would the federal government allow for a third party to have a say in international treaties when this authority is an exclusive area of federal jurisdiction?

Government Orders

I wonder whether or not this fits into the government's new framework of asymmetrical federalism where provincial cabinet ministers are allowed to speak at international conferences on behalf of the federal government. This seems to me to be playing right into that new framework.

My other question is, who speaks for Canada here? This is the federal government and it should be protecting its areas of jurisdiction and speaking on behalf of all Canadians, not slowly whittling away its authority through agreements and different approaches to international treaties.

Another area of concern in this agreement, as I mentioned before, is the absence of finality. One of the things that puzzles me about Bill C-14 and this agreement is that it is quite different from the Nisga'a final agreement that the government agreed to recently. The Nisga'a agreement was full and final. There are four sections I would like to read into the record from the Nisga'a agreement that illustrates this. Section 22 states:

This Agreement constitutes the full and final settlement in respect of the aboriginal rights, including aboriginal title, in Canada of the Nisga'a Nation.

Section 23 of the Nisga'a agreement states:

This Agreement exhaustively sets out Nisga'a section 35 rights, the geographic extent of those rights, and the limitations to those rights, to which the Parties have agreed—

Further on, in section 26, the Nisga'a agreement reads:

If, despite this Agreement and the settlement legislation, the Nisga'a Nation has an aboriginal right, including aboriginal title, in Canada, that is other than, or different in attributes or geographical extent from, the Nisga'a section 35 rights as set out in this Agreement, the Nisga'a Nation releases that aboriginal right to Canada to the extent that the aboriginal right is other than, or different in attributes or geographical extent from, the Nisga'a section 35 rights as set out in this Agreement.

Section 27 states:

The Nisga'a Nation releases Canada, British Columbia and all other persons from all claims, demands, actions, or proceedings, of whatever kind, and whether known or unknown, that the Nisga'a Nation ever had, now has or may have in the future, relating to or arising from any act, or omission, before the effective date that may have affected or infringed any aboriginal rights, including aboriginal title, in Canada of the Nisga'a Nation.

These four sections in the Nisga'a final agreement clearly indicate that the agreement was a final agreement between the Crown and the Nisga'a nation. Contrast that with the Tlicho agreement. The Tlicho agreement has quite the opposite. It has no finality built into the agreement. Article 27.6.1 of the agreement states that the Tlicho will receive equivalent benefits to those granted in the future to any other aboriginal group in the Northwest Territories whether by land claims agreement, self-government agreement, tax power exemption or legislation.

This contrasts directly with the Nisga'a land claim agreement. My question for the government is, why the change in strategy and why do one thing for one aboriginal nation and do another for another aboriginal nation?

• (1145)

What I find most disturbing about this whole thing is the point I first made, the absence of a strong stance from the government on its own erosion of its own sovereignty.

In reflecting on the agreement, I think the former Liberal leader, Mr. Trudeau, would be rolling around in his grave today if he were to

see the type of asymmetrical federalism and the type of erosion of sovereignty that we have seen the government engage in over the last number of years.

Canada is a fragile nation with a fragile identity and the federal government must do all it can to preserve that identity and protect its own sovereignty to ensure that the nation can continue in decades and years to come. My fear is that the agreement sows the seeds of a country that will slowly but surely erode its own sovereignty, so that 50 years hence the federal government will be no greater than simply a coordinating body for different sovereign areas of jurisdiction within one geographic entity. That is my party's biggest concern about this agreement.

Mr. Art Hanger (Calgary Northeast, CPC): Mr. Speaker, the agreement certainly has its major shortcomings. In fact, the agreement brings back some memories of mine when I think about some of the activity on one of the local reserves in Canada that is shared partly with the U.S., Kanesatake.

I drove down to Kanesatake once. In fact my colleague from Wild Rose and I drove into that particular region down by Cornwall. As we drove across the bridge we saw a huge sign which read "The laws of Canada and the United States do not apply on this reserve". I believe the sign is still there to this day.

The RCMP were unable to patrol the St. Lawrence River for fear of getting shot. The level of crime within the reserve was far beyond anything reasonable or acceptable. Smugglers lived in huge mansions on the shoreline of the St. Lawrence River, and those who did not involve themselves in criminal activity suffered at their hands. The band police could not enforce the law because they were subject to those with more power. Sometimes the chief and the council, even though they allegedly held the power, did not enforce the law evenly.

Therefore I have a concern over where this agreement might end up going. There does not seem to be a process set up that if somebody is not happy with the way they are treated by the laws that may be established, where do they go to appeal? If we look at the power granted to the Tlicho government to enact its own laws, if somebody is not happy where do they go?

Could my colleague shed any light on that particular point?

• (1150)

Mr. Michael Chong: Mr. Speaker, it is troubling to see an agreement that sets out a different layer of sovereignty for the Tlicho First Nation. I believe that as this country moves from its past history of having three founding cultures and peoples, that being the French, the English and the natives, into a country that becomes increasingly diverse and multicultural and whose urban areas are increasingly reflective of the worldwide mosaic that Canada has now become, these kinds of agreements will not stand the test of time. These kinds of agreements will not fit into what this country will look like in 50 years.

Government Orders

For those reasons, I think it is important for the federal government to take a leadership role in these issues. It should set out a framework of policies that state to Canadians that they all fall within the jurisdiction of the charter, that they are all equal in front of the law and that they all will be treated equally by the federal government.

There will be areas of jurisdiction that are different, certainly between the provinces and the federal government, and there will be different ways of implementing policies across such a vast geographic expanse, but at the end of the day Canadian citizens deserve to be treated equally whether they live in the Northwest Territories, British Columbia, Ontario or the maritimes.

What is lacking in the agreement and in the government's broader approach to many of the policies that it enacts today is that it does not seem to have this vision of a Canadian identity. The government does not seem to want to enact policies and legislation that would treat all Canadians equal, regardless of their racial backgrounds, their geographic locations and their languages.

I think that is what has been lacking in this agreement and it is troubling. Over time this slow erosion, this slow whittling away of Canadian sovereignty will come back to haunt, not the present government, because it will have long passed into history, but future Canadian governments.

In a country that was already so fragile and already, in so many ways, an impossibility when Confederation was formed in 1867, our country needs strong federal governments to ensure that it stays together, not simply for the sake of staying together but to ensure peace and tranquility in the land, to ensure prosperity for all its citizens and to ensure a uniform set of services, laws and rights that Canadians have come to expect from their governments.

However, over the last number of years the present government, in particular, has slowly whittled away at the idea of a Canadian identity and of a consistent set of standards across the country. It has done so through agreements like this and through the implementation of the policies it has enacted. I think this, in the long run, will come back to haunt a future government. That is why I think the government needs to answer questions as to the erosion of sovereignty and the absence of finality in this agreement.

Hon. Sue Barnes (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, we are on our third day of speeches on the legislation and within the next half hour the time for questions and comments will be over and we will be back into giving speeches without being able to question members as they put their provisions forward. I will just say that all the arguments I have heard this morning have been rebutted in the previous days, and that is on the *Hansard* record.

However I do want to tell the member that I heard something that was a little disturbing this morning relating specifically to clauses 5.1 and 5.2 of Bill C-14, and that is the conflict between the agreement or the bill and other legislation. The member misstated some basic principles and I have heard them echoed in other speeches from the official opposition.

Under 2.8.4, the Tlicho agreement would be paramount over the settlement legislation, federal or territorial, to the extent of any inconsistency or conflict. Similarly, under 2.8.3, the agreement would be paramount over the provisions of any other federal or territorial legislation or Tlicho laws to the extent of any inconsistency or conflict. Also, under 2.8.3, the settlement legislation would be paramount over provisions of any other federal or territorial legislation or Tlicho laws to the extent of any inconsistency or conflict.

The point they are missing on the other side is that this does not mean that Tlicho laws will be paramount. It means the agreement will be paramount and the agreement itself, under 7.7.2, confirms that federal laws prevail. It states that to the extent of any conflict, there is no paramount authority over the federal Crown in relation to matters concerning the Tlicho.

Does the member understand that federal laws of general application prevail? Does he understand that he cannot just read the enacting legislation but actually has to go to all of the clauses? I know that there has been a misunderstanding. What I am saying is that the member must not only read his speech, he must also read the agreement and all the existing documents to understand the conflicting provisions that would lead to a miscommunication or a misunderstanding. When they are put all together they are actually very logical.

I know this will be the last time to make this point but I hope we can finally get into the details of this, not in a debating manner but at committee, which is where this type of work is usually done.

• (1155)

Mr. Michael Chong: Mr. Speaker, I have read the agreement and I do understand that the agreement specifies that federal legislation, in its general application, is paramount. However what is troubling is that specific federal legislation relating to the Tlicho nation is not paramount. As a matter of fact, it is subject to Tlicho laws and to the Tlicho agreement. That is our concern.

There seems to be a potential for a very confusing set of jurisdictional questions as to whose authority is paramount. What is specific federal legislation?

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Natural Resources, Lib.): Mr. Speaker, I will try to get through my speech quickly because I definitely want to be available for questions. A speech was written for me, but I am throwing it away.

I want new members from the other parties to know that not only at this time, but also in other legislation, sometimes the opposition brings up that a new law is not constitutional. People have to realize, especially new members, that every time the federal government, no matter which party, puts forward a law a whole slew of constitutional experts look at the law. A law will not be put forward in Parliament that is against the Constitution because it would end up in court through lots of constitutional challenges.

The constitutional experts look at all the laws to ensure they fall within our Constitution. It does not mean that the laws cannot be challenged, but there are very few times when they are successfully challenged for the very reason that they have been carefully viewed in the first place.

The opposition has four major points. It may be a little boring, but I am will go through the technical parts of the agreement and proposed law to show that none of these objections hold water. I will do that in four sections because most other speakers have referred to these four items. Therefore, they can refer back to the section of my speech that outlines how we have dealt with those concerns.

The first is on finality. Opposition members wants to ensure that there is finality. They question why there are provisions for changes in the future in this act.

In chapter 1 on finality, the Tlicho agreement draws the distinction between land rights and non-land rights. Certainty is achieved for both land and non-land based rights and finality is achieved for land rights. All exercisable rights must be set out in the agreement. The Tlicho agreement applies a non-assertion technique whereby the Tlicho agree not to assert any land rights other than those agreed to in the Tlicho agreement. Should the courts determine that an assertible aboriginal land right exists that is not in the Tlicho agreement, the Tlicho agree to release this right to the Crown. This fall back release ensures that the agreement achieves a final settlement of land rights.

The fall back release technique applies only to the land rights. For non-land rights, which would be various self-government rights, the Tlicho agree only to exercise those non-land rights set out in the agreement. However, the Tlicho can seek recognition of further non-land rights. If such a right is agreed to by the parties or confirmed by the courts, this right can then be added to and exercised through the Tlicho agreement.

The area where they can make improvements is related to taxation. Article 27.6.1 allows for equitable treatment among all aboriginal groups in the Northwest Territories concerning tax powers or exemptions, so that taxation regimes in the Northwest Territories would be compatible and equitable. The Tlicho agreement is the first such agreement in the Northwest Territories and may need to be revisited concerning tax powers or exemptions in the future, such as when other NWT land claim and self-government agreements are finalized.

There is a provision to change it if another first nation in its self-government agreement has a different taxation regime. I am sure members opposite would not want the people in their constituencies to be unable to access a tax benefit or reduced taxation, if the rest of Canadians had access to it. All this does is allow that members in the Tlicho area to have the same provisions as all other aboriginal people in the Northwest Territories, and that members of the opposition will all be there to vote, hopefully, on any such agreement. They have total control over any changes in that.

I will be splitting my time, Mr. Speaker, with the member for Brant.

Chapter 2 is on international agreements. The opposition's concern was about the Tlicho being able to express their views on international agreements that affect them. A Tlicho government would be created with law-making powers under chapter 7. However, the Tlicho government would not have authority to enter into international agreements. The law-making powers are exclusively outlined in chapter 7, as well as the limitations and conditions

Government Orders

concerning those powers, especially concerning international legal obligations.

• (1200)

The Government of Canada retains sole jurisdiction under international agreements even though some of these agreements might affect a right of the Tlicho government, the Tlicho First Nation or a Tlicho citizen, flowing from the Tlicho agreement.

However, Canada has agreed to provide an opportunity for the Tlicho government to make its views known, either separately or through a forum with respect to any future international treaty, if such a treaty might affect the Tlicho rights, article 7.13.2. It should be noted that this right is not the same as an obligation to consult. Consultation is a defined term in the agreement and a more detailed elaborate process.

Canada has agreed to consult the Tlicho First Nation government if Canada has to appear before an international tribunal concerning a law or other exercise of power of the Tlicho government that has given rise to an issue concerning the performance of an international legal obligation of Canada, article 7.13.5.

Certainly, everyone in the House would agree that if people are to be affected by the agreement, their views should be asked. If the Tlicho government passes a law or takes an action that prevents Canada from performing any international legal obligation, article 7.13 of the Tlicho agreement requires the Tlicho government to remedy its law or action to enable Canada to perform the international legal obligation consistent with the compliance of Canada.

Territorial laws would also prevail over Tlicho laws in case of a conflict between Tlicho law and a provision of the territorial legislation that implements an obligation of the Government of Canada under an international agreement. That is in article 7.7.4. As well, article 7.5.12 provides that any Tlicho law enacted concerning taxation is subject to the obligations of the Government of Canada under international treaties, conventions and protocols respecting taxation.

If the Government of Canada and the Tlicho government disagree over whether the law or exercise of power of the Tlicho causes Canada to be unable to perform an international legal obligation, the matter would go to arbitration, article 7.3.14.

The third objection is related to the confusion of jurisdiction. There is no confusion of jurisdiction. It is clearly outlined. I will just quickly go over that. The agreement states that Tlicho laws be concurrent with federal and territorial legislation. However, the Tlicho have explicitly agreed that the federal legislation would prevail over Tlicho laws, article 7.7.2, to the extent of any conflict. There is no paramount authority over the federal Crown in relation to matters concerning the Tlicho.

Government Orders

Tlicho law-making authority is designed to complement and coordinate with the jurisdiction of the territorial government. Tlicho laws would prevail over territorial legislation, article 7.7.3, to the extent of any conflict except for territorial legislation concerning Canada's international legal obligations, article 7.7.4.

Once given force and effect, the Tlicho agreement would be paramount over the settlement legislation, federal or territorial, article 2.8.4, to the extent of any inconsistency or conflict. Similarly, the agreement would be paramount over the provisions of any other federal or territorial legislation or Tlicho laws, article 2.8.3, to the extent of any inconsistency or conflict. Also, the settlement legislation would be paramount over the provisions of any other federal or territorial legislation or Tlicho laws, article 2.8.3, to the extent of any inconsistency or conflict. This does not mean the Tlicho laws will be paramount; it means the agreement will be paramount and the agreement says that federal laws prevail.

Article 2.10.7 of the Tlicho agreement confirms that the Tlicho agreement is based on this hierarchy. If a court confirms the existence of an aboriginal right of the Tlicho first Nation that is currently not contained in the Tlicho agreement, the parties shall enter into negotiations to incorporate the right into the agreement, article 2.10.5. If such negotiations fail within one year, then an arbitrator would decide on the text to be incorporated into the Tlicho agreement, article 2.10.6.

However, the arbitrator must respect the basic architecture and hierarchy of laws contained in the Tlicho agreement, article 2.10.7: the laws are concurrent; federal legislation prevails, including legislation concerning international legal obligations, over Tlicho laws; territorial legislation concerning international legal obligations prevails over Tlicho laws; and otherwise, Tlicho laws prevail over territorial legislation.

I hope someone asks me a question so I can go over chapter 4, which is the universal application of the Constitution and charter. That is the fourth part of my speech.

• (1205)

Mr. Art Hanger (Calgary Northeast, CPC): Mr. Speaker, I certainly want to oblige the member. He wants someone to ask him a question. I will ask him a question or two.

First, I would like to make some comments about that member who so typically thinks, acts, walks and talks like a Liberal. One day I hope, and I guess I should not hold my breath, that the other side of the House will not wait any longer to hear what the experts say, when it comes to the Supreme Court and the charter, about enacting laws that are reflective of the broader consensus of residents in the country. I hope it does not have to run to the courts all the time and hear what they have to say. This in case is one of those prime examples.

I would ask the parliamentary secretary about the authority granted to the Tlicho government to enact laws that would be equivalent to our federal laws, specifically in two areas. My first question is on the control, prohibition, transport, sale, possession, manufacture and use of weapons or dangerous goods. The second

question is on the control, prohibition, transport, sale, possession, manufacture or use of intoxicants.

The way I read this legislation, the Tlicho would have sole authority in those areas. They are under federal jurisdiction, yet that authority is being granted to the Tlicho government. They cannot have it both ways. In my way of thinking it puts the Tlicho government on a par, if not above, the federal jurisdiction of Canada.

• (1210)

Hon. Larry Bagnell: Mr. Speaker, with regard to the last question, it has been said many times in the House that all federal laws under the Criminal Code will continue to apply, including gun legislation. It will prevail over Tlicho laws. However, if the Tlicho want to add additional restrictions on their people in a number of areas, the same as provinces and municipalities do, that would be allowed in the agreement.

I am glad the member mentioned the Charter of Rights and Freedoms. I will not give the whole last part of my speech, but only one sentence related to that because there are some other remarks I wanted to make.

Article 2.15 of the Tlicho agreement clearly states:

The Canadian Charter of Rights and Freedoms applies to the Tlicho Government in respect of all matters within its authority.

I was delighted to hear comments from the other side that everyone must be governed by the Constitution of Canada. They are under this agreement. I hope the members of the other three parties in the House and the media will remember that when we get back to other debates on other topics, such as same sex marriage. Most of the time opposition members complain about the Constitution and the Charter of Rights. This time they say that everyone must be governed by it.

Another member said that the Tlicho must always come within the Constitution. I am delighted that other members have said that we adhere to the principles of the charter. I hope they will remember that when we get back into other debates.

Another comment on the other side was that it gave the Tlicho 39,000 square kilometres, as it should be. I am glad the opposition agrees with that. We are not giving the land to the Tlicho. The Tlicho have always had rights to land. We are now defining a new partnership where they will have some laws and other people will have access to other laws.

Finally, the member said that I was acting like a Liberal. I am very happy and proud to be a Liberal.

They have talked about a country within a country. I do not know why the opposition would like to dissolve the provinces and municipalities. They each have their own laws in their own areas.

Opposition members have said that we would be setting up a fourth area of sovereignty and that is true. There is a fourth order of government now. The opposition must realize that there are municipalities, provinces and first nations governments.

Government Orders

The big difference and the crux of it, and the media should pay attention to this, there is a defining difference in this Parliament between the Liberals and Her Majesty's loyal opposition. In the past there was a Progressive Conservative Party that wholeheartedly supported advancements for first nations people, their self-government and their identity inside this nation to make this nation strong. That party time and time again voted against any progress with arrangements related to land claims. The difference is that our party celebrates diversity. We do not foster division. We celebrate—

The Acting Speaker (Mr. Marcel Proulx): Resuming debate. The hon. member for Brant.

Mr. Lloyd St. Amand (Brant, Lib.): Mr. Speaker, I rise today to express my support for Bill C-14, legislation to enact the Tlicho land claims and self-government agreement.

This is a historic agreement, the first in the Northwest Territories to combine land claims and self-government. This agreement is the product of frank, open and comprehensive consultations and negotiations which involved a decade of focused and arduous effort. The fruit of this labour is a tripartite agreement among Canada, the Northwest Territories and the Tlicho.

This agreement has already been ratified by the territorial legislature in Yellowknife. In a special referendum, an overwhelming majority of Tlicho voters have also approved the deal. Now it is our turn to review the agreement that is at the heart of Bill C-14.

I am convinced that a close examination of the agreement will reveal its singular importance for the Tlicho and also for Canada. I am confident that some of my hon. colleagues will address the relevance of particular aspects of the legislation. For my part I would like to provide some background on the negotiations and consultations that spawned this comprehensive agreement. My decision to lend my unequivocal support to Bill C-14 was influenced significantly by the exceptional efforts of the men and women who contributed to the Tlicho agreement. To fully appreciate the value of this agreement, my hon. colleagues must have a basic understanding of the several challenges facing the negotiators.

The Tlicho are one of several aboriginal peoples who have existed since time immemorial in the vast expanse of land we call the Northwest Territories. These men and women have a unique and deeply spiritual connection to the land which has always provided their sustenance. The concept of ownership and control of land was foreign to them until quite recently. To negotiate fairly, the Tlicho first had to recognize what was at stake.

Negotiators for the Northwest Territories and Canada faced different challenges. These men and women had to ensure that the agreement would be beneficial not only to the Tlicho, but also to all Canadians. The decision to include self-government in the agreement was based on this requirement, for only a government which is responsible, accountable and responsive can enable the Tlicho to thrive in the modern world and to safeguard their traditions and their culture.

Clearly, meeting these challenges required a great deal of mutual respect and recognition. To bridge the language and cultural divide, education and communication were essential. To ensure that self-government operates smoothly and also respects local culture, a Tlicho constitution was required. The constitution, like the

agreement itself, was drafted and ratified with the active participation of Tlicho citizens.

Since negotiations began some 10 years ago, the three parties have sponsored numerous information and consultation sessions. At certain stages in the process, open house sessions and bilateral meetings were held in all four Tlicho communities as well as in Yellowknife, the nearest major city. Representatives of private sector companies, interest groups, and public agencies were kept informed and encouraged to provide feedback. Women's groups, industry associations and environmental organizations participated fully in these various sessions.

Many meetings inspired passionate, emotional debate about the merits and limitations of various proposals. The feedback generated during these sessions has had a profound impact on the Tlicho agreement. In fact, comments received led to several amendments. Eligibility and enrollment requirements were modified and the boundaries of the Wekeezhii management area were clarified.

● (1215)

Furthermore, opinions expressed during these meetings convinced Tlicho negotiators to undertake separate discussions with other overlapping aboriginal groups in the Northwest Territories. The Tlicho recognized that their agreement would have a profound effect on these groups—

Mr. David Tilson: Mr. Speaker, I rise on a point of order. I think more people would like to hear this speech and I do not think there is a quorum.

The Acting Speaker (Mr. Marcel Proulx): The hon. member is asking us to verify the quorum, so we will verify the quorum.

And the count having been taken:

The Acting Speaker (Mr. Proulx): There being 25 members present, we do have quorum. Resuming debate with the member for Brant.

● (1220)

Mr. Lloyd St. Amand: Mr. Speaker, the Tlicho recognized that their agreement would have a profound effect on these groups. To ensure that future relations among all aboriginal communities would be harmonious, the Tlicho began to negotiate overlap agreements with the Dehcho and the Akaitcho Treaty 8 Dene. By the fall of 2000 these discussions had yielded separate agreements with each group. In addition, overlap agreements were negotiated with the Sahtu Dene and Métis and the Gwich'in.

In March 2003, negotiators for all three parties initialed the Tlicho agreement triggering a formal ratification process. To ensure that all Tlicho citizens had an opportunity to study the agreement, the Tlicho produced a simple, clear and neutral language version of the agreement, known as Plainspeak. Copies of the 27 chapter Plainspeak document were distributed free of charge.

A three month period was set aside to ensure that all interested parties had a final opportunity to express their opinions. Question and answer sessions were held in all four Tlicho communities. A referendum date was set. Campaigns were designed and implemented to ensure a strong voter turnout.

Government Orders

The results of the vote were overwhelmingly positive. Eighty-four per cent of those who voted cast a vote in favour of this agreement.

As my hon. colleagues examine the merits of the agreement which is at the core of Bill C-14, I encourage them to consider its context in the rapidly evolving relationship between first nations, Inuit, Métis, northerners and other Canadians.

The Tlicho agreement proposes a new relationship between the Government of Canada and the Tlicho, a relationship based on mutual respect and recognition. The agreement assigns specific rights and responsibilities to the Tlicho and implements a new financial arrangement.

Under the agreement the Tlicho government and citizens will be subject to the Charter of Rights and Freedoms and the Criminal Code, along with other federal legislation.

I am convinced that the Tlicho agreement will also enhance negotiations underway with other aboriginal groups in the Northwest Territories. The agreement reinforces the value and relevance of the negotiation process. To quote from the Supreme Court of Canada:

Ultimately, it is through negotiated settlements, with good faith and give and take on all sides... that we will achieve... a basic purpose of section 35(1)—“the reconciliation of the pre-existence of aboriginal societies with the sovereignty of the Crown.” Let us face it, we are all here to stay.

The Tlicho agreement goes beyond mutual recognition and contemplates a new and respectful relationship between Canadians and first nations, Inuit, Métis and northerners. By supporting Bill C-14, the House sends a powerful message to aboriginal groups across the country, a message of recognition, a message of hope, a message of reconciliation.

I urge my hon. colleagues to approve this legislation without delay.

The Acting Speaker (Mr. Marcel Proulx): Questions and comments, the hon. member for Wild Rose.

Hon. Larry Bagnell: Mr. Speaker, I rise on a point of order. I understood that questions ended at 12:15. Is that not true?

The Acting Speaker (Mr. Marcel Proulx): The member will recall that he had shared his time with his colleague and the time of the hon. colleague having started before 12:14, it was agreed that the time would last.

Mr. Myron Thompson (Wild Rose, CPC): Mr. Speaker, I would like to thank the previous speaker for talking about the bill but I have to ask him a question in regard to something he said about giving aboriginal people hope, et cetera.

Long before I came here in 1993, and in all the years since I have been here, we have talked on a number of occasions in the House and in other places about the absolutely terrible status of so many reserves. I am talking about all the terrible things, the poverty, the unemployment, the addictions, the suicides, the lack of education, the atrocities that are taking place on reserves, problems which have been brought to us by many grassroots natives. There is the corruption and mismanagement. All of these things still seem to exist. We have talked about it. We want to do something about it. We want to help the people who are suffering.

I have been in homes that look good from the highway but inside there is no running water, no rooms, no cabinets. They have not been finished on the inside; there is just a shell on the outside. I travelled the country for about two years and on many of these reserves I was in broken down trailers and broken down buses which families had tried to make into homes for their children. The suffering is tremendous. There is a lack of health care and lack of good water.

When the report came out about which country is the best to live in, I am proud to say that Canada won that hands down two or three times. Canada was number one. However, if Indian reserves had been factored in, we would rank 38th. Third world conditions exist and the corruption goes on.

If any government would know how to deal with corruption, we would think it would be the present government. How to put an end to it would be to get honest elections and so on. These problems still exist.

I am sure the member is aware of the atrocities that are taking place. Would he please tell me how this agreement or any agreement of this type is going to make those situations better? How is it going to improve the living conditions for the people living on these reserves who desperately need our help?

●(1225)

Mr. Lloyd St. Amand: Mr. Speaker, I agree with certain of the comments mentioned in the member's preamble. The hon. member is correct. I am quite aware of the conditions under which our aboriginal peoples live. I am the proud member of Parliament for Brant, which has a very sizable aboriginal population. I am well aware of the relatively substandard, in some cases unhealthy, conditions in which these folks live.

The Prime Minister and the government, of which I am very proud to be a member, are determined to improve the situation. That is why, for instance, the Prime Minister saw it as important that his very first trip post-election was to visit native communities in northern Canada. He wanted to see first hand the conditions under which these individuals live.

We recognize that aboriginals to some extent have been ghettoized. The government is determined to do something about that. It is why the first ministers meeting on health included significant new funding to improve the health conditions of our aboriginal peoples, including \$100 million to ensure that more aboriginal or native physicians, nurses, et cetera, are graduated.

I cannot account for the last 11 years. I am new and the Prime Minister is new. This government is determined to now do something. I am very confident that we will do all we can to ensure that the living conditions are vastly improved.

The Acting Speaker (Mr. Marcel Proulx): I want to bring to the attention of members the fact that we are into the 10-minute period per speaker with no questions and comments.

Resuming debate, the hon. member for Niagara West—Glanbrook.

Government Orders

•(1230)

Mr. Dean Allison (Niagara West—Glanbrook, CPC): Mr. Speaker, I believe everyone in the House shares the belief that the government has the responsibility to negotiate and settle outstanding comprehensive claims according to the principles of both fairness and practicality.

The Conservative Party believes giving aboriginal governments the power to raise their own revenues will reduce the cycle of dependency and that the performance and accountability of aboriginal self-government is enhanced when those who receive services contribute to the cost of those services.

While I agree with the general intent of Bill C-14 in seeking to ratify agreements on land claims and establish aboriginal self-government for the Tlicho, I cannot support this legislation because of the way it has been drafted.

Self-government must occur within the context of the Constitution of Canada to ensure fairness and equality. Any settlement of comprehensive claims needs to be ratified on the basis of a clear framework balancing the rights of aboriginal claimants with those of Canada. Specifically, negotiated settlements need certainty and finality of terms, and need to be practical in their institutional structure so as not to impede or supercede how all residents of our nation are governed. Unfortunately, this bill fails to measure up to these principles.

The agreement here is precedent setting and will guide future claims, settlements and self-government provisions across the north. I hope government members will take the time to consider the impact that this legislation will have. If passed, the bill will create a new order of government for approximately 3,500 people residing within an area roughly measuring 39,000 square kilometres who will be governed by a distinct Tlicho constitution.

This legislation, if enacted, would compromise Canada's international sovereignty because it does not limit the Tlicho government's authority to enter into international, national, interprovincial, and interterritorial agreements. This is a clear and definite erosion of federal jurisdiction and governance authority, and could only lead to legal confusion and conflict in the future.

Just a quick glance at how this bill prescribes the hierarchy of authority is essentially a recipe for confusion. Article 7.7.2 through 7.7.4 lists governance authority in this order: federal legislation of general application, territorial legislation implementing Canadian international agreements, Tlicho laws, territorial legislation of general application and specific federal legislation relating to the Tlicho. In other words, Tlicho laws may take precedence over territorial laws and also over federal laws relating to the Tlicho.

This may sound like some sort of technical argument that only a constitutional lawyer would be interested in, but let us consider how this precedence of authority would function if it applied to any other level of government with which many Canadians are much more familiar. Would it make sense to give a municipality, like my home town of Lincoln, the authority to pass bylaws that supercede provincial and federal legislation? I know quite a few mayors and aldermen and maybe even a few residents in my riding of Niagara

West—Glanbrook who might think this is a good idea at first glance, but only at first glance.

We have ended up with a patchwork of unworkable and conflicting legislation across Canada that makes no sense and is inconsistent with the governance structure established by the Canadian Constitution.

The Tlicho government has power to enact laws in relation to: fish harvest licensing; use of water for aquaculture and other activities; fish harvest limits; fish openings and fish gear; businesses, occupations and activities of a local nature on Tlicho lands; control or prohibition of transport, sale, possession, manufacture or use of weapons or dangerous goods; control or prohibition of transport, sale, possession, manufacture or use of intoxicants; use of Tlicho language and culture; traditional medicine; heritage resources; adoption in the Northwest Territories of Tlicho children; direct taxation of Tlicho citizens on Tlicho lands; and enforcement powers.

•(1235)

Assuming that similar self-government agreements are put in place across the rest of the Northwest Territories following this precedent, I wonder what responsibilities or powers the government plans on leaving for the territorial governments. In fact, the governance structure that this bill would establish is treading on a very dangerous line.

There are serious implications for the application of the Charter of Rights and Freedoms to Tlicho citizens. The agreement and the Tlicho constitution may speak of consistency with the charter, but at the same time the Tlicho constitution is quite clear in article 3.1 that the Tlicho constitution shall be "the Tlicho nation's highest law". Unclear, inconsistent and unworkable are the best ways to characterize this legislation when it comes to the relationship between the Canadian Constitution, the Charter of Rights and Freedoms and the Tlicho constitution.

The agreement itself outlines a racially based governance system. A new category of Canadians called "Tlicho citizens" is established and only a Tlicho citizen may be elected as the chief of the Tlicho community government. As well, at least 50% of the elected councillors must be Tlicho citizens.

This legislation sets up a racially segregated electoral system. Someone not defined as a Tlicho citizen under this agreement may live and participate in the community, but will not have the right to stand for election as chief. Does the government not see the basic problem with creating different levels of citizens? Not only would I argue that this is contrary to the Charter of Rights and Freedoms, I would argue that this is just plain wrong. It does not take a constitutional lawyer to see the basic injustices here.

