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(HANSARD)

**Thursday, March 10, 2005**



**Speaker: The Honourable Peter Milliken**

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# HOUSE OF COMMONS

Thursday, March 10, 2005

The House met at 10 a.m.

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*Prayers*

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## ROUTINE PROCEEDINGS

● (1000)

[Translation]

### ORDER IN COUNCIL APPOINTMENTS

**Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I have the honour to table today, in both official languages, a number of order in council appointments recently made by the government.

\* \* \*

● (1005)

[English]

### GOVERNMENT RESPONSE TO PETITIONS

**Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, pursuant to Standing Order 36(8), I am also happy to table, in both official languages, the government's response to two petitions.

\* \* \*

### INTERPARLIAMENTARY DELEGATIONS

**Hon. Bryon Wilfert (Parliamentary Secretary to the Minister of the Environment, Lib.):** Mr. Speaker, pursuant to Standing Order 34(1), I have the honour to present to the House, in both official languages, two reports of the Canada-Japan interparliamentary group, one on the 11th General Assembly of the Asia-Pacific Parliamentarians Conference on Environment and Development held in Korolevu, Fiji, and one on the 25th General Assembly of the ASEAN Interparliamentary Organization held in Phnom Penh, Cambodia, in the fall of 2004.

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### PETITIONS

#### AUTISM

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Mr. Speaker, I am pleased to table two petitions in the House this morning.

The first petition is signed by 66 people from the Calgary area who call on Parliament to amend the Canada Health Act to ensure intensive behavioural intervention therapy treatment, based on the principles of applied behavioural analysis, is designated as medically necessary for children with autism, and that academic chairs be established at universities in each province to teach this therapy, ensuring that Canadian professionals will no longer have to leave Canada to receive the training.

#### HUMAN RIGHTS

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Mr. Speaker, my second petition is signed by over 150 people, primarily from the lower mainland of British Columbia, who outline their support for human rights around the world and Canada's commitment to ensure those rights and an end to torture, and who call upon Parliament to negotiate with the Iranian government for the immediate release of Ms. Haleh Sahba, who was unfortunately deported from Canada last December, and to ensure her safe return to Canada.

#### IMMIGRATION

**Hon. Bryon Wilfert (Richmond Hill, Lib.):** Mr. Speaker, pursuant to Standing Order 36, I have the pleasure to present a petition signed by people of the greater Toronto area with regard to the issue of immigration in terms of the length of time it takes to bring a family member to Canada. The increase in the time is of concern to them.

#### CHILD PORNOGRAPHY

**Mr. Garry Breitkreuz (Yorkton—Melville, CPC):** Mr. Speaker, I have a number of petitions that I would like to present this morning.

The first one I have the privilege to present is from many residents in Ontario who are calling the attention of the House to the child pornography issue. They say that the creation and use of child pornography is condemned by the clear majority of Canadians and that the courts have not applied the current child pornography law in a way which makes it clear that such exploitation of children will always be met with swift punishment.

They call upon Parliament to protect our children by taking all necessary steps to ensure that all materials which promote or glorify pedophilia or sado-masochistic activities are outlawed.

*Routine Proceedings*

●(1010)

CITIZENSHIP COMMISSION

**Mr. Garry Breitzkreuz (Yorkton—Melville, CPC):** Mr. Speaker, the next group of petitions come mainly from Nova Scotia and Prince Edward Island and they contain several hundred signatures. The petitions are with regard to the Citizenship and Immigration Act with respect to the distribution of holy books established in 1998 allowing for books to be displayed for new citizens to take but did not allow for people to hand the said books to these new citizens.

They say that in regard to that, the voluntary non-intrusive policy that was working had no serious complaints leveled against it, and also in regard to the pluralistic environment in Canada, they say that the recent decision to ban the availability of holy books was made unilaterally despite a previous track record of discussion and open dialogue between the Canadian Bible Society and the Citizenship Commission. They ask Parliament to order the Citizenship Commission to return to the previous policy that was in place and had been in place since 1998.

MARRIAGE

**Mr. Garry Breitzkreuz (Yorkton—Melville, CPC):** Mr. Speaker, lastly, I have a large number of petitions in regard to the marriage issue. The ones I am submitting today are mainly from Ontario and British Columbia but there are names from all parts of Canada.

They ask that in regard to the fundamental matters of social policy, Parliament should make that decision, not the unelected judiciary. The majority of Canadians support the current legal definition of marriage and therefore they say that it is the duty of Parliament to ensure that marriage is defined as Canadians wish. They are asking us to use all possible legislative and administrative measures, including the invoking of section 33 of the charter, if necessary, to preserve and protect the current definition of marriage as between one man and one woman.

**Mr. Chuck Strahl (Chilliwack—Fraser Canyon, CPC):** Mr. Speaker, I have a petition today to present on behalf of citizens in my own riding about the definition of marriage.

These citizens believe that marriage is defined as the lifelong union between one man and one woman and is the best foundation for families, and whereas it is the exclusive jurisdiction of Parliament to define marriage, the petitioners pray that Parliament define marriage in federal law as being the union of one man and one woman to the exclusion of all others. I table that on behalf of my constituents.

**Mr. Leon Benoit (Vegreville—Wainwright, CPC):** Mr. Speaker, I am happy to present, on behalf of my constituents, several petitions where the constituents are calling upon Parliament to enshrine the definition of marriage as the union of one man and one woman to the exclusion of all others, and making the point that it is the responsibility of Parliament, not the courts, to make this decision. I am happy to present this on behalf of my constituents.

\* \* \*

QUESTIONS ON THE ORDER PAPER

**Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, Question No. 66 will be answered today.

[Text]

Question No. 66—**Mr. Bill Casey:**

With regard to the government project known as the national energy science and technology strategy: (a) what is the total amount of funding the government will allocate to industry, universities, and scientific research foundations for the purpose of developing the tidal and wave energy industry in Canada; (b) what are the expected time frames within the national energy technology strategy for Canada to meet the emission-reduction targets established under the Kyoto protocol; (c) what are the government's total estimates on the level of emissions that will be reduced as a result of tidal and wave energy projects; (d) what are the Government's total estimates on the amount of electrical power that could be generated as a result of support to the tidal and wave energy industry with the national energy science and technology strategy; (e) what is the total amount of support funding planned, by sector (wind, tidal, wave, geo-thermal, etc), within the national energy science and technology strategy?

**Hon. R. John Efford (Minister of Natural Resources, Lib.):**

Mr. Speaker, the response is as follows: (a) The government has not yet finalized the energy science and technology strategy. Therefore, it has not made decisions regarding future funding for specific science and technology areas.

(b) The federal government will announce a plan to meet its greenhouse gas emission reduction targets under the Kyoto protocol in the near future.

(c) The federal government does not currently have estimates on the level of emissions that could be reduced as a result of tidal and wave energy projects. Such estimates would depend on the performance of the new technologies, or the number and size of future installations, and on the type of electricity generation replaced by tidal and wave energy projects.

(d) The government has not yet finalized the energy science and technology strategy. Therefore, it has not made decisions regarding future funding for specific science and technology areas and cannot estimate the amount of electrical power that could be generated as a result of support to the tidal and wave energy industry.

(e) The government has not yet finalized the energy science and technology strategy. Therefore, it has not made decisions regarding future funding for specific science and technology areas.

\* \* \*

[English]

STARRED QUESTIONS

**Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, would you be so kind as to call Starred Question No. 63.

Due to the length of the answer to Starred Question No. 63, I would ask that it be printed in *Hansard* as read.