Finally, despite the tremendous generosity in terms of the lands, moneys, resources and authority which are provided to the Tlicho, this agreement is not even final.

I would also like to mention something when it comes to our freedom of information. Under 2.12 "Disclosure of Information", it states:

Government Orders

Subject to 2.12.3, but notwithstanding any other provision of the Agreement, neither government, including the Tlicho community governments, nor the Tlicho Government is required to disclose any information that is required or entitled to withhold under any legislation or Tlicho law relating to access to information or privacy.

What we have once again is a question about Tlicho laws. If the government requires information, will it have freedom of that information? That is not very clear.

Article 2.12.2 states:

Where government, including a Tlicho community government, or the Tlicho Government has a discretion to disclose any information, it shall take into account the objects of the Agreement in exercising that discretion.

Article 2.12.1 states:

—withhold under any legislation or Tlicho law relating to access to information or privacy.

That brings into question what exactly the requirements are when it comes to freedom of information and what will be possible.

We have a piece of legislation that establishes a racially based system of governance, erodes federal and territorial authority, and creates a framework of legal confusion that will probably make a few constitutional lawyers very wealthy. To cap it all off, the agreement with the Tlicho is left open ended so the matter is not really settled.

This agreement and legislation have obviously not been considered from the perspective of the interests of Canadians. There is no balance between the economic and social needs of the Tlicho with Canada's need for a workable and final agreement that establishes practical precedence. This bill has far too many holes in it to proceed. All the government will accomplish if this is pushed forward is decades of constitutional and legal uncertainty.

Mr. Art Hanger (Calgary Northeast, CPC): Madam Speaker, I am pleased to rise to speak to Bill C-14, the Tlicho land claims and self-government act

Before proceeding with my speech, I would like to take this opportunity to thank the people of Calgary Northeast for placing their trust in me by re-electing me to represent them here in the House of Commons. They have my pledge that I will continue to work hard to ensure their views and their concerns are well represented in Ottawa. I thank the people of Calgary Northeast for placing their trust in me.

Under the agreement between the Tlicho people, the Government of Canada and the Northwest Territories the Tlicho First Nation will gain control of 39,000 square kilometres of land between Great Slave Lake and Great Bear Lake. If we were to drive around the perimeter of it, it would take about an hour and a half. That is a sizable chunk of territory with a population of 3,500 people. It is certainly a lot of responsibility for that kind of territory.

No doubt there will be lots of activities coming up in the Northwest Territories. Certainly, within the framework where this particular chunk of land rests, that activity will include mining, fishing and who knows what else. Transportation will be key and it will certainly reflect on any kind of business activity that any other company or government will be engaged in in that territory.

I can see the need to actually make this self-government arrangement work to avoid continued jurisdictional entanglements

in the future over what might happen there. Looking to the north, there is no doubt in my mind that the north holds so much promise and so much potential for not only those who live there but for the rest of the country. I would assume that the government on the other side would like to see that flow smoothly to allow people to do business in the north so that all may benefit from it.

This is perhaps one of the most significant agreements concluded by the Canadian government in recent years. Yet to my surprise it has received very little attention, especially when one considers that it has the potential to be both positive and negative to the long term interests of Canada.

I would like to talk about a couple of points, as I cannot talk on every issue that may have been addressed thus far. There are some that concern me as I look to what some of the provisions in this act actually wash out to be.

I am going to pick on the powers that have been granted to the Tlicho government to enact laws. I know this has been a subject of much debate when it comes to land claim settlements and even the activities that occur on various reserves throughout this nation. Even though the laws of Canada are said to apply to all jurisdictions on federal statutes, in fact, there is a big question mark as to whether they do or not.

•(1240)

I previously asked a question of one of the parliamentary secretaries about one of the reserves to the south.

I and my party would like to see this land claims settled but we want to see it done in a way that will be beneficial not only to those who occupy the land, but that it will contribute to the general well-being of the nation, and that those living on the land are subject to Canada's laws and have the same fair treatment as anyone else.

The parliamentary secretary made mention that reserves all enjoy the same treatment but I beg to differ with her. I have been on various reserves and, even though there has been no specific land claim arrangement, it has been instilled in their minds that they are an entity unto themselves, that the laws of Canada and the United States and the enforcement of those laws do not apply to them. For some unknown reason there has been so much political interference that the whole well-being of the people living on those reserves has been placed into question. In fact, some people have been placed in jeopardy.

The Liberals track record concerns me. It is not the fact that land claims are being completed. It is the fact that the Liberals' track record, when it comes to enforcing or applying laws evenly across the country, has been placed into question.

I want to point to one set of statements in reference to the powers given to the Tlicho government to enact laws. Two of those powers fall right into federal jurisdiction.

Government Orders

The first power is with regard to the control over the transport, sale, possession, manufacture or use of weapons or dangerous goods. We have laws in Canada that apply nationally. These laws regulate firearms and explosives. The Criminal Code is used if someone violates provisions within the code. Yet this is one area where the Tlicho government will be able to enact laws to possibly manufacture or use weapons or dangerous goods.

The second power is the control or prohibition of transport, sale, possession, manufacture or use of intoxicants. Authority has been granted to the Tlicho government to delve into these areas. It is not at all clear as to who will enforce what or, if there is an enforcement agency, where those who have been charged, convicted or whatever can appeal there case should they not be happy with what has gone on within their jurisdiction.

That again comes back to the point that the Tlicho government seems to have the ultimate say in all levels of authority within that new jurisdiction which the government wants to create. Where is the appeal process in this whole arrangement?

• (1245)

Finally, I would like to address the issue of access to information. Where do the rules of access to information apply, or do they? My impression from reading the bill is that it would be very difficult for me as a member of Parliament or someone else who has concern about what is happening in the proposed jurisdiction to access information that may deal specifically with that level of proposed government.

I want the House to know that I will not be supporting the legislation. I feel there must be additional debate and much more contribution issued when it comes to finalizing any self-government for the Tlicho people.

• (1250)

Mr. Brian Jean (Fort McMurray—Athabasca, CPC): Madam Speaker, some citizens may have issue with the legislation and the more they research the legislation they might have more concerns.

The legislation dates back in reality to King George III's proclamation of 1763, 301 years ago almost to the day.

This comes back to the situation that is to be admired in our great country, that we will protect the rights of individuals, even those people who are not able to protect themselves. That is why I oppose the bill today.

The Constitution protects aboriginal rights and the decisions from the Supreme Court of Canada, specifically in 1997, have protected and reinforced the rights of aboriginals.

I would encourage any people who do take offence or do take major issue with the legislation to educate themselves regarding the history of aboriginal claims in this country. There are many resources on the Internet, for instance, where they can find that information.

We cannot ignore these rights as Canadians. We have to protect all citizens, no matter what status they have. I myself have argued before the courts in Alberta for aboriginal rights, as a litigator and a solicitor in the past, and I am very proud of that record.

I personally support the settlement of all outstanding claims for bands. I agree with the federal government that we must satisfy these claims. However, at what cost?

I do not support any agreement that takes the citizens of any area of Canada outside the jurisdiction of the Constitution or outside the jurisdiction of the charter. I do not support any agreement that usurps the authority of the federal government to negotiate with international governments as I believe this would lead to major distress and, unfortunately, disharmony in the country.

I believe we are setting a dangerous precedent. I would suggest that it can be effectively argued that all international agreements pursuant to this legislation would be affected by Tlicho citizens. As such, it is arguable that all international agreements would have to be ratified by the Tlicho band before we as a sovereign nation could enter into it. That I find greatly disconcerting.

As I stated before, I am from northeastern Alberta. I am very proud to be from a constituency that has some 20% of its members as aboriginals and first nations. I am proud to have over 20 family members who have aboriginal status and are members of bands either treaty or status, especially under Treaty 8. I have hunted, trapped, played hockey and worked beside aboriginals since the 1970s in northeastern Alberta. These Canadians need to be respected and our agreements with these Canadians need to be respected as well.

We as Canadians should be embarrassed and ashamed that we, for the last 300 years, have not negotiated land treaties with them and that we have not reached an agreement up to this point. We should have resolved these issues hundreds of years ago before they became issues of topic today.

I, along with, I believe, all members of the Conservative caucus, respect the culture and diversity of the aboriginal peoples. My concern, quite frankly, is for the people of the Tlicho band. Will they be protected by the charter? Will we create more strife in the future in the community by creating two classes of citizens? Will all persons, regardless of sex, be protected?

Today we would be approving an agreement that would be a forever agreement. It would be forever for us but not necessarily forever for the Tlicho people. There would be no going back on the terms but it would allow, if there were negotiations with other bands in the Northwest Territories, the Tlicho people to get more in the future. It would allow them to renegotiate a final agreement.

Apparently this agreement deals with a final decision as far as the land goes but, in my opinion, it does not. Reading the legislation as a lawyer, I fail to see how this agreement can be a final agreement based on what I have read.

This is not an argument as to whether the agreement is fair or how much is paid. I do not believe that has substance. The people who have negotiated this agreement have certainly taken all the issues of negotiation into perspective and their position needs to be respected.

Government Orders

•(1255)

The Tlicho people need to be respected and protected. That is my concern. It is about the future. It is about harmony within the Tlicho area. It is about harmony for all future land claim agreements with first nations throughout the Northwest Territories and British Columbia.

Currently, we have 3,500 persons with Tlicho citizen status, but how many Tlicho citizens, as defined under the agreement, will there be in 100 years controlling an area the size of New Brunswick? I am not thinking about this for the benefit of other Canadians, only of the people who are from Tlicho ancestry. Some people will be treated one way and some people will be treated another way, both from the same ancestral area.

In my opinion the Government of Canada has a fiduciary obligation, a responsibility, to finalize all agreements with first nations, but not at the expense of other members of the band and not at the expense of those people and their rights under the charter or the continued harmony of all Canada in the future. Self-government is necessary. I think I speak for all of my colleagues that self-government is the best way that aboriginal peoples can move forward. It will be much better for the Tlicho people and much better for Canada's future.

I implore the government to go past today and not look at an immediate settlement to solve the problem so that the economy can keep rolling and they can move into an economic prosperity without taking into consideration all the ramifications in the future. I implore the government to look at the future for Canada, to look toward the future for the people of Tlicho of all different respects, whether they be Tlicho citizens or of Tlicho ancestry, and to ensure that they are protected fully and finally in all matters respecting the charter and that the Tlicho people and the area they will control, in essence the size of New Brunswick, will be under the charter and the constitution. I implore the government to make this a final agreement so there is no going back, there are no renegotiations and there is no continued strife for the people of Canada.

Finally, to protect our international sovereignty is absolutely crucial. As a country, we need to ensure that the federal government can continue to operate in such a manner as to bind the people of Canada on an international basis without needing to go to each and every band to have a ratification of treaties.

I would submit being Canadian means that some things cannot be negotiated away. In this case I would suggest that the charter and the Constitution and the rights under those two crucial pieces of paperwork are being negotiated away. I would suggest it is not the best thing for Canada or Canadians.

Mr. Gary Goodyear (Cambridge, CPC): Madam Speaker, I would also like to add a few comments on the agreement.

I do not think there is any doubt on this side of the House that agreements that move the aboriginal peoples forward are all in good form for all Canadians. Self-awareness, respect for these peoples and a decreased dependency on the government is all good. Frankly, it is a bit insulting to us, when we want to improve on any agreement among all Canadians, that members on the opposite side of the

House seem to imply that we are in some way against aboriginal peoples, which of course we are not.

It is great progress for all Canadians, but I think the agreement has gone slightly overboard. I have great concerns with some of the parts of this agreement, and I will speak to a few of those if I can.

One, which I am not sure has been mentioned earlier, is that it creates what seems to be a racially biased electoral system. It speaks in the agreement itself as well as in the Tlicho constitution of Tlicho citizens that 50% of the council has to be Tlicho citizens. We do not see that kind of government or structure anywhere else in Canada. I think this raises great concerns. As well, it appears that the agreement would give this group of people the right to negotiate its own international agreements.

I know there is a lot of detail and there is a lot of thought as to where this will take us in the future, but we cannot predict the future. I would like to ask the members opposite, how does this affect their rights to negotiate treaties with respect to fisheries? Can they produce arms and weapons and sell them globally? Will we be able to control those kinds of decisions if in fact they are made?

As well, the agreement itself, despite the hon. members opposite telling us that it is not, does in fact create jurisdictional confusion. In the constitution of the Tlicho communities themselves, it states, and section 3.1 of their constitution says quite clearly, "This constitution is Tlicho nations highest law". I do not know what that means. Does that mean that they have to represent Canadian laws on a broader scale or do they just make up their own laws?

As well, if we want to challenge a Tlicho law, if I can read from their own constitution, it simply states here:

Any person directly affected by a Tâichô law may challenge its validity. The body with jurisdiction to decide such a challenge has the jurisdiction to quash or limit the application of the Tâichô law that is subject to the challenge.

That is all good and it sounds like the same thing that happens across Canada. However, if we do not agree with a municipality's reason for a decision, we can take that to a higher court. According to the Tlicho constitution, we cannot do that. It says:

In the absence of a Tâichô law providing for a challenge to the validity of a Tâichô law, such a challenge shall be by way of an appeal to the Tâichô Assembly.

This constitution does not give anybody the room to manoeuvre and I think it is frankly unconstitutional within the framework of Canada.

The last thing I would like to comment on is just the generalities of the agreement by itself. This is not a diversity which Canada honours and respects, the diversity of its multiculturalism; this is divisive. This is actually creating a number of different countries with their own governance and their own ability to set law and negotiate international treaties within this country.

I am from Cambridge, Ontario, and I am concerned where this kind of precedent will take us. In my community we have all kinds of ethnic backgrounds and a wonderful pluralism within it. Does it mean that in five or ten years we will end up with a whole bunch of little communities with their own sets of laws and their own court systems which nobody can influence? Before we go any further on this agreement, we should reflect on the realities that these questions still remain.

Government Orders

•(1300)

The fact is we do need to move forward for our aboriginal peoples. There is no question that they have been forgotten for the last decade by this government. However, we have gone overboard with this agreement. It should be a win-win for all parties. This is a win for the Tlicho people; this is not a win for Canada nor the future of Canada.

I would encourage the House to reconsider the agreement and come to the conclusions of what all the lateral implications will be. The government's knee jerk reaction to find a solution will put the future of Canada in jeopardy.

•(1305)

Mr. Myron Thompson (Wild Rose, CPC): Madam Speaker, once again it is a pleasure to rise and talk on the issue, mainly as it pertains to the aboriginal people and the first nations people of our country. I have spent a couple of years in Parliament and I travelled the country and visited many reserves. I listened to many grassroots people and their concerns. This has been going on for years and years.

A moment ago one of the Liberal members said that we should see some of the quotes he had from us. Unfortunately, the only quote I can bring up from the Liberals is the constant repetition in the throne speeches from years and years about how disgraceful and deplorable the conditions were on the reserve and how the Liberal government was dedicated and promised to do something to fix it .

Now we have come all the way to the present Prime Minister. Guess what? He is another one of those leaders who has said that he is the right man for the job and that he will be dedicated fixing problem on the reserves. It is a continuous record. We have heard it over and over since 1993 and even before that. We have heard of all the things the Liberals would do, yet many of things that need to be done are very basic.

The Conservative Party believes in self-government and that it is a good thing. However, it has to occur within the Constitution of Canada, and I do not think anyone can argue that. We want to ensure that is the case with any settlement. We also believe that it must be structured to ensure that constitutional harmony is such that it does not impede on the governments of other parts of our great country, provincial and municipal government levels. We want things to be right.

The bottom line for me and many of the people who I have talked with is simply this. Will all the agreements that are to be made and all the settlements that will be completed be something that will help address the seriousness of unemployment and great poverty. Unemployment is up to 90% on some reserves. There is the serious situation of health hazards and drinking water that does not exist. Clean drinking water ought to be everywhere in Canada. It does not exist on many reserves.

It is possible to travel down one of the major highways in Alberta, pass through a reserve and see the housing. I had thought it was a pretty good deal that housing was going up on these reserves and that would help the situation a great deal. One time I stopped to visit on the reserve. I went into the houses in which the people were

living. These houses were shells. There was no running water. There were no rooms. Blankets hung in the house to differentiate between rooms and give a little privacy. There was no finishing whatsoever on the inside of the house, but it looked good from the highway.

For many years I thought that we were moving right along until I started to get calls from people. They asked me to come and take a look at what was going on there. All they have ever asked for is to be treated fairly on their own reserves, but the corruption that exists is unbelievable. This is not on all reserves. Please do not think for a moment that I am saying that all reserves are that way because there are some really good reserves which are running effectively. However, there are many reserves that are not. Those are the grassroots natives that we hear from all across the country, who are constantly saying—

Hon. Sue Barnes: Madam Speaker, on a point of order, the member just mentioned the word “corruption” in the House and I just want to make sure that he is not referring to the matter on this bill here, Bill C-14, which is on the Tlicho. I would just like that clarified.

Mr. Myron Thompson: Madam Speaker, if there was ever a party or a member that knew anything about corruption, it would be that party over there, that is for darn sure. They are the experts.

•(1310)

The Acting Speaker (Hon. Jean Augustine): Please clarify the use of the word corruption in the sense that the member asks. Would you please respond to the question from the other side.

Mr. Myron Thompson: Madam Speaker, many people who live on the reserves, the grassroots natives, have contacted me and other members of the House of Commons complaining about corruption on their reserves and mismanagement. That is the word they used.

We know that some auditing has been going on. We know that third party management has moved into many reserves because of that. We know that is true because it happened in my riding on one of the major reserves.

All I am saying is that this has been going on for years and years, and that magic government over there keeps throwing in its throne speech that it is going to address these issues and put an end to poverty, unemployment, poor education and unhealthy status. Yet we can go into a reserve today or tomorrow, and I will guarantee that if we go to the right ones and look around we will find people living in shacks, living in broken down old buses, living in what we would not want to live in, no matter who we are or where we are from.

I do not think most of the people over there have ever walked in to find out what they are all about. They do not have the guts to do that. Instead they will stand in the House of Commons and talk about the wonderful things they are doing with an agreement like this. All I want to know is whether that agreement is going to help solve the problems that have been in existence for years and years. I will bet members a dime to a dollar that it will not, because they do not address those things from that point of view.

Government Orders

I said this in the committee last year when the previous Indian affairs minister, Mr. Nault, brought in legislation that was going to do everything. It does not matter what it was called. It was legislation that was about this thick. By the time they got done with it, they had amendments to that legislation that were about this thick. Good grief, if they have to amend a little piece of legislation like that with that number of amendments, there must be something wrong with the legislation. Where were these amendments coming from? They were being requested by grassroots natives all across the country who were trying to get it right.

When are we going to get it right? When is this country going to realize that we are one of the best, if not the best country, the number one country in which to live, but not on an Indian reserve. The United Nations itself has put out reports saying that if the reserves in Canada were factored in, we would rank about 38th.

All I want to know is whether we are bringing in treaty settlement agreements that are going to change that picture, where the equality all across the country is the same for everybody? Are our friends in the aboriginal communities going to have the same opportunities to employment, to education and to other opportunities because of these kinds of things, or are we going to keep plowing the same old field over and over?

If there is ever anything that needs recall, I will guarantee one thing, it is a corrupt government, and I mean corrupt. I would not want to confuse anybody about the word that I use.

There is no excuse that we live in Canada and those kinds of conditions exist on reserve. We should quit putting together legislation which one member had to get up and read over and over. Nobody could understand it because it probably took 12 lawyers to write it. It is not understood by the average person anywhere and it does not address the issues at all.

There is somebody mouthing off over there who probably has not been to a reserve. I would like to take him into one. I would like to take him right into the homes that I have been in to have a look for himself. Instead of mouthing off he ought to get out there and take a look. That is all they do over there. They are better at mouthing off than anything else. They should get out there and find out what is going on.

If they want to do something to help the situation, then they should start recognizing the problems. They should start recognizing the high rates of suicide as being very serious. They should start recognizing the undereducation that is going on. It is a very serious problem. They should start thinking about the high rate of medical drug addictions. It is extremely serious. The member has not been in there to see it, but I have. I have been there many times.

Hon. Sue Barnes: Do not tell me what I have done, because I have. You have not.

Mr. Myron Thompson: I am not talking about this member, I am talking about that member over there. I do not care what this one has done. If you ask me, it has not been much.

• (1315)

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Madam Speaker, it is a pleasure for me to speak to the Tlicho land claims and

self-government bill. This is a historic piece of legislation and is deserving of some scrutiny by the House.

The Tlicho are the latest in the Northwest Territories to reach a land claims settlement but this is the first instance where self-government has been negotiated in an agreement at the same time. We have to be careful and take our time with this legislation. I will outline several areas where I find the bill to be deficient.

First, this is not a final agreement. The agreement contains a clause to reopen negotiations should other first nations in the Northwest Territories negotiate terms in their agreement that appear attractive to the Tlicho in the future. In this the agreement does not achieve a basic goal: to arrive at a final settlement.

Second, it would appear depending on how one interprets the text that the agreement recognizes the right of the Tlicho to enter into international agreements. It states right in the agreement that it does not limit the right of the Tlicho to enter into international, national, interprovincial and interterritorial agreements. It also requires the Government of Canada to consult with the Tlicho nation before entering into an international agreement that may affect the right of the Tlicho government, the Tlicho First Nation or Tlicho citizens.

I am concerned that this kind of language could be seen as being too broad and that it may put a restriction on what is an exclusively federal area of jurisdiction.

Third, the agreement creates a racially based electoral system which some will recall was the subject of a fierce debate in the House during the Nisga'a discussions.

Under this agreement a category of citizens called Tlicho citizens is created who are the only people who may be elected as chiefs. In addition 50% of elected councillors must come from this Tlicho citizens group. Some might argue that this is counter to the Charter of Rights and Freedoms, but it is certainly something that might be open to a court challenge.

Last, the most fundamentally difficult problem with the agreement is the way in which it deals with jurisdictions. The agreement describes several different hierarchies to determine which legislation should prevail in the event of a conflict: federal legislation, territorial legislation, Tlicho law or the agreement itself. It is also not clear whether Tlicho citizens would have the protection of the charter in the event of a conflict with the Tlicho constitution.

As the vice-chair of the Standing Committee on the Status of Women, there is another issue I would like to raise with respect to this agreement. It is the issue of matrimonial property. My colleague, the member for Portage—Lisgar, raised this in the previous Parliament when this legislation was Bill C-31. I would like to revisit some of the points he made for the record.

Let me quote from the interim report released by the Senate Standing Committee on Human Rights in November 2003, entitled "A Hard Bed to Lie In: Matrimonial Real Property on Reserve". This is an issue we should not ignore. The Senate report stated:

Government Orders

I believe that one of the basic rights we should be able to enjoy is the right to call a place, a community or a structure "home". Home is a place where we are safe and protected by family and friends. It is our private spot, where we can lock out the cares of the world and enjoy one another. It is also the place where, as a couple, when we plan a family, we know that this is the place where they will be safe, protected and loved. As a couple, you take a structure, and with personal touches from each of you, you make this your private world. You open your private world to family and friends, making them feel welcome when they visit you. However, make no mistake, this place is your private world.

Imagine the stress on a woman who knows that, if this loving relationship ends, then her world will crumble. Imagine the stress when this woman has children, and she knows, that not only she but also her children will soon have to leave the place she and they call home, and in some cases, must leave the community.

It is not an easy choice to decide that a relationship is not working and that the relationship must end. Normally, while there is a certain degree of animosity, most couples know that they must work out a mutually agreed upon arrangement for the disposition of property, including the home.

● (1320)

This would not appear to be the case for on-reserve women, as they hold no interest in the family home. There is no choice as to who has to move. It is the woman and, in most cases, it is the woman and her children. What a choice: be homeless or be in a loveless relationship, maybe an abusive relationship. Is that what Aboriginal women deserve? No, it is not. Is it humane? It is definitely not.

My concern and the concern of many members of my party is that the issues of matrimonial property are not properly, fully and fairly addressed in this agreement and that, if we proceed in this manner, there is the real possibility that we will perpetuate the circumstance. There is only one place in Canada where no such property rules exist and that is on reserves. It is important that we recognize this fact and commit ourselves to take every opportunity to correct the situation.

For those of us in opposition, it is not enough for us simply to oppose, especially in a minority Parliament. We must also put forward where we stand on issues such as this one. Allow me to make a few points about where a Conservative government would be on an issue like this.

The Conservative Party of Canada believes that self-government must occur within the context of the Constitution of Canada. Settlement of all outstanding comprehensive claims must be pursued on the basis of a clear framework which balances the rights of aboriginal claimants with those of Canada.

Self-government agreements must be structured so as to ensure constitutional harmony so as not to impede the overall governance of Canada. To ensure fairness and equality, a Conservative government would ensure that the principles of the charter applied to aboriginal self-government.

The Conservative Party of Canada believes in giving aboriginal governments the power to raise their own revenues. Aboriginal agreements reached with the federal government must represent a final agreement in the same manner as was achieved with the Nisga'a.

In closing, I believe that the underlying principles expressed are good ones. A comprehensive land claim settlement and self-government agreement in one document is a historic achievement, one which deserves credit for its good intentions.

Unfortunately, this agreement and the bill implementing it do not measure up to the standards that should be applied in such an important document. Again, here is why: The agreement is not final. The agreement does not fully respect the Charter of Rights and

Freedoms, nor does it fully respect the overarching authority of the federal government in areas of its exclusive jurisdiction. It creates substantial jurisdictional confusion between federal, territorial and Tlicho legislation as to which takes precedence and in what situation.

I urge the government to consider the words of my colleagues, especially our critic, the member for Calgary Centre-North, with regard to this bill. Before something as important as this agreement gets cemented into place with the force of the Constitution behind it, we must be certain that we are in fact doing the right thing.

Mr. David Tilson (Dufferin—Caledon, CPC): Madam Speaker, I would like to make a few comments with respect to Bill C-14 but before I do that I want to say how much I agree with the member for Wild Rose, who talked about the social problems of our native people in this country, the extreme poverty and drug problems. It has been going on for a long time. No government seems to be adequately dealing with it. The government has an opportunity now to deal with it.

The bill seems to have a lot of legalese in it. One member over here spent a great deal of time making us rather dizzy with some of the legal arguments as to why we should support the bill, but what it comes down to it there is nothing in the bill to solve the very serious problems that these people have. A lot of money has been spent by many governments and it is still going on. I think it is regrettable that we can stand here, debate these issues and not solve these problems.

Several other arguments have been raised as to why we in the Conservative Party are opposing the bill. One argument is that it is not a final agreement. It is quite remarkable that the agreement contains an article to reopen negotiations if another Northwest Territories aboriginal group negotiates terms that are attractive to the Tlicho in a future agreement. It fails to do what it is supposed to be doing, which is to create something that is final.

It is like no one thought about that. This other group thought about it but we did not think about it, so let us reopen the agreement. How silly. Why can we not have a final deal now? Why is that article in there? It is quite remarkable that clause is in there.

The second opposition we have to the bill is that it appears to recognize the right of the Tlicho people to enter into international agreements. I find that remarkable as well. This is Canada. Canada is supposed to be the one that negotiates international agreements, not a balkanization of this country, whether it is aboriginal or any other group. It is Canada that decides what the international agreements are supposed to be.

Government Orders

This agreement states that it does not limit the authority of the Tlicho nation to enter into international, national, interprovincial and interterritorial agreements. It further requires that the Government of Canada consult with the Tlicho nation before Canada enters into an international agreement that may affect the right of the Tlicho government, the Tlicho First Nation or a Tlicho citizen. Does a Tlicho citizen mean one person? Is that what that means? Surely to heaven we are not going to restrict ourselves to Canada making an agreement that one citizen can come forward and challenge the Canadian government. We will be in anarchy.

We on this side are saying that it is very broad language and puts a remarkable restriction on a power constitutionally reserved for the Canadian government. It would be quite a new change in the laws of this country if we were to allow one group to literally veto what a Canadian government is going to do.

The third argument of course is that it would create a racially based electoral system. The agreement would create a category of citizens called "Tlicho citizens". They would be the only people who could be elected as chiefs. Further, 50% of the elected councillors must be Tlicho citizens. Surely this is contrary to the Canadian Bill of Rights.

The final argument that I wish to address in my comments is the one that alarms me the most. I referred to it in a question that I asked one of the government members. It has to do with clause 5 of Bill C-14.

• (1325)

Someone said that was not the right interpretation. I am reading it and it says that the agreement, or the bill or the regulations made under the bill will prevail over the provisions of any other act of Parliament, any ordinance of the Northwest Territories, any regulation made under any of these acts or ordinances or any Tlicho law. It is really amazing, this paramountcy section.

The government members have said that we are not reading it correctly. Well, that is what it says. In other words, I can only assume that the Tlicho nation can create its own criminal code. The Criminal Code of Canada does not apply if there is a criminal section set up under this agreement. It has paramountcy over the Criminal Code of Canada. It could even be suggested, although the government disagrees, that it takes paramountcy over the Charter of Rights and Freedoms. If I were one of the Tlicho citizens I would have grave concerns as to how laws might be passed that would take paramountcy over the Charter of Rights and Freedoms.

Clause 5 will be a lawyer's dream. The courts will be so packed with constitutional cases for eons over this section alone, let alone all the other sections that are being referred to by my colleagues on this side.

The agreement describes three different hierarchies to determine which legislation is paramount in the event of conflict: federal legislation, territorial legislation, the Tlicho laws or the agreement. It is not clear whether the Tlicho citizens will have the benefit of protection under Canada's Charter of Rights and Freedoms in the event of a conflict with the Tlicho constitution. That is the most serious issue.

The Liberal government, of course, has taken great pride in saying that it set up the Charter of Rights and Freedoms. This is directly contrary to the Charter of Rights and Freedoms. Why in the world anyone would want to support it, I do not know. It does not make sense to support legislation that will violate the rights of Canadian citizens. I would encourage all members, including members of the government, to oppose the legislation on that issue alone.

There is a final element of confusion. The agreement provides, in article 7.1, for a Tlicho constitution. Although the constitution does not—

Hon. Sue Barnes: The Tlicho. Learn how to say it.

Mr. David Tilson: I can be challenged on how I pronounce my words but I look forward to the member challenging me on what we are saying over here as to how the bill is so faulty. It has major drawbacks. The Liberals boast about how they will support the bill but they cannot give answers to all these issues.

The constitution does not form part of the agreement. The agreement states in article 7.1.2 that the protection under the Tlicho constitution shall be no less than the Canadian Charter of Rights and Freedoms, and yet in article 7.1.4 the agreement prevails over the Tlicho constitution. However the constitution states that it prevails over everything else. It is like a big circle.

Those are my major arguments for not supporting the legislation. I cannot support the bill with clause 5, and I encourage all members of this place to vote against the bill.

• (1330)

Mr. Gerald Keddy (South Shore—St. Margaret's, CPC): Madam Speaker, I listened with interest to the comments of my colleagues and some of the comments of members on the government side. I also listened to the member for Calgary Centre-North, our critic for aboriginal affairs, who has done a good job in researching Bill C-14.

Like all matters dealing with aboriginal affairs, Bill C-14 is complicated and deserves intense and close study. This has nothing to do with an unwillingness on behalf of the Conservative Party to seek a final remedy for a number of first nations that are seeking land claims and treaties, but rather an attempt to bring some fairness to the issue.

Reference has been made to the Nisga'a treaty. I was aboriginal affairs critic at one time and supported the Nisga'a treaty. The treaty we have before us, as I have read it, is nothing like the Nisga'a treaty. They are totally separate issues.

I know some members of the House have taken exception to a number of issues in the treaty, such as the issue of paramountcy, which does not particularly bother me as much as it may bother others. However I do find a number of other issues problematic, especially when it comes to international affairs. I have not heard a clear and concise explanation from the government side on them. They certainly deserve a much closer study and a much more introspective study by government members.

I would like to draw the House's attention to 7.13.2 which reads:

Government Orders

Prior to consenting to be bound by an international treaty that may affect a right of the Tlicho Government, the Tlicho First Nation or Tlicho Citizen, flowing from the Agreement, the Government of Canada shall provide an opportunity for the Tlicho Government to make its views known with respect to the international treaty either separately or through a forum.

That makes common sense to me and I would see no problem with that. I would think that any first nation about to ratify an international treaty signed by the Government of Canada would want an opportunity to look at that treaty.

I will go a step further here and read 7.13.3 which states:

Where the Government of Canada informs the Tlicho Government that it considers that a law or other exercise of power of the Tlicho Government causes Canada to be unable to perform an international legal obligation, the Tlicho Government and the Government of Canada shall discuss remedial measures to enable Canada to perform the international legal obligation. Subject to 7.13.4, the Tlicho Government shall remedy the law or other exercise of power to the extent necessary to enable Canada to perform the international legal obligation.

Again, this makes common sense. The Tlicho people would amend their laws, which makes sense. However now we get to the crux of the problem.

The crux of the problem is really in 7.13.4 which states:

If the arbitrator, having taken into account all relevant considerations including any reservations and exceptions available to Canada, determines that the Tlicho Government law or other exercise of power causes Canada to be unable to perform the international legal obligation, the Tlicho Government shall remedy the law or other exercise of power to enable Canada to perform the internal legal obligation.

Under the legislation, what would stop the Tlicho government from selling bulk water? We have agreements among the provinces and the territories. We are not about to start exporting bulk water, although it does cross the border every day through municipal agreements along the border. We sell bottled water to the U.S. under our obligations under NAFTA and under the WTO.

• (1335)

Just imagine for a minute what would happen if the Tlicho First Nation decided to sell bulk water. There are all kinds of issues at stake. There are all kinds of bylaws that state that the Government of Canada shall not supercede the Tlicho ability to deal as an international body. Within a certain frame or guideline, I can agree with that. I have no difficulty with that.

I want to know some specifics. The government is very short on specifics, but very big on grandiose plans on how this is going to help first nations.

We have a great example. That is the Nisga'a agreement where the first nation has paramountcy on a number of issues that do not infringe upon the obligations of the sovereign state of Canada and the responsibilities of the federal government. There are dozens of examples, but it is very clearly written into the Nisga'a agreement. This language is not clear, final or definite when I read this proposed legislation.

What prevents the Tlicho people from deciding tomorrow, after the agreement is signed, that they wish to sell bulk water? As the agreement is written, there is anything in it to prevent that. That is one example.

This is pretty straightforward, responsible type of legislation that we would like to see governments bring forward. We have a number

of first nations who have never signed treaties. Some of the Tlicho band are among those people.

This is about something called the Mackenzie Valley pipeline. It is about Arctic gas flowing through Tlicho land and an ulterior motive on behalf of the government. It is in such a hurry to exploit the resources of northern Canada, and by the way to exploit the resources and give nothing back to either three levels of government in northern Canada. It takes the lion's share of the profit and the Tlicho should recognize this, as well.

The government is not a beneficiary. It does not always act in the best interests of its clients, including Yukon, the NWT and Nunavut, let alone does it act in good faith when it deals with first nations.

There is a bottom line that we cannot ignore. The treaty, unlike almost any other treaty that I have had the experience of reading, does not deal with finality. It is not clear in its language and it opens the door internationally to a real serious problem. Part of that problem is about water, or could be.

If we look at article 2.2.9, it states:

Nothing in the Agreement shall be interpreted so as to limit or extend any authority of the Parties to negotiate and enter into international, national, interprovincial and inter-territorial agreements, but this does not prevent the Tlicho Government from entering into agreements—

I have heard a lot of language coming from the government benches that the opposition is not looking at the legislation with a clear mind and that we are attempting to be unfair in our deliberations. As an individual who has supported a lot of good legislation regarding first nations, this piece of legislation has a serious flaw in it. Until I hear the answer, not just the criticisms about what everyone else thinks about this but the answer to that specific part of the bill, then I am going to be very apprehensive in believing that this legislation is good for Canada and good for first nations.

• (1340)

Mr. Rob Moore (Fundy Royal, CPC): Madam Speaker, it is a privilege to rise today to speak to the bill. I have been listening with interest to the comments that some of the members on this side have been making. I think they are very valid and we are raising some very serious concerns.

I want to talk about two issues primarily that are so fundamental to a free and democratic society, one of those being access to information on the part of its citizens and the other is the principle of equality before the law of all citizens.

I want to focus on a particular article, 2.12, disclosure of information. Currently, we have access to information provisions in this country that allow individual citizens to access the information contained by government. It states:

Subject to 2.12.3, but notwithstanding any other provision of the Agreement, neither government, including the Tlicho community governments, nor the Tlicho Government is required to disclose any information that it is required or entitled to withhold under any legislation or Tlicho law relating to access to information or privacy.

Article 2.12.2 goes on:

Government Orders

Where government, including a Tlicho community government, or the Tlicho government has a discretion to disclose any information, it shall take into account the objects of the Agreement in exercising that discretion.

Finally, article 2.12.3 states:

Notwithstanding any legislation relating to access to information or privacy, government shall provide a Tlicho community government access to any information under its control, other than federal Cabinet documents or territorial Executive Council documents, that is required for the administration, by the Tlicho community government, of an interest listed in part 2 of the appendix to chapter 9 or a lease listed in part 3 of the appendix to chapter 9.

I raise that issue of access to information. We want to ensure that the citizens who are governed under this agreement are not subject to a lesser amount of access to important vital information than Canadian citizens are subject today. That is a concern because access to information is a cornerstone of a free and democratic society.

I also want to talk a bit about the principle of equality. That is a principle to which most of us on this side are committed to and to which those on the other side say they are committed. This overall agreement will create a racially segregated electoral system, which is clearly contrary to our charter of rights that we cherish.

Those who are Tlicho citizens acquire a very distinct status. They enjoy the electoral franchise as Tlicho citizens. They have all the rights and benefits of other Canadian citizens. They also maintain their identity as aboriginal people of Canada participating in and benefiting from any existing or future constitutional rights. They also receive all status Indian benefits and maintain their hunting, fishing and trapping rights under treaty.

I fear we are creating here a system of rights, competing rights and conflicting rights among various groups of Canadians. The principle of equality appears to be thrown out the window in an effort to reach this agreement.

As Canadians we are protected under the charter of rights. It is part of our Constitution and has been since 1982. It provides certain rights and guarantees to all Canadians. Some of those rights that we cherish are included under that charter. It is not clear to me, and it has been raised today by various members, that the charter will apply to these citizens.

• (1345)

It seems quite clear on its face that if we were to take some of the provisions of this agreement and pushed them onto an area such as Ottawa, or my riding where we had a segregated electoral system, Canadians would not appreciate that. However, under the guise of reaching an agreement, we have some onerous provisions.

The principles that we cherish in a free and democratic society, that are necessary to maintain a democracy, the principles of openness of government, and the principle of equality of all citizens before and under the law, I would urge all members to consider whether this bill is in keeping with those principles that we claim to hold so dear. When we look at some of the provisions here, that is not the case.

Other provisions have already been raised today. I want to touch on some other items. We can go through so much effort in the debate on this agreement and the cost of trying to reach an agreement, but when we finally achieve an agreement, it must be final. How can we subject Canadians from across this country to this type of debate and

this type of effort that goes into reaching an agreement and not have a final agreement?

I fear that the government has put us in a situation where we will have to revisit this issue often. It sets a terrible precedent. Canadians would expect that this agreement would be final. Finality is an important part of any contract. We all want to know that we can rely on what we have entered into a year from now, 10 years from now and into the future. If we have an agreement that is not final, it does a disservice to the Tlicho people and to all Canadians.

The other item that has been mentioned, and I cannot understand why there has not been more opposition raised to it, is the right to enter into international agreements. We have seen some of the controversy on the other side when statements were made that some provinces could act on the international stage as a representative of Canada. We know that is not true. The Government of Canada speaks for Canada on international debate and international negotiations.

Have we opened the door now to a group of people within our country and have we given the opportunity now for them to speak to international agreements and international issues? In practice how would that be put in place?

We do not offer a seat for the provinces. Yet, we are now going to extend a seat in international agreements which is what the agreement says. This is a power that is constitutionally reserved for the federal government and we are going to open this up in this agreement.

I have already mentioned the electoral system. There has to be fundamental equality before the law. We have seen recent Supreme Court decisions affirming that every Canadian citizen has the right to vote. We have seen that even extending into our federal prison system.

To then suggest that only certain citizens in an area, these Tlicho citizens as they will be known, are entitled to be elected to certain positions is a clearly racially based system.

There is also concern in creating another tier of government. We have a municipal tier which ironically enough this government has promised time and time again to support and has been pulling the rug out from under our municipal governments. Now we see the government creating another tier.

Those are some of the issues that must be addressed.

• (1350)

Hon. Rob Nicholson (Niagara Falls, CPC): Madam Speaker, this is Bill C-14, the Tlicho land claims and self-government act.

There have been a couple of important pieces of legislation that have been introduced into the 38th Parliament. One of them deals with the subject of child pornography, which I think is very important to Canadians. This too I believe is very important legislation, one that will have profound effects on Canadian society for many years to come. I am very pleased to speak to it, but I am somewhat concerned about matters that were raised in the debate by the member for Calgary Centre-North. Members will remember he raised a number of issues with respect to this agreement.

This is an agreement that comes before this chamber. We have every right to debate it, look at it and ensure that it is in the best interests of Canada, as well as in the best interests of the Tlicho people. I agree with the concept of native self-government. It is a good idea and it something that we should pursue. I believe, for a couple of reasons.

Members will remember that in the British North America Act, the federal government was given special responsibility with respect to Canada's natives. In the last 137 years it is fair to say that we have not done a good job of running the lives of Canada's aboriginal peoples. That alone commends the idea of native self-government to all Canadians. It is a good idea because it is fair and it is the right thing to do. Coupled with that is the fact that I do not believe as a society we have done a very good job trying to run their lives, nor should we have tried. That is the way the Constitution was originally written, so we must deal with it as we find it.

As well, I agree with the concept of native self-government because it is the fair thing to do if we look at the sweep of Canadian history. I appreciate the fact that there are many different first nation communities across the country. However, if we look at the history of modern Canada, we will see that at every stage of history of Canada the natives have played a vital part in the development of this half of the continent.

As we know, Canada occupies two million square miles of the northern half of North America. We are very fortunate people to have many natural resources and to have this land. It would not have been possible if we had not built up allies. As European settlements moved across the northern half of the continent, the allies we had with native communities were absolutely vital.

Members will remember the French regime. If we look at the history of Samuel de Champlain and the governors who followed him, it was absolutely vital for them to have their own community and society by building those allies with the natives who preceded them in Canada. The English colonies to the south were much more populace. They had more money and more resources at their disposal. Yet for several hundred years the French regime continued and prospered in Quebec and outside of Quebec, in part, because of the determination of the people themselves, their French allies and their native allies.

So, too, with the British regime. The British people found it expedient and to their best interests in a lightly populated country to make allies with native Canadians. Therefore, they are very much a part of the history.

For my own area of Niagara Falls, Major General Sir Isaac Brock reported back to then equivalent of the British war office, I suppose,

S. O. 31

as to what had happened in the war of 1812. He said that the victory of the British and the Canadians at Detroit had helped ensure that we would continue our independence in this part of the world. He said that it was absolutely essential and could not have been done without the support of his native allies.

In those instances in the history of Canada, our native allies were absolutely critical to the success of us being able to be a separate community on this part of the continent.

Also, if we look at the development of western Canada, British Columbia and the western provinces, we will find that all the way through, in a lightly populated part of the country, treaties were made with the local native groups to ensure that the Americans did not move into the Prairies, or into British Columbia or did not further expand Alaska—

• (1355)

• (1400)

The Acting Speaker (Hon. Jean Augustine): I am sorry to interrupt the member. You have five minutes left on debate. We will move to statements by members.

STATEMENTS BY MEMBERS

[English]

DYSTONIA

Mr. Lloyd St. Amand (Brant, Lib.): Madam Speaker, recently I had the opportunity of attending the first annual Advocacy Day hosted by the Dystonia Medical Research Foundation Canada in Ottawa.

Dystonia is a neurological movement disorder characterized by involuntary and sustained muscle contractions of a twisting nature, resulting in abnormal movements and postures. It can affect almost any part of the body, from neck and shoulders to eyes, jaws, vocal chords, torso and limbs. Approximately 30,000 to 50,000, one-third of whom are children, live with dystonia and its debilitating symptoms.

I would like to commend the Dystonia Medical Research Foundation Canada, Ms. Shirley Morris, national director, and the volunteer committee for their tremendous efforts in hosting the first annual Advocacy Day and to wish them continued success in continuing to educate all of us about this little known malady.

* * *

HEALTH

Mr. James Lunney (Nanaimo—Alberni, CPC): Madam Speaker, there have been over 600 deaths in Quebec in the past year alone, all related to a bacterial infection contracted in hospitals. Over 7,000 are believed to have been infected with *clostridium difficile*.

S. O. 31

Reports have focused on the need for hand washing, over crowding and over use of antibiotics. Concerns were raised as far back as July in the *CMA Journal* that the deaths were related to patients who enter the hospital taking common stomach medication. Gastric acid inhibitors or proton pump inhibitors are routinely prescribed for patients believed to have excess stomach acid. Research indicates the combination of these medications with broad spectrum antibiotics increases the risk of serious infection by two and a half times.

After the opposition raised this issue 11 days ago, the Canadian Public Health Agency posted a warning on its website. There are now concerns that *C. difficile* is spreading beyond the hospitals.

We have known about this risk since July. When is the government going to warn doctors and advise all Canadians of the increased risk that gastric acid inhibitors present, especially when combined with broad spectrum antibiotics?

* * *

DOUG BENNETT

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, I rise to pay tribute today to Doug Bennett, the charismatic lead singer of Vancouver's Doug and the Slugs, who passed away on October 16 in Calgary.

Doug was a consummate entertainer and artist bringing his talents to bear on musical performance, musical composition, theatre, graphic arts and music video. He was a true Canadian icon and star for over 27 years, always giving his utmost to audiences.

Doug's drive to perform was so strong that he continued even as his health began to fail. In fact he fell ill and passed away while touring the Prairies with his beloved band, the Slugs. Even aided by a cane, he rocked the house. His legacy to the Canadian music scene will always be remembered.

At his memorial service at the Commodore in Vancouver last week, the words of his prescient song *Cover Me with Roses* rang a fitting farewell.

...I smile and look in your eyes,
Before the coffin closes
When I smile and say my goodbyes
Cover me with roses
Then take me home...

Mr. Speaker, the Tomcat has left the building.

* * *

[*Translation*]**DONALD DION**

Mr. Alain Boire (Beauharnois—Salaberry, BQ): Mr. Speaker, I would like to take this opportunity to offer my sincere congratulations to Donald Dion, recipient of the prestigious Geoff Cowan award for 2004.

As an Olympic diving coach, Donald Dion was instrumental in leading Sylvie Bernier and Annie Pelletier to Olympic medals. The serious and demanding approach of this outstanding coach has helped shape numerous elite athletes who have done us all proud.

One of his greatest accomplishments was the creation of the strongest diving program in Canada. Quebecker Donald Dion had a great impact on the Canadian Olympic organization and on the calibre of our athletes, as well as on medal statistics.

This honour is in well deserved recognition of his 20 years of experience. We wish him great success in his career in elite sports assessment and planning for the City of Montreal.

On behalf of all my fellow MPs, our most sincere congratulations.

* * *

[*English*]**GREEN INFRASTRUCTURE**

Mr. Mark Holland (Ajax—Pickering, Lib.): Mr. Speaker, I rise today to talk about the issue of green infrastructure. As a former municipal councillor, I can say that I am very much encouraged both by the rebate that was given last term and now, as a member of Parliament, by the action that is taken with respect to the gas tax.

There is a tremendous opportunity that I want to ensure we do not overlook. That is the difference between grey infrastructure and green infrastructure, in particular taking a look at the difference that a solitary tree makes in the return of investment. In fact there is a 270% return, it has been found, on a single urban tree that is planted. I will read something very quickly.

Each urban tree with a 50-year lifespan provides an estimated \$273 a year in reduced costs for air conditioning, erosion control, stormwater control, air pollution, and wildlife shelter.

An average tree absorbs ten pounds of pollutants from the air each year, including four pounds of ozone and three pounds of particulates

As we remember bridges and roads, so too must we remember green infrastructure and the vital role that it plays in our communities.

* * *

● (1405)

2004 PARALYMPIC SUMMER GAMES

Mr. Peter MacKay (Central Nova, CPC): Mr. Speaker, I want to take this opportunity to congratulate the 152 Canadian Paralympians who competed at the Paralympic Games in Athens, Greece this summer. We take great pride in the accomplishments of all our athletes, but I want to pay special tribute to a dynamic young woman from Central Nova who met the Olympic credo of stronger, higher, faster and returned home with four medals.

Chelsey Gotell of Antigonish, Nova Scotia won gold in the 100 metre backstroke, topping off her amazing performance with another three bronze medals in the pool. A member of the Antigonish Aquanauts Swim Club, Chelsey has filled her family, friends and community with pride and admiration. To achieve this level of success requires sacrifice and commitment, and with a fabulous performance in Athens, Chelsey's many years of hard work have paid off.

The Paralympic Games are the most elite international sporting competition in the world for athletes with a disability and we recognize the challenges of competing at this level.

Once again, my congratulations to Chelsey. She is world class, and I wish her best of luck in all her future endeavours.

I remind all members that there will be a reception held in the Hall of Honour, Room C-223 today.

* * *

[Translation]

RIEL AWARDS

Hon. Raymond Simard (Saint Boniface, Lib.): Mr. Speaker, Mr. Speaker, every year, the Société franco-manitobaine pays homage to Manitoba francophones who have made a marked contribution to the development of the community, while also stimulating enthusiasm for living in French.

On October 23, the following awards were presented: in the arts and culture category, Cinémental, for its promotion of French-language films; in the communications category, the Festival des vidéastes, which encourages young people to make videos; in the sports and recreation category, Fernand Grégoire, former director of physical education at Collège universitaire de Saint-Boniface; in the French language education category, Joanne Dumaine, a teacher in the Franco-Manitoban School Division; in the health and social services category, Hubert Gauthier, president and CEO of St. Boniface General Hospital.

Congratulations to all these deserving recipients.

* * *

CANADA'S OLYMPIC AND PARALYMPIC ATHLETES

Ms. Caroline St-Hilaire (Longueuil—Pierre-Boucher, BQ): Mr. Speaker, this summer more than 450 athletes from Quebec and Canada took part in the Olympic and Paralympic Games in Athens. These men and women surpassed themselves in competition with the world's elite athletes in their respective disciplines.

Even more than the medals and the podium finishes, their work and effort must be recognized. Participating in the Olympic Games or Paralympic Games does not just happen. It involves years of patient preparation. It requires enormous sacrifices in order to attain excellence.

I want to salute Nancy Morin, Pierre Joly and Benoît Huot, the latter a swimmer from Longueuil who won six medals, five of them gold, and broke three world records.

Men and women distinguish themselves not only in victory but through honest and intense participation. To all the athletes, I say, bravo.

* * *

[English]

MICHAEL WALLACE COMMUNITY PLAYGROUND

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, I rise today to recognize the great work being done for children's health in my riding of Dartmouth—Cole Harbour.

S. O. 31

The Michael Wallace community playground project is an example of parents, teachers, administrators and concerned community members taking action that they see necessary. They saw the need for safe, age appropriate physical activity for children in their neighbourhood and to stem the tide of obesity among our young. They have raised \$17,000 to construct a first-rate playground. This playground will serve all children in the area, including many who might not normally have access to a site of this calibre. This is a very positive step in the promotion of healthier lifestyles.

I congratulate Joe Doiron, Eric Parsons, Alison MacDonald, and Principal Anna Marie Sarto and the whole team.

The solutions to community needs do not reside in Ottawa; they reside in the community. This group is a great example of citizens making a positive difference through vision, dedication and hard work.

* * *

AGRICULTURE

Mr. Ted Menzies (Macleod, CPC): Mr. Speaker, it is with great honour that I rise in the House to speak of the courage and resilience shown by farmers and ranchers in the great riding of Macleod.

In the past few years they have been devastated by droughts, where there was barely enough feed for the livestock and little grain to pay the bills. Then came plagues of grasshoppers and BSE. Now we face tariffs on our wheat and pork.

How can I assure them that the Liberal government will do all it can to help them? While producers are still waiting for CAIS payments from last year, Liberal cronies at Bombardier have received a \$1.5 billion loan guarantee for a sale to Air Canada, which has just come out of bankruptcy.

With failed programs, corporate subsidies, members opposite defaming our largest and closest trading partners, what can we say to these ranchers and farmers?

* * *

●(1410)

[Translation]

CANADA'S OLYMPIC AND PARALYMPIC ATHLETES

Hon. Denis Paradis (Brome—Missisquoi, Lib.): Mr. Speaker, it is an honour for us to celebrate our athletes who have reached the highest level of competition in their disciplines. I congratulate them and repeat once more that we are very proud of them.

As the member for Brome—Missisquoi I am particularly pleased to mention the exceptional performance of a wheelchair athlete who comes from Cowansville; André Beaudoin won three medals, one of them gold, at the Athens Paralympic Games. I congratulate him for his amazing results: gold in the 200 metres; silver in the 400 metres; and bronze in the 100 metres.

He is an example of determination, courage, discipline and perseverance and a source of inspiration and pride for all his fellow citizens.

S. O. 31

[English]

PARALYMPIC AND OLYMPIC ATHLETES

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I rise today to salute Canada's Paralympic and Olympic athletes who so proudly represented our country with great distinction in Athens this year. Today we are honoured by their presence on Parliament Hill.

In August our Olympians competed with the world and brought home 12 medals. Less than a month later our Paralympians honoured Canada once again, winning a record 72 medals and placing third in the overall standing.

Between our Paralympians and Olympians, every region of the country was represented at the medal podium in Athens.

I would like to pay special tribute to Tecumseh's own Danielle Campo, who won a silver and two bronze medals in swimming events in Athens. Danielle has been an outstanding representative for our community and Canada. She won a bronze medal in the 2002 Commonwealth Games, the first time medals were awarded to an athlete with a disability. She was awarded the Order of Ontario the same year.

On behalf of my NDP colleagues, I salute these outstanding athletes who proudly represent our communities and our country.

* * *

ISRAEL

Hon. Stephen Harper (Calgary Southwest, CPC): Mr. Speaker, the Conservative Party of Canada has been very supportive of the state of Israel and its right to security.

We believe that Canada and Israel share common values of freedom and democracy, as well as common interests in defeating global terrorism.

Like all Canadians, Conservatives favour peaceful negotiations to resolve the issue of disputed territories, understanding that this can only be achieved by renouncing terrorism against Israel and dismantling the infrastructure that supports it.

In Parliament, Conservatives have been at the forefront of encouraging Canada to take a stronger position in the fight against global terrorism. It was only due to unrelenting pressure from this party that the Liberal government finally and reluctantly moved to outlaw Hezbollah and Hamas.

We will continue to ensure that Canada does not support terrorism or anti-Semitism with Canadian aid money. We will continue to stand with Israel as our friend and ally in the democratic family of nations and to push the government to ensure that Canada pulls its weight militarily, diplomatically and politically in the global war against terrorism.

* * *

[Translation]

ADISQ GALA

Mr. Maka Kotto (Saint-Lambert, BQ): Mr. Speaker, over the course of last week and last night in particular, a number of artists

had the privilege of being honoured by their peers and the people of Quebec, under the auspices of ADISQ, the Quebec alliance for the record, performance and video industries.

I will not try to name them all in the little time we have. Nonetheless, together with my colleagues from the Bloc Québécois, I would like to congratulate all the award recipients. Our congratulations also go out to those who contribute from behind the scenes.

Quebec culture is very much alive. However, we must increase our efforts to ensure that it has the means to continue to thrive.

Soon we will have the opportunity to discuss cultural diversity, funding for culture and ways of protecting it.

Culture is the psyche of nations. Without culture, our unique identities will perish.

* * *

● (1415)

[English]

CANADA CANCER CRUSADE

Mr. Myron Thompson (Wild Rose, CPC): Mr. Speaker, for the past two weeks the CBC has been searching for the greatest Canadian. I know it is a little late, but I would like to submit the name of Johnathan Dockman.

Johnathan is a 19 year old man from my riding who just arrived in Victoria last Tuesday after running across the entire country. He set out from St. John's, Newfoundland on August 1, 2003 and raised over \$81,000 for cancer research. He ran over 5,500 miles, replicating the route that Terry Fox attempted back in 1981.

Johnathan was spurred into action last year when his beloved aunt was diagnosed with inoperable cancer. His goal was not only to run across the country but to raise awareness about those who are fighting this dreaded disease.

Johnathan overcame great challenges to complete this run, everything from hurricane Juan in Halifax to frostbite last winter from the frigid cold of the east.

He is an understated hero and a mentor. I would like to thank him for his courage and for trying to make a difference in the lives of so many.

* * *

ARTS AND CULTURE

Ms. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, I am proud today to pay tribute to *Border Crossings: A Magazine of the Arts*. Edited by Ms. Meeka Walsh, *Border Crossings* is published in Winnipeg and read internationally.

Border Crossings explores contemporary Canadian and international art and culture, from painting to performance, from architecture to sculpture, from dance and theatre to video and film. It is renowned for its interviews and recognized for its consistently beautiful design.

In 23 years of publication, *Border Crossings* has been awarded 50 gold and silver medals at the National and Western Magazine Awards.

It is with great pride I announce that *Border Crossings* was recently awarded both the Western Magazine of the Year Award and the Canadian Magazine of the Year Award, a noteworthy accomplishment for this Winnipeg magazine.

On behalf of all Manitobans and all Canadians, I would like to extend our congratulations to Ms. Walsh and all involved with this outstanding publication.

ORAL QUESTION PERIOD

[English]

NATURAL RESOURCES

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, last week the Prime Minister's spokesman threatened Newfoundland and Labrador because Premier Williams would not go along with the broken agreement on the offshore. Scott Reid said that Williams would pay for it.

Today the Prime Minister invited Nova Scotia to town to talk, but left Newfoundland and Labrador out in the cold. Is this not just an example of the government's threat coming true?

Hon. Ralph Goodale (Minister of Finance, Lib.): Not at all, Mr. Speaker. Earlier today I had the opportunity to speak with Minister Sullivan in Newfoundland and we both agreed that it would be useful to have our officials speak later today.

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, we know that was done just before question period. The minister should have the courtesy to have both governments here today.

On June 5 the Prime Minister made a deal with Premier Williams. Now he is trying to get out of it. Premier Williams said the obvious which is that this thing with Nova Scotia is just an attempt to divide and conquer, which the minister found out is not going to work.

Rather than trying to divide and conquer, would it not be easier for the government to just implement its agreement and the Prime Minister to keep his word?

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, obviously it is the intention of the Prime Minister to keep his word. He has made that absolutely clear in everything that he has said on this topic.

With respect to the discussions with Nova Scotia and Newfoundland and Labrador, it has always been clearly understood, both in writing and verbally, that whatever arrangement is finally arrived at for one province will be offered in absolute comparable terms to the other province with no substantive distinction between the two.

Mr. Norman Doyle (St. John's East, CPC): Mr. Speaker, Liberal MPs from Newfoundland and Labrador and Senator Baker turned thumbs down on the Prime Minister's offshore deal.

On the other hand, Newfoundland's cabinet representative is turning out to be a big disappointment. He is the only Newfoundland

MP who thinks the Prime Minister's deal is a good one, but in the media today, he is admitting he is somewhat confused.

Why does the Prime Minister not simply listen to every other Newfoundland and Labrador MP and the people of Newfoundland and Labrador, and implement the offshore deal made on June 5 with Premier Williams?

Hon. R. John Efford (Minister of Natural Resources, Lib.): Mr. Speaker, at no time did I say that I was confused about this deal. What I am confused about is the hon. member opposite.

Let us go back to 1982 when Jean Chrétien went to Newfoundland and Labrador and offered a similar deal to what we are offering here today. The government of the day under Peckford and two hon. members who were in cabinet turned it down. Yet in 1987 the Tory government put together a deal which gave Newfoundland and Labrador 30% of the revenues.

• (1420)

Mr. Loyola Hearn (St. John's South—Mount Pearl, CPC): Mr. Speaker, the Minister of Natural Resources said in Newfoundland and Labrador this weekend:

—there is no cap on benefits in place, and offshore revenues can exceed that magical Ontario number under Ottawa's offer. If the market goes to \$1,000 a barrel, you will get all of the royalties, no cap whatsoever.

Will the Minister of Finance tell us if this is the government's position?

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, as I have indicated in the past, we are essentially talking about four streams of revenue: own source revenue coming from the resource which is 100% going to the province of Newfoundland and Labrador; on top of that there is equalization; on top of that there is the existing money under the accord; and on top of that is the incremental money that we are now discussing.

I am very hopeful that we can come to a satisfactory conclusion.

Mr. Loyola Hearn (St. John's South—Mount Pearl, CPC): Mr. Speaker, the finance minister from Nova Scotia has been invited to return to Ottawa to continue talks on offshore revenue sharing. When asked if Newfoundland and Labrador would be invited back, an official said, "We talk to those who talk to us".

Seeing that the Premier of Newfoundland and Labrador and the finance minister had to wait until an hour ago to get the call, will the minister tell us when officials meet, will they be talking about the premier's deal, the Prime Minister's deal or the deal put forth by the Minister of Natural Resources?

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, in fairness, it should be pointed out that I spoke with Minister Sullivan on Tuesday of last week and invited him at that time to join the discussion. He determined at that time that it would not be appropriate with all of the circumstances. I am very glad that we resumed our conversation today. I am very hopeful about a successful outcome.

Oral Questions

[Translation]

CHILD CARE

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, when it comes to child care, the Minister of Social Development is saying two different things. In the francophone press, he talks of partnerships, while on CBC radio he talks of imposing Canada-wide standards on Quebec and the provinces and accountability, all of which adds fuel to the fire of the constitutional quarrel he claims to want to avoid.

Since the Quebec system is a model, we are told, can the government make a commitment to respect the Quebec child care model in its entirety, by giving Quebec the right to opt out with full compensation and no strings attached?

[English]

Hon. Ken Dryden (Minister of Social Development, Lib.): Mr. Speaker, as I have said in the House before, we are very respectful of Quebec in terms of jurisdiction and the Quebec child care system and its ambitions. Those are very much the ambitions that we would like to express in the rest of the country in collaboration with all of the provinces and territories.

[Translation]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, we have already seen where collaboration got us in the conference on the fiscal imbalance. I remember the matter of young offenders as well, where we were told how Quebec was handling it better than anybody else. But in the end, an approach was imposed, in order to please the rest of Canada, which Quebec wanted nothing to do with.

So here is a very clear question for the minister. In order to this happen again, is he prepared to guarantee Quebec an unconditional right to opt out with full compensation? Can he give me a concrete answer to that question?

Hon. Lucienne Robillard (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, unlike the Bloc Québécois, which is not, of course, a federalist party, the Liberal government of Quebec is capable of sharing common objectives with the other provinces and comparable indicators, as it has shown in the case of health, while having an agreement tailored specifically to Quebec's priorities. This is what we are going to be doing.

● (1425)

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, in the francophone media, the Minister of Social Development keeps repeating that he is going to respect the provinces and that Quebec is the model to emulate in the field of child care. Your applause is welcome.

However, in the anglophone media, he goes into more detail. In an interview on Saturday he talked about points of reference, reports and standards.

I ask the minister to be clear and precise, here in the House, and to confirm that Quebec, whose system is the model, will be permitted to opt out entirely, unconditionally and with full compensation.

Hon. Lucienne Robillard (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs,

Lib.): Mr. Speaker, I shall repeat it again. My colleague, the hon. Minister of Social Development, is working with all the provinces including the federalist, Liberal government in Quebec. It is very clear that we are going to respect provincial jurisdictions. Nevertheless, it is also clear that Quebec shares many of the overall goals of this federation. This time, it is Quebec that will serve as the model for all the other provinces of Canada.

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, on June 3, 2004, during the election campaign, the Prime Minister said that Quebec would receive its share of the \$5 billion without having to open its books to the federal government.

Will the Minister of Social Development confirm that this promise made by the Prime Minister while campaigning in Quebec still holds, especially as he prepares to meet the ministers responsible for this sector?