**The Speaker:** Is it agreed that the answer be printed as read?

**Some hon. members:** Agreed.

[Text]

\*Question No. 63—**Mr. Gordon O'Connor:**

With respect to the poisoning case of ex-Warrant Officer Matthew Stopford while in Croatia in 1993 and investigated by the Military Police Complaints Commission: (a) how many of the soldiers involved with the coffee tampering allegations remained in the armed forces after the allegations were made and are they still serving; (b) have the soldiers involved with the coffee tampering allegations been disciplined regarding this matter and if so, how were they disciplined; (c) when was Mr. Stopford informed of the poisoning and why did the Department of National Defence wait that period to inform him; and (d) when will the government make an offer suitable to Mr. Stopford to settle this matter?

**Hon. Bill Graham (Minister of National Defence, Lib.):** Mr. Speaker, the answer is as follows: a) and b) No charges were laid as a result of the Canadian Forces National Investigation Service, CFNIS, investigation into the coffee-tampering allegation. Charges under most of the provisions of the National Defence Act, including section 129, Act to the Prejudice of Good Order and Discipline of the Canadian Forces), were barred by a three-year statutory limitation period. It was determined that there was an insufficient evidentiary basis to lay charges under the Criminal Code or other provisions of the National Defence Act that were not covered by the three-year limitation period.

On June 20, 2000, the Chief of the Defence Staff directed that a special career review board be convened to look at the members identified in the first CFNIS investigation report as well as personnel in the in-theatre unit chain of command for 11 Platoon, D Company, 2 Princess Patricia's Canadian Light Infantry, PPCLI. It looked at approximately 70 members in total. At the conclusion of the review, the Director General Military Careers placed one member on counseling and probation and issued a recorded warning to seven others. These eight members are still serving in the Canadian Forces.

c) The Department of National Defence learned of the allegation through a confidential informant on August 2, 1999. The information was relayed to the CFNIS on August 3 and a decision to inform Mr. Stopford was made the same day. Mr. Stopford was informed of the allegation for the first time on August 4. The delay reflects the time it took the CFNIS officer to travel to Mr. Stopford's home.

d) The Crown has made two offers to settle to Mr. Stopford, one in June 2004 and one in October 2004. These offers take into account the fact that Mr. Stopford is in receipt of a wide range of benefits from the Government of Canada. In addition, the Department of National Defence worked with Mr. Stopford, notably in facilitating his trip to the Mayo Clinic to ensure he would receive adequate treatment.

\* \* \*

[English]

#### QUESTIONS PASSED AS ORDERS FOR RETURNS

**Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, if Question No. 73 could be made an order for return, this return would also be tabled immediately.

**The Speaker:** Is that agreed?

**Some hon. members:** Agreed.

#### Supply

[Text]

Question No. 73—**Mr. Marcel Gagnon:**

With respect to Old Age Security payments, what are the most recent estimates on: (a) the number of Canadian seniors eligible for the Guaranteed Income Supplement (GIS) but not receiving it and, of this number, how many are Quebecers; (b) the number of Canadian seniors eligible for the survivor's allowance but not receiving it and, of this number, how many are Quebecers; and (c) the number of Canadian seniors eligible for the spouse's allowance but not receiving it and, of this number, how many are Quebecers?

(Return tabled)

[English]

**Hon. Dominic LeBlanc:** Mr. Speaker, I would ask that all further questions be allowed to stand.

**The Speaker:** Is that agreed?

**Some hon. members:** Agreed.

•(1015)

**Mr. Leon Benoit:** Mr. Speaker, I rise on a point of order. I was not here at the allotted time to present committee reports. I would like to ask for the unanimous consent of the House to revert to committee reports so I may present my report from the government operations and estimates committee.

**The Speaker:** Is there unanimous consent to revert to presenting reports from committees?

**Some hon. members:** Agreed.

\* \* \*

#### COMMITTEES OF THE HOUSE

##### GOVERNMENT OPERATIONS AND ESTIMATES

**Mr. Leon Benoit (Vegreville—Wainwright, CPC):** Mr. Speaker, I have the honour to present, in both official languages, the fifth report of the Standing Committee on Government Operations and Estimates.

The committee has studied the supplementary estimates B for the fiscal year ending March 31, 2005, and has agreed to report them without amendments.

The committee does intend to present a separate report to make some recommendations on the timeframe that was allowed for the study of the supplementary estimates and to express some concerns about the timeframe allowed. That will be forthcoming.

#### GOVERNMENT ORDERS

[Translation]

#### SUPPLY

##### OPPOSITION MOTION—PROCEEDS OF CRIME LEGISLATION

**Mr. Richard Marceau (Charlesbourg—Haute-Saint-Charles, BQ)** moved:

### Supply

That, in the opinion of the House, in order to better fight crime, the government should introduce a bill by April 30, 2005, to amend the Criminal Code by reversing the burden of proof as regards the proceeds of crime, requiring the accused, once found guilty, to demonstrate on the balance of probabilities that their assets were not obtained using the proceeds of their criminal activities.

—Mr. Speaker, before I begin my speech, I believe that you would find unanimous consent for the following amendment:

That the text of the motion to be debated in the course of this supply day be amended in the following way:

That the words “April 30, 2005” be replaced by “May 31, 2005” and that the words “of a serious offence” be added after the word “guilty”.

**The Speaker:** Does the House give unanimous consent for amending the motion before debate?

**Some hon. members:** Agreed.

(Amendment agreed to.)

**Mr. Richard Marceau:** Mr. Speaker, it is a great pleasure as well as an honour for me to start the debate on this Bloc Québécois motion to reverse the burden of proof as regards the proceeds of crime for individuals convicted of specific offences.

For the benefit of my colleagues and those listening today, I want to clarify that the motion before the House today reads as follows:

That, in the opinion of the House, in order to better fight crime, the government should introduce a bill by May 31, 2005, to amend the Criminal Code by reversing the burden of proof as regards the proceeds of crime, requiring the accused, once found guilty of a serious offence, to demonstrate on the balance of probabilities that their assets were not obtained using the proceeds of their criminal activities.

Organized crime is one of the most serious social issues facing our society, and this is even more so given that, since 1994, there has been a bloody war in Quebec among the rival criminal motorcycle gangs. Over 160 people have died as a result of this war, including innocent bystanders who had the misfortune of getting in the way of these criminals.

There is a direct link between this motion and the deadly circumstances surrounding this motorcycle gang war in Quebec, as elsewhere in Canada. In the name of public safety, but also and above all to support police efforts to fight organized crime, substantive changes to the legal framework must be made to better equip the Crown.

Amending the Criminal Code as proposed in this Bloc Québécois motion would constitute a very big step forward and I know already that our efforts are welcome, both by police forces and crown prosecutors in general.

For a number of years, the Bloc Québécois has lobbied the federal government to put forward effective legislation to fight organized crime. During the 2000 election campaign, the Bloc Québécois continued such efforts and called for Ottawa to amend the Criminal Code to give police and crown prosecutors more effective tools with which to fight and stamp out organized crime.

The Canadian government eventually responded to some of our demands by introducing the antigang legislation, which amended the Criminal Code provisions applicable to organized crime. The Bloc believes, however, that further reform is needed to tighten the noose currently around organized crime in Quebec and Canada.

Hon. members will remember that, on October 28, I tabled in the House of Commons, with the support of the Conservative member for Provencher and the NDP member for Windsor—Tecumseh, Bill C-242, to reverse the burden of proof and require an accused, once convicted of an offence in association with a criminal organization, to demonstrate that the goods that he owns were obtained in an honest and legitimate fashion. I suggested then that we should use what is called the balance of probabilities.

The media coverage on this legislation—which, everyone will agree, is as bold as it is tough—revived the whole debate on the conviction of individuals associated with the underworld, particularly in the case of the megatrials that were held in Quebec following opération printemps 2001.