Hon. Lucienne Robillard (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, the Liberal government in Ottawa, like the Liberal government in Quebec, is in favour of accountability to its own citizens. The Government of Canada has never asked a province to make such a report to it.

That is exactly what we have done in the health care sector. In that sector, each provincial government and the Government of Quebec will report to its own citizens. It will be the same in the other sectors.

* * *

[English]

PRIVACY

Mr. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, inside and outside the House, the NDP has raised the question of Canadian privacy vis-à-vis George Bush's patriot act. We raised it in the context of the Lockheed Martin contract with Statistics Canada. We raised it with regard to banking records. Now the British Columbia privacy commissioner is sounding the alarm.

The U.S. ambassador on the weekend indicated that the Canadian government has not even asked that Canadian laws be respected by the Bush administration in this regard.

Why is the government doing absolutely nothing to protect the privacy of Canadians against the George Bush patriot act?

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, contrary to the assertions of the leader of the fourth party in the House, as I have said earlier in the House, this is an extremely serious issue and one which we take very seriously.

The member referenced the Lockheed Martin contract. That contract was rewritten in order to ensure that the data remained in the hands of Canadians.

There are concerns. I have met with the Privacy Commissioner of Canada. She assures me that the new legislation that was passed by this House gives her the authority to deal with private companies that are holding data in Canada.

*Oral Questions***NATIONAL DEFENCE**

Mr. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the U.S. ambassador said that the Canadian government, the Liberal Party, and the Prime Minister had not even picked up the phone to express any concern on behalf of Canadians. Some expression of concern that is, absolutely nothing.

On the weekend the Prime Minister gave the Danny Williams treatment to foreign affairs, saying one thing and doing another. He pretends he supports multilateralism, but at the same time is hell bent on pursuing defence missile systems.

It is absolutely impossible to defend on the one hand multilateralism and at the same time to proceed with missile defence. Why is the government—

The Speaker: The hon. Minister of Foreign Affairs.

Hon. Pierre Pettigrew (Minister of Foreign Affairs, Lib.): Mr. Speaker, this government has demonstrated quite clearly our absolute support for multilateralism.

It is quite possible to walk and chew gum at the same time. We have been in Norad for decades. We have been in Norad with the United States of America because we are talking about the security of the North American continent.

I do not know where the leader of the NDP is going with this. We support multilateralism, absolutely. We are determined to look at the security of this continent as all Canadians should.

* * *

• (1430)

SPONSORSHIP PROGRAM

Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC): Mr. Speaker, this weekend the Prime Minister showed his true colours when he told defeated Liberal candidates that in the next election they were going to win the jackpot. It seems that for Liberals winning an election means a free hand to loot the public treasury.

Sadly, this appears to include the Prime Minister himself. We now know he intervened to direct money to his personal fundraiser and to a leadership supporter.

Why did the Prime Minister hide his sponsorship involvement from voters, even though he promised to leave no stone unturned and to give them all the facts?

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, again we are going to be responsible in this party and we will not comment on day to day testimony. However, we will comment when hon. members, like the member opposite, make allegations that are false, based on extrapolating from one day's testimony and drawing the wrong conclusion.

The fact is that it is irresponsible for her to indulge in character assassinations on the floor of the House of Commons and as a member of Parliament, it is shameful. It is appalling that as a lawyer she would not understand the independence of a judicial inquiry.

Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC): Mr. Speaker, this minister could give lessons on character assassination, especially when he was sitting on our side of the House.

This mad as hell Prime Minister had lots of time to come forward and make full disclosure about his own sponsorship involvement. Instead, the truth is being squeezed out of him fact by fact, bit by bit.

I ask the Prime Minister again to level with Canadians. Why were they asked to vote without having “every single piece of information and every fact in front of them” as the Prime Minister promised?

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, that is yet one more example of a well choreographed but poorly researched question.

If we want to talk about openness, transparency and cooperation, let us talk about the 10 million pages of documents that were provided to Justice Gomery for his work. We are not afraid of the work that is going on with Justice Gomery or being totally cooperative. In fact, the Hamilton *Spectator* said this weekend that Justice Gomery was showing himself to be a breath of fresh air for Canadians. The Ottawa *Sun* said that it was another sign that the inquiry was operating on an even keel.

It is working. Let it work.

Mr. James Moore (Port Moody—Westwood—Port Coquitlam, CPC): Mr. Speaker, the Gomery inquiry is a breath of fresh air, but hiding 10 million documents until after the election is not quite what Canadians expected.

[*Translation*]

Some 30 years ago, amid great fanfare, the Liberal government opened Mirabel airport. The human cost of that airport would prove to be huge: families uprooted, businesses destroyed, hopes dashed.

Is there any Liberal minister who will finally show a little respect for those who suffered and admit that the Liberals made planning errors that marked this infamous project right from the start?

[*English*]

Hon. Jim Karygiannis (Parliamentary Secretary to the Minister of Transport, Lib.): Mr. Speaker, Aéroports de Montréal, ADM, informed TC that it had received several proposals. ADM met with the bidders to discuss the proposal. Four bidders will present detailed proposals over the next three months and ADM will evaluate each of these proposals.

[*Translation*]

Mr. James Moore (Port Moody—Westwood—Port Coquitlam, CPC): Mr. Speaker, last night, Quebeckers watched with disappointment as the last flight took off from what some call Pierre Trudeau's airport. What a Liberal planning mess. Now the minister, without the support of his caucus, has unilaterally decided on an open skies agreement.

After the empty promises for Mirabel, can Canadians trust promises made by someone who wants to tell Americans how to fly Canadian skies without even negotiating?

*Oral Questions**[English]*

Hon. Jim Karygiannis (Parliamentary Secretary to the Minister of Transport, Lib.): Mr. Speaker, again we hear rhetoric. Last week the minister said that he will involve the committee and that this was a process that will invite all stakeholders for them to participate as well as hon. colleagues across, committee members, in order to ensure we have an open policy and all stakeholders are consulted.

* * *

*[Translation]***CHILD CARE**

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, according to the OECD and all observers, Quebec has the best child care system in Canada. Unfortunately, the negative side of this is that Quebec does not fully benefit from the tax deductions and tax credits for child care allowed by the federal Minister of Finance.

Can the Minister of Finance tell us whether he plans to make a decision in favour of Quebec, which has been deprived of \$1 billion in tax benefits for the past five years simply because Quebecers came up with a good child care system long before the others?

• (1435)

[English]

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, there are policies at the provincial level that carry with them both positive and negative impacts federally, and there are policies at the federal level that have the opposite effect provincially.

In the ongoing arrangements between governments, every effort is made to accommodate those impacts as programs are designed but it has not been the tradition to provide any kind of direct offset or compensation. That has not been the tradition in normal fiscal arrangements among governments.

[Translation]

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, the problem is that Quebec pays and the rest of Canada benefits. That is not normal. The federal government has provided these deductions and tax credits for child care to parents in the other provinces, but not in Quebec.

Should Quebec not be compensated in the future for the \$1 billion it has saved the federal government and for paving the way for a child care system that will soon be used as a model for the other provinces, except that Ottawa will foot the bill this time?

[English]

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, part of the genius of the Canadian federation is that when social experimentation and good ideas are developed at the provincial level, they become shared among all Canadians.

A number of years ago the Province of Saskatchewan invented the concept of medicare that has become a jewel in the crown of Canada. I want to say that Quebec has developed the most sophisticated child care system in the nation. It is a wonderful thing that we are now taking steps to ensure that the same benefit can flow across all of Canada and Canada can benefit from the social innovations.

*[Translation]***AEROSPACE INDUSTRY**

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, Bombardier may choose to develop its new aircraft outside Quebec, because competition is keen, as other countries and several U.S. states have made offers to attract it.

Is the Minister of Industry aware how urgent it is to take action if the federal government wants to help keep Bombardier developing in Quebec and will he get an offer on the table promptly to support Bombardier's developing in Quebec?

[English]

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, the short answer is, yes. The long answer is, we are consulting with the aerospace industry across Canada and we are moving to ensure that we have a strategy in place that will benefit the aerospace industry and all of Canada. It will not just be a Bombardier strategy. It will be a Canadian strategy and it will benefit workers across the country.

[Translation]

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, when the automotive industry in Ontario required government intervention, the intervention came very quickly. During the election campaign, the government announced, just like that, that there would be \$500 million for the auto industry, \$200 million of that for GM and \$100 million for Ford.

The aerospace industry being to Quebec what the automotive industry is to Ontario, I would ask the minister if he intends to intervene as quickly and effectively to help Bombardier in Quebec as he did to help out GM and Ford in Ontario.

[English]

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, during the election the government committed to develop an automotive strategy for Canada and we are doing the same with the aerospace industry. It will be a Canadian strategy.

We are moving with all dispatch. We have not missed a single deadline. We will continue to honour the timetables that are required to protect these important industries.

* * *

FOREIGN AFFAIRS

Mr. Stockwell Day (Okanagan—Coquihalla, CPC): Mr. Speaker, in this time of uncertainty within the Palestinian leadership, Canada has a potential to be an honest broker in maintaining peace, but we have threatened our position there with the Prime Minister maintaining his support for the promotion to UNESCO of former Liberal MP, Yvon Charbonneau, who in the past has accused the Jewish people of everything from economic terrorism to genocide.

Why did the Prime Minister go ahead with this appointment when he was fully aware of the toxic views of Mr. Charbonneau. Why on earth did he do that?

• (1440)

Hon. Pierre Pettigrew (Minister of Foreign Affairs, Lib.): Mr. Speaker, I wish the opposition, on a subject of such importance at this time in the Middle East, would focus on Canadian policy, which Ambassador Charbonneau, like every ambassador of Canada, will support.

Our Canadian policy—

Some hon. members: Oh, oh!

Hon. Pierre Pettigrew: Would hon. members please listen for a second on such an important subject like the Middle East peace talks—

Some hon. members: Oh, oh!

The Speaker: The hon. minister has the floor and all hon. members will want to listen. I was listening. Let us have some order, please.

Hon. Pierre Pettigrew: I am sorry, Mr. Speaker, but the opposition seems only interested in scoring cheap political points, whereas we are talking about a very sensitive region where the Government of Canada and this country for 50 years has been trying to make a difference.

We will continue to make a difference because we care about the security of Israelis, of Palestinians and of other people who live in that region.

* * *

TERRORISM

Mr. Stockwell Day (Okanagan—Coquihalla, CPC): Mr. Speaker, it is the Liberals who cheapen the whole process by appointing their buddies who hold such toxic views.

Canada's closest ally, the United States, has banned the terrorist group Tawhid wa'l-Jihad, a group that has claimed responsibility for car bombings, suicide attacks and the deaths of literally thousands of Iraqis.

Tawhid wa'l-Jihad is a threat to peace in Iraq, to Great Britain, to the United States and to Israel, and yet we refuse to join our allies in outlawing that offensive killing group, Tawhid wa'l-Jihad.

When will Canada outlaw this group? What will it take before it says no to that kind of terrorism?

Hon. Pierre Pettigrew (Minister of Foreign Affairs, Lib.): Mr. Speaker, we will continue to pay very close attention to all the groups. We will continue to be absolutely clear that the government will want to promote the peace process. We will continue to do that.

We will continue to fight terrorism as we have been doing for a number of years by adding \$7 billion and \$8 billion to our capacity to fight terrorism. This is the determination of our government.

Oral Questions

ABORIGINAL AFFAIRS

Mr. Jim Prentice (Calgary Centre-North, CPC): Mr. Speaker, the Charter of Rights and Freedoms is intended to protect all Canadians. However, with Bill C-14, the Tlicho act, the government is asking the House to adopt an agreement with language that is unclear with respect to the supremacy of the charter.

Notwithstanding the many contradictions between the Tlicho constitution and the charter, will the minister tell the House whether the highest law in Tlicho is the Canadian charter or the Tlicho constitution?

Hon. Andy Scott (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, all legislation in the country is subject to the charter.

I know the member is new here but we have a committee process in place. He is a member of the committee. He gets an opportunity to speak to these issues at committee, and I would suggest he do that.

Mr. Jim Prentice (Calgary Centre-North, CPC): Mr. Speaker, I did not actually hear a response to the question. The answer is very clear. The constitution of the Tlicho First Nation is the Tlicho First Nation's highest law, not the charter.

[Translation]

My question for the minister concerns the Tlicho constitution. The Tlicho nation has two languages: English and Tlicho.

Can the minister explain the government's policy on language rights for French-speaking first nations people?

[English]

Hon. Andy Scott (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, I recognize that he had a prepared supplementary so he asked it anyway. I answered it in the first question.

* * *

SPORT CANADA

Mr. Don Bell (North Vancouver, Lib.): Mr. Speaker, at the 2004 Olympic and Paralympic Games in Athens, Greece, Canadian athletes displayed courage, determination and sportsmanship. Our athletes made personal bests and broke Canadian Olympic and Paralympic records.

Could the Minister of State for Sport tell the House what Sport Canada is doing to support our Canadian athletes and our sport system?

Hon. Stephen Owen (Minister of Western Economic Diversification and Minister of State (Sport), Lib.): Mr. Speaker, I know the voters of North Vancouver are immensely pleased with their enhanced representation in the House.

Oral Questions

All Canadians are immensely proud of our Paralympians and Olympians for their courage, their pursuit of excellence, overcoming their personal challenges and their success in Athens. The Government of Canada is the largest funder of sport in this country and has increased that funding by \$30 million in this year alone, which will ensure that success is enhanced in future Olympic and Paralympic Games.

Mr. Speaker, I know all members of the House look forward to your remarks on behalf of our Olympic and Paralympic champions.

* * *

•(1445)

SOCIAL DEVELOPMENT

Mr. Tony Martin (Sault Ste. Marie, NDP): Mr. Speaker, last week when the Minister of Social Development was commenting on the much anticipated national child care program he said that it was time. This week he said that it would take time.

I know, and he knows probably better than anybody, that we are actually into overtime. The just released OECD report was clear, "without a commitment to not for profit delivery, quality will suffer".

For your meeting with the provinces and territories, will you commit to a protective mechanism—

The Speaker: The hon. member for Sault Ste. Marie will want to remember to address his remarks to the Chair. In any event, time has expired.

The hon. Minister of Social Development.

Hon. Ken Dryden (Minister of Social Development, Lib.): Mr. Speaker, I am not quite sure what the final question was.

I think the question related to the discussions that will be happening in the next couple of days. He should allow those discussions to work themselves out. We are working in collaboration with the provinces. We need to work very closely with the provinces and territories toward a national child care system which is, as the hon. member knows—

The Speaker: The hon. member for Halifax.

* * *

NATURAL RESOURCES

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, in a desperate bid for votes in the dying days of the spring election, the Prime Minister said that he accepted the basis of the Newfoundland and Nova Scotia premiers' proposals to end the equalization clawback. He said:

I'm very sympathetic to Nova Scotia's position as I was very sympathetic to the position of Newfoundland and Labrador—

He went on to say that he would support 100% of offshore royalties, but what did the Prime Minister do? He slapped a cap on offshore revenues.

When will the Prime Minister end the uproar that he has caused and keep his promise, not just to the premiers but to the people of Nova Scotia and Newfoundland?

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, the Prime Minister and a number of ministers are working very hard

on the issues identified by the former leader of the NDP. The Prime Minister has spoken with each of the premiers. I have had a conversation with corresponding ministers in a spirit of determination and goodwill. We all want to get the very best results for Nova Scotia, for Newfoundland and for all of Canada.

* * *

ABORIGINAL AFFAIRS

Mr. Jeremy Harrison (Desnethé—Missinippi—Churchill River, CPC): Mr. Speaker, in March the Auditor General chastized the Department of Indian Affairs and Northern Development for failing to implement and measure the progress of complex pieces of legislation like the Tlicho agreement. The minister himself has complained that the department does not have the resources to do its job properly.

How can Canadians have any confidence that the implementation of the Tlicho agreement will not turn into another Liberal boondoggle?

Hon. Andy Scott (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, as I mentioned to his colleague, the Tlicho bill will be before committee. They will have every opportunity to speak to this in committee.

Mr. Jeremy Harrison (Desnethé—Missinippi—Churchill River, CPC): Mr. Speaker, maybe the hon. member does only answer questions in airplanes.

Last Thursday in committee the minister said, "Frankly, I don't want to defend what I consider to be an under-resourcing for the department". This is clearly at odds with the Prime Minister's supposed commitment to improving the lives of first nations people across the country.

Let the Prime Minister stand in his place and be very clear. How can he square his rhetoric with the position of his Minister of Indian Affairs?

Hon. Andy Scott (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, the department, in the estimates that we are reviewing right now in committee, shows a 9% increase in the budget. I can assure the House that there has been no minister of Indian affairs who is satisfied with the amount of resources available, as is any minister trying to do better for their department. However, a 9% increase is a 9% increase, consistent with what the Prime Minister has said.

•(1450)

Mr. Brian Pallister (Portage—Lisgar, CPC): Mr. Speaker, recently, Amnesty International issued a scathing report critical of the Liberal government's inaction with respect to violence against aboriginal women. However, since that time, the federal government has remained silent on this issue. The minister has not spoken to Amnesty International and he has not spoken to the families of the victims. Rather than respond, he has simply chosen to remain silent, as he is doing in response to questions today.

Why the delay in meeting with the families of the victims of aboriginal violence?

Oral Questions

Hon. Andy Scott (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, quite the contrary. I have been meeting with the Native Women's Association of Canada, and will be responding very specifically, very soon.

Mr. Brian Pallister (Portage—Lisgar, CPC): Mr. Speaker, that is 10 years of empty rhetoric from the government on violence against aboriginal women. The fact is Canada's aboriginal women are among the world's most vulnerable people. They have no matrimonial property rights. They cannot own their own homes. They are not yet, because of the inaction of the government, protected by Canada's human rights act.

Aboriginal women deserve better. This party will offer them better. That government does not. Why has the Liberal government given nothing more to aboriginal women over 10 years than empty platitudes?

Hon. Andy Scott (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, I think the Native Women's Association of Canada feels a lot more protected by the people on this side than the people on that side, and they will see that.

* * *

[Translation]

AEROSPACE INDUSTRY

Mr. Marc Boulianne (Mégantic—L'Érable, BQ): Mr. Speaker, the government has been promising to announce its aerospace policy for some time, but the policy is long in coming. It seems that decisions are made more quickly when they concern the automotive industry in Ontario.

When will the minister announce an aerospace policy that recognizes the fact that the aerospace industry is located primarily in Quebec, just as the automotive industry is located primarily in Ontario?

[English]

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, the government clearly acknowledges the importance of the aerospace industry for Quebec, but it is also very important in Ontario and across Canada. There is a large portion of the aerospace industry in western Canada. There are 80,000 workers there.

In the weeks ahead we will be developing and coming forward with an aerospace policy for Canada.

[Translation]

Mr. Marc Boulianne (Mégantic—L'Érable, BQ): Mr. Speaker, can the Minister of Industry assure the House that the logic by which Ontario became the main centre of automotive production in Canada will prevail with the aerospace industry, which is concentrated primarily in Quebec, and that it will immediately preclude any form of scattering, which would be detrimental to Quebec and the Montreal area in particular?

[English]

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, I have been answering this over and over again. The aerospace industry is a Canadian industry. It does have concentrations in

Quebec. It has concentrations in Ontario. It has concentrations in the Atlantic and in the west. We will ensure that we have a strong national aerospace industry.

* * *

ABORIGINAL AFFAIRS

Mr. Rick Casson (Lethbridge, CPC): Mr. Speaker, the most basic function of any self-government agreement is finality between the first nation and the Government of Canada. The Tlicho agreement now being put forward by the government fails in this most basic duty. In the case of Nisga'a, the agreement was a final agreement with a release of a definition of the section 35 rights recognized.

Why has the government not protected the interests of Canadians by negotiating a final agreement?

Hon. Andy Scott (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, as I said, the legislation that is presently before the House will go to committee. The reality is, this is good legislation and it is long overdue. On this side of the House, we are proud of the Tlicho agreement.

Mr. Rick Casson (Lethbridge, CPC): Mr. Speaker, it is obvious the minister does not know what he is talking about and he does not have the answers to these serious questions here today.

The Nisga'a agreement states:

This Agreement constitutes the full and final settlement in respect of the aboriginal rights, including aboriginal title, in Canada of the Nisga'a Nation.

Therefore, I ask the minister again, why has he failed in his duty to Canadians to achieve the finality of other agreements with the Tlicho?

Hon. Andy Scott (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, it is comprehensive, it is complete and it is supported by the community and by the government. They will have every opportunity in committee to discuss it further.

* * *

[Translation]

OFFICIAL LANGUAGES

Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, in the case of the Forum des maires de la Péninsule acadienne, asking that the Official Languages Act be made executory, the Minister of Justice objected to the motion for leave to appeal to the Supreme Court. I would like to know why.

Also, would the minister not agree that it is time to pass legislation, like Bill S-3 for example, to clarify Canada's Official Languages Act and to make it executory?

Oral Questions

● (1455)

Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, we have objected to the motion for leave to appeal in this case because the legal issues involved have become theoretical. The initial problem of violation of the right to receive services and communications in French was resolved. As the Attorney General, it was my duty to point out to the Supreme Court the theoretical nature of this case.

I would like to emphasize that this government encourages the development of official language communities in Canada. Development is a matter of identity, a matter of access to justice—

The Speaker: The hon. member for Edmonton—Leduc.

* * *

[English]

BROADCASTING

Mr. James Rajotte (Edmonton—Leduc, CPC): Mr. Speaker, tomorrow Americans will go to the polls to select their president and their congressional leadership. Canadians will be watching this election very closely. Unfortunately, their viewing choices are limited, as the most popular American news channel, Fox News, is not allowed to broadcast in this country.

Could the Minister of Canadian Heritage explain why her government will not allow Fox News to broadcast in Canada?

[Translation]

Hon. Liza Frulla (Minister of Canadian Heritage and Minister responsible for Status of Women, Lib.): Mr. Speaker, as hon. members know, out of market radio stations must apply through the CRTC. The CRTC determines whether or not a given station can broadcast in Canada. For example, RAI, an Italian radio station, is currently under consideration at the CRTC, and we anxiously await its conclusion.

[English]

Mr. James Rajotte (Edmonton—Leduc, CPC): Mr. Speaker, it is actually slightly incorrect to state that Fox News is not broadcast in Canada because there is one place in Canada where Fox News is broadcast, and that is on Parliament Hill.

The Liberals prevent this channel from being shown to ordinary Canadians because it might be scary, but at the same they can view it from their offices in Ottawa.

Why the double standard? Why do the Liberals deny to Canadians a news channel that they themselves enjoy?

[Translation]

Hon. Liza Frulla (Minister of Canadian Heritage and Minister responsible for Status of Women, Lib.): Mr. Speaker, first, I think that we are all very well served in terms of information in Canada. Second, there is also a need to protect, on the one hand, access to information and, on the other hand, our Canadian industries. These Canadian industries account for \$26 billion and 740,000 jobs in Canada.

SPORTS

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, despite the new money the minister responsible for sport has announced, a top athlete not classified as elite but with serious potential for reaching the Olympic or Paralympic Games in Beijing, receives a measly \$900 a month. This athlete has to train several hours a day to qualify among the best in his discipline, but unlike an elite athlete, has little chance of being sponsored.

Does the minister responsible for sport understand that this new developmental athlete assistance is still not enough to live on—

The Speaker: The hon. Minister of Western Economic Diversification and Minister of State for Sport.

[English]

Hon. Stephen Owen (Minister of Western Economic Diversification and Minister of State (Sport), Lib.): Mr. Speaker, I congratulate the hon. member for his position as sports critic. I know of his eminent sports background himself.

The developmental athlete assistance has been increased from \$500 a month tax free to \$900 a month tax free this year. This is an extraordinarily important increase. I hope we can build on that both for direct living expense assistance such as this as well as more assistance for coaching, equipment, sports science and hosting of international events, so these young athletes can get more exposure to high competition at an earlier stage in our country.

* * *

HEALTH

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, my question is for the Minister of Health. In the last Parliament we dealt with a motion on fetal alcohol syndrome, more specifically to consider the advisability of health warning labels on the containers of alcoholic beverages.

The vote on the motion was 220 to 11, a 95% support level by members of Parliament. Would the Minister of Health please advise the House of his position on this important child health initiative?

● (1500)

Hon. Ujjal Dosanjh (Minister of Health, Lib.): Mr. Speaker, fetal alcohol spectrum disorder is a very serious issue that occurs as a result of prenatal exposure to alcohol. This issue causes a lot of damage across the country and has social, economic and other consequences for all Canadians. I am predisposed to looking at the issue.

The hon. member has worked on the issue very hard for a long time. I want to ensure that we deal with the issue in the very near future by doing the right thing.

*Oral Questions**[Translation]***IMMIGRATION**

Ms. Meili Faille (Vaudreuil-Soulanges, BQ): Mr. Speaker, at the request of the federal Department of Citizenship and Immigration, the Quebec police forcibly removed Mohamed Cherfi from sanctuary. Mr. Cherfi was deported to the United States and now risks expulsion. A group of men and women from Quebec have submitted a collective sponsorship application to prevent Mohamed Cherfi from being extradited to Algeria, where his life would be in danger.

Can the Minister of Citizenship and Immigration tell us what is stopping Mohamed Cherfi from being returned to Canada?

[English]

Hon. Judy Sgro (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, as I think the hon. member is aware, we cannot talk about particular cases. However, I can assure the House that Canada's refugee determination system is a very fair and generous system and that anyone who applies has full access. Upon completion we expect the individuals to return to their homes.

* * *

FORESTRY INDUSTRY

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, we heard yesterday that fewer people are training to enter the forestry industry and that this could lead to a critical labour shortage. Meanwhile, the government, as part of its softwood lumber strategy, has actively encouraged workers to abandon forestry and to move into new jobs.

Workers in the forestry sector need to hear loudly and clearly from the government that their industry and work are valued.

What plans does the minister have to keep forestry workers employed and will he stop calling plans to transition workers into other industries a job strategy for the for the lumber industry?

Hon. Jim Peterson (Minister of International Trade, Lib.): Mr. Speaker, the softwood lumber industry is so important, employing over 200,000 Canadians. Because of this, we have devoted \$356 million to help the communities and the workers who have been displaced because of the dispute. We will continue to work in their best interests.

* * *

PRESENCE IN GALLERY

The Speaker: I would like to draw to the attention of hon. members the presence in the gallery of the Hon. Stan Struthers, Minister of Conservation, and the Hon. Steve Ashton, Minister of Water Stewardship for Manitoba.

Some hon. members: Hear, hear!

[Translation]

The Speaker: I would also like to draw the attention of the House to the presence in our gallery of the Hon. Thomas Mulclair, Minister of the Environment in the Quebec National Assembly.

Some hon. members: Hear, hear!

The Speaker: Pursuant to order made Wednesday, October 20, 2004, the House will now go into committee of the whole to recognize Canada's athletes of the 2004 Olympic Games and Paralympic Games in Athens.

* * *

● (1505)

*[English]***CANADA'S OLYMPIC AND PARALYMPIC ATHLETES**

(House in committee of the whole to recognize Canada's 2004 Olympic Summer Games and Paralympic Games athletes, Mr. Chuck Strahl in the chair.)

[And Canada's 2004 Olympic and Paralympic athletes being present in the Chamber:]

The Chair: Hon. members, it is my pleasure today to welcome to the House of Commons medallists at this year's Olympic and Paralympic summer games in Athens. I know that Canadians are extremely proud of our Olympic and Paralympic athletes. They, as we, appreciate the years of intense training and sacrifice and the determination required to become a world class athlete. Their dedication not to mention their skills are an example to us and to future athletes.

Today is also an opportunity to recognize the men and women who support Canadian athletes, from coaches to administrators, from organizations such as the Canadian Olympic and Paralympic Committees to the families whose love and moral support sustain the athletes and spur him or her to even greater achievements.

[Translation]

Your Olympic and Paralympic successes put you at the pinnacle of your respective sports, earning you the respect and recognition of Canada and the rest of the world.

On behalf of all hon. members, I congratulate you, salute you and thank you.

[English]

I would now like to read the names of the Canadian medallists who are with us today.

From boccia are Paul Gauthier and Alison Kabush.

From the equestrian team is Karen Brain.

[Translation]

From the women's wheelchair basketball team, we welcome Chantal Benoît, Tracey Ferguson, Shira Golden, Jennifer Krempien, Arley McNeney, Danielle Peers and Karla Tritten.

● (1510)

[English]

From men's wheelchair basketball are David Ng, Travis Gardner, Roy Henderson.

[Translation]

From the wheelchair rugby team, we welcome Mike Bacon, Ian Chan, Jared Funk, Garrett Hickling, Daniel Paradis, Allan Semeniuk, Patrice Simard and David Willisie.

Routine Proceedings

[English]

From athletics are Chelsea Clark, Chelsea Lariviere, Jessica Matassa, Jason Dunkerley, France Gagné and Stuart McGregor.

From women's goalball are Amy Alsop, Kelley Hannett, Annette Lisabeth, Nancy Morin, Contessa Scott.

[Translation]

From the swimming team, we welcome Danielle Campo, Andrea Cole, Stephanie Dixon, Benoit Huot, Donovan Tildesley and Walter Wu.

From the discipline of kayaking, we welcome Adam van Koeverdan.

From the discipline of diving, we welcome Émilie Haymans.

[English]

From rowing are Tom Herschmiller and Cameron Baerg.

From sailing is Mike Wolfs.

From wrestling is Tonya Verbeek.

[Translation]

Some hon. members: Hear, hear!

[*And Canada's 2004 Paralympic and Olympic athletes having left the Chamber.*]

The Chair: Once again, congratulations and thanks to our Olympians and Paralympians.

[English]

All hon. members are invited to join the athletes at a reception immediately following in Room 237-C.

ROUTINE PROCEEDINGS

● (1515)

[English]

CRIMINAL CODE

Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.) moved for leave to introduce Bill C-16, an act to amend the Criminal Code (impaired driving) and to make consequential amendments to other Acts.

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

* * *

CONTRAVENTIONS ACT

Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.) moved for leave to introduce Bill C-17, an act to amend the Contraventions Act and the Controlled Drugs and Substances Act and to make consequential amendments to other Acts.

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

[Translation]

TELEFILM CANADA ACT

Hon. Liza Frulla (Minister of Canadian Heritage and Minister responsible for Status of Women, Lib.) moved for leave to introduce Bill C-18, an act to amend the Telefilm Canada Act and another act.

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

* * *

[English]

COMMITTEES OF THE HOUSE

HEALTH

Ms. Bonnie Brown (Oakville, Lib.): Mr. Speaker, today I have the honour to present in both official languages the first report of the Standing Committee on Health. On October 28 pursuant to Standing Order 108(2), the committee agreed to report to the House its unanimous support for a motion on the extension of federal compensation for hepatitis C victims of tainted blood. The motion was adopted by the committee on October 21, 2004.

OFFICIAL LANGUAGES

Mr. Pablo Rodriguez (Honoré-Mercier, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the first report of the Standing Committee on Official Languages.

[Translation]

Pursuant to Standing Order 108(3)(f), the committee has reviewed the third report of the Standing Committee on Official Languages called "Impact of the Plan to Strengthen Management of Government of Canada Advertising on the Official-Language Minority Media", which was presented to the House of Commons during the third session of the 37th Parliament.

On Thursday, October 28, 2004, the committee concurred in the findings of the report. Therefore, pursuant to Standing Order 109, the committee requests that the government table a comprehensive response to this report.

PROCEDURE AND HOUSE AFFAIRS

Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, I have the honour to present the 13th report of the Standing Committee on Procedure and House Affairs regarding the membership and associate membership of certain committees.

If the House gives its consent, I intend to move concurrence in the report later this day.

* * *

[English]

PARLIAMENT OF CANADA ACT

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP) moved for leave to introduce Bill C-251, an act to amend the Parliament of Canada Act (members who cross the floor).

He said: Mr. Speaker, this is now the fourth year that I have had this bill on the books.

If an elected member of Parliament wishes to cross the floor from his or her current position to another party, or as an independent to another party, that member of Parliament should be made to resign his or her seat, seek nomination for the new party he or she wishes to fly under, go back to the constituents and allow the people of the riding to determine if they wish to be represented by a different party. That is what we call democracy.

I am sure that with careful consideration the bill will have great support from all members of Parliament in the House.

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

* * *

• (1520)

INCOME TAX ACT

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP) moved for leave to introduce Bill C-252, an act to amend the Income Tax Act (physical activity and amateur sport fees).

He said: Mr. Speaker, it is quite fitting that today we have with us the athletes with disabilities, those who won medals for us at the Olympics. However, our government needs to concentrate on those people throughout the entire country.

This bill pertains to families and individuals who register either themselves or their children in sports or other physical activities. For example, if they spend \$400 to register a child in hockey, they should be able to claim it as a tax deduction similar to a charitable donation. This would put money back into the hands of working families to become more physically active and become a much better society in terms of sports and physical activity.

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

* * *

INCOME TAX ACT

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP) moved for leave to introduce Bill C-253, an act to amend the Income Tax Act (expenses incurred by caregivers).

He said: Mr. Speaker, the expenses incurred by people who care for their loved ones or those who are infirm in their own homes or the caregiver's home should be tax deductible. We are the sandwich generation. We are an older population. Many seniors are looking after other seniors. Many family members are looking after seniors. The bill would allow the expenses that they incur to be tax deductible in order to alleviate the financial strain that they are under when it comes to caregiving.

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

* * *

INTERNET CHILD PORNOGRAPHY PREVENTION ACT

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP) moved for leave to introduce Bill C-254, an act to prevent the use of the Internet to distribute pornographic material involving children.

He said: Mr. Speaker, this bill was first introduced by Mr. Chris Axworthy back in 1996 when he was the member from Saskatchewan. The premise of the bill is to make the service

Routine Proceedings

providers partially responsible for what they provide to the Internet users in the country.

It is being done in Britain, where service providers are partially responsible for what is on their sites. We believe that should happen in Canada as well. No matter how much money the government puts toward this or the amount of resources the police forces have, they simply never have enough to protect our children from the concerns of the Internet. We believe those providers should be partially responsible as well.

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

* * *

INCOME TAX ACT

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP) moved for leave to introduce Bill C-255, an act to amend the Income Tax Act (volunteers).

He said: Mr. Speaker, the country would be unable to operate without the access to the generous support and opportunity by volunteers. In Nova Scotia alone, volunteerism puts \$2 billion back into our economy.

Basically, we are asking that any person who volunteers 250 hours a year or more to a registered organization or charity should be able to claim up to \$1,000 in tax deductions for their efforts in this country.

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

* * *

EMPLOYMENT INSURANCE ACT

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP) moved for leave to introduce Bill C-256, an act to amend the Employment Insurance Act (compassionate care benefits for care-givers) and the Canada Labour Code.

He said: Mr. Speaker, we introduced this bill back in 1998. It basically states that people caring for persons who are relatives, under palliative care or severe rehabilitative care, should be able to take up to six months off work, have their job protected and be able to collect employment insurance so they can care for their loved one.

We have a program for maternity or paternity leave at the beginning of someone's life, but we are just starting a program for the end of someone's life. Right now it is only six weeks. We would like to see that extended to six months.

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

* * *

• (1525)

CRIMINAL CODE

Mr. Jay Hill (Prince George—Peace River, CPC) moved for leave to introduce Bill C-257, an act to amend the Criminal Code (conditional sentencing).

Routine Proceedings

He said: Mr. Speaker, I would like to thank my colleague from Provencher for seconding the bill. I am very pleased to re-introduce it into this Parliament. It is a private member's bill that I have introduced in two previous Parliaments.

This legislation addresses the frequent misuse of conditional sentencing provisions in the Criminal Code of Canada. If passed, the bill will ensure that certain serious and violent offences such as murder, assault, sexual assault, kidnapping, drug trafficking, manslaughter, et cetera are excluded from consideration for conditional sentencing. This means the convict must and will serve jail time.

When the government passed into law the conditional sentencing provision in 1995, it ignored warnings, without clear instructions to judges, that killers and other violent offenders could literally get away with murder. As we all know, this is exactly what has been happening across Canada ever since.

It is bad enough when those convicted of crimes such as break and enter and theft are granted conditional sentences, there is no punishment, no consequences, nothing to prevent them from offending again. Yet when a killer, or a rapist, or a drug dealer receives a "get out of jail free" card, for their victims and their victim's families, it is like being assaulted again.

Just over a week ago in the House the Deputy Prime Minister suggested she was willing to look at aspects—

The Speaker: Order please. The hon. member for Prince George—Peace River is the whip of his party and he knows what a good example he must set for hon. members. He knows that on first reading of a bill members are entitled to give a brief explanation of the bill. It was not brief, it is not brief, and the hon. member is quoting other members and so on. It sounds very much like a speech at second reading instead of a brief summary of the bill, which I know he would want to limit himself to if he has not already done it.

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

* * *

OFFICIAL LANGUAGES ACT

Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.) moved that Bill S-3, an act to amend the Official Languages Act (promotion of English and French) be read the first time.

(Motion agreed to and bill read the first time)

* * *

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, if the House gives its consent, I move that the 13th report of the Standing Committee on Procedure and House Affairs presented to the House earlier this day be concurred in.

(Motion agreed to)

Mr. Peter Stoffer: Mr. Speaker, I rise on a point of order. I am sorry, but there was another bill on the order paper, that I inadvertently omitted. I would like to seek the unanimous consent of the House to introduce it at this time.

The Speaker: Does the hon. member have the unanimous consent of the House to revert to introduce of private members' bills?

Some hon. members: Agreed.

Some hon. members: No.

* * *

PETITIONS

VISUALLY IMPAIRED

Hon. Raymond Simard (Saint Boniface, Lib.): Mr. Speaker, I would like to table a petition with 26 names requesting the assistance of the Government of Canada for the provision of affordable assistance devices for all Canadians who are blind, visually impaired or deaf-blind. It states that Canada urgently needs an assistance devices program that is nationwide, sustainable, mobile and open to all age groups and that affordable assisted devices allow persons who are disabled to achieve greater independence.

Therefore, the petitioners call upon Parliament to enact legislation permitting the Government of Canada to work with other levels of government to ensure that all Canadians receive access to affordable assisted devices.

● (1530)

CANADIAN FORCES

Mr. Jay Hill (Prince George—Peace River, CPC): Mr. Speaker, it is indeed a pleasure for me to rise to present yet another petition in a long line of petitions that I have been presenting on the same issue. It is from concerned citizens of Windsor, Ontario.

The petitioners wish to draw to the attention of the House that the Canadian Forces Housing Agency serves a valuable purpose by providing on base housing. Unfortunately, much of the housing provided for our military families is substandard and below acceptable living conditions.

Also, in many cases they have seen dramatic increases in their rent. Indeed, today, November 1, about half the people who live in on base housing are about to see dramatic increases in their rent again.

Therefore, the petitioners call upon Parliament to immediately suspend any future rent increases for accommodation provided by the Canadian Forces Housing Agency until such time as the government makes substantive improvements to the living conditions provided for our on base military families.

* * *

[Translation]

QUESTIONS ON THE ORDER PAPER

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

*Government Orders***GOVERNMENT ORDERS***[English]***TLICHO LAND CLAIMS AND SELF-GOVERNMENT ACT**

The House resumed consideration of the motion that Bill C-14, an act to give effect to a land claims and self-government agreement among the Tlicho, the Government of the Northwest Territories and the Government of Canada, to make related amendments to the Mackenzie Valley Resource Management Act and to make consequential amendments to other Acts, be read the second time and referred to a committee.

Hon. Rob Nicholson (Niagara Falls, CPC): Mr. Speaker, just before question period I was talking about Bill C-14, the Tlicho land claims and self-government act and the role that aboriginal Canadians have played in the history of the country. They certainly had a major role to play in the settlement of western Canada. There are dozens of treaties that were concluded by the colonial authorities and they had a beneficial effect for the country. It allowed us to establish our sovereignty over areas that we would have been in direct competition with the United States. It was very valuable.

However, today we have to recognize those treaties. We have to come to some conclusion on some of the vague terms that are contained therein. I see the particular act before Parliament as a continuation of the process, the process of fairness. However, I did not hear answers to some of the legitimate concerns that were raised by the member for Calgary Centre-North and by other members on this side of the House. Contrary to comments we have heard, this is the time and the place to discuss some of these things.

The second reading debate is when a bill is either accepted or rejected on principle, so it is legitimate that we raise some of these concerns. If the matter moves on to the committee, as I expect it probably will, I hope then finally some of the legitimate questions that have been raised will get answered. I hope they include, among other things, the question of finality.

We have heard testimony in the House that the agreement is not final, but that it will be opened up when any other land claim or self-government treaties are concluded. That means this process could go on ad infinitum. I believe there are about 70 land claim treaties in the mix right now and there are hundreds of other potential ones. It means that after each and every one of them, this one would be measured to see if some other group land claim treaty included more and therefore the Tlicho people would be included within that. As a result we do not attain any finality with this. I would like to see that matter addressed in the committee. I think it is a reasonable one.

As well, we heard comments with respect to Canada's obligations in the area of international treaties. If Canada concludes an international treaty, that treaty will be measured against the provisions of this agreement. There are provisions, I guess, for consultation and mediation.

What we could possibly have, and again it is one of those issues that should be addressed by the committee, is that Canada may very well be put in the position some day where it will be impossible for us to conclude international treaties because no future land claim agreement will have any less than this agreement. This would be the base for all future agreements.

Presumably the other 70 land claim agreements and self-government claims that are in the mix now will all want to be consulted when Canada gets into the business of international treaties. One could just imagine how difficult that would be to conclude if the federal government were under an obligation to go through a process of consultation, which is fair enough. For the process of mediation, I just want to know where that ends. What happens if the mediation is unsuccessful? I look forward to that being answered.

As well, I did not hear a complete answer to the question of what is supreme, the Charter of Rights and Freedoms or this act? Is it a constitutional document? There is no question about that. Is it subject to the Charter of Rights and Freedoms? I have seen wording in the agreement that says that whatever happens within this agreement, it should be "consistent with". That is not quite the same as being subject to the Charter of Rights and Freedoms.

These are all important, vital questions because the government of the country has to be able to work and we have to be fair to all Canadians. I hope that process will have complete examination after the second reading stage in the committee.

• (1535)

Mr. Merv Tweed (Brandon—Souris, CPC): Mr. Speaker, I rise today to join our party in opposition to Bill C-14, the Tlicho land claim agreement.

The Conservative Party agrees with the spirit of the agreement but it has grave concerns relating to four areas of the treaty specifically. Those are the absence of finality, incursions upon Canada's international autonomy, jurisdictional confusion and the adoption of governance structures which are racially based.

This agreement is most notably unique in that it ratifies both land claim and self-government agreements at the same time. This is the first time this has happened and for this reason it will serve to set a precedent for all future agreements for as many as 600 first nations in this country that are still negotiating land claim agreements.

I want to deal with the four points that I mentioned at the start. The first one I will deal with will be the absence of finality. It is the first problem. I know many of my colleagues have spoken to the issue that the agreement is not a final agreement. I think what most Canadians are asking and what the people in my constituency in the province of Manitoba have asked is finality; that when the deal is made a deal is done and a deal is completed. This certainly does not allow for that.

It is my understanding that land claims are supposed to be final settlements. It was the case in the Nisga'a agreement, but apparently it is not in this case. I do want to put on the record some of the portions of the final agreement with the Nisga'a. The agreement states:

This Agreement constitutes the full and final settlement in respect of the aboriginal rights, including aboriginal title, in Canada of the Nisga'a Nation.

Article 23 reads:

This Agreement exhaustively sets out Nisga'a section 35 rights, the geographic extent of those rights, and the limitations to those rights, to which the Parties have agreed, and those rights are:

Government Orders

- a. the aboriginal rights, including aboriginal title, as modified by this Agreement, in Canada of the Nisga'a Nation and its people in and to Nisga'a Lands and other lands and resources in Canada;
- b. the jurisdictions, authorities, and rights of Nisga'a Government; and
- c. the other Nisga'a section 35 rights.

Further to that article, article 26 reads:

If, despite this Agreement and the settlement legislation, the Nisga'a Nation has an aboriginal right, including aboriginal title, in Canada, that is other than, or different in attributes or geographical extent from, the Nisga'a section 35 rights as set out in this Agreement, the Nisga'a Nation releases that aboriginal right to Canada to the extent that the aboriginal right is other than, or different in attributes or geographical extent from, the Nisga'a section 35 rights as set out in this Agreement.

Article 27.6.1 grants that if the Government of Canada or the Government of the Northwest Territories ever gives another aboriginal people greater tax powers or tax exemptions, whether by land claims agreement, self-government agreement, tax power exemption or legislation than that negotiated with the Tlicho, then the federal and territorial governments must reopen negotiations with the Tlicho to provide them with equal benefits.

● (1540)

We can be sure that every one of the 600 first nations still negotiating agreements will demand the same clause in their own agreements.

Potentially what this agreement could be doing is setting up a system of perpetual one-upmanship among Canada's first nations. Do not think that this could not happen, as the Akaitcho and Deh Cho First Nations that border the Tlicho are both seeking their own land claims as we speak. They will not settle for less and that could start the trend upward very soon.

The second part in my opening comments concerns the incursions upon Canada's international autonomy. Article 2.9 does not limit the authority of the Tlicho to enter into international, national, interprovincial and interterritorial agreements. This, in my understanding, means that the Tlicho government has the authority to enter into international agreements.

Does the Government of Canada have veto power over an agreement if it could have potential negative impacts on Canada as a whole? It is unclear, as this agreement is so ambiguous and poorly written that one cannot even answer these questions without vague assumptions or outright guesses.

To add to the confusing morass, the agreement indicates under article 7.13.2 that the Government of Canada will have to consult with the Tlicho if an international treaty may affect the rights of one Tlicho citizen. Provinces do not have these rights, and the government may be giving them out without thinking twice.

Our next concern is with regard to jurisdictional confusion. This agreement would effectively create a third order of government whose authority would be superior to that of the federal and territorial governments in certain matters. The jurisdictional confusion is exacerbated by the fact that the wording of the agreement is confusing as to which legislation, federal, territorial, Tlicho or the charter, is paramount in the event of conflict with the Tlicho constitution.

The agreement addresses these interjurisdictional issues in at least three places and prescribes three distinct paramount provisions.

First, in articles 7.7.2 through 7.7.4, Tlicho laws prevail over territorial laws and also over federal laws relating to the Tlicho. The federal government seems, therefore, to have rendered specific federal legislation relating to the Tlicho subordinate to the Tlicho laws.

Continuing on this confusing path, article 2.8.3 introduces yet another concept of paramountcy, in that it makes the settlement legislation, presumably Bill C-14, paramount over the provisions of any other legislation or Tlicho laws.

Unfortunately, for the sake of consistency and clarity, article 2.10.7 prescribes yet another legislative hierarchy which applies in the event of arbitration.

The problem here is that there seems to be multiple definitions of how to determine supremacy in the event of conflict between the Constitution of Canada, the charter, territorial legislation, Tlicho legislation and the agreement itself. One can only imagine the legal problems and confusion that this agreement will create if passed in its current form.

My final point is that it would create a racially based electoral system. The agreement also would create a category of citizens called Tlicho citizens who are the only people who may be elected as chiefs, and 50% of the elected councillors must be Tlicho citizens. This is arguably counter to the Charter of Rights and Freedoms, and we can almost be assured that it will be subject to a charter challenge, if the charter even ends up applying in Tlicho territory.

We believe that aboriginal agreements reached with the federal government must represent a final agreement in the same manner as was achieved with the Nisga'a. We believe that self-government agreements must be structured so as to ensure constitutional harmony and so as not to impede the overall governance of Canada.

We believe that the principles of the charter must apply to aboriginal self-government and that self-government must occur within the context of the Constitution of Canada.

If those principles cannot be upheld, then I cannot support this agreement.

Government Orders

• (1545)

Mr. Jay Hill (Prince George—Peace River, CPC): Mr. Speaker, it is a pleasure to rise this afternoon to offer a few thoughts on behalf of my constituents of Prince George—Peace River on Bill C-14, the bill that would bring the force of law to an agreement signed on August 25, 2003 between the federal government, the Northwest Territories government and the Tlicho Nation.

As has been stated by a number of my colleagues, and recently by my colleague from Brandon—Souris, the official opposition, the Conservative Party of Canada, is opposed to the agreement for a number of reasons.

I want to state at the outset that one of the things we have great difficulty with is the way in which the bill was brought forward and the fact that it cannot be amended, which creates a great deal of problems. Today during question period the minister avoided and evaded serious, sensible and common sense questions that were put forward on Bill C-14 by the official opposition by stating that the bill would go before committee and that our concerns could be known there.

It is becoming plain, not only to the official opposition but to Canadians from coast to coast, that the bill cannot be amended. It was brought forward by a ways and means motion, so in effect the government has said it is an all or nothing situation. We either accept it the way it is or we reject it. There is no way concerns can be brought forward and dealt with in any substantive manner.

I want to pay special tribute to our aboriginal affairs critic, the member for Calgary Centre-North, who has done an outstanding job in his short time in this chamber dealing with this legislation. I am sure he will go on to provide some insightful analysis to a lot of legislation as we move forward.

I also want to make it very clear that I and my colleagues would like to see these negotiations and these agreements brought to a conclusion. It is not like we are trying to stand in the way of negotiating what is fair, not only to the aboriginal people of Canada, the ones who have waited, in some cases, over 100 years now, for a treaty, for some finality and some certainty in their negotiations. It is not like we are opposed to that. Far from it. What we want to see, what they themselves and what Canadians at large want to see is not only some certainty but some fairness on both sides.

This is like a contract between two people. A contract should be fair to both parties. It is not helpful to either side to put a contract in place that is perhaps ambiguous or confusing. As my colleague from Brandon—Souris just mentioned, after a cursory examination of the legislation, what strikes us is how confusing and how ambiguous the language being used really is. It is a lawyer's dream come true.

As sure as I am standing in this chamber this afternoon, Bill C-14 will be before the courts before it is done. There will be some dispute in the future about it. I do not think it is helpful for the Tlicho people or Canadians who will end up paying the bill for the ongoing court cases. They want to see these things settled in a fair manner and they want finality. As we have heard from speaker after speaker on behalf of the official opposition, that is not the case with Bill C-14.

I want to reiterate for the record and on behalf of my constituents of Prince George—Peace River that I am proud and pleased to represent a huge northern riding that is just southwest of the area we are discussing under Bill C-14. Prince George—Peace River is about one-quarter of the land mass of northeastern British Columbia. It straddles the Rocky Mountains. We are pleased and proud to be home to a lot of aboriginal people. A lot of first nations make their homes in Prince George—Peace River. It is not that we do not have some problems there as well. We want to ensure fairness, not only in my riding but in areas, ridings and regions all across the country regardless of the province or the territory. We want to see fairness, we want to see finality and we want to see certainty.

• (1550)

In the four areas as laid out by a number of my colleagues, it is not a final agreement. As has been pointed out, if subsequent agreements that are under negotiation now actually bring in some clauses that are more beneficial to the Tlicho people, they can reopen negotiations. It is not final. That is a concern.

One thing that I have heard consistently in the 11 years that I have been the member of Parliament for Prince George—Peace River from people on both sides of the issue is they want these ongoing disputes to be settled in a fair manner, but they want them to be final. They want it to be like a contract that people would enter into when they purchased a home or bought a car. It is a final agreement and is bound by law. It is not that one side later on can say, "My buddy Joe down the street got a little better deal when he bought his new car, so I want to revisit this" and the person goes back to the dealer. Imagine what the dealer would say. He would tell the person to blow it out his ear, that he entered into a contract, signed it on the dotted line and it is final. It is an agreement.

These are concerns that we are bringing forward and as I say a lot of this is a lot of confusing language. The second thing is it appears to, and I would stress appears to, recognize the right of the Tlicho to enter into international agreements. That is of concern to us.

Third, it creates a racially based electoral system. A number of other people have talked about that. I remember that we have talked about that in a number of agreements, whether it was the Westbank agreement in the last Parliament or the Nisga'a agreement. We are concerned that we are setting up some sort of two tier electoral system in Canada. I do not think that is what the first nations people want and I do not think it is what Canadians want. They want all Canadians to be treated equally.

Fourth, the agreement is jurisdictionally confusing. I have already talked about that. I think the greatest confusion with regard to that was asked of the minister in question period today by one of my colleagues. He asked if, in the final analysis, push came to shove would the Tlicho agreement take supremacy or would it fall under the supremacy of the Charter of Rights and Freedoms.

Government Orders

That is a critical question to ask, and it should be an easy question for the government to answer. Yet the minister avoided the question. He ducked the question. That is of concern. It should be of concern to the Tlicho people themselves. They should be concerned that this is so ambiguous as to be confusing as to which would be supreme in the end.

It sets a precedent. We have also discussed that. It sets a very dangerous precedent because of a number of these issues that other bands will look at and say that the Government of Canada and by extension the people of Canada have entered into this agreement and they want the same thing, and rightly so. If I were next in line to negotiate, I would want the same provisions and the same loopholes, if I could call them that, or vagueness, to allow me wiggle room down the road if I wanted to renegotiate.

On this whole third order of government, I very vividly recall the Charlottetown accord referendum. I can say that the people in my riding voted overwhelmingly against it. In fact I think the strongest no vote against Charlottetown in Canada was Prince George—Peace River in 1992.

One of the huge concerns, and there were many with that accord, was this undefined third order of government and the powers that it may or may not be given. I want it on the record that the people of my riding certainly are opposed to this ill defined third order of government, rather than having something similar to a municipal government which I think all people would support.

I want to make a point on behalf of the aboriginal people themselves. I would hope that when we do negotiate these agreements and bring them forward and have at least some semblance of finality to it that the grassroots people are better off and that it is not just their government, it is not just the chiefs, the consultants and the advisors that are better off, but the grassroots people themselves.

• (1555)

All too often, despite the billions being spent through aboriginal affairs and northern development, I have witnessed in my riding and indeed across the country that the grassroots people themselves are no better off than they were 50 years ago.

[*Translation*]

Mr. Bernard Cleary: Mr. Speaker, I would like to raise a number of questions about a statement made within the past 20 or 25 minutes.

Reference was made to certainty—

The Acting Speaker (Mr. Marcel Proulx): I am sorry to interrupt the hon. member but I am told that you have already spoken on this bill. We are presently at 10 minute speeches with no questions and comments. I will have to ask you to drop the matter at this time.

[*English*]

Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

The Acting Speaker (Mr. Marcel Proulx): In my opinion the yeas have it.

And more than five members having risen:

The Acting Speaker (Mr. Marcel Proulx): Call in the members.

[*Translation*]

And the bells having rung:

• (1600)

The Acting Speaker (Mr. Marcel Proulx): The division stands deferred until tomorrow, Tuesday, at 6:15 p.m.

* * *

[*English*]

CRIMINAL CODE

(Bill C-13. On the Order: Government Orders:)

October 15, 2004—The Minister of Justice—Second reading and reference to the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness of Bill C-13, an act to amend the Criminal Code, the DNA Identification Act and the National Defence Act.

Hon. Bill Graham (for the Minister of Justice) moved:

That Bill C-13, An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act, be referred forthwith to the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness.

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Natural Resources, Lib.): Mr. Speaker, I have the distinct pleasure today of speaking in favour of sending Bill C-13 to committee.

The national DNA data bank is a great Canadian success story and the bill can only increase that success.

The DNA data bank brings together justice, scientific innovation and world class technology. It highlights the unique Canadian knowhow and strong Canadian leadership, reaching well beyond our borders.

The DNA data bank is about the administration of justice and the most powerful investigative tool so far discovered.

[*Translation*]

Forensic DNA analysis has revolutionized criminal investigation and proceedings. It has helped in the investigation of hundreds of serious crimes in the past few years alone. It has speeded up the investigation of some of the most difficult sexual assaults or offences involving violence that Canadian police forces have had to deal with.

Government Orders

[English]

More powerful than fingerprints, DNA is a silent but credible witness, helping to convict the guilty while protecting the innocent. When properly handled and profiled, it offers indisputable evidence linking a suspect with a crime.

The DNA data bank's most recent annual report, which was tabled in the House on October 21, gives us an insight into how this jewel in the Canadian criminal justice crown actually operates. The report also tells us about the history and science behind the DNA data bank. I am not going to go over all of that here today, but let me select some key highlights.

DNA is the fundamental building block for our entire genetic makeup. With the exception of identical twins, triplets and quadruplets, each person's DNA is unique. The national DNA data bank, established as a result of legislation enacted by Parliament almost six years ago, is at the forefront of forensic DNA science.

With royal assent in 1998, the RCMP committed to build a national DNA data bank and to make it operational within 18 months. The project was completed on time and under budget.

The DNA data bank is recognized worldwide for its quality of work and the professionalism of the scientists who work there. The technology that it has developed is now being snapped up by other countries.

Since it opened in June 2000, the DNA data bank has helped solve 165 murders and almost 400 sexual assault cases in communities from coast to coast to coast. It has been crucial in helping police solve over 300 armed robberies and over 1,200 break and enters. The national DNA data bank has provided critical evidence leading to convictions in nearly 2,300 serious crimes.

It is important that our legislation keep up with what we have learned from the DNA data bank's operations to date. As my colleague emphasized, this bill is a carefully crafted set of mid-course adjustments before the full parliamentary review next year. We need to ensure that the DNA data bank works as effectively as possible within the parameters set out for it in law.

In these days of biometrics and genetic cloning, any initiative that touches on personal genetic information naturally raises concerns about privacy. The nationwide consultations that contributed to the creation of the DNA data bank stressed the need to balance a suspect's right to privacy and the need to protect society by facilitating the early detection, arrest and conviction of offenders.

Indeed, Canadian parliamentarians reflected the need for this balance in the careful crafting of the legislative provisions. The legislation imposes strict procedures to govern the handling of DNA profiles and biological samples to ensure that the privacy interests are protected.

The Canadian data bank is unique in keeping strictly separate from DNA profiles any identifying information. The people working with the DNA have no way of knowing whose DNA they are dealing with or any of the background to the case. Information collected by the DNA data bank is used for law enforcement purposes only. This bill continues all of those protections.

Some members of the House will know that a national DNA data bank advisory committee oversees the operation and offers advice to the Commissioner of the RCMP. This is a unique group of experts in law, science, ethics and privacy, including a former Supreme Court of Canada judge and an assistant privacy commissioner.

An hon. member: Oh, oh.

Hon. Larry Bagnell: I would ask the Conservatives not to heckle me or I will embarrass them about their vote on the Tlicho bill.

They ensure we are getting privacy rights to support the objectives and the intent of Parliament for all Canadians. People can read about it in their annual reports, but I can tell everyone they give the DNA data bank and its operations an A plus.

The banking of DNA evidence from the past is like a justice time machine. It can help the investigator solve a case that went cold many years ago. The newest of DNA technologies helps to focus the investigation and can even exonerate the innocent.

The DNA data bank's success is based on a simple formula. The more profiles entered into the convicted offender index and the crime scene index, the more hits generated from comparing the two to help police investigators solve serious crimes.

• (1605)

One such hit solved the vicious 1992 murder of a convenience store attendant in Sydney, Nova Scotia. The killer used a 30 centimetre store knife to stab the victim dozens of times. As she lay bleeding to death on the floor, he snatched \$300 from the cash register and two cartons of cigarettes.

His escape on foot in a blinding snowstorm made it impossible for police dogs to follow the trail. There were other leads, several cigarette butts, and a used coffee cup, but forensic science was not far enough advanced in 1992 to extract useful samples for DNA analysis.

Local police conducted a massive investigation but the murder remained unsolved for more than a decade. By January 2001 technology had progressed far enough to allow authorities to establish a DNA profile from the items carelessly discarded at the scene of the crime. The profile was added to the DNA data bank's crime scene index.

Government Orders

In a totally unrelated case nine years after the murder and hundreds of kilometres away, an Ontario court convicted a 28 year old man of assault causing bodily harm. The judge ordered the offender to provide a biological sample for the purpose of forensic DNA analysis.

When the profile was entered into the DNA data bank, it generated a hit with the convenience store crime scene. This discovery led to an elaborate undercover police operation that eventually led to the confession and mandatory life sentence for the brutal killing.

The DNA data bank's contributions are not limited to Canadian cases. Through an international agreement involving Interpol, police agencies are collaborating more frequently on challenging multi-national investigations.

One such case involved police officers in Ohio who used a popular television program to profile a troubling case involving sexual assault and murder. The broadcast generated several telephone tips, including one from a viewer in western Canada who thought the suspect looked familiar. The tip was called into the local RCMP detachment and the suspect was eventually found under an alias in an Alberta prison.

At the time of conviction the offender had been ordered to provide a biological sample and his DNA profile had been entered into the DNA data bank's convicted offender index. Scientists at the DNA data bank found a match between the DNA profile from the Ohio scene and that of the convicted offender, clearly linking the offender to the murder scene. After serving out his prison term in Canada, the offender was deported to the U.S. to face murder charges.

I should point out that our international success using DNA evidence is carried out by a special international agreement. Any sharing of this kind of evidence is carried out according to the privilege of the justice system and with the privacy considerations that Canadians value and embrace.

I remind hon. members that the national DNA data bank serves as one of the most powerful enforcement tools available to Canadian police and courts. Almost 2,300 serious crimes have been solved over the past four years through the help of the evidence gathered by DNA data bank scientists.

Even more encouraging is the fact that as the data bank approaches full capacity, its impact will increase even further as a greater number of samples are processed. Enhanced automation in robotics will help scientists process even more DNA samples in a shorter period of time.

In Canada and abroad we can look forward to many more success stories as awareness increases and the legislation and technology continue to improve.

• (1610)

Mr. Vic Toews (Provencher, CPC): Mr. Speaker, I am pleased to rise today to address Bill C-13, an act to amend the Criminal Code, the DNA Identification Act and the National Defence Act. The purpose of this bill is to broaden the provisions governing the national DNA data bank.

However, I must say at the onset that this bill falls short of what the official opposition, the Conservative Party of Canada, feels is necessary to effectively combat crime. We are joined in those concerns by members of the police right across this country.

I just heard the speech of the parliamentary secretary, indeed nothing more than wishful thinking. Unfortunately, his government is not prepared to take the steps that are necessary to take full advantage of this very important crime fighting tool.

The original legislation, Bill C-3, that created our national data bank was enacted in 1998 and officially opened July 5, 2000, and is maintained by the RCMP. This DNA identification, if used to its full potential, could be the single most important development in fighting crime since the introduction of fingerprints.

For example, DNA played a major role in solving the Holly Jones case last year which resulted in a first degree murder conviction in June. However police, attorneys general and crown attorneys have long argued that the legislation, as enacted, denied law enforcement the full use of this technology.

Bill C-3 did not allow for the taking of DNA samples at the time of charge, as fingerprints are, and it did not permit samples to be taken retroactively from incarcerated criminals other than designated dangerous offenders, multiple sex offenders, and multiple murderers. Bill C-3 did however provide potentially dangerous exemptions authorizing judges not to make orders even in situations where there have been convictions.

Although some amendments contained in Bill C-13 are improvements on the status quo, they do not raise in any substantial way and answer the concerns that have been raised by the police and the attorneys general.

Amendments contained in Bill C-13 would add several offences to the list of designated offences for which a national DNA data bank order can be made. This of course is a positive step, but it begs the question, why can this DNA data bank not include all indictable offences as is the case for fingerprints?

Such is essentially the case in Great Britain, where in England and Wales, for example, police have the power to take and retain biological samples from those charged with or informed that they will be charged with any recordable offence, which is essentially any offence which might carry a prison term. They can in fact order the taking of DNA where a police inspector has reasonable grounds to suspect the involvement of the individual in a recordable offence. The DNA sample will tend to confirm or disprove the person's involvement in a particular offence.

Government Orders

Police have asked for the ability to collect a DNA sample at the time of charge, as is done with fingerprints, instead of upon conviction. There is no evidence or jurisprudence suggesting that such provisions would be in violation of the Constitution.

In the United Kingdom there is legislation pending that would allow police to automatically take a biological sample from anyone arrested for a reportable offence. This would eliminate the requirement for an inspector's assessment and approval. Such approval would then be necessary only in a case where a suspect had not yet been arrested. In Britain, DNA is not only used to convict the guilty but in fact to eliminate suspects and to prove innocence.