In that context, I am very pleased to see that a strong consensus is being achieved on the issue, from coast to coast. The repeated pressures exerted by the Bloc Québécois over the years have convinced several governments of the merits of this amendment to the Criminal Code.

In this regard, it is important to note that, at the recent federal-provincial-territorial meeting of justice ministers, held here in Ottawa on January 24 and 25, the justice ministers agreed on a series of measures that should be taken to improve Canada's justice system.

As regards these measures, the news release issued at the conclusion of the meeting read as follows:

Ministers discussed proposals to change the Criminal Code to create a reverse onus for the proceeds of crime regime. Offenders would have to prove on a balance of probabilities that their property is not the proceeds of crime. All ministers agreed that the ability to obtain the forfeiture of proceeds of crime is needed and the federal justice minister said he intends to move forward as quickly as possible with changes that meet charter requirements.

• (1020)

In addition, in an open letter sent to the Quebec major newspapers at the beginning of February, while he was still Quebec's attorney general and minister of justice, Jacques Dupuis spoke out on behalf of his counterparts and embraced the principle of Bill C-242, which I introduced last fall.

In this regard, he made a further commitment by saying that:

The current subsection 462.37(1) of the Criminal Code places on the Crown prosecutor the burden of proving that the property to be forfeited is proceeds of crime related to the offence committed. Once an accused person has been convicted, the Crown must prove that the property was illegally acquired in order to obtain its forfeiture. My colleague Attorneys General in the other provinces and territories have supported the proposal we have put forward to shift the burden of proof onto the accused after a finding of guilt beyond a reasonable doubt. We have therefore asked the Minister of Justice of Canada to amend the Criminal Code accordingly.

If the proposed amendment is enacted, an accused who is convicted of an indictable offence will be required to satisfy the court, on a balance of probabilities, that the property in respect of which the Attorney General is seeking forfeiture is not proceeds of crime related to the offence of which the accused has been convicted.

Our proposed amendment goes further than the amendment in Bill in the House of C 242 recently tabled Commons in that it applies to all indictable offences, not only criminal organization offences.

Despite the expertise Québec has developed and our success in offence-related property forfeiture (since 1996, property worth a total of \$32 million has been forfeited), it remains difficult to prove that a particular item of property is in fact proceeds of crime. Establishing that proof is a lengthy and painstaking process. Our proposed amendment to reverse the burden of proof will further enhance the claim that crime does not pay.

So what Jacques Dupuis was calling for, with the agreement of the Bloc Québécois, was a kind of Bill C-242 plus.

The motion we are debating today is along the same lines and has as its main objective to remind the government of its commitment to this and primarily to accelerate the process by which it plans to act. With the May 31 deadline for the government to being in a bill with such a commitment, the Bloc Québécois is stepping up the pressure on the government to do more than talk, finally.

I would also point out to my hon. colleagues that adoption of such a measure is central to the Bloc Québécois' commitments to Quebecers, and particular focus was placed on it in the Bloc Québécois election platform. That platform became a kind of plebiscite, as can be seen by the exceptional results of the June 28, 2004 election.

I want to mention the contribution by my colleague from Saint-Hyacinthe—Bagot to the drafting of that platform. This colleague's work on the platform, and his whole battle against organized crime, deserves our recognition. His position, which we share, was reflected in the last campaign platform for which he was responsible.

This idea is certainly not a Bloc original. No Canadian political party has ever dared take it as far before, however. The motion is in large part inspired by certain international legislative precedents.

In its 40 recommendations relating to property laundering, the OECD financial action task force, generally called FATF, proposes the adoption of measures to permit property to be confiscated.

It could not make its stand on this any clearer. It says the following in connection with improvements to justice systems:

Countries should adopt measures similar to those set forth in the Vienna and Palermo Conventions, including legislative measures, to enable their competent authorities to confiscate property laundered, proceeds from money laundering or predicate offences, instrumentalities used in or intended for use in the commission of these offences, instrumentalities used in or intended for use in the commission of these offences, or property of corresponding value, without prejudicing the rights of bona fide third parties.

• (1025)

The quote continues:

Such measures should include the authority to: (a) identify, trace and evaluate property which is subject to confiscation; (b) carry out provisional measures, such as freeing and seizing, to prevent any dealing, transfer or disposal of such property; (c) take steps that will prevent or void actions that prejudice that State's ability to recover property that is subject to confiscation; and (d) take any appropriate investigative measures.

FATF goes still further by suggesting that:

Countries may consider adopting measures that allow such proceeds or instrumentalities to be confiscated without requiring a criminal conviction, or which require an offender to demonstrate the lawful origin of the property alleged to be liable to confiscation, to the extent that such a requirement is consistent with the principles of their domestic law.

Since it is important to put the international legal situation clearly on the table, FATF recommendation 27 states clearly that:

Countries should consider taking measures, including legislative ones, at the national level, to allow their competent authorities investigating money laundering cases to postpone or waive the arrest of suspected persons and/or the seizure of the money for the purpose of identifying persons involved in such activities or for evidence gathering. Without such measures the use of procedures such as controlled deliveries and undercover operations are precluded.

### *Supply*

Simply put, the financial action task force suggests strongly that countries adopt measures that would create an obligation for the presumed perpetrator of an organized crime offence to prove the legitimate origin of goods subject to confiscation, insofar as such an obligation is consistent with their domestic laws.

A number of countries, including Australia, Austria, France, Italy, New Zealand, Switzerland and Great Britain have already passed legislation and made statutory provision that the burden of proof may be reversed when it concerns the proceeds of crime.

In order to facilitate proof that certain goods are indeed the proceeds of illegal activities, reversing the burden of proof must therefore be considered, as is currently the case in many countries. Thus, once someone's criminal activities are proven beyond a reasonable doubt, the offender must explain the legitimate source of his property to the court.

Simply put, members of a criminal organization or any other offender would have to justify their lifestyle and explain how they acquired so many luxury goods, totally legitimately. I would be willing to bet that the tax authorities would also be grateful to Parliament for the opportunity to fight the scourges of tax evasion and money laundering more effectively.

Certainly, members will agree that this is an audacious legislative step and some will certainly point out—and loudly so—that this proposal would be contrary to the spirit and the letter of the Canadian Charter of Rights and Freedoms.

But we firmly believe that this is not true. We already see at least two key elements in our Criminal Code based on the same reasoning. One of them is section 515(6) and the other is 351(1), which says:

Every one who, without lawful excuse, the proof of which lies on him, has in his possession any instrument suitable for the purpose of breaking into any place, motor vehicle, vault or safe under circumstances that give rise to a reasonable inference that the instrument has been used or is or was intended to be used for any such purpose, is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years.

With respect to the offence referred to in the latter section, it is interesting to note, first, that the burden of proof is reversed even before the offender is convicted, which is clearly not what we are proposing, and second, that this reversal of the burden of proof was declared legal by the Supreme Court of Canada in 1988, in the case of *R. v. Holmes* [1988] 1 S.C.R. 914. In this case, the court ruled that this presumption does not violate the presumption of innocence under the Canadian Charter of Rights and Freedoms.

The reversal of the burden of proof following conviction, as proposed in this motion and in Bill C-242, will no doubt be considered constitutionally valid.

• (1030)

Given the many negative effects of organized crime, both in its social and economic aspects, there is ample justification for strengthening the legislation to fight crime. Economically, organized crime generates huge revenues, which often need to be reinvested in the legitimate world, but without making a positive contribution to it.

### *Supply*

The resulting tax evasion deprives governments from considerable revenues, and gangsters refine every day their techniques to avoid having their assets reviewed judicially. Very simply, it is becoming particularly frustrating for ordinary taxpayers to see notorious criminals display ostentatiously and condescendingly the proceeds of their illegal activities.