This bill also fails to sufficiently broaden police powers to take samples from those convicted of designated offences before the DNA data bank came into force. We can have this discussion, whether DNA should be taken upon the time of charge or upon conviction; however, there is not even an automatic taking of DNA where there has been a conviction, where a person's guilt has been proven beyond a reasonable doubt. Currently this is permitted only in specific circumstances such as with dangerous offenders, multiple sex offenders and multiple murders.

● (1615)

The case of James Doherty illustrates why these powers need to be broadened. In 1992 Mr. Doherty murdered two women in Courtenay, British Columbia. In 2003 the crown attorney requested that a DNA sample be collected and a judge complied, but Doherty appealed on the grounds that the murders had taken place at the same time. He was saying that because these two murders occurred as part of the same event, the current law would exclude the jurisdiction of a judge to order that.

It would seem that multiple murders must take place in different events. In effect, this is the same old Liberal theory that someone should have at least one free murder or one free sexual assault.

Our party believes that we do not get a free murder or a free sexual assault if there is evidence that could either convict or eliminate an individual as a suspect, then that DNA evidence should be taken.

An additional concern is the ability for a convicted offender to appeal to the court in order to prevent the collection of DNA. Even convicted murderers and repeat sex offenders can now request a hearing after conviction that DNA should not be taken.

The Liberals are trying to jam up the court system so that it discourages crown attorneys from actually proceeding on these kind of hearings. With respect to secondary offences, the onus is on the Crown to prove that it would not be contrary to the interests of justice to have a convicted offender give DNA. This is in the case of convicted offenders. Even when they are convicted of primary offences, murders, serious sexual assaults, there is still an ability to have a judicial hearing after conviction.

We know what is going to happen. This will clog up the justice system. This is a deliberate attempt to ensure that DNA is not used as effectively as it should be. This does not deal with any charter argument. This is simply a feeling by Liberals that convicted criminals still have these rights in order to avoid responsibility for

other crimes for which they may be responsible. This is one more impediment to effective law enforcement.

A 1998 study predicted that the data bank would receive samples from an estimated 19,000 individuals a year convicted of primary offences. It also said we will get about 10% of those convicted of secondary offences. Instead it is not even meeting those goals. It is getting half of that number.

In contrast, England's database contains more than two million DNA profiles and each week 1,700 hits link suspects to crime scenes. Why do we not do that? I will tell members why. Our government is simply not interested in effective law enforcement.

The other point that I want to raise is the issue of resources. The Liberals will not resource the RCMP. For example, today the Minister of Justice announced a new drug driving law. In fact, the minister knows that RCMP officers are being taken off the highway. For example, in Manitoba, 35 of the 65 highway patrolmen are being moved out of highway patrol. It does not matter about the laws. There are no resources.

This minister knows that. Not only is the government putting forward bad laws, it is not prepared to put the resources in to support our police whether it is DNA, whether it is impaired driving, whether it is murders or whether it is rapes. It is unfortunate that the government would rather let the victims suffer than ensure that a guilty murderer or multiple sex offender is brought to justice.

● (1620)

[*Translation*]

The Acting Speaker (Mr. Marcel Proulx): 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 Vancouver East, Health; the hon. member for Shefford, Royal Canadian Mounted Police; the hon. member for Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, Aerospace Industry.

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, I am pleased to have this opportunity to speak on Bill C-13 to amend the Criminal Code. The battle against organized crime, or to put it more broadly, the administration of criminal evidence, has always been of great importance to the Bloc Québécois and to all my colleagues.

Government Orders

I cannot help but make the connection between Bill C-13, which we have before us at this time, and the very pertinent activism of the member for Charlesbourg—Jacques-Cartier and other colleagues in this House. In fact, all opposition parties tabled a bill calling for the burden of proof to be reversed in the case of the proceeds of crime, once guilt has been established, of course.

In the mid-90s, a heinous crime was committed; a young girl called Tara Manning was murdered. A problem arose when it came to determining guilt. There was no provision for collecting DNA samples in order to prove that a suspect was guilty.

It was a very important time when this House acted with great diligence, because the bill in question was passed through all stages in less than 48 hours. It was proof that, when members work together, this House can act very quickly. It was also proof that, in all our deliberations, the issue of criminal law and the fight against organized crime have grown considerably in importance in recent years.

I recall that young Daniel Desrochers was murdered in 1995 in my riding of Hochelaga. At the time, there was no anti-gang legislation nor any provisions regarding organized crime, such as we have now.

I had organized a meeting between young Daniel Desrocher's mother and Allan Rock, who was then justice minister. It was not easy to achieve a balance between bringing members of large criminal organizations such as the Hells Angels, Rock Machine and Bandidos to justice and ensuring that the Charter of Rights and Freedoms was respected.

The bill before us today refers directly to the national DNA data bank. I was mentioning the case of young Ms. Manning. It was after that case that we established the national DNA data bank, which the Crown may consult.

The Conservative Party of Canada's justice critic has reminded us that it is not automatic. It is true that when the Crown wishes to take a sample of a bodily substance, it must ask for a court order. In one way, this is understandable, because taking samples of bodily substances is something quite intimate.

Criminal law always involves a delicate balance between the expectation of privacy and the sound administration of justice by means of evidence. In criminal matters, there must not only be a preponderance of evidence. The same test is not found in civil law. In criminal matters, the evidence must be beyond any doubt. That is understandable.

In criminal law, when the evidence has been weighed, a sentence 10, 15, 20 or 25 years in prison may be given. It is normal and desirable that the day on which the sentence is passed, all elements of proof should be not only conclusive, but irrefragable and beyond any shadow of a doubt.

Therefore, Canada has a national DNA data bank.

●(1625)

Before the bill before us was presented by the Minister of Justice, a distinction had been made between primary designated offences and secondary designated offences. The Crown's responsibility differed for the two types of offence.

Primary designated offences are offences of a sexual nature, involving child pornography, procuring, and living on the avails of prostitution and juvenile prostitution. These are extremely serious and shocking offences, and our fellow citizens expect those found guilty of such offences to be heavily sentenced.

For offences under section 487.4 of the Criminal Code, the Crown could automatically request a court order for samples. The court was not as vigilant in the case of secondary designated offences. It is not that the court took these offences less seriously, but stronger arguments had to be presented in order to obtain samples for this type of offence.

I am talking about offences that are nonetheless criminal, for which criminal charges can be laid or summary proceedings taken, but the charges are less serious than charges related to sexual offences. These offences include criminal harassment, uttering threats, breaking and entering, intimidation, arson, and so on.

Bill C-13 extends the list for both categories of offence. Obviously, it links with the legislation we passed on child pornography and adds to existing offences. The bill offers something quite new. Only prosecutors will be able to request court orders. If a prosecutor, which in most cases is a crown prosecutor, wants samples of bodily substances taken in relation to the charges before the court to be submitted to the national DNA data bank, then it is up to the prosecutor to do so. Nothing will be done automatically any more.

It is understandable that bodily substances, be they hair, nails or any nasal secretion, are very important in building evidence. I need only mention a certain decision of the Supreme Court. The story goes like this. An individual was arrested for stealing a truck, charged and read his constitutional rights. He was taken in for questioning, during which he blew his nose. Without his knowledge, the prosecution collected the tissue, which was admitted in evidence and would contribute to his conviction. As it turned out, the prosecution's evidence was ruled inadmissible under section 24.2 of the Charter, because it was collected without the individual's knowledge.

This goes to show the very important a role in terms of evidence played by bodily substances through their almost unequivocal identification of offenders. The bill before us adds offences to the list of primary and secondary offences, but requires the Crown, the prosecution, not only to initiate proceedings but also to request that substances taken from an indicted offender be included in the national DNA data bank.

Government Orders

The Bloc Québécois is generally in favour of the bill, with a few incidental changes.

• (1630)

[English]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I rise to speak to Bill C-13 from the perspective that we are dealing with relatively new technology and some amendments would normally cause us a good deal of concern.

DNA samples have been gathered only since 2000. It should have been done much earlier, but the current government was very slow in moving the bill through the House to final fruition. Once in place, it became quite obvious that there were some significant limitations in it, and the government is now attempting to address those. We will not know whether it has been successful until we hear from the criminal defence bar, prosecutors, some police associations and some victims' rights groups. That is why we are supportive of the legislation going to committee prior to second reading. If the government were looking for support in principle for the bill at second reading, my party would not be able to support it.

There are several points in the bill that cause us particular concern. Overall we believe the direction in which it is moving is the appropriate direction. Certain charges are being moved from the secondary list to the primary list and we believe that is appropriate.

On the other hand, we are quite concerned about the bill being made retroactive. There has been a great deal of debate in the House and across the country over this issue. Certain individuals currently in prison will be paroled shortly because they have served their entire time. It would be quite desirable for society as a whole to obtain a DNA sample from them and have it in the data bank on an ongoing basis. On the other hand, whether it is appropriate for retroactivity to apply to all people who will be released shortly still gives us some cause for concern.

It almost goes without saying that under common law, the history in England and Canada, all legislatures have been reluctant to ever pass legislation that is retroactive. That aspect of the bill will require some close attention by the justice committee when Bill C-13 gets there.

Members of the Conservative Party are concerned about when the DNA sample should be taken. We have heard from some police associations that they are pressing quite strongly for the sample to be taken, as fingerprints are, at the time the individual is charged. That is generally being done in England at this time, as opposed to other alternatives such as upon conviction, upon sentencing or after all appeals have been exhausted. Those are all possibilities. They will have to be canvassed in front of the committee which will be hearing from people who work in this area such as police associations, bar associations and, in particular, the criminal defence bar.

We know from some of the wrongful conviction cases, which have been in the news in the last few years, that DNA samples could be an excellent tool to acquit people. However, they are also quite widespread in convicting people. As I said in my opening comments, this is a new technology. I know from some of the work I did in private practice, that in the initial stages the assessment of these

samples left something to be desired. Even though experts on the stand said that it was an absolute, that it was 99.99% perfect, reality was that it was not specific as we began to understand the technology better and understand what was needed to get proper assessments.

• (1635)

In terms of the use of the DNA data bank, we must be conscious of the fact that it is a new technology. We must be conscious of the fact that we may see somewhere down the road someone challenging its validity and its accuracy on a scientific basis. We must be very careful when we are imposing the types of pressure and the types of law on convicted criminals. We have to be very careful with that.

There are charges that are being moved, and these would be after conviction, from the secondary list up to the primary list. Those will have to be looked at closely as well, as to whether that is also all appropriate, or whether in fact there should be additional charges moved on to the primary list.

That is important because if the charge and the conviction are based on a criminal offence that falls into the primary list, the DNA sample must be ordered by the judge convicting the individual unless that person can show, for privacy or personal security reasons, why it should not be taken. That has not happened in the past. I cannot imagine it happening other than in very rare occasions in the future.

If the charge is on that primary list and the person is convicted of that charge, it is almost a certainty that the sample will be ordered and taken.

If it is on the secondary list the onus is reversed. The prosecutor in that situation must establish why the sample should be taken. The defence can argue, but the primary responsibility lies with the prosecution to establish that.

So we do have to be careful. First, have we put enough charges on the primary list? Have we put too many charges on the primary list? That has to be canvassed and again I am looking forward to the committee looking into that to some degree.

The question is the same with regard to the secondary list. Should we be adding additional charges or should we be taking some of them off that are being proposed or already on?

Bill C-13 is a relatively modest bill. The provisions that also bother us are those sections in the act that move the gathering of DNA samples under the National Defence Act in the court martial situation. I am not clear and I really do want to investigate whether the full protection of the law will be meted out under the defence act as it is under the code, both in terms of what we already have and the amendments that are being proposed. That is an additional item that has to be looked at.

Government Orders

Let me conclude by saying that the use of the technology is new. It has obviously been a boon to the prosecutor in a number of cases establishing proof of guilt beyond a reasonable doubt. Similarly, in a number of well known cases and a number of others that are not as well known, it has been a substantial benefit to those accused. Their defence counsel are able to establish little or no likelihood of them having been the perpetrators of the particular offence.

It is there, but it is a new technology. We need to look at it very closely. It is one of the bills that will require some expert witnesses from perhaps other jurisdictions, but certainly from the scientific and legal community in order for us to get an accurate appraisal of where this legislation should be going, and whether in fact we have achieved it with this bill or whether significant amendments will be required.

• (1640)

Hon. Shawn Murphy (Parliamentary Secretary to the Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I am pleased to speak to the motion to send Bill C-13 to committee before second reading. Bill C-13 is nearly identical to Bill C-35 that was tabled in the House last May but died on the order paper. At that time all parties, while naturally reserving their position until they heard from the witnesses in committee, expressed general support for the use of DNA and favoured referring this bill to committee.

Bill C-13 contains proposed amendments to the Criminal Code, the DNA Identification Act and the National Defence Act, intended to clarify and strengthen the present regime concerning the taking a bodily substances for the purposes of the national DNA data bank.

I expect the committee will be paying close attention to the proposed changes to the list of designated offences. This is appropriate and is to be expected. Indeed, the expansion of the list to include such grave offences as sexual exploitation of a person with a disability, Internet luring of a child and extortion will, I am sure, be welcomed by all members of the House.

However, I intend to focus my remarks today on those legislative amendments in the bill that will address the procedural problems with the legislation. These changes are very important. They are not glamorous, and a lot of people watching this on CPAC may find them boring, but they are welcomed by police and the courts who have to make the legislation work on the ground each and every day.

The bill responds to a series of issues that had been raised primarily by the provinces. As members know provincial crown prosecutors and police deal with this legislation in the courts each and every day. Many of these proposed changes were recommended by the Uniform Law Conference of Canada which includes representatives of the defence bar and some judges, as well as provincial and federal justice officials.

They identified three problems that had to be fixed. First, there was no method to compel the offender to attend in court at a hearing to determine whether a DNA data bank order should be made. The existing legislation contemplates that a DNA order will be made at the same time as sentences is imposed. For various reasons, that is not always possible, but there is a danger that, if the judge imposes sentence but delays consideration of whether or not to make a DNA order, the judge may actually lose jurisdiction over the accused or the offender.

Bill C-13 specifically provides the following:

The court may set a date and time for a subsequent hearing to determine whether to make the order. The court retains jurisdiction over the matter and may compel the attendance at the hearing of any person who may be subject to the order.

Second, a process was sought that would permit a judge to make a second DNA data bank order where the national DNA data bank had declined to process the first one because of a police error in completing the forms that must accompany the bodily substances submitted for analysis.

The present legislation only allows the Crown to seek another order where a DNA sample cannot be derived from the sample of bodily fluids. However, there may have been problems in filling out the forms or in the identification of the accused. It could be that the bar codes were mixed up. It is vitally important that these offenders should have their DNA profiles in the DNA data bank despite these problems.

Bill C-13 will permit an application to be made for re-sampling. As the House can appreciate, these are highly technical, but important amendments.

Finally, a way was sought to require the offender to appear for the purpose of providing a DNA sample. The legislation currently requires that a sample be taken at the time the order is made but in many cases this is not possible. The police cannot have a trained officer attending all the court houses in the land at all times in case a DNA order is made. Accordingly, Bill C-13 allows for the judge to set a time and place for the sample to be taken and it provides for a warrant to arrest the offender if he does not show up.

• (1645)

These are not the only procedural changes made in this legislation. There are new provisions regarding the process when an offender is ordered to provide a DNA sample, but the offender's DNA profile is already in the data bank.

As well, the legislation was originally drafted on the basis that the convicted offenders' bodily substances would be analyzed in the regions and the profiles sent to the Royal Canadian Mounted Police data bank.

In fact, it was subsequently decided to have all analysis done here in Ottawa so that there are several provisions of the Criminal Code and DNA Identification Act that require amendment to clarify that the samples of bodily substances taken in execution of an order are transmitted along with a copy of that order, or authorization, and any other materials required under regulations to the RCMP for forensic DNA analysis, and that the results of this analysis are then to be entered into the convicted offenders' index of the national DNA data bank index.

Government Orders

There is as well an important new procedure which is necessary to address a problem that no one could have envisaged when this legislation was originally passed; namely, the making of DNA orders when there is no authority under law to do so.

Under the Criminal Code judges have only been authorized to make DNA data bank orders against offenders convicted of a designated Criminal Code offence. A DNA data bank order authorizes the police to take samples of bodily substances from a convicted offender for the purposes of the national DNA data bank. After the samples are collected, the police forward them, along with a copy of the judge's order, to the national DNA data bank in Ottawa.

Under procedures already established by the Commissioner of the Royal Canadian Mounted Police, who is responsible for the operation of this data bank, before the samples of bodily substances taken from a convicted offender are subjected to forensic DNA analysis, the DNA order, the original order issued by the judge, is examined to verify that it in fact relates to a designated offence.

Since the DNA data bank legislation came into force almost four years ago, approximately 500 DNA data bank act orders have been made against persons who, according to the information that appeared on the face of the order, do not appear to have been convicted of a designated offence. These are referred as facially defective DNA data bank act orders.

There is a need, and this is corrected in this legislation, to create a procedure to have these defective DNA bank act orders reviewed to determine whether the error, on the face of the document, is either a procedural error or a substantive error. If it is a procedural error, it can then be corrected and the bodily samples analyzed. If it is a substantive error, then the court lacks the authority to make the order and the Commissioner of the RCMP then goes on to destroy the bodily substances obtained under the faulty orders.

I want to say a few words about the procedures set out in the proposed legislation to ensure only those DNA samples that are taken in conformity with the will of Parliament are analyzed.

There would be a duty imposed on the commissioner by virtue of Bill C-13 to review the information transmitted to him, along with the DNA sample taken from a convicted offender, to ensure that the offence referred to in the DNA data bank order is a designated offence.

I understand that this bill has been discussed with the provinces and the provinces all agree. I believe it is incumbent now upon this House to refer the bill to the appropriate committee, the justice committee. At that point in time it will certainly be analyzed by all members of the committee. I urge the passing of this motion.

• (1650)

Mr. Peter MacKay (Central Nova, CPC): Mr. Speaker, I commend my colleagues from all parties who have spoken in support of this important bill. The legislation is very forward looking in its intent. Overall the attempts that have been made by virtue of this newly amended bill, which has been reintroduced from the previous Parliament, are commendable. However I must say that I find some of the provisions a disappointment.

The Conservative Party hopes, with the cooperation of other members, including government members, to make an attempt at improving the legislation at committee level, which is why we support the motion to send the legislation to committee where we can hear from experts and from the stakeholders most affected, including victims, the police, representatives of the bar and the judiciary. We must try to get this right because one of the important elements of the legislation that is often overlooked is not only that the legislation can be used to convict, it can also be used to exonerate.

This is the type of technology that is extremely forward looking. It is the type of technology that would help to avoid some of the worst travesties we have seen in this country as far as wrongful convictions.

The taking of DNA is the type of forensic evidence that can prove categorically a person's presence at a crime scene. It can both convict and exonerate. The legislation falls short of the potential in allowing investigators to do their important work, to collect that type of crime scene evidence and use it, through forensic labs, to examine and present a case.

The changes that have been put forward in the bill, although they go far in a technical sense to expanding the primary and secondary list of offences that are included as far as the use of DNA, it is astounding to think that some offences have not found their way into the primary designation, including such things as robbery and child pornography. Those are changes that we accept and support, but what I fear is that some of the attempts to sing the praises and the marvels of the legislation were to distract the public away from the real issue, which is that we are not using DNA to its full potential.

Individuals, front line police officers most notably, are calling for the use and the collection of DNA at the time of charge. That level of reasonable and probable grounds has been achieved. It is much akin to the collection of a fingerprint for the purposes of analysis. DNA, let us be quite frank, is a genetic fingerprint. I have yet to hear a cogent argument that can differentiate. I understand those who are concerned about privacy and individuals who talk of the use of DNA for health related data. However, as I understand it, the information in the data bank is completely safe. It can only be accessed by those with the proper authority, those seeking a warrant.

To that end, even collecting the DNA and holding it until conviction would help avoid what I consider to be a very serious anomaly in the legislation. I will put it in very straightforward terms. Let us talk about an individual who has been connected to a serious crime on the west coast, for example, be it sexual assault, violence or murder, and the person is picked up in the province of Ontario or my own province of Nova Scotia for another unrelated offence. Knowing full well that under the parameters of the legislation the person would be compelled upon conviction to give the DNA, there is an additional incentive to run and a disincentive for the justice system to prevail.

Government Orders

The rationale is very straightforward and common sense. Taking that DNA at the time of charge, holding it in abeyance, not necessarily entering it immediately into the data bank for cross reference to the outstanding offence, would allow the authorities, the police, the justice system to hold on to that very critical evidence for use in a future trial.

With the number of unsolved murders and unsolved sexual assaults we know that many of those perpetrators are currently languishing in Canadian jails. This is the type of legislation that, if put in its proper application, would allow the police to solve some of those crimes, to help locate missing persons and to take preventive measures to ensure that miscarriages of justice do not occur.

• (1655)

The potential for the bill to enhance our justice system is good but not in its current form. The bill would not allow police to take DNA at the time of charge. The police can collect fingerprints. Other members have made reference to the fact that Great Britain, from which we have taken our lead on many important matters, such as how we govern this country, including the Parliament of Canada and the Westminster system, is currently allowing its law enforcement agents to take DNA at the time of charge.

By refusing to allow officers to do so, I would suggest strongly that we are removing a critical key for our law enforcement community in doing its job.

Former police chief Julian Fantino of Metro Toronto recently appeared at a conference of sex crime investigators. He stated:

We need to collect D.N.A. at the front end when we arrest suspects and run it through the data bank and we know how many people are serial offenders and how many offences are committed by a relatively small number of people who are aggressive and committed to committing crimes. We need to do better in using science and technologies to protect innocent victims.

I put a great deal of emphasis on Mr. Fantino and his experience. He is speaking for a lot of front line police officers when he encourages the Parliament of Canada to take this important step.

We have seen far too many vicious crimes perpetrated in this country. We know that a relatively small number, if they continue unchecked and if we continue not convicting them, continue to pose a serious threat to our communities. This is about protecting the public. The fundamental, underlying theme that we can never get away from is the deterrent. The important element of deterrence is implicit in everything we do.

Police currently can arrest an individual after matching DNA found on a victim or at a crime scene and make that link and present it to the court as the telling factor for conviction. Bill C-13 continues the listing of primary and secondary designated offences, which I would suggest we do away with entirely. We should simply merge those systems and have a single list that would require judges, upon conviction, to allow for the taking of DNA. We could still have a reverse onus provision that would allow a challenge from a defence lawyer to put forward a case as to why that DNA should not be taken.

The Conservative Party of Canada will be proposing a number of important amendments. I would suggest that these efforts, in particular, when it comes to the taking of DNA samples and the

protection of our children, our children should be a huge motivating factor as to why we have to get it right in this current context. Police officers should be allowed to take DNA samples for all indictable offences at the time of the official laying of the charge and hold that in abeyance until a conviction.

As has been outlined, the bill would also require that a secondary process, a judicial hearing, take place. Having worked in the court system, both in a defence and a crown capacity, we have a massive backlog that prevents the use of proper investigative tools that will hold back our system to adequately process these cases through the courts. Lack of resources is a huge issue. By putting in place a convoluted process such as this I would suggest that we would be furthering some of the difficulties currently faced by crown prosecutors, our courts and the justice system generally.

We need resources dedicated to this data bank. We are underutilizing it now in terms of the number of entries. As many members have mentioned, thousands of entries are made on a weekly basis in Great Britain, whereas in Canada we are still languishing in that regard.

We currently have 1,700 DNA cases on a backlog in the DNA data bank. They have not been able to enter that data. It is the timeliness. If that data were entered and used in an investigation of an outstanding murder, I would suggest it would save lives. It is that dramatic.

• (1700)

We look forward to having this matter before the committee and to hearing from experts from all areas. At that point the Conservative Party will be putting forward what we consider to be substantive, common sense amendments to improve the bill.

[*Translation*]

Hon. Keith Martin (Parliamentary Secretary to the Minister of National Defence, Lib.): Madam Speaker, I am pleased to have this opportunity to speak in support of this bill, because the changes to the legislation on DNA banks it proposes will also affect the National Defence Act.

The bill will add to the list of designated offences under the Criminal Code. Consequently, the numbered of designated offences under the National Defence Act will also be added to.

[*English*]

A similar situation occurred in the past. Members will recall that the National Defence Act was also amended when the DNA Identification Act came into force in June 2000. Under the changes introduced at that time, judges, including military judges at courts martial, were given the power to order the collection of bodily substances from offenders convicted of designated offences. This power is the same as the power that was granted to civilian criminal court judges.

Government Orders

Within the present military justice system, if an offender is found guilty of a designated offence at a court martial, the military judge can order that a DNA sample be taken from the offender. The military judge must consider, in the case of a primary designated offence, whether the impact of such an order on the privacy and security of the offender would be grossly disproportionate to the public interest in the protection of society and the proper administration of justice.

In the case of a secondary designated offence, the military judge may be satisfied that it is in the best interest of the administration of justice to make the order and must consider the nature of the offence, the circumstances surrounding its commission, any previous convictions and the impact on privacy. Samples are usually taken by a trained military police member immediately after the conclusion of the court martial and then are sent for analysis.

The results of the forensic DNA analysis are then transmitted to the Commissioner of the RCMP for entry in the convicted offenders index of the national DNA data bank established under the DNA Identification Act.

The changes proposed in the bill would further enhance the military justice system and crime solving in Canada, while respecting the rights of Canadians to privacy. It would do so by clarifying and expanding the list of offences.

The amendments would add more crimes of a violent or sexual nature to the list of designated offences in which a DNA data bank order may be made. In particular, the amendments would add child pornography and Internet luring, among others, to the list of primary designated offences in the Criminal Code and the National Defence Act.

A new mechanism to compel the offender to appear at a certain time and place in order to provide a DNA sample is also included. Of course, a court martial would be given this power too. Additionally, a new provision would allow for the taking of samples at a later date when it is not possible to take them at the conclusion of a court martial.

Another proposed amendment includes the provision for the making of DNA data bank orders against a person who has committed a designated offence, but is found not criminally responsible on account of a mental disorder.

Also important is the issue of improperly taking DNA samples. The proposed amendments allow for the destruction of those samples that have been taken under the authority of a defective court order. For example, an order made following conviction for an offence not included within the scope of designated offences could be a defective order. These changes would allow the destruction of samples taken from individuals to whom the DNA legislation was not intended to apply.

We are building on an existing structure with proven success and this bill is intended to improve the effectiveness of the DNA data bank, an already potent investigative tool as we have heard here in the House already.

● (1705)

[*Translation*]

The national DNA bank has been in operation since 2000. Since that time it has played an important role in identifying or eliminating suspects and has facilitated numerous investigations.

The purpose of the proposed reforms is to bring the perpetrators of serious offences to justice. The government does, however, also recognize the Canadian tradition of respect for civil liberties, as reflected in the Canadian Charter of Rights and Freedoms.

[*English*]

The government is fully aware that these individual rights and freedoms are an important aspect to the collection and use of DNA information. The privacy of Canadians continues to be a very important consideration for our government. This is why the collection of DNA samples is not automatic, but rather is made after a careful deliberation of all the relevant criteria, which I previously mentioned.

The legislation needs to be implemented rapidly to address the concerns of the provincial ministers for criminal justice and law enforcement. The government is addressing issues that have been identified as high priorities for the provincial attorneys general. It is imperative that these proposed changes are enacted now, and that the discussion of broader issues is left for parliamentary review to take place in 2005. The bill under discussion is not replacing this review.

These amendments in no way mean that further changes will not be considered. Continued assessment and revision of the bill will continue. The Minister of National Defence and the Canadian Forces support these changes as they help to ensure that the military justice system continues to reflect Canadian legal norms and societal values.

[*Translation*]

In closing, I would like to remind hon. members of the government's desire to facilitate the work of the police and the courts by bringing the perpetrators of serious crimes to justice.

[*English*]

At the same time, these amendments continue to respect the constitutionally protected rights and privacy interests of Canadians, including those who are subject to be dealt with at a court martial under the National Defence Act.

Hon. Sue Barnes (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Madam Speaker, I am pleased to speak today to Bill C-13 that proposes a number of improvements to the DNA data bank legislation, which was passed by Parliament in 1998, came into force in June 2000 and appears to be working very well. Since that time the DNA data bank has been a boon to Canadian police.

Government Orders

[Translation]

Since that time, the DNA data bank has been a boon to Canadian police. It assists law enforcement agencies in solving crimes by: linking crimes together where there are no suspects; helping to identify suspects; eliminating suspects where there is no match between crime scene DNA and the DNA profiles of convicted offenders in the national DNA data bank.

• (1710)

[English]

DNA evidence also has been a great benefit to the courts. We all know that there have been miscarriages of justice in the past. The courts have become more comfortable with the science behind DNA matches. They are aware that a particular DNA profile will only appear in one out of billions of persons. It is not, however, definitive. There may be an innocent explanation, but if the person's DNA has been found, for example, in or on the body of a victim of a sexual assault and that person is a stranger to the victim, there is some explaining to do. Often the DNA match results in the person pleading guilty, which saves a great deal of court time and spares the victim additional trauma.

I believe all members want to make the legislation even more effective. Bill C-13 would accomplish that goal, and members can be certain that Bill C-13 would do so in a way that would respect the charter and privacy rights of Canadians. In proposing a series of changes that come within the existing structure of the DNA data bank legislation, the government is building upon legislation that has been upheld by the courts every time that it has been challenged.

The Criminal Code establishes the process that can lead to a judicial order authorizing the taking of samples of bodily substances for analysis and inclusion in the DNA data bank from persons who have been convicted of certain designated offences. The most serious offences such as murder and sexual assault are primary designated offences. Where a person has been convicted or discharged of a primary designated offence, the judge is required to make a data bank order unless the judge is satisfied that the impact on the offender's privacy and security of the person would be grossly disproportionate to the public interest, the protection of society and the proper administration of justice. The courts have consistently held that this is a very high burden for the offender to discharge, and so DNA orders for primary designated offences are almost automatic.

Secondary designated offences are less serious offences, for example assault or leaving the scene of an accident. Where a person has been convicted or discharged of a secondary designated offence, the order may be granted if the judge, on application by the Crown, is satisfied that it is in the best interests of justice to do so. In deciding whether to grant the order, the judge must consider the criminal record of the individual, the nature of the offence and the circumstances surrounding its commission and the impact such an order would have on the person's privacy and security of person.

The court is required to give reasons for its decision to make or to deny making a DNA data bank order. The courts have consistently found that the impact on a person's privacy and security of the person is minimal. Although DNA can reveal a great deal about a person, the DNA data bank only analyzes what is known as "junk"

DNA, that is, chromosomes that do not reveal anything, like hair colour, about the person.

Moreover, the legislation has strict protections on the use of both the bodily substances and the resulting DNA profile. They can only be used for forensic DNA analysis or other uses specified in the DNA Identification Act. It is an offence to use them for any other purpose than the investigation of crimes. The DNA profiles cannot, for example, be used in any research.

The Royal Canadian Mounted Police, which operates the national DNA data bank, has developed a system of tracking the DNA profile and the identifying information. The bodily sample that is to be analyzed and the identifying information on the offender, which is based on fingerprints, are tracked by the identical bar code. The DNA data bank keeps a sample and sends the identifying information to the RCMP's Canadian Criminal Records Information Services. The analysis is tracked by the bar code and the DNA data bank does not know who the offender is. When there is a match, it advises Criminal Records Information Services of the bar code and that service identifies the convicted offender.

With such strong protections for the offender's privacy and the great value of DNA evidence, the courts have welcomed the legislation. In *Briggs*, a decision of the Ontario Court of Appeal handed down August 2001, the DNA legislation was found to comply with constitutional requirements. The reasoning of the Ontario Court of Appeal in *Briggs* has since been endorsed by several other provincial courts of appeal in Canada. The decision in *Briggs* dealt with many of the issues that might arise in considering the legislation and pointed out that the purpose of obtaining a DNA profile from an offender was not simply to detect further crimes committed by this offender. Rather the provisions have much broader purposes, including the following: to deter potential repeat offenders; to promote the safety of the community; to detect when a serial offender is at work; to assist in the solving of what could be called cold crimes; to streamline investigations; and to assist the innocent by early exclusion for investigative suspicion or in exonerating those who have been wrongfully convicted.

• (1715)

[Translation]

In another decision of the Ontario Court of Appeal that has been widely referred to in decisions in other provinces upholding the legislation, the court held that, "In balancing the offender's right to privacy and security of the person against the state interests in obtaining the offender's DNA profile, the court must consider the following.

Government Orders

The legislation offers significant protections against misuse of the DNA profile information, thus minimizing an improper intrusion into the offender's privacy.

Having been convicted of a designated offence, the offender already has a reduced expectation of privacy.

In the ordinary case of an adult offender, the procedures for taking the sample have no, or at worst, a minimal impact on the security of the person.

Thus, in the case of an ordinary adult offender, there are important state interests served by the DNA data bank and few reasons based on privacy and security of the person for refusing to make the order".

The House should be aware that, in *R. v. S.A.B.*, decided on October 31, 2003, the Supreme Court of Canada unanimously upheld the constitutional validity of the DNA warrant scheme. It found that, "Generally, the DNA provisions appropriately balance the public interest in law enforcement and the rights of individuals to dignity, physical integrity, and to control the release of personal information about themselves".

[*English*]

As the DNA data bank scheme is based on the same designated offences as the DNA warrants scheme and has many of the same safeguards, *Regina v. S.A.B.* provides strong support for the constitutionality of the data bank legislation.

I believe we need to have no concern about the constitutionality of Bill C-13, although the committee will undoubtedly want to hear from the experts on that point. By expanding the number of designated offences and by clarifying procedures, Bill C-13 will make the law even more effective. It will continue to be based on the same protections that have already led to its endorsement by the courts. Therefore, I urge members in the House to support the motion to refer the bill to committee.

Mr. Rob Moore (Fundy Royal, CPC): Madam Speaker, it is a privilege to speak to Bill C-13.

I have many concerns which some of my colleagues have raised already. In the larger context of our criminal justice system, a trend has developed over the last several years whereby the government introduces a piece of legislation which common sense would tell us would be wholly ineffective but has some merit on its face. When experts such as front line police officers, child protection advocates, and victims groups look at it and dig beneath the rhetoric a bit, we see there are some fundamental flaws. I want to touch on a couple of examples.

I would like to speak about our sex offender registry in the larger context of criminal justice. When that was first introduced, the opposition recognized some serious flaws, one being that it was not retroactive. It was a blank sheet of paper and would do nothing to protect Canadians. There was considerable public outcry about it and we were able to make some headway by advocating some changes to it. For some time the registry was not retroactive and did not have any names in it.

Another example is the child protection legislation which was recently introduced. Once again, on the same theme, this is a piece of legislation that does not close defences for the possession of child

pornography. I do not know what rights we are balancing here but it seems to err on the side of protecting those in possession of the material rather than protecting society at large.

I acknowledge there are many positive aspects to Bill C-13 such as broadening the more serious offences where the onus would be on a defendant to prove why DNA samples should not be taken. That is a good move. Another positive aspect is the broadening of the total list of offences.

Seven years ago when the DNA data bank for Canada was being debated, organizations like the Canadian Police Association argued that for a data bank to be truly effective, samples would have to be taken at the time of arrest. Their pleas were largely ignored. We have to recognize where those pleas were coming from. They were coming from front line police officers, people whose job is to protect Canadians and to investigate offences, whose job is to work with crown prosecutors to ensure that we are protected. Their opinion was that it was too late to wait until a conviction.

A very real situation has been raised today. If someone has been arrested and charged and knows that if convicted, he or she would have to provide a DNA sample and knows it would positively link him or her to a crime he or she committed in the past, the chances of flight by that individual would go up exponentially.

There are literally thousands of unsolved sexual assaults, murders, and kidnappings in Canada. In all likelihood some of those will never be solved. There may be people who have been wrongfully convicted and could be exonerated if only the samples had been taken before a conviction was reached. If samples were taken at the time an individual was charged with a serious indictable offence, it would seem wholly reasonable that we would at that point require them to submit a DNA sample.

● (1720)

This could have the effect of linking them to an unsolved crime in the past. We have seen that one of the great benefits of a DNA data bank is it could have the effect of exonerating someone who has been wrongfully convicted. However, there is this serious shortfall.

I mentioned front line police officers. I want to quote the chief of the largest municipal police force in Canada which is that of the city of Toronto. What he said was not about the original data bank but about this new legislation that we are debating today, he said that it is not enough and it is not adequate. He went on to say:

Here in Canada we have a great deal of room to grow. It seems that whatever progress we make with respect to advances in the criminal-justice system, it is at best a piecemeal endeavour.

Government Orders

That seems to be a trend that we have seen in all legislation dealing with criminal matters, certainly in this session and in past sessions. On the face of it or at first blush it sounds like a good idea but when we dig a little deeper, we realize that it is not going to be as effective as it could be. I for one believe that paramountcy must be given to protection of Canadians, society and children.

I heard a lot of comment on the other side that the court is agreeable with this, that the court seems to have acknowledged this step or that the court finds this is necessary. Yes, talk to the court but we also have to talk to a family that has had a crime perpetrated against it, someone who has been assaulted, someone who has a family member who has been kidnapped or murdered. That has to take paramountcy and has to be at the forefront of our criminal justice system.

We have to ensure that those who would victimize Canadians are put behind bars and that Canadians are protected. Certainly we must do whatever we can to prevent someone from being wrongfully convicted. It is a win-win scenario by broadening the use of our DNA data bank capabilities.

Bill C-13 does not address this one serious shortfall. Further, as was the case with the sex offender registry, the DNA data bank is not retroactive. It does not include all criminals convicted of a serious criminal offence.

Thousands of unsolved crimes could continue to go unsolved. It could mean that hundreds of people who perhaps were wrongfully convicted continue to remain behind bars. We have to broaden the application. That is one thing that I would certainly argue.

It does not go far enough by not including all indictable offences as is required with fingerprinting. Fingerprinting as we know is done at the time of arrest. At one time fingerprinting was a modern miracle. It has been the staple of law enforcement and the criminal justice system for a century but now we are into a new era of DNA data banks. We need to be as proactive as possible with this and realize its full potential.

It is quite clear, if we listen to people who are on the front line and in the know, this is not what is currently being done by this legislation. We must be retroactive. We must include all indictable offences. We have to broaden the scope.

Beyond the legislative shortfalls, there is also the practical shortfalls. We have heard in recent times of the RCMP having serious shortfalls with its ability to process DNA cases. There is a huge backlog. We have to address not just the legislative but also the practical implications of this system.

• (1725)

• (1730)

Mr. Jay Hill (Prince George—Peace River, CPC): Madam Speaker, I want to say at the outset that from what I can understand, I think all of us in the chamber, and certainly the official opposition joins with the other parties in stating that this is a step in the right direction. I do not think there is any question of that. However, it is our role also to do a very careful analysis of legislation as it comes

forward. It is our job to bring forward what we feel are constructive suggestions about legislation as it comes before the House.

Certainly Bill C-13, the bill dealing with the DNA data bank is no different in that sense. We want to have the best tools possible for our law enforcement officers across the country. We want to ensure, as some of my colleagues have said before me, that the guilty are indeed brought to justice, that they are punished, and especially with the best interests of the victims in mind, that we hold those people accountable for their crimes.

Obviously, the DNA data bank is designed for the best interests of victims and their families. It is designed to protect potential victims. It is designed to ensure that innocent people do not go to jail for crimes they did not commit. All of those things have been addressed, at least partially, by colleagues who have spoken already.

I feel very strongly that we cannot allow what I consider the legal industry, which is not to be confused with the justice system, in Canada to rob our society of a very important scientific tool. That is not to say that I am dismissing the concerns of human rights and privacy activists in connection with this legislation and the establishment of the DNA data bank. Certainly there is potential for abuse or even misuse of the DNA collection and we must take all the necessary security precautions to safeguard this very personal information. However, I believe we cannot, out of fear of potentially invading someone's privacy, throw the baby out with the bathwater.

Personally, and speaking for the constituents of Prince George—Peace River whom I have spoken to about this issue, I believe that if we are going to err on this issue, we should err on the side of holding people accountable and responsible for the crimes that they commit. Unfortunately, we believe that this legislation allows for too many loopholes that would allow a criminal to escape justice.

Average Canadians, whether they are from Prince George—Peace River up in northern British Columbia or in downtown Ottawa and anywhere between, understand this issue. When we talk to them they understand this.

To gather evidence of this, I recently mailed out a householder and provided information on this issue. I asked the constituents of Prince George—Peace River if they believed the government should expand the number and types of crimes for which a convict must provide a DNA sample. Constituents have just begun receiving this booklet over the last couple of weeks, but already the survey responses have been pouring into my mailbox. Just 5% of my constituents responded no to additional DNA testing. Ten per cent indicated they were unsure on the issue. However, 85% said yes, more criminals should be forced to provide DNA samples.

However, in Bill C-13, the bill before us today, there are far too many provisions that would allow a convict to avoid providing a DNA sample. For example, if the person committed the crime before June 2000, a judicial order would have to be sought for a DNA sample. Also, a convicted offender could always appeal to the court in order to prevent the collection of DNA. If we were to ask the people on the street about this, they do not understand it when the rights of a criminal to privacy under the charter come up against the rights of the generally accepted protection of society and the protection of the most vulnerable citizens in society as all too often we are talking about women and children in cases where it is necessary to gather DNA samples.

● (1735)

Police have asked for the ability to collect DNA at the time of charge, as with fingerprints. Here again we can have a debate and it is good that we have that debate. Whether it would be appropriate at the time of arrest, or whether it would be more appropriate at the time of the charge being laid or whether it would be more appropriate at the time of conviction, or whatever, we need to have a debate on this. We should not have the government proceed and allow the loopholes to exist. Lawyers would have a field day with this. By not being forced to provide a DNA sample, they could get people, who should be held accountable, off on these technicalities.

As so often happens in our legal system, and with this government, the rights and privacy of convicts and criminals seem to take precedence over the rights of victims and their families. I believe the government has to start becoming as obsessed with the compassion for victims as it seems to be with the legal rights of criminals. When I think about DNA collection, I think about what that information can do for victims in my riding and for their families who may never know what happened to their loved ones or see justice done to their killers or attackers.

If our DNA data bank were strengthened through substantive amendments to the legislation, I wonder whether investigators would be able to solve the disappearance of six teenage girls and women along what has been come known as “the highway of tears” on highway 16 between Prince George in my riding and Prince Rupert? This is a series of sad and disturbing unsolved disappearances between those two cities. Three of the girls were found murdered and three have never been found.

I wonder, and I have often thought about this, if their killer or abductors would have been found, charged and convicted by now if our legal system had enough teeth to ensure that DNA of violent criminals was on file. It is possible that their killer or killers could have been in and out of jail for other violent convictions and if DNA collection were mandatory and there was no room for loopholes, they might have been stopped. We will never know.

I am not a great fan of reality television. There seems to be such an abundance of them on television nowadays. I do not waste much time watching them. However, one show I watch, which is reality television, is something called *Cold Case Files*. It is extremely interesting to see how the technology has changed and how they have gone back to some of the cold cases of decades of old murders and rapes. They are solving them because of DNA. Through DNA,

Government Orders

they have found that someone who is in prison for some other crime is accountable for some other unsolved crime.

I will end by talking a bit about the other side of the issue, and that is the wrongfully convicted. Many of them have simply given up or do not have the access to the family support. I think of the David Milgaards and Steven Truscott, who was recently in the news as he still struggles to try to clear his name, and what a proper functioning DNA data bank could do in proving people are innocent.

I believe we have the technology and the science to ensure that others do not suffer as these men have and to ensure that their victims and the victims' families do not have to endure decades long turmoil and uncertainty as well. It is not only the wrongfully convicted who suffer, it is also the their families. They know someone out there did this horrendous crime and they got away with it. They have never had to serve their time. They have never been held accountable and responsible for their actions.

I look forward to seeing the bill, hopefully, amended to put some real teeth in it and have a tool that the police and the courts can use to hold those accountable responsible for their actions and to ensure that people who have not committed crimes do not serve time for something they did not commit.

● (1740)

Mrs. Joy Smith (Kildonan—St. Paul, CPC): Madam Speaker, I look forward to putting a few remarks on the record concerning Bill C-13, an act to amend the Criminal Code, the DNA Identification Act and the National Defence Act.

With all due respect, a lot of good things are happening with the bill. We now have the technology and science to identify criminals and to protect wrongfully charged people. We have the capacity now in the technology and science to put the record straight.

However, I want to talk about something that has not been mentioned a great deal in the debate this afternoon. We have a modus operandi out there in the justice field that talks about the rights of criminals. With all due respect, I believe everyone has the right to be heard, everyone has a right of free speech and all the rest of it. There is a problem when victims do not have the rights that they need.

In Bill C-13 we have to be very cognizant of the rights of the victim of horrendous crimes. I have seen many young women and, as a former teacher, I have counselled many young women who have been assaulted and who are afraid to come forward. They thought that no matter what they said, their perpetrator would not come to justice.

As the mother of a police officer, I have seen and felt the despondency in the police force when they knew something had happened, they knew that a crime had been committed and yet the criminal was let off the hook.

Government Orders

We have the best of both worlds here. Within these halls, we have the wisdom to bring forth a bill that has some teeth. We can bring forth a bill that will not only protect the victim and ensure that people who are wrongfully charged are free, but also get the people who over and over again commit the same crimes.

I talk specifically about in the province of Manitoba. Recently in the *Winnipeg Free Press*, the president of the Winnipeg police association talked about the morale of the police force. Now, being the mother of a police officer, I have privy to many conversations that go on at my kitchen table and in the police association. As the former critic for justice in the province of Manitoba, I was privy to many conversations with police officers who were feeling a lot of stress. Their stress came from the fact that their hands were tied when criminals reoffended and got off the hook.

Here we have a DNA bank that if properly utilized could bring these perpetrators to justice in a very common sense, realistic way. Yet it would ensure that the victims of those crimes could be reassured that coming forward, speaking out and testifying would be something they could do without feeling they were at their wits end because they did not know what would happen at the end.

I also want to read something from the *Winnipeg Sun* that came to my attention. This is from the Winnipeg police association president, Loren Schinkel. He said:

I think that the morale and the stressors are at a peak, certainly when it comes to what's happening right now.

[The police officers are] certainly stretched very thin. Everybody's managing because you pull together. You just hope the violence stops and that everybody can catch their breath.

We have a relatively new crime out there. It was not really widely advertised or widely talked about, and it has to do with child pornography on the Internet. We have relatively new awareness of this crime. It is a heinous crime forced on innocent victims.

• (1745)

The child pornography Internet situation has to be stopped. Our child protection registry is a step forward, but it is still not strong enough. We need to ensure that we do not have inadequate laws and bills. We have to ensure that we have bills that are strong and that have the real teeth to get the job done.

It is widely understood by the front line police officers that we need to have a retroactive DNA data bank. We need to have one that allows for DNA sampling at the time of being charged of the crime so the courts can move forward in a very fast, swift way, especially for the families and the victims themselves.

When we talk about rights, we have to talk about victims' rights. We have to talk about the rights of families like ours who go to work every day, who want to educate their children and who want to live in a safe and free community. This is an extremely important bill, but it is too soft. There are too many loopholes.

I have a lot of problems when people who have been charged can appeal to the courts so they do not have to give a DNA sample. If people are innocent, my question would be, why would they worry about giving a DNA sample? A DNA sample should be something they give gladly.

The DNA identification, if used to its full potential, is the single most important development in fighting crime since the introduction of fingerprints. When the introduction of fingerprinting came about, there was a whole revolution on the side of justice for the victims of crime.

Police and provincial attorneys have argued that the legislation, as enacted, Bill C-3 introduced in 1998, denied law enforcement the full use of this technology. When we are at a point where we have the technology and science to identify criminals and to bring them to justice, it behooves us as government officials in our great nation to ensure that this happens. One thing we are obligated to do is ensure that our communities are safe and to use, as I said earlier, the wisdom and the knowledge for the benefit of citizens across our great nation.

Bill C-3 did not allow for the taking of DNA samples at the time of charge, as are fingerprints. It did not permit samples to be taken retroactively from incarcerated criminals other than designated dangerous offenders, multiple sex offenders and multiple murders. One murder is one murder too many. One sex offence is one sex offence too many.

We have to support our front line police officers. We have to support the citizens who live in our communities. We have to support our victims of crime. We have to ensure that Bill C-13 has amendments that make it representative of a bill that will be effective and that brings justice to criminals who perpetrate the crimes on innocent victims.

• (1750)

Mr. Gurmant Grewal (Newton—North Delta, CPC): Madam Speaker, congratulations on your appointment. It is nice to see you in the chair.

I am very pleased to rise today on behalf of the constituents of Newton—North Delta to participate in the debate on Bill C-13, an act to amend the Criminal Code, the DNA Identification Act and the National Defence Act.

In 1998 Bill C-3 enacted a national DNA data bank. The data bank officially opened on July 5, 2000. Bill C-35 in May 2004 introduced minor amendments to the act and now Bill C-13 adds further amendments which still do not address the concerns that I and my colleagues have raised. I have raised them in many speeches in the past.

The bill seeks to strengthen the laws regarding DNA collection and storage. Specifically, it adds more Criminal Code offences, moving some offences from the secondary designated offences list to the primary list. It allows DNA collection from a mentally disordered criminal, expands retroactive provisions, compels an offender to provide a sample, allows an order for a DNA sample after sentencing, and of course, permits the destruction of a sample.

Government Orders

Looking into the background, DNA identification, if used to its full potential, could be the single most important development in fighting crime since the introduction of fingerprints. However, police and provincial attorneys general have long argued that the legislation as enacted denied law enforcement agencies the full use of this wonderful technology.

The DNA Identification Act came into force in June 2000 and established the national DNA data bank which is operated by the RCMP. It allows judges to order the collection of DNA samples from convicted offenders and have the resulting profile stored in a convicted offenders index.

The national DNA data bank also includes a crime scene index containing profiles of DNA samples collected from crime scenes. This allows samples from various crime scenes to be compared with the convicted offenders index.

The act created two types of offences: primary and secondary. Primary designated offences are those which are the most serious, such as sexual offences, murder and manslaughter. Secondary designated offences are less serious, such as an assault or arson. Of course they are serious too but it depends on how one judges them.

For primary offences a DNA sample can be ordered by the court, unless the offender can prove it is not needed. For secondary offences a sample can be ordered if the judge believes it is needed.

Law enforcement agencies are critical of this legislation because, among other reasons, it does not allow for the taking of DNA samples at the time of charge, as fingerprints are. Also it does not permit samples to be taken retroactively from incarcerated criminals other than designated dangerous offenders, multiple sex offenders and multiple murderers.

Unfortunately while Bill C-13 offers some improvements on the original legislation, it does not address many of the concerns raised by police, the provincial attorneys general and the official opposition.

Specifically Bill C-13 does not address the requirement for a judicial order to make a data bank authorization for any offence committed before the law came into force in June 2000.

Police have also asked for the ability to collect a DNA sample at the time of charge, as is done with fingerprints, instead of upon conviction. There is no evidence or jurisprudence suggesting that such provisions would be in violation of the Constitution.

Another major flaw in the bill is that it does not provide for DNA collection upon conviction for all indictable offences, again as in the case of fingerprints.

An additional concern is the ability of a convicted offender to appeal to the court in order to prevent the collection of DNA. The DNA collection should flow automatically upon conviction. This is simply one more unnecessary impediment to effective law enforcement.

• (1755)

Furthermore, the DNA testing system is so backlogged that until sufficient resources are provided, any legislative changes made will not be meaningful. This legislation still does not address the issue of

timely production of DNA results to bring dangerous offenders to justice and to ensure the safety of our communities. We need better tools.

For more than a decade the government has failed to provide law enforcement agencies with the tools and resources they need to effectively fight crime. In my riding of Newton—North Delta, marijuana grow ops, organized crime and gang violence are flourishing. Many murders have been committed in the vicinity and remain unsolved.

Past cuts to the RCMP by the government have only served to exacerbate matters. The Canadian Police Association says that the RCMP needs an immediate \$250 million cash infusion, but news stories indicate the Liberal government is now considering another \$100 million cut. It is shameful. This is just another demonstration of Liberal misplaced priorities.

What does it mean in real terms? Consider as an example Project Snowball. This massive RCMP probe into Canada's largest child pornography investigation tracked more than 2,000 Canadians, including 406 in British Columbia, among them 23 in my constituency in Surrey, suspected of possessing and distributing sexually explicit pictures of children. Remarkably, in over two years we have arrested less than 5% of those suspects. Many police forces in Canada still could not take any action, despite getting a list of suspects in January 2001. They simply do not have the resources nor the officers who are trained to do the job.

Project Snowball also underscored the lack of cooperation between the federal, provincial and municipal police forces in such major investigations. Police say that national cooperation is a nightmare, blaming a lack of resources, a lack of a coordinated national strategy, and laws that exact too light a sentence on pedophiles.

Police also need more help from the courts. They are fed up with the revolving door judicial system. Police work is frequently frustrated when officers are rearresting over and over the same criminals while they are on parole, house arrest and other largely ineffective court sanctions. That is shameful. There must be stiffer penalties for criminals, especially those with lengthy records or those who have committed violent crimes. While some criminals can be rehabilitated, others simply need to be taken off our streets. They should be behind bars.

Government Orders

Canadian police have a daunting task when battling child pornography. It is estimated that more than 100,000 child porn websites are on the worldwide web. This is a serious issue. I have lots of data I could share, but time is short.

Clifford Olson confessed to murdering 11 children. Around 55 women were murdered in British Columbia. All may have been saved if the DNA data bank had been established long ago and the police had more and better resources.

In conclusion, law enforcement must become a higher priority for the federal government. It is our collective responsibility as elected representatives in Parliament to make laws that have teeth. The onus is on the Liberal government to introduce meaningful legislation and accept important, meaningful amendments. So what if they come from the official opposition?

Bill C-13 does not go far enough in addressing the concerns my colleagues and I have raised. Ineffective legislation is good for nothing. This legislation must be strengthened and must be able to provide a powerful tool to fight crime in our communities.

● (1800)

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Madam Speaker, I first spoke in favour of a real DNA data bank, one just like the police lobbied for to the Liberals back in October 1997. I argued then that victims' rights should come before a criminal's rights and nothing the Liberals did then or have done since then has changed my mind.

During the 1997 election the Canadian Police Association slogan in support of a real DNA data bank was "Register criminals before guns". The Canadian Police Association had made a backroom deal with the Liberals promising their support for a universal gun registry in return for a real DNA data bank. That is what they wanted. What did the police get? They were shafted. They had a useless billion dollar gun registry in 1998 and had to wait another two years before the Liberals' watered-down version of the DNA data bank opened in 2000.

This was 11 years after the RCMP had the capability of analyzing DNA in its forensic laboratories. The Canadian Police Association called the government's failure to act quickly on this highly effective crime tool as "an abdication of responsibility to public safety".

In 1997 the Canadian Police Association pleaded with the Liberal government to give them the same rights to collect DNA samples just like they do fingerprints from accused criminals. The Liberals ignored their pleas in 1997 and they are still ignoring them today.

On October 19, 2004 the following report was in a Toronto newspaper:

Canada is "sadly" lagging behind other countries in the use of forensic DNA as a potent crime-fighting tool, Toronto police Chief Julian Fantino told an international conference on sex crimes. It should follow the lead of England - one of the most "proactive countries" when it comes to the most "efficient and effective use of DNA in law enforcement" - and allow police to take DNA samples upon any arrest.... He noted that England's database contains more than 2 million DNA profiles, and each week 1,700 "hits" linking suspects to crime scenes are made.

"Can you imagine?" Fantino said. "Much of the success has to do with the legislation that allows them to collect DNA samples upon arrest, for any recordable offence. We don't have that here".

Compare England's 1,700 hits a week with Canada's 2,000 hits in four years. The difference is unbelievable. Even with feeble Liberal DNA legislation and just \$3 million or \$4 million a year being spent on the DNA data bank, it is still putting real criminals in jail.

On July 23, 2004 the RCMP issued a news release announcing:

On June 29, 2004, the DNA Data Bank recorded its 2,000th successful DNA match linking crime scenes to convicted offenders.

This sounds great but not when we compare it to England's phenomenal success rate of 1,700 hits per week. Then MPs have to question the government about the operational effectiveness of our DNA testing facilities.

Last week I questioned the Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness in committee and in the House. I asked her why she was pumping \$120 million into a completely ineffective firearms program this year while more than 1,700 DNA cases were backlogged in the RCMP forensic labs. I asked her how many criminals are walking around free because of the lack of adequate funding for the RCMP labs. She ducked the question both times and her parliamentary secretary ducked it once again during the late show.

Here is what my sources in the RCMP are telling me. In 2000 the DNA case backlog in the RCMP forensic laboratory was 330 cases. In October 2003 the backlog had risen to twice that, 683 cases. This October, one year later, it had reached an all-time high of 1,733 cases. The backlog doubled in this last year. The RCMP's evidence recovery and biology services business plan called for an increased investment to deal with the DNA backlog situation, but its request was denied. Why?

● (1805)

The Minister of Public Safety and Emergency Preparedness is not improving public safety. She is letting criminal suspects roam free because she will not give the RCMP labs enough money to analyze DNA samples. Just how many violent criminals are roaming free because the minister is more interested in the political priorities of the Liberal gun registry than the police priority of the DNA data bank?

Using internal statistics my RCMP sources have calculated that there are at least 340 repeat offenders among those 1,700 cases in the DNA backlog. Just think about that statistic. How many people are roaming the streets, recommitting, and putting our citizens at risk because the government has the wrong priorities? This is a travesty.

Government Orders

I ask members of the House not to think about the 340 repeat offenders roaming free in Canada. I ask them to think about their 340 victims and their pain and suffering. I ask them to think about the victims that these repeat offenders will attack tomorrow, next week, next month and next year, and all the while, investigating police officers are waiting for the 1,700 case backlog to be cleared.

I cannot understand why the Liberals insist on wasting \$120 million this year on a completely useless firearms program rather than clearing up this DNA backlog and putting hundreds of violent criminals in jail, nor can I understand why the Liberal government is more concerned about the rights of accused violent criminals than they are about the rights of the victims of these accused criminals.

On August 10 Toronto Police Chief Julian Fantino wrote a letter to the *Globe and Mail* and stated:

No one has yet offered any credible reason to distinguish fingerprints from DNA. We are allowed to collect fingerprints at time of arrest; we are allowed to collect DNA only after conviction for a select number of very serious offences. This makes no sense.

In 1988 the Supreme Court ruled unanimously that the forcible taking of a criminal suspect's fingerprints, or even a strip search, did not violate a person's charter rights. Why then is the government more concerned about taking saliva sample from a prisoner's mouth than it is about the victims of those violent criminals? It makes no more sense to me than it does to Chief Fantino.

The Deputy Prime Minister and her government have their priorities all mixed up. Where is their common sense? The Liberals say they are compassionate. I say show us.

Mr. Deepak Obhrai (Calgary East, CPC): Madam Speaker, it is a pleasure for me to rise and speak to Bill C-13.

I spoke before on the bill dealing with the DNA database that was introduced in the last Parliament. At that time the Conservative Party had many objections. It was not a good bill and needed more amendments. It had too many loopholes. We highlighted our concerns at that time, but the government brushed them aside. We are back at it again with a few more amendments. The government is now trying to fix it because it was not fixed back then. My colleagues have been saying the same thing. There are flaws in this legislation.

We in the Conservative Party support a DNA database. As everyone has already highlighted, it is one of the strongest tools that police enforcement agencies need to fight crime and make our streets safer. We have to give them the power and the tools that they need, and this is one of those tools. Nobody is opposing the DNA database at all. Nobody is opposing the intent of this legislation. It is high time it happened and we are glad that it is happening.

We cannot allow loopholes to take place. Things can slide out and then it becomes an ineffective tool. What is the point in making legislation with loopholes if law enforcement agencies will have difficulties to enforce it?

My esteemed friend from Yorkton—Melville highlighted his concerns about why the DNA database would not be an effective tool even though it would be available. I want to repeat what he said about the DNA database in England and about how effective the act was in the U.K. He talked about 1,700 hits on that database. I want

to tell people who are listening tonight what he meant by a hit. It simply meant that the police were able to go to the database and were able to have 1,700 hits tying criminals to the crime scene. That is a very good enforcement tool for police officers.

We have forgotten the victims of crime. Instead, we have concentrated on rehabilitating and treating criminals who break the law. That is fine because that is one of the many tools we have. However, we must never forget the victims of crime. That of course takes us to the bigger issue.

Last week the Minister of Justice talked about Steven Truscott. What I want to highlight about the Steven Truscott story is the fact that we need effective tools. This case highlighted something that was wrong. This young man was sentenced to death. If I read the reports correctly, the only reason he missed the noose was because he was a young fellow and Canada did not want to execute a young person. Would that mean that if he had been around 30 years old, he probably would have been hanged? We know now that would have been a terrible miscarriage of justice. That is the reason why I am opposed to the death penalty. Mistakes cannot be made. When we go to that extreme, we cannot make a mistake because it cannot be undone.

● (1810)

The DNA testing tools given to our police agencies allow them to make their jobs effective. It is also meant for those who have been charged but do not want to be wrongfully convicted. That is why the police need these tools.

Let us look at what my colleague stated. He reminded us that last year the RCMP laboratory in Regina was closed down. As a matter of fact, my colleague told me that there is a shortage of 60 RCMP officers in Saskatchewan.

If we are not going to provide the tools, the people and the resources to address these issues of crime, then what is the point of bringing in legislation? It is a band-aid answer to crime. As my colleagues who have already spoken said, all police and enforcement agencies want this tool so that they can effectively do their jobs. At the end of the day, they are subject to criticism when things do not happen and they get frustrated.

I remember with great sadness when two officers from the Toronto police sex crime unit came to our caucus and made a presentation on child pornography. That was one of the most disgusting things I have ever seen in my life. Some of us could not even stand and watch what these police officers were showing. They were saying that they needed the tools to fight the heinous crime of pornography.

The government said that DNA testing would go a long way toward doing that, but what these officers and enforcement agencies were saying was that this was not sufficiently enough. I fail to understand why we do not listen to them. Of course, on the other side of the coin one has to ensure that liberty and a person's civil rights are not abused. It is not a blank cheque where the police will utilize it without checks and balances.

Government Orders

Let us look at the case in Saskatchewan where this young aboriginal was found frozen to death. The internal review indicated that the police officers may have over-used their force. We cannot allow this kind of thing in our society. We need to have checks and balances. In the overall scheme of things our law enforcement people need the legislative tools to fight crime. The House is where we debate. We must give them the tools so they can make our streets safe.

We have highlighted the things that are wrong with the bill. When we take it to committee, hopefully the government will listen and make amendments so that the bill can become more effective in fighting crime. I thank my colleagues who are highlighting this issue and saying that we need to make this bill stronger.

● (1815)

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Madam Speaker, I appreciate the opportunity to speak today to Bill C-13, the DNA data bank legislation.

My constituents in Fleetwood—Port Kells take great interest in criminal justice issues, particularly when it comes to making the appropriate resources available to the criminal justice system.

Naturally, all parliamentarians have an interest in the legislation, after all, law enforcement agencies in Canada can only be as good as the tools with which they are provided. It is this House, through the Criminal Code and other acts, that provides the tools they need to do their critically important work.

One of the newer tools in the arsenal available to the criminal justice system is the DNA data bank, which came into force in June 2000. Bill C-13 seeks to make amendments to the Criminal Code, the DNA data bank legislation and the National Defence Act.

These changes include the following. The bill seeks to update the DNA data bank legislation by making certain changes and additions to the list of offences that require a judge to issue a DNA collection order. It would add to the list of offences where the crown may make application for a DNA collection order. It would permit DNA collection orders to be issued against a person found not criminally responsible on account of mental disorder. It would expand retroactive provisions where DNA collection orders may be made in certain circumstances.

These amendments are improvements on the status quo but, unfortunately, they fall quite a bit short of the changes requested by police and provincial attorneys general.

Some of the items raised by law enforcement and our provincial colleagues include the need for a judicial order to make a DNA bank authorization for offences committed before the DNA bank came into effect in 2000. Law enforcement has also asked for the reasonable ability to collect DNA at the time charges are laid, as opposed to at the time of conviction.