How many times have we heard comments from citizens disgusted with the administration of justice when they see individuals with a plainly criminal past or present get convicted of a crime and then resume their jet-set lifestyles as if nothing had happened, because they know full well that these people have not earned an honest living for a single day in their life?

As lawmakers, we have to act to restore the public's confidence in its justice system. It has become imperative that criminal organizations be sent a clear signal that the days are over when they could shamelessly make a fast buck without facing punishment. From now on, criminals will have to face the consequences of their actions and, in that sense, they will no longer be able to benefit from their criminal and illegal activities.

Let us not be fooled. There is nothing wrong with calling for the seizure of goods constituting the proceeds of crime. It is common sense. Period.

By amending the Criminal Code to reverse the burden of proof as regards the acquisition of luxury items by an individual found guilty of gangsterism, we are giving police and the Crown another means to eradicate this problem. An individual found guilty and sentenced accordingly will still, at the end of the sentence, have to demonstrate that their assets were acquired using legitimate means.

It will become particularly difficult for a criminal to show that his luxurious home, his chalet in the north, his condo in Florida, his shiny motorcycle, his sports cars, and his entire lifestyle correspond to declared income more often than not so low it hovers around the poverty line.

Such a legal initiative could also complicate the widespread practice by criminals of using front men. We know that individuals register their assets in the name of their spouse, parents or friends in order to avoid having major financial assets in their own name that could be confiscated by the government. The bill to be tabled must take into account this particular reality whereby these front men are often forced to obey the criminals.

In conclusion, the Bloc Québécois initiative is highly courageous and expresses a true political will to curb organized crime and a deep social consideration to reiterate the adage crime does not pay.

In light of the megatrials held in Quebec over the past few years, it is high time to take concrete action to deal a fatal blow to criminal organizations.

In our opinion, this is a matter of common sense.

• (1035)

[English]

**Mr. Garry Breitkreuz (Yorkton—Melville, CPC):** Madam Speaker, I want to commend the member for bringing forth the motion. I am pleased with it. My colleague who just spoke sits with

me on the justice committee. He is a very valuable member of that committee.

I would like ask him what I think is a tough question and if he is unable to answer it today, that is quite understandable. However, I would like him to take the question under consideration.

I believe we have needed this law for a long time, not just in Quebec but across Canada. I too believe that criminals convicted of crime should have their proceeds from crime confiscated. It is too difficult now to prove in a court of law that what they have in their possession has been obtained dishonestly.

However, my question is this. What if someone in a charitable organization such as a church based organization possibly, for example the Mennonite Central Committee, or an organization like the Canadian Foodgrains Bank, which is very strong in my riding, or Samaritan's Purse, which operates across Canada, is a bad apple and is found dealing in drugs, or money laundering or some other such criminal activity?

Sometimes we hastily pass a law that may have a serious flaw in it. What assurance do we have that this law may not be used against organizations that have honourable goals but that may be disliked by someone? Can we ensure that another huge loophole is not created so criminals can use to keep their illegally obtained possessions? That is my main question.

The other question I have is this. In passing this law in Canada, can the proceeds if transferred out of the country be recovered by a law here within our country? As we know, criminals can easily transfer their assets elsewhere. Will this law help in recovering those assets if we pass the law in Canada?

In any event, my first question is the more important one.

[Translation]

**Mr. Richard Marceau:** Madam Speaker, I thank my colleague for his question, and for his kind words.

The saying that crime does not pay should apply to everybody, including the organizations that benefit from crime. Charities as I know them would not want to benefit from the proceeds of crime either.

The hon. member mentioned a Mennonite group. Although my knowledge of Mennonite philosophy is certainly superficial, I do not believe any organization of this branch of Christianity would want to benefit from crimes that victimized people. That is my answer to the first question.

As to the second one, I hope the bill the government will have to introduce by May 31, 2005, if this motion is passed, will take into account the context of globalization and the possibility transfers of capital throughout this globalized world and will make sure that transferring one's assets out of the country is not a way to avoid our objective, that is, to prevent criminals from enjoying the proceeds of their criminal activities.



• (1040)

**Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Madam Speaker, there have been discussions among all parties, and I believe you will find unanimous consent for the following motion:

That at the conclusion of the present debate on today's opposition motion, all questions necessary to dispose of this motion be deemed put, a recorded division deemed requested and deferred until the end of government orders on Tuesday, March 22, 2005.

[English]

**The Acting Speaker (Hon. Jean Augustine):** Does the hon. member have the unanimous consent of the House to move the motion?

**Some hon. members:** Agreed.

**The Acting Speaker (Hon. Jean Augustine):** The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

(Motion agreed to)

**Mr. Brian Fitzpatrick (Prince Albert, CPC):** Madam Speaker, this motion intrigues and fascinates me. I am trying to think of some scenarios to which it may apply.

Let us imagine a government, through its powers and political operations, receives kickbacks from an advertising program, and I use that as an example, and we discover that much of the money flows back into the political operations of that party. Let us also say that the main players on both sides are convicted of a criminal offence.

Let us say it was the Liberal Party of Canada, just as a hypothetical. In effect, would it mean that the law would seize all the moneys and property of the Liberal Party of Canada and put a reverse onus on the Prime Minister of Canada to show that these moneys were not proceeds of crime?

[Translation]

**Mr. Richard Marceau:** Madam Speaker, I understand of course that my colleague's question is entirely hypothetical.

In a hypothetical situation where public money has been criminally redirected to certain individuals or organizations, I would want the police to conduct the necessary investigations and lay the necessary criminal charges, and I would want those people, in such a hypothetical situation, convicted if crimes have been committed.

[English]

**Hon. Keith Martin (Parliamentary Secretary to the Minister of National Defence, Lib.):** Madam Speaker, I want to congratulate the member for this motion. It is an excellent one. It gets to the heart of an issue that affects every province from coast to coast. The issue is, how do we deal with organized crime in a rational fashion?

We know much of the organized crime is rooted in illegal activities and the best way to deal with organized crime and criminals is to cut the financial underpinnings. The motion would do that. I want to congratulate the member for the Bloc Québécois for bringing this forward. It will go a long way in helping RCMP officers deal with this cancer within our midst.

### Supply

To put it in context, in my province of British Columbia grow ops have become a very big thing. We saw this with the profound tragedy which occurred a week ago involving the RCMP. In my province, 85% of grow ops are attached to organized crime, in particular motorcycle gangs and Vietnamese organized crime gangs.

The organized crime gangs trade high grade marijuana for cocaine. The profits from the marijuana are massive considering it is only a weed. The profits are so high because of the existing prohibition. Prohibition of the weed and massive profits are too seductive to organized crime. As a result, these moneys have destabilized vast swathes of our Canadian society because it is intimately involved in prostitution, embezzlement, extortion and in the trafficking of other elements of contraband.

I will cite a couple of examples that are very important to the security of Canadians, particularly the trafficking of weapons, illegal immigrants, alcohol, cigarettes and other drugs. My province of British Columbia alone tragically has become a major conduit of heroine, cocaine and pot, not only within Canada but also in and out of the United States of America.

I want to congratulate the member for the motion. It will help the RCMP and courts to do the most effective thing we have within our powers, which is to address the financial underpinnings of organized crime. The Americans did this with their RICO amendments or racketeering influence corruption organization amendments. Those amendments are along the lines of what the member is proposing and enable the courts to go after organized crime.

If the major purpose of the member's motion is to address the parasites that are attached to organize crime, particularly as they affect the province of Quebec where this is a massive problem, what other suggestions does he recommend to the House that could be used to assist police forces across the country to address this problem? It does not only affect the province of Quebec but it affects my province of British Columbia and the whole of Canada as well.

• (1045)

[Translation]

**Mr. Richard Marceau:** Madam Speaker, I thank the Parliamentary Secretary for his comments on this motion.

I think that Parliament has a golden opportunity, today and in the vote to be held next March 22, to say loud and clear that, if we have our way, crime will no longer pay, that we parliamentarians, of all political stripes, say to organized crime: "Enough is enough! You organized criminals are no longer going to have the resources to support your activities. And what you are most fond of, apart obviously from your freedom, your assets, the proceeds of crime, will be sought out and seized and we will cut off your livelihood".

I think that the adoption of this motion, and eventually the passage of the bill which the government must table before May 31, 2005, will be an extraordinary step in the battle we and society must wage against these organized criminals, against these people, who victimize too many segments of our respective societies.

*Supply*

[English]

**Hon. Keith Martin:** Madam Speaker, along the lines of this issue, we have a rather large problem in aboriginal communities in Ontario and in Quebec, in Kanasatake and Kahnawake, where trafficking of contraband exists between the United States and Canada within the boundaries of these aboriginal reserves.

Law-abiding aboriginal people who live on these reserves are subject to these criminal elements of organized crime gangs and basic thuggery. The RCMP is having a difficult time trying to deal with this issue within the context of those reserves.

Canada pays a price, but those who pay a much larger price are the law-abiding aboriginal people who live in fear of their lives and their families lives and of their livelihoods. Organized crime gangs often are attached to members outside of reserves, but sometimes with aboriginal crime gangs within reserves, and they exercise their activities with impunity.

Does the member have any suggestions on what the House could do to help the police address the massive problem of trafficking of contraband and the thuggery within aboriginal reserves, which circumscribe the boundaries between the United States and Canada? How can we help and protect the aboriginal people on those reserves who live in fear of their lives?

• (1050)

[Translation]

**Mr. Richard Marceau:** Madam Speaker, as the hon. members of the House and all Canadians know, the Bloc Québécois has been an unfailing ally of the aboriginal cause and aboriginal claims in an effort to achieve a nation to nation relationship with our Native brothers and sisters. The work has been done, particularly in Quebec with the Peace of the Braves. My colleague from Saint-Hyacinthe—Bagot has done good work on this subject. My colleague from Louis-Saint-Laurent is also a recognized advocate of the aboriginal cause.

I believe that all aboriginal people, like society as a whole, will acknowledge that a crime is a crime, a criminal is a criminal and a criminal organization is a criminal organization; that the national or ethnic origin of a criminal organization must not provide safe conduct around the requirements of the law, law enforcement and the police.

**Hon. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.):** Madam Speaker, I am pleased to have the opportunity to debate the motion introduced by the hon. member for Charlesbourg—Haute-Saint-Charles concerning the proceeds of crime.

In this motion, we are asked to consider the introduction of potential government legislation that would reverse the burden of proof regarding the proceeds of crime, requiring persons who have been found guilty to demonstrate on a balance of probabilities that their assets are not proceeds of their criminal activities. This motion follows up on a bill introduced in this session by the same member—Bill C-242—which in fact proposes such a reverse onus provision be added to the Criminal Code.

I am pleased to be able to agree with the impetus behind this opposition motion. Indeed, it is a principle already of Canadian law

that persons convicted of offences should not be permitted to keep the proceeds of their crime.

The reasoning behind this principle is clear. If property, benefits or advantages have been gained by convicted persons from their crime, this is considered to be illicit property, benefits or gains and is not legitimately in that person's ownership or control. It should be forfeited.

[English]

The principle is clear. As a result, we have had provisions in our law for some time now that follow up on those principles. I would refer hon. members to an entire part of the Criminal Code, part XII.2, which deals extensively with this very subject.

The potential legislation we are being asked to contemplate today is not a new matter. It is already the subject of previous government initiatives and extensive legislative provisions.

What we are being asked to consider in the motion before the House today are potential improvements to the current legislative provisions, ones which would build upon our current capacity to forfeit the proceeds of crime.

The government is very willing to consider improvements in this area of the law. The bill which the hon. member for Charlesbourg—Haute-Saint-Charles introduced was noted with interest by the government. I can assure the House that government policy review in the area of proceeds of crime has taken place with a specific focus on what legislative changes consistent with the Canadian Charter of Rights and Freedoms would be advisable.

• (1055)

[Translation]

Further, this issue was discussed during a meeting of federal, provincial and territorial ministers responsible for Justice in January 2005. At that meeting, the Minister of Justice Canada indicated his receptiveness to reviewing the current proceeds of crime provisions. The following public news release was made at the conclusion of discussions of federal, provincial and territorial ministers.

Ministers discussed proposals to change the Criminal Code to create a reverse onus for the proceeds of crime regime. Offenders would have to prove on a balance of probabilities that their property is not the proceeds of crime.

All ministers agreed that the ability to obtain the forfeiture of proceeds of crime is needed and the federal justice minister said he intends to move forward as quickly as possible with changes that meet charter requirements.

[English]

Changes in this area are clearly something that the Minister of Justice is interested in pursuing. It may be asked why legislative provisions are in place currently in the law and why we need to consider additional legislation. The background and reasoning underlying this is clear and is referred to directly in the bill that has already been introduced by the hon. member for Charlesbourg—Haute-Saint-Charles.

The main impetus is organized crime. Organized crime is behind a substantial portion of serious crime in Canada, including drug trafficking, human trafficking, illegal trafficking in firearms, smuggling of contraband tobacco, exploitation of women in organized prostitution, money laundering, credit card fraud, and other criminal activities as well. As a result, organized crime continues to have a substantial negative impact on our communities and our country as a whole.

Canada has specific and strong laws in place to deal with organized crime of which the proceeds of crime provisions currently in the Criminal Code are an important element.

In addition to proceeds of crime sections of the code, I would remind hon. members that legislation such as Bill C-95 enacted in 1997 introduced the definition of criminal organization into the Criminal Code and introduced a specific criminal organization offence.

Among its measures the 1997 legislation also provided special rules regarding wiretap authorizations for investigations relating to criminal organizations. It created the power to order the forfeiture of offence related property in respect of criminal organization offences. It created a power to order a person to enter into a recognizance to keep the peace and be of good behaviour where there is a fear on reasonable grounds that the person will commit a criminal organization offence.

The government did not stop there in its efforts to address organized crime. There have been a number of additional new initiatives, specifically for example in areas directly related to proceeds of crime.

The government introduced and Parliament enacted the Proceeds of Crime (Money Laundering) Act in 2000. This legislation requires financial institutions such as banks, credit unions, life insurance companies, money service businesses and so forth to report certain types of transactions to the Financial Transactions and Reports Analysis Centre of Canada, commonly known as FINTRAC. Additional measures to combat money laundering related to terrorism were introduced in 2002 when this act was renamed the Proceeds of Crime (Money Laundering and Terrorist Financing) Act.

• (1100)

**Hon. Mauril Bélanger (Deputy Leader of the Government in the House of Commons, Minister responsible for Official Languages, Minister responsible for Democratic Reform and Associate Minister of National Defence, Lib.):** Madam Speaker, I rise on a point of order. I wish to advise the House that Tuesday, March 22, 2005 shall be an allotted day.

**Hon. Paul Harold Macklin:** Madam Speaker, it is always important that the work of the government continue.

As I was saying, that legislation and the activities of FINTRAC that are undertaken pursuant to it are a key part of Canada's response to the problem of money laundering.