It is routine for police to collect fingerprints at the time charges are laid. They are only seeking the ability to collect DNA samples as well. As there is no evidence that suggests such a practice would violate the constitution, I would urge my Liberal colleagues to consider such a course of action.

In addition, the bill does not provide for the collection of DNA at the time of conviction for all indictable offences, once again, as is the case for fingerprints.

Another problem with the bill is the ability for a convicted offender to appeal to the court in order to prevent the collection of a DNA sample. Rather than giving criminals the ability to duck the law, the law should require all convicted offenders to provide DNA samples.

The functioning of the national DNA data bank is something that all members of the House should take seriously because it is such an important tool in our criminal justice system, and yet the government does not seem to be all that enthusiastic about its own program.

One only has to look at the massive backlog in the production of DNA results to understand just how unimportant this issue is to the government. Until the government gets serious about providing the appropriate resources to support the collection and processing of DNA, any changes to the legislation are not particularly meaningful.

Without the timely production of DNA results, law enforcement agencies do not have the full use of the arsenal of tools at their disposal to bring criminals to justice and to protect our communities. It is imperative that our police forces and attorneys general be given the resources to do their jobs properly.

We ask them to protect us, our families and our communities. I know the citizens of Fleetwood—Port Kells appreciate the hard work done on our behalf by the police and the courts.

I also know that those citizens want us to make that work as effective and timely as possible. It is only fitting that we do everything in our power as parliamentarians to make certain they have everything they require.

● (1820)

[*Translation*]

Hon. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, I am pleased to rise to recommend that Bill C-13 be referred to committee before second reading. I believe that all parties in the House are in favour of a national DNA data bank and want to make it as effective a tool as possible for law enforcement.

[*English*]

As of October 15, the DNA data bank has 66,080 DNA profiles entered into the convicted offender index and 17,199 entered into the crime scene index.

By comparing the DNA profiles in these indices against one another, the DNA data bank has linked 2,333 offender profiles to a crime scene profile, thereby assisting in the investigation. The DNA evidence has been vital in resolving very serious offences, including 165 murders, 391 sexual assaults and 319 armed robberies.

Members are aware that the legislation creating the DNA data bank calls for a parliamentary review within five years of the legislation coming into force; that is, by June 30 next year.

However we should not delay making needed changes that will make the DNA bank more effective. Parliament should move promptly by passing Bill C-13 to make the proposed amendments and improvements in the DNA data bank legislation to ensure the effectiveness of the legislation rather than postponing the changes until after the parliamentary review.

No one in the House can foretell when that review will be started, how long it will take or when remedial legislation will be enacted.

•(1825)

[*Translation*]

The bill will make significant changes to the DNA Identification Act that governs how the DNA data bank works. Although these are major changes, I will focus on those that concern the Criminal Code and those directly related to public safety.

[*English*]

In my view, the following are the most significant changes proposed by the bill that would contribute to protecting the safety of Canadians.

The first major change is the inclusion of the offences of indecent assault female, indecent assault male and gross indecency in the list of designated offences and in the list of sexual offences for the purposes of the retroactive DNA data bank provisions.

[*Translation*]

Although these offences have been repealed, charges can still be laid since elements of proof are often not discovered until many years after the crime.

[*English*]

Moreover, there are persons who should be in the data bank, that is, the DNA data bank, as a result of having committed a series of sexual offences prior to the legislation coming into force.

The Criminal Code does allow for a judge to authorize taking DNA samples from persons convicted of two or more sexual offences. This change to the definition of sexual offence would broaden the scope of the retroactive provision.

As well, Bill C-13 would now make it possible for an application to be made for a DNA sample to be taken from an offender who before the coming into force of the DNA data bank legislation in June 2000 had been convicted of one murder and one sexual offence committed at different times.

I am advised that the combination of the change to the definition of sexual offence and the inclusion of persons who have one murder and one sexual offence would make another 400 offenders eligible for inclusion in the data bank. There are currently 1,876 offenders who have been included in the data bank under the retroactive scheme.

Adjournment Proceedings

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

•(1830)

[*English*]

HEALTH

Ms. Libby Davies (Vancouver East, NDP): Madam Speaker, I am pleased to have the opportunity to press further on the concerns I first raised during question period on October 22 when I questioned the new Minister of Health about the deepening and increasing privatization of health care that is taking place across Canada. I also questioned him as to why on earth the federal government was siding with big tobacco in a law suit that began in B.C.

I am pleased to have this opportunity to speak further on the concerns that have been expressed to me by many constituents from East Vancouver and, indeed, from people across Vancouver and British Columbia about the state of our health care system.

We know that in September there was a meeting of first ministers around health care. A lot of people watched the live coverage and even the non-coverage as they sat and looked at the empty chairs. However a lot of people focused on that debate because they certainly saw it as one of the key issues facing our society, and that is the crisis in our public health care system.

One of the things that was very disturbing was the fact that there was barely a mention and certainly no resolution on how to deal with increasing privatization. It has been very disappointing to hear the new Minister of Health, who comes from B.C. and who was a former premier and former cabinet minister in the B.C. legislature, basically do zilch in speaking out and making it clear that the federal government will stop the privatization of our health care system.

In B.C. alone the situation is very alarming. For example, surgeries are now being planned to be contracted out to private facilities, while publicly funded and publicly operated operating rooms remain closed at facilities like Mount St. Joseph Hospital. We have four operating rooms operating very much under capacity at the B.C. Children's Hospital, most of them just sitting there idle, while at the same time, because of a backlog, the provincial government is saying that it wants to send surgeries out to private facilities.

At the first ministers conference there was a lot of debate and discussion around waiting lists, but there was no resolution on dealing with privatization and how by closing down public facilities and laying off public health care workers we have actually created the backlog in operating rooms in various procedures that were done previously through the publicly funded and publicly delivered system.

What we have seen the government walking into consciously is an environment where it has created the stage and created the situation where private health care interests can come forward and say that they have a deal for us. We have been very concerned about this.

Adjournment Proceedings

We have also been concerned about the contracting out of the B.C. medical services plan and what violation that will pose for the privacy of Canadians and for people in B.C. under the U.S. patriot act. Again, we have seen nothing from this government to stop that.

We are waiting to see enforcement of the Canada Health Act. In fact, there was a coalition of public health care defenders, including CUPE, the Canadian Health Coalition, the Canadian Federation of Nurses Unions, CEP and the Council of Canadians who actually went to court to defend the accountability and transparency from the federal government on our public health care system.

To date, we have been terribly disappointed and alarmed at the lack of action taken by the Minister of Health. We wonder whether he changed his principles after he changed his political membership in a political party, because we have yet to see him take action to defend our public health care system.

Hon. Robert Thibault (Parliamentary Secretary to the Minister of Health, Lib.): Madam Speaker, on Friday, October 22 during question period, my hon. colleague, the member for Vancouver East, raised a question concerning the effects of the removal of section 6 of the Canada Health Act in 1995.

My hon. colleague alleges that the Canada Health Act was changed in 1995 to make privatization easier. She argues that the repeal of section 6 of the act results in greater privatization of health care services, more specific, home care services.

The amendments to the Health Care Act were essentially technical amendments that were required as a result of the introduction of the Canada health and social transfer. These amendments had no effect whatsoever on the scope of the Canada Health Act or its application. The Canada Health Act sets out the criteria and conditions that provincial and territorial health insurance plans must comply with to receive their full cash entitlements through federal health transfers.

The act identifies two types of health services: insured health services, which are subject to the criteria, conditions and extra billing and user charge provisions of the act; and extended health care services, which are subject only to the conditions of the act.

Extended health care services apply to nursing home services, adult residential care, home care services and ambulatory care services. Extended health care services have always been delivered by provinces and territories through a mixed system involving public and private providers.

Prior to the creation of the Canada health and social transfer under the act of 1977, the health transfer had consisted of cash contributions in support of insured health services previously referred to in section 5 of the Canada Health Act, and an amount payable in respect to extended health care services referred to in section 6 of the Canada Health Act.

The repeal of section 6 does not mean that extended health care services have been removed from the act. Quite the contrary, they continue to be part of the Canada Health Act in the same manner they have been since 1984.

•(1835)

Ms. Libby Davies: Madam Speaker, I am pleased to give a brief reply to the parliamentary secretary.

I would point out that the member is portraying the deletion of section 6 of the Canada Health Act in 1995 as simply some minor technical amendment. The reality is the deletion of that section has created and paved the way for the privatization of extended health and home care services.

Time and time again we have heard the Liberals deny in the House that they changed the Canada Health Act. We have an acknowledgement and an admission today that yes, indeed, section 6 was changed in 1995.

I come back to my main point. If the government has been so diligent in defending the Canada Health Act and if the government has been so diligent in ensuring the public delivery of public services with public funding, then why do we have this crisis? Why do we have an absolute violation of the principles of the Canada Health Act? Why do we have privatization? Why do we have waiting lists? Why do we have these for profit corporations banging down the door with apparently no punitive recourse from the federal government?

It is up to the federal government to enforce the Canada Health Act and—

The Acting Speaker (Hon. Jean Augustine): The hon. parliamentary secretary.

Hon. Robert Thibault: Madam Speaker, first I want to reiterate that there was no change to the act. There were some minor adjustments because of the Canada health and social transfer. Extended health care has always been a mix of some private and some public delivery. The minister is committed to the principles of the Canada Health Act.

In the member's first intervention, she talked about the transition of the Minister of Health, who served in her party and ably in British Columbia in the provincial government. He was at the time a free agent. We recognized his talent, invited him to the big league and he joined. He is now performing very well.

I would recommend to the member and all members of the House that if they want to have such an opportunity, they should keep working very hard, but by no means should they swing at every pitch.

[Translation]

ROYAL CANADIAN MOUNTED POLICE

Mr. Robert Vincent (Shefford, BQ): Madam Speaker, the closing of nine regional RCMP detachments in regional Quebec can leave no one indifferent, with the exception of the Minister of Public Security herself. I must point out that the withdrawal of the RCMP leaves us with one less eye out against organized crime in the regions and is as well a cause of major concern to our fellow citizens in the rural areas involved.

The main justification for these closures according to the RCMP brass is rationalization of operations by centralizing personnel at strategic points, where there is a concentration of organized crime in a region, they tell us.

Adjournment Proceedings

If they want to convince us of that theory, they will also have to convince all stakeholders in the nine regions, including nine MPs and mayors, who are not in the least sold on the justification for these RCMP decisions. There is, however, a very glaring example to the contrary, which I will explain.

In 1997, the federal government abolished the port police. The national police association warned the government about the potential increase in drug and arms trafficking at the ports, but to no avail. Today, the Minister of Transport is injecting \$115 million to remedy this mistake by his predecessor.

And is the minister now prepared to commit the same error? They say that wisdom lies in learning from one's mistakes; where is this minister's wisdom?

On October 7, in response to the question asked by the member for Nova Centre, which was repeated by the hon. member for Marc-Aurèle-Fortin this past Friday, the Minister of Public Safety told us that she had held broad based consultations, including the Sûreté du Québec. But where did these consultations take place, and with whom, exactly? Our sources say these consultations never took place. Moreover, they say that rural RCMP detachments had better success rates than urban ones in solving crimes.

The RCMP does not have the financial resources needed to adequately protect the public. I think that the problem lies in the following equation: no money equals no resources. The question answers itself.

The minister keeps saying that the number of RCMP officers in Quebec will remain the same. In fact, budgets will remain the same as well. So, how will we be able to pay the cost of these officers' travel to distant regions without adding new money for transportation expenses? The answer is simple: without the money to travel, the RCMP officers will no longer go out to the regions.

The minister is using Ontario as her model, but intelligence gathered electronically by the RCMP in Ontario reveals that traffickers will be going through northern Ontario, because there are no longer any police officers there. It is clear that closing RCMP detachments is synonymous with opening the doors to crime.

At one meeting between members of Parliament and representatives of the RCMP, we were told that, even if the officers were relocated to urban areas, they would maintain contact with their informants or informers. How can they do that, since they are no longer in the area? What will the informers do if they find out about a deal? Will they take the time to phone the police to inform them about the next shipment of drugs or weapons?

In order for the minister to avoid future blame for her error in judgment in closing these detachments, will she realize today that there must be an immediate moratorium on such closures?

• (1840)

Hon. Roy Cullen (Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness, Lib.): Madam Speaker, let me assure you that the RCMP takes the security of all Canadians seriously. Over the past few years, we have all been faced with a rapidly changing environment which has been marked by the

forces of globalization, technological change and the growing threat of terrorism and organized crime.

Public organizations have an obligation to manage their resources as effectively as possible. The unprecedented pace of change and the emergence of new pressures facing our society means that the RCMP must define what is required of policing in the 21st century and determine how to build and deliver it.

As a leading law enforcement organization, the RCMP performs regular reviews of its programs from coast to coast to ensure the most effective use of its resources.

With this in mind, the RCMP conducted an extensive study in consultation with RCMP employees in Quebec as well as municipal, provincial, national and international law enforcement partners.

This consultation, launched in 2002, is in keeping with the commitment made by the RCMP and the Government of Canada to provide exceptional federal policing services across Quebec.

As part of this wide-ranging consultative process, the RCMP has taken into account a number of considerations specific to Quebec, including geographic circumstances, border protection, coastal watch and the impact of criminal organizations in Quebec.

I would like to remind you that the mandate of the RCMP in Quebec is to enforce federal statutes, to investigate matters of national and international scope, and to fight organized crime and terrorism.

Since 2002, the face of policing in Quebec has undergone considerable transformation, with 174 municipal police forces amalgamating to create 44.

The Sûreté du Québec has also undergone a similar alignment exercise.

It has been important for the RCMP to also ensure its resources are adequately distributed across the province of Quebec, allowing the organization to focus on its priorities of organized crime and terrorism.

There will be no reduction of RCMP personnel in Quebec; resources are being redeployed to achieve greater operational efficiency and to meet strategic federal policing objectives in that province: fighting organized crime and terrorism.

As I indicated previously, a similar exercise conducted in Ontario in 1995, where resources were strategically redeployed, has enhanced the RCMP's operational capability to meet divisional and national priorities.

This decision serves a strategic purpose to provide enhanced policing services to our communities in Quebec.

• (1845)

Mr. Robert Vincent: Madam Speaker, I listened attentively to the speech by the hon. member opposite. It makes me realize they have not understood the issue.

Adjournment Proceedings

Investigations have been made. Redeployment occurred in 1997 in Ontario. If they investigated, they would discover that it is not working. There is a problem. Centralizing the forces will not help combat organized crime. That is not the problem. The problem is that no police force remains in the rural areas, and this situation is causing another problem: now organized crime is concentrated in the rural areas.

We have done our homework and we were told that more investigations were done in rural areas than in big cities and most of them are successful. In other words, investigations done in smaller areas are better than investigations in a group of centres.

In that case, what we are asking for is a moratorium only and an investigation. The minister is saying that everyone consulted succeeded in having centralization, and so from then on there was centralization.

With this problem, we cannot say that people in the regions are going to be protected. They will not be protected because the police will not have the time to go the regions. Furthermore, they do not have the money to go there.

That said, I will ask the question again. Will a moratorium be declared so that these levels of the RCMP will be concentrated and do we know whether the RCMP will stay in the region and—

The Acting Speaker (Hon. Jean Augustine): I am sorry to interrupt the hon. member, but the hon. Parliamentary Secretary to the Minister of Public Safety and Emergency Preparedness has the floor.

[English]

Hon. Roy Cullen: Madam Speaker, I want to add that this was done in Ontario in 1995 and it is working very well. The difference is that in Ontario we do not say that the mayors and the member for Shefford are the experts. This is a recommendation from the RCMP. They are saying that when we have a certain critical mass, we can have, let us say, 15 officers attacking two areas of crime, organized crime and terrorism, rather than having a few officers trying to track down a number of different crimes. The RCMP advises that this is better for the safety of Quebecers and that it provides better law enforcement. I think we should take this as an operational decision of the RCMP and be guided by them. They are the experts in law enforcement.

With respect to the mayors of the eastern townships and the deputy from Shefford, I think we need to look to the RCMP. They are the ones making the recommendation and they are convinced that it will provide better security and law enforcement in the province of Quebec.

• (1850)

[Translation]

AEROSPACE INDUSTRY

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Madam Speaker, I am very pleased to rise today in this adjournment debate. On October 8, during oral question period, the leader of the Bloc Québécois pointed out that Bombardier had announced substantial job cuts because its clients could not guarantee that they would actually order existing models of aircraft.

On that day, the Bloc was sounding the alarm to the federal government that not only was there that situation, but that it was the federal government's responsibility, through the technology partnerships Canada program, to come to the aid of Bombardier by assuring buyers of attractive purchase terms through Export Development Canada.

Now it is November and we have not had any news as to whether or not the Canadian government will do anything to help out and protect jobs. We have been waiting for months, for years, because we have had significant negative signals.

For example, the technology partnerships Canada program is a good program in itself but it is not funded sufficiently well to meet the demand. These funds must be increased so that satisfactory research can be conducted.

Bombardier has plans to develop a plane with a passenger capacity of between 110 and 130. This is an unparalleled niche in the world market today. It is essential that the company have access to some form of research and development assistance in order to develop this plane.

We are talking about a maximum of \$2 billion, \$700 million of which should be provided by the governments. During the election campaign, the federal government announced major new investments in the Ontario auto industry, but it is unable to make a similar effort for the aerospace industry concentrated in Quebec.

Could the government go ahead and announce its policy as soon as possible and allow positive contributions to be made? It is essential that this research be conducted, and that this new aircraft be developed and built. This would help compensate in a timely fashion for the layoffs announced by Bombardier in connection with less popular models, thanks to this new model requested by international clients. What is lacking right now is adequate funding for research.

Many people are listening in today. At Bombardier, workers have received layoff notices, or are about to receive them. We believe that we cannot afford to lose this expertise. Will the federal government go ahead and announce as soon as possible its new aerospace policy, as well as the budget that will be allocated to it? Through Technology Partnerships Canada, this money would help ensure that the research necessary to develop this new aircraft is conducted. That is what we are expecting of the federal government.

[English]

Hon. Jerry Pickard (Parliamentary Secretary to the Minister of Industry, Lib.): Madam Speaker, the Canadian aerospace industry is among the five largest in the world. It makes a significant contribution overall to the Canadian economy. Over 700 aerospace and defence firms across the country employ more than 78,000 people. Sales last year alone exceeded \$20 billion.

Aerospace is much more than just one of Canada's traditional industries. It also is one of Canada's leading advanced technology exporters. The sector invested approximately \$1 billion on research and development last year. Aerospace is the second largest investor in R and D in Canada and 4 of Canada's top 20 industrial R and D performers in last year's operations were aerospace and defence firms.

In recent years markets have been slow and competition is tight. This is placing demands and new pressures on our aerospace sector. The government is quite conscious of these new pressures and wishes to work with the industry to overcome those problems.

The Speech from the Throne is very clear: aerospace will remain a key industrial priority for the government. Further, the government has committed itself to developing a national strategy to help the sector strengthen its technology, leadership and position for future growth.

A national aerospace strategy can provide the broad context within which government can consider individual funding decisions. This broad context would include considerations such as changing international business climate, the economic impact and fiscal implications of support, skills development, trade policy and how individual investments fit into the overall direction of Canada's aerospace sector.

The Minister of Industry is moving quickly to develop the strategy. He will do so in collaboration with industry stakeholders and provincial counterparts. In doing so, we will build our impressive achievements to date and on in government programs such as sales, financing from Export Development Canada and research and development support such as are available from Technology Partnerships Canada.

I was very pleased to hear my colleague mention Technology Partnerships Canada because it is a very impressive program and one with which we have been extremely successful. The partnerships, which have been forged between industry and government, have produced good results for companies and for Canada. Bombardier's success with its family of regional jets is a case in point, but there are many examples in which a risk sharing investment by the government has resulted in new aerospace business for firms in Canada.

Speaking of Bombardier, the government also recognizes that this company is a cornerstone of Canada's aerospace industry. Bombardier's aerospace division is Canada's largest aerospace firm with sales of \$11.3 billion, more than 50% of all Canadian aerospace output. The company employs some 13,000 workers in its facilities in Montreal, Toronto and North Bay, and relies on extensive supplier networks across the country. As we well know, Bombardier is currently considering a next generation aircraft larger than anything it has built before.

Adjournment Proceedings

I would like to assure the hon. member that we are looking at the situation and moving forward as rapidly as possible.

● (1855)

[*Translation*]

Mr. Paul Crête: Madam Speaker, I am very pleased that my colleague and I share the same opinion. The difference lies in how urgent we feel it is to do something.

The funds that have been devoted to aerospace by the technology partnerships program have decreased in recent years. We cannot stop encouraging and supporting technological research if we are to remain on the leading edge. There are offers being made to Bombardier at this time by certain U.S. states and foreign countries. We have not heard any response from Canada on this, and we need to know it as soon as possible.

The company itself is a multinational, with major investments in Quebec and in Canada. For those investments to bear fruit, however, the government must take action urgently. It is urgent for us to have an offer that is competitive with those from elsewhere, and to have it as quickly as possible, so that aerospace can continue to develop here.

Will there be a federal government offer forthcoming, in the next few days or weeks, so that these jobs can be created at home?

[*English*]

Hon. Jerry Pickard: Madam Speaker, I would assure my hon. colleague that the minister is looking very carefully at all programs in TPC. We are moving forward and attempting to ensure that the research element in Canada is well supported.

There is absolutely no question that the Minister of Industry at this point in time is looking critically at what we can do to support the aerospace industry and move its agenda forward. I have no question that the TPC program has over the years created a tremendous amount of investment in research and development, not just in the aerospace industry but in the broad spectre of manufacturing and industries across Canada.

To get back to the Bombardier question at hand, we know how important that is. We are looking at many locations where future potential can be developed. We will be supportive of ensuring that Bombardier keeps its jobs in Canada, that Canadian workers have an opportunity to deal in that industry and we will move forward—

● (1900)

The Acting Speaker (Hon. Jean Augustine): 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 7 p.m.)

CONTENTS

Monday, November 1, 2004

GOVERNMENT ORDERS

Tlicho Land Claims and Self-Government Act

Bill C-14. Second reading	979
Mr. Harris	979
Mr. Tilson	981
Mr. Hanger	981
Mr. Chong	982
Mr. Hanger	983
Mrs. Barnes	984
Mr. Bagnell	984
Mr. Hanger	986
Mr. St. Amand	987
Mr. Thompson (Wild Rose)	988
Mr. Allison	989
Mr. Hanger	990
Mr. Jean	991
Mr. Goodyear	992
Mr. Thompson (Wild Rose)	993
Mrs. Grewal (Fleetwood—Port Kells)	994
Mr. Tilson	995
Mr. Keddy	996
Mr. Moore (Fundy Royal)	997
Mr. Nicholson	998

STATEMENTS BY MEMBERS

Dystonia

Mr. St. Amand	999
---------------------	-----

Health

Mr. Lunney	999
------------------	-----

Doug Bennett

Ms. Fry	1000
---------------	------

Donald Dion

Mr. Boire	1000
-----------------	------

Green Infrastructure

Mr. Holland	1000
-------------------	------

2004 Paralympic Summer Games

Mr. MacKay	1000
------------------	------

Riel Awards

Mr. Simard (Saint Boniface)	1001
-----------------------------------	------

Canada's Olympic and Paralympic Athletes

Ms. St-Hilaire	1001
----------------------	------

Michael Wallace Community Playground

Mr. Savage	1001
------------------	------

Agriculture

Mr. Menzies	1001
-------------------	------

Canada's Olympic and Paralympic Athletes

Mr. Paradis (Brome—Missisquoi)	1001
--------------------------------------	------

Paralympic and Olympic Athletes

Mr. Comartin	1002
--------------------	------

Israel

Mr. Harper	1002
------------------	------

ADISQ Gala

Mr. Kotto	1002
-----------------	------

Canada Cancer Crusade

Mr. Thompson (Wild Rose)	1002
--------------------------------	------

Arts and Culture

Ms. Neville	1002
-------------------	------

ORAL QUESTION PERIOD

Natural Resources

Mr. Harper	1003
Mr. Goodale	1003
Mr. Harper	1003
Mr. Goodale	1003
Mr. Doyle	1003
Mr. Efford (Avalon)	1003
Mr. Hearn	1003
Mr. Goodale	1003
Mr. Hearn	1003
Mr. Goodale	1003

Child Care

Mr. Duceppe	1004
Mr. Dryden	1004
Mr. Duceppe	1004
Ms. Robillard	1004
Mrs. Lavallée	1004
Ms. Robillard	1004
Mrs. Lavallée	1004
Ms. Robillard	1004

Privacy

Mr. Layton	1004
Mr. Alcock	1004

National Defence

Mr. Layton	1005
Mr. Pettigrew	1005

Sponsorship Program

Mrs. Ablonczy	1005
Mr. Brison	1005
Mrs. Ablonczy	1005
Mr. Brison	1005
Mr. Moore (Port Moody—Westwood—Port Coquitlam)	1005
Mr. Karygiannis	1005
Mr. Moore (Port Moody—Westwood—Port Coquitlam)	1005
Mr. Karygiannis	1006

Child Care

Mr. Loubier	1006
-------------------	------

Mr. Goodale	1006	Mr. Rajotte	1010
Mr. Loubier	1006	Ms. Frulla	1010
Mr. Goodale	1006		
Aerospace Industry		Sports	
Mr. Crête	1006	Mr. Lemay	1010
Mr. Emerson	1006	Mr. Owen (Vancouver Quadra)	1010
Mr. Crête	1006		
Mr. Emerson	1006	Health	
		Mr. Szabo	1010
Foreign Affairs		Mr. Dosanjh	1010
Mr. Day	1006		
Mr. Pettigrew	1007	Immigration	
		Ms. Faille	1011
Terrorism		Ms. Sgro	1011
Mr. Day	1007		
Mr. Pettigrew	1007	Forestry Industry	
		Ms. Crowder	1011
Aboriginal Affairs		Mr. Peterson	1011
Mr. Prentice	1007		
Mr. Scott	1007	Presence in Gallery	
Mr. Prentice	1007	The Speaker	1011
Mr. Scott	1007		
		Canada's Olympic and Paralympic Athletes	
Sport Canada		The Chair	1011
Mr. Bell	1007		
Mr. Owen (Vancouver Quadra)	1007		
		ROUTINE PROCEEDINGS	
Social Development		Criminal Code	
Mr. Martin (Sault Ste. Marie)	1008	Mr. Cotler	1012
Mr. Dryden	1008	Bill C-16. Introduction and first reading	1012
		(Motions deemed adopted, bill read the first time and printed)	1012
Natural Resources			
Ms. McDonough	1008	Contraventions Act	
Mr. Goodale	1008	Mr. Cotler	1012
		Bill C-17. Introduction and first reading	1012
Aboriginal Affairs		(Motions deemed adopted, bill read the first time and printed)	1012
Mr. Harrison	1008		
Mr. Scott	1008	Telefilm Canada Act	
Mr. Harrison	1008	Ms. Frulla	1012
Mr. Scott	1008	Bill C-18. Introduction and first reading	1012
Mr. Pallister	1008	(Motions deemed adopted, bill read the first time and printed.)	1012
Mr. Scott	1009		
Mr. Pallister	1009	Committees of the House	
Mr. Scott	1009	Health	
		Ms. Brown (Oakville)	1012
Aerospace Industry		Official Languages	
Mr. Boulianne	1009	Mr. Rodriguez	1012
Mr. Emerson	1009	Procedure and House Affairs	
Mr. Boulianne	1009	Mr. Boudria	1012
Mr. Emerson	1009		
		Parliament of Canada Act	
Aboriginal Affairs		Mr. Stoffer	1012
Mr. Casson	1009	Bill C-251. Introduction and first reading	1012
Mr. Scott	1009	(Motions deemed adopted, bill read the first time and printed)	1013
Mr. Casson	1009		
Mr. Scott	1009	Income Tax Act	
		Mr. Stoffer	1013
Official Languages		Bill C-252. Introduction and first reading	1013
Mr. Boudria	1009	(Motions deemed adopted, bill read the first time and printed)	1013
Mr. Cotler	1010		
		Broadcasting	
Broadcasting		Mr. Rajotte	1010
Mr. Rajotte	1010	Ms. Frulla	1010
Ms. Frulla	1010		

Income Tax Act	
Mr. Stoffer	1013
Bill C-253. Introduction and first reading	1013
(Motions deemed adopted, bill read the first time and printed)	1013
Internet Child Pornography Prevention Act	
Mr. Stoffer	1013
Bill C-254. Introduction and first reading	1013
(Motions deemed adopted, bill read the first time and printed)	1013
Income Tax Act	
Mr. Stoffer	1013
Bill C-255. Introduction and first reading	1013
(Motions deemed adopted, bill read the first time and printed)	1013
Employment Insurance Act	
Mr. Stoffer	1013
Bill C-256. Introduction and first reading	1013
(Motions deemed adopted, bill read the first time and printed)	1013
Criminal Code	
Mr. Hill	1013
Bill C-257. Introduction and first reading	1013
(Motions deemed adopted, bill read the first time and printed)	1014
Official Languages Act	
Mr. Boudria	1014
Bill S-3. First reading	1014
(Motion agreed to and bill read the first time)	1014
Committees of the House	
Procedure and House Affairs	
Mr. Boudria	1014
Motion for concurrence	1014
(Motion agreed to)	1014
Petitions	
Visually Impaired	
Mr. Simard (Saint Boniface)	1014
Canadian Forces	
Mr. Hill	1014

Questions on the Order Paper	
Mr. LeBlanc	1014

GOVERNMENT ORDERS

Tlcho Land Claims and Self-Government Act	
Bill C-14. Second reading	1015
Mr. Nicholson	1015
Mr. Tweed	1015
Mr. Hill	1017
Division deferred	1018
Criminal Code	
(Bill C-13. On the Order: Government Orders:)	1018
Mr. Graham (Toronto Centre) (for the Minister of Justice)	1018
Motion	1018
Mr. Bagnell	1018
Mr. Toews	1020
Mr. Ménard (Hochelaga)	1021
Mr. Comartin	1023
Mr. Murphy	1024
Mr. MacKay	1025
Mr. Martin (Esquimalt—Juan de Fuca)	1026
Mrs. Barnes	1027
Mr. Moore (Fundy Royal)	1029
Mr. Hill	1030
Mrs. Smith (Kildonan—St. Paul)	1031
Mr. Grewal (Newton—North Delta)	1032
Mr. Breitzkreuz	1034
Mr. Obhrai	1035
Mrs. Grewal (Fleetwood—Port Kells)	1036
Mr. Macklin	1036

ADJOURNMENT PROCEEDINGS

Health	
Ms. Davies	1037
Mr. Thibault (West Nova)	1038
Royal Canadian Mounted Police	
Mr. Vincent	1038
Mr. Cullen (Etobicoke North)	1039
Aerospace Industry	
Mr. Crête	1040
Mr. Pickard	1040

MAIL  POSTE

Canada Post Corporation / Société canadienne des postes

Postage paid

Port payé

Lettermail

Poste-lettre

**1782711
Ottawa**

If undelivered, return COVER ONLY to:

Publishing and Depository Services

PWGSC, Ottawa, ON K1A 0S5

Internet: <http://publications.gc.ca>

1-800-635-7943 or Local 613-941-5995

En cas de non-livraison,

retourner cette COUVERTURE SEULEMENT à :

Les Éditions et Services de dépôt

TPSGC, Ottawa (Ontario) K1A 0S5

Internet: <http://publications.gc.ca>

1-800-635-7943 ou appel local (613) 941-5995

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

Also available on the Parliamentary Internet Parlementaire at the following address:

Aussi disponible sur le réseau électronique « Parliamentary Internet Parlementaire » à l'adresse suivante :

<http://www.parl.gc.ca>

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Additional copies may be obtained from Publishing and Depository Services, PWGSC, Ottawa, ON K1A 0S5

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.

On peut obtenir des copies supplémentaires en écrivant à : Les Éditions et Services de dépôt, TPSGC, Ottawa (Ontario) K1A 0S5

**On peut obtenir la version française de cette publication en écrivant à : Les Éditions et Services de dépôt
TPSGC, Ottawa (Ontario) K1A 0S5**