FINTRAC collects, assesses and discloses information to the law enforcement to assist in detecting, preventing and deterring money laundering and the financing of terrorist activities in Canada and abroad. This legislation is very important to our work against proceeds of crime and organized crime, as well as terrorism.

### *Supply*

In addition, I note that the government has committed substantial money to fund the integrated proceeds of crime initiative, which is sometimes referred to as IPOC. These initiatives fund IPOC units across the country which take a strategic approach to finding, seizing and forfeiting proceeds of crime.

Proceeds of crime can be concealed in numerous ways. These IPOC units bring together federal, provincial and municipal police, Justice Canada crown counsel, customs officers, federal tax investigators, forensic accountants and asset managers as part of an integrated team effort to attack proceeds of crime.

I am pleased that the recent federal budget announced a renewal of the funding for this initiative.

[*Translation*]

I would be remiss in not also mentioning major new organized crime legislation that was introduced and passed by this House in 2001.

That legislation introduced major new amendments in four categories.

First, the act created new criminal organization offences that comprehensively target a full range of activities undertaken for the benefit of, at the direction of, or in association with a criminal organization. This includes provisions allowing for the imposition of tough penalties, including provision for consecutive sentences and reduced parole eligibility.

Second, the act included measures to improve the protection from intimidation of people who play a role in the justice system.

Third, the act created a process to protect designated law enforcement officers from liability for offences for certain otherwise illegal acts committed in the course of investigations, provided that their actions are reasonable and proportional in the circumstances.

Fourth—and most pertinently with respect to the subject matter before the House today—the act broadened the powers of law enforcement officers to seize and forfeit property that was used in a crime. In particular, in this last regard, the new legislation passed in 2001 broadened the application of the proceeds of crime provisions in the Criminal Code to almost all federal indictable offences and expanded the ability to obtain the forfeiture of offence-related property.

• (1105)

[*English*]

Since the various provisions of this new organized crime and law enforcement legislation came into force in early 2002, implementation of the new measures has been ongoing. This has been aided by a substantial investment of federal money that was made in association with these new measures.

As can be seen, the government has done much to target organized crime and, in particular, to go after the proceeds of crime. That does not mean, however, that improvements cannot be made. It must be recognized that realizing on the proceeds of crime can be an arduous task. Criminals and those in organized crime in particular can be experts in defeating attempts to go after their ill-gotten gains.

### *Supply*

We recognize that we have to do better, including making legislative improvements as necessary. The area of proceeds of crime is not the only one where we are looking at potential changes.

We recognize that there are challenges associated with prosecuting large and complex criminal cases and that certain especially great challenges have arisen in organized crime megatrials. Some of the challenges in megatrials include high costs, burdens on judges and juries, procedural difficulties, and the need for special training, facilities and security measures.

At their meeting in January of this year, federal, provincial and territorial ministers responsible for justice agreed with recommendations concerning megatrials from a steering committee on justice efficiencies and access to the justice system. Recommended changes include both the practical steps on the management of megatrials and the legislative changes as well. These recommendations have been referred to the Department of Justice for additional policy work needed to move them forward.

Closely related is a government initiative with respect to disclosure reform. Of course the right of an accused person to the disclosure of relevant information in the possession or control of the Crown is protected under the Canadian Charter of Rights and Freedoms. However, in recent years difficulties in making the required disclosure have arisen, particularly in large and complex criminal prosecutions such as those against organized crime.

Justice Canada has developed proposals for amendments to assist in ensuring that disclosure obligations are fulfilled more efficiently and effectively. A public consultation paper was released on this subject.

[Translation]

Closely related is a government initiative with respect to disclosure reform. Of course, the right of an accused person to disclosure of relevant information in the possession or control of the Crown is protected under the Canadian Charter of Rights and Freedoms.

However, in recent years, difficulties in making the required disclosure have arisen, in particular in large and complex criminal prosecutions, such as those against organized crime. Justice Canada has developed proposals for amendments to assist in ensuring that disclosure obligations are fulfilled more efficiently and effectively and a public consultation paper was released on this subject.

All of these previous changes and new measures being contemplated—including changes in the area of proceeds of crime—are designed to make the justice system more effective in the way it handles serious crime. Of course, we must recognize that proposed new measures being contemplated are significant and complex and will not happen overnight.

• (1110)

[English]

At the same time we must also recognize that any changes we make must be consistent with the charter. Respect for the charter is not a mere incidental aspect of legislation introduced by the government but is core to what the government is committed to respect.

In this respect we must ensure that any presumptions put into legislation must make sense in what they presume in law. Further, we must ensure that legislation, however noble in its intention, must not be abusive or over-reaching in its effect. I think all parliamentarians can agree on that.

Reverse onus provisions in our criminal law are not impossible to achieve within these bounds; however, they are ones that do inherently raise concerns and must be very carefully considered before they are put in place. In this regard the government would very closely review any such legislation before it is put forward. I can assure the House that this is now taking place.

In line with the commitment already made by the Minister of Justice at a meeting of his federal, provincial and territorial counterparts, I feel that I can support the thrust of this amendment. Of course the exact timing and introduction will be of the government's prerogative.

[Translation]

**Mr. Richard Marceau (Charlesbourg—Haute-Saint-Charles, BQ):** Madam Speaker, first I would like to congratulate the parliamentary secretary for his efforts to speak French. It is not always easy, but the fact that he is doing quite well should be noted.

I would also like to thank the parliamentary secretary and, through him, the justice minister for supporting this motion today, which calls on the government to introduce a bill by May 31, 2005. This is the commitment which the government is making by supporting the motion brought forward today by the Bloc Québécois.

My question is the following. Once the bill has been introduced, on May 31, 2005 at the latest, will the parliamentary secretary be willing, if he gets the approval of all parties, to speed up the process in committee so that, of course, all legal implications, including those flowing from the Charter, be carefully considered and scrutinized? As members know, I am an avid supporter of human rights and freedoms. Would he be willing to ensure that the process relating to this bill be expedited and sped up so that, before year's end, a bill providing for a reversal of the burden of proof comes into law in Canada?

**Hon. Paul Harold Macklin:** Madam Speaker, I thank the member for his support.

[English]

Speaking French is always a challenge for those of us who are learning it later in life. I thank the member for his support.

In terms of the concept of where we are going to be able to go with this, I think each and every one of us is concerned that there are areas where this law is going to have to be examined with great care, and this has already been raised in debate in the House today. That would have to go into the drafting of the bill and would also have to go into the process as we go forward in terms of bringing the bill before the House and then ultimately dealing with it and hopefully turning it into law.

The precision that we would have to deal with certainly would take time. In fairness, as we look at the legislative calendar and see the items that we must deal with in that period of time, I hope that we would set aside enough time to do this in a proper and effective way.

Although we would like to cooperate fully and move legislation forward with speed, part of our duty is to make sure that we have examined it fully and looked at all of the implications, in particular the law of unforeseen consequences, to see if we can deal with those issues. That would take time. From the perspective of the Minister of Justice, he wants to make certain that we bring forth a law that would be effective and yet not overstep its reach.

Let me say to the hon. member that we will do everything within our power to speedily bring the bill through the parliamentary process, but we will do so only when all of us are sure we have done it in an appropriate and effective manner so that we will not have too many unforeseen consequences to affect us later.

• (1115)

**Hon. Keith Martin (Parliamentary Secretary to the Minister of National Defence, Lib.):** Madam Speaker, I want to thank the hon. parliamentary secretary for his fine discourse on the subject. I would like to broaden it a little on the relationship between organized crime and terrorism.

We know that in our hemisphere Colombia is the major producer of cocaine. We know that organized crime gangs are working with guerilla groups such as FARC and ELN in Colombia. Through these groups working together, the proceeds from the trafficking of cocaine are actually being used to fuel terrorist activities.

West Africa is another example. The trade in blood diamonds is also used to fuel terrorist organizations.

Terrorist organizations are actually intimately involved in failed and failing states and they derive moneys from the trafficking of contraband. As this relates to marijuana, as an example, we have a situation in our country in which organized crime gangs derive an extraordinary amount of money from marijuana.

I would like the hon. parliamentary secretary to talk about the bill the government has put forth, which has engaged in a few amendments that I think are quite clever, and actually would decriminalize the simple possession of small amounts of marijuana. It would allow people to possess up to three marijuana plants. First, possession would still be illegal. Second, the bill would take this out of the courts. Third, a fine would be attached to it. Most important, for the casual user it would disconnect that individual from the large grow operations in the process from which the marijuana is ultimately purchased.

By doing this, the bill is very clever. It disarticulates the small time 18 year old or 19 year old users who might have a couple of joints on them from going to the structure that produces pot and derives the profits connected to organized crime.

Does the member think this is a very good step in the right direction to try to address organized crime and cut the financial underpinnings out from under these parasitic organizations in Canada?

**Hon. Paul Harold Macklin:** Madam Speaker, I believe the parliamentary secretary's question is very relevant today. I think he characterizes the way in which one is dealing in a very positive way with simple possession and the possession of up to three plants.

### *Supply*

I would like to concentrate a little more on the other side. Today we are dealing with organized crime. We are dealing with ways to combat it. In particular, when we say within our justice system that we have to deter crime, what does it take to deter this sort of activity, particularly grow ops?

Clearly, as everyone has said, the application of sentences to date does not seem to deter the type of activity that we have seen in the past. This is becoming a great problem for all of us. These "grow ops" are found throughout our country. Even in my small community in southern Ontario we also have this problem. It is not unique to big city areas or only Quebec or British Columbia.

From our perspective, what we find helpful is the fact that in this revised law being brought forward we are going to, first of all, double the penalties that will be applicable to most grow ops. As a matter of fact, most grow ops would fall into the category of more than 50 plants. Under the current legislation the penalty is seven years in that case. It is going to be doubled to 14 years.

Second, we have changed the perspective as to how judges are going to have to look at many of these operations, especially when they are in residential areas, where there are aggravating circumstances. These aggravating circumstances have been enumerated. This now would put the judge in a position where if there is not a period of incarceration the judge is going to have to justify why there is not.

I think that this once again is going to bring to the attention of the judiciary how seriously we see this grow op situation within our country and how important it is that all factors be seriously taken into consideration and appropriate and proportional sentences be given to this type of activity, not only to punish the offender but in fact to deter others from considering entering into this area of organized crime.

• (1120)

**Mr. Leon Benoit (Vegreville—Wainwright, CPC):** Madam Speaker, I will be sharing my time with the member for Langley.

I am pleased to be speaking to this motion today. I congratulate my Bloc colleague for bringing it forth. It is an important motion, probably well beyond what most people recognize. It is an important part of trying to deal with this serious and growing problem of organized crime.

The motion today is about the government putting forth a bill by May 31, 2005, to amend the Criminal Code by reversing the burden of proof with regard to the proceeds of crime, which is important. This change would require that the accused, once found guilty, not someone who has been charged with being involved in organized crime, would need to demonstrate, on the balance of probabilities, that the his assets were not obtained through involvement in organized crime. I think this is a very reasonable approach to take in this circumstance. It is also an extremely important part of the puzzle to deal with the growing problem of organized crime.

*Supply*

Another important tool that is absolutely needed is much stronger money laundering legislation. Most countries around the world have dealt with this issue much more effectively than we have in this country. The government passed some legislation back in about 2000 but it was a very small first step. It promised to revisit the issue and come up with much stronger legislation on money laundering but it has not done that. Until that is done there is no way to effectively deal with organized crime, although removing the proceeds of crime certainly would help.

The third thing we need to do is to put in place more serious penalties for those who are found guilty of involvement in organized crime. Unfortunately, because of the way the courts interpret our law, which is presented in such a weak fashion, they do not provide the appropriate punishment.

Those are the three main areas that have to be dealt with before we can ever seriously hope to deal with organized crime.

If anyone thinks that organized crime is not a serious and growing problem they are not looking at this in an honest way. I am a member of the NATO parliamentarians. I meet with colleagues from other NATO countries, from Europe and the United States, about three times a year, as well as with about 30 to 40 observer countries, some of which wish to become members of NATO, which is probably the strongest security organization in the history of mankind.

I am on the economic committee with parliamentarians from other NATO countries and one of the topics we often discuss in-depth is the problem of organized crime. We discuss it by looking at the two main problems that organized crime causes. The first is that organized crime is the primary funding source for terrorism in the world today. Until we can deal with organized crime we simply cannot deal with terrorism.

The second problem is that organized crime destabilizes societies more than anything else. When we look at former Soviet bloc countries, many people wonder why they have been so slow to develop a market economy, a democracy and a stable society. The answer is that organized crime controls those countries. Until we can effectively deal with organized crime we will have destabilized countries, such as Russia, Belarus, Ukraine, and the list goes on.

Organized crime is a very serious and growing problem in the world today. If anyone thinks that Canada has been spared from organized crime, they too are kidding themselves.

● (1125)

When I was the immigration critic for our party between 1997 and 1999, I had a private meeting with an individual who was very high up in an organization trying to deal with the problem of organized crime in Canada. He told me something that shocked me at that time and still shocks me today. He told me that organized crime was so well-entrenched in our country and growing at a such a remarkable rate, with all the major banks, key positions in the civil service and major police forces having been infiltrated by members of organized crime, that it was extremely difficult to deal with the problem.

The problem we are talking about today and the approach we are taking today is an important step but we also have to deal with this infiltration of our major institutions by members of organized crime.

This person went beyond that statement and made other statements confidentially, which I do not really want to repeat here. However Canadians should be very concerned about the growing problem of organized crime in this country and we must deal with it.

I truly commend the Bloc Québécois for bringing forth this important motion. I am also happy that there seems to be support from all parties in the House.

However I was somewhat concerned by at least two things presented by the parliamentary secretary, the first one being his weak commitment to this and the excuses for why it will not happen very fast.

My second concern is that the agenda on important issues like this has been driven more often by the opposition than by government, which is not the way things are supposed to work, but this government is so weak on these things. For some reason it seems to oppose and resist dealing with these tough and important issues. I cannot impugn motives in the House because that would not be proper, but one has to wonder why the Liberals are so resistant to dealing with the whole issue of organized crime. Their attitude concerns me. The final excuse they use is that the charter prevents it, which I do not believe for a minute.

I think everyone understands that we have to respect the Constitution of this country but I think the charter is used as an excuse all too often. It has nothing to do with respecting the charter when it comes to dealing with an issue like this. I understand we have to draft legislation that respects the charter and our Constitution but that can be done.

It would be an important move forward if we were to actually pass something on this. This may sound a little cynical and little negative, but what I believe will happen, unfortunately, is that the government will balk on this, it will miss the May 31 deadline, an election will be called sometime within the next year and this will never pass through the House of Commons. In reality, that is probably what will happen with this.

I encourage all Canadians who are paying attention to this issue to put a lot of pressure on the Liberal government to actually do something about this.

I look forward to the rest of the debate in the House today. I again commend the member and his party for this important motion, the importance of which is not to be understated. Let us move forward to deal with the other important issues, including the infiltration of organized crime into those institutions that are so critical to providing a stable society in Canada today.

● (1130)

**Mr. Mark Warawa (Langley, CPC):** Madam Speaker, it is an honour to rise in the House this morning. I would like to thank my hon. colleague from Vegreville—Wainwright for the excellent points he made and the Bloc for bringing the motion to us today. It is particularly exciting because, as was pointed out by my colleague, this is a joint effort by the opposition to bring justice and protection to Canadians.

We are all concerned about this issue. A vast majority of Canadians are law-abiding, hardworking, generous, loving people but in any society there is an element that can cause a severe problem and we have that here in Canada right now. When there is a severe problem, there has to be a severe solution. When there is severe crime, there needs to be a severe consequence to that crime. What is happening right now, as was mentioned by a number of members, we have a reputation of being soft on crime. Canada has this growing problem because this is the reputation we have.

I want to share some of the examples of the problems we have. We have marijuana grow ops; identity theft; illegal drugs, such as cocaine; and scams galore. We have these problems because when people are caught, the consequences are very minor and they serve only one-thirds of their sentence. The reputation we have is that if someone wants to do crime, Canada is a great place to do it because the consequences are almost nothing.

In my riding of Langley, marijuana grow ops are a problem. B.C. bud is famous worldwide. We have approximately 15,000 grow ops in British Columbia. Canada has about 50,000 grow ops but a large percentage of them are in British Columbia. A typical grow op has 300 marijuana plants and the value of a mature plant is \$1,000. Therefore the average grow op has \$300,000 worth of plants and four crops can be produced a year. If we do the math, every grow op will be netting approximately \$1.2 million with an initial cash outlay of about \$30,000.

Some of these mom and pop operations that do not have the money are funded by organized crime. Most of the grow ops in Canada are run and funded by organized crime. Why are they doing it? It is because the chances of them being caught are low and if they do get caught, the average fine is \$1,500, which is ridiculous. We have heard that the government plans to increase the penalties. However, in looking through the records, I did not find anyone who had received a maximum sentence, so increasing the penalties is not the solution.

Having people convicted of organized crime show how they acquired their assets, such as the house or houses or the fancy new cars, and having them prove these assets were not acquired by illegal gains or they would be forfeited, is an excellent plan. I would like to share a story to give an example.

Phu Son, a resident of Langley, came to Canada in 1994 at the age of 38. Mr. Son, his wife and family immediately claimed social assistance and stayed on social assistance for the next 10 years. In that period of time, while his only source of income was social assistance, Mr. Son came to acquire three homes, two of them in Langley and one in our neighbouring community of Abbotsford.

• (1135)

On March 22 Phu Son was convicted of producing a controlled substance, a marijuana grow op, in one of his Langley homes. He was given a nine month conditional sentence and, as we all know, a conditional sentence is served at home. Why would he serve it at home? I am not sure; maybe to take care of the marijuana plants. He was given 25 hours of community service, a \$100 fine and a curfew of 8 p.m. That is coming down hard on organized crime.

### *Supply*

A person on social assistance should not have the financial resources to own three houses. It appears obvious that those houses were purchased with drug money. This gentleman should have to show how he got those houses.

All of us are hardworking, honest Canadians. My father raised me to work hard and be honest. I have T4 slips for everything I make and I pay taxes on everything I make. Does Mr. Son have T4 slips? I think that needs to come to light.

It is time for our government to get tough on crime. We have seen many cases like the one I have just shared and they are all treated the same way, with a soft response from the courts and the government. The government has the responsibility to give direction to the courts. What are the consequences? I believe we need to take a very serious look at minimum sentencing. When we get multiple sentencing, we need to give progressively stiffer sentences so there is a deterrent. We do not have deterrents in Canada right now. We are soft on crime.

It is unfortunate how routine a case, like the one I have just shared of Mr. Son, has become. His case is epidemic in the drug trade on the lower mainland and Canada. Until the government and the courts get tough and put some teeth into fighting drug crime, there will be more of this continuing.

Our communities are at risk. Grow ops are ripping off one another. Now booby traps are being put in these homes and they are using 40 times the normal power. We heard of a townhouse complex of 28 units in Coquitlam which had electricity bills of \$12,000 a month when a typical bill would be \$120. That is 100 times the norm. These homes have booby traps, which pose a high risk of fire. If fire department personnel entered these homes to fight a fire, there is a risk they could be electrocuted or shot by these booby traps.

We need to get tough on crime. What is being proposed today, I believe, will do that. The onus will be on individuals to show how they acquired their assets, as any one of us would have to do if we were audited by Revenue Canada. It would ask us how we got these assets. It is a democratic thing to do. As I said at the beginning, if we have a serious problem, we need to have a serious solution. In Canada right now, we do not.

• (1140)

**Ms. Libby Davies (Vancouver East, NDP):** Madam Speaker, I am pleased to rise in the House today to have this opportunity to speak to this motion that has been presented to the House by the member for Charlesbourg—Haute-Saint-Charles. I would like to thank the member for bringing forward this motion. It is a very good motion. There was some discussion about the motion and the amendment that was put forward this morning that was agreed to by all parties in the House. It actually improves the motion. The NDP is pleased to be supporting this motion today.

I have been sitting in the House this morning listening to the debate. I know that one of the Conservative members who spoke a little earlier professed some skepticism as to whether or not this motion would ever go anywhere. I wanted to actually be a bit optimistic and say that this motion and the work that has been done in regard to it is as a result of the good work that can happen when people work together in a constructive way in a minority Parliament.

*Supply*

It appears that this motion will be passed by Parliament a week or so from now, and that will be good, but certainly, it will then be the responsibility of all of us, and I am sure the Bloc Québécois will take the lead in ensuring that the government is then held responsible, to ensure that the motion is not lost and that indeed the legislation that is contemplated in the motion before us today does in fact come back to the House.

I understand the skepticism that is there, but we have to do our job and ensure that we do not let the government off the hook. There has been a willingness and a positiveness expressed today by the government that this legislation will indeed come back. We will certainly follow that up. We will do our bit and I am sure every other party, including the member who brought forward the motion, will be working very hard to ensure that this happens.

In fact, as has been pointed out, this motion partly results from work that has been done by attorneys general across the country in provinces and territories. It is partly their work, but it is also the work of the member for Charlesbourg—Haute-Saint-Charles working with other justice critics from other opposition parties that has brought us to this point.

I want to recognize the earlier work that was done in developing Bill C-242 by the member from the Bloc. In October of last year, three members, the justice critics from the Conservative Party, the Bloc Québécois and the NDP, actually held a press conference and together supported this bill and this initiative coming forward. I want to recognize the work that our justice critic, the member for Windsor—Tecumseh, has also done. He has worked on the justice committee and with other members of the House to bring forward this idea. Clearly, it is a good indication of people working together. It gives me a sense of hope of what can be done when people work together constructively.

The motion before us today is actually very intriguing. The essence of the motion is to reverse the burden of proof by seeking an amendment to the Criminal Code so that a prosecutor and the court system can put the onus of the burden of proof on individuals who have been convicted of a serious offence to demonstrate that their assets were not obtained using the proceeds of their criminal activities.

This is a very important principle and, as the Parliamentary Secretary to the Minister of Justice pointed out, it may be a complex issue to develop and bring forward. I believe that in doing so, it must be done in the context and with respect to the charter. I would certainly agree with the government on that point. In fact, another Conservative member said earlier in the debate today that this has nothing to do with the charter or respecting the charter. I would disagree with that point.

• (1145)

Any legislation that comes forward, particularly this legislation that is contemplated in the motion, must be done through the lens of the charter. We must ensure that we also respect people's individual rights and liberties.

The principle that is contained in the motion is actually an important one. It reminded me of a similar process that exists at the municipal level. I am a former member of Vancouver City Council

and within the city of Vancouver charter, there is a provision that allows the city of Vancouver to do what is called a show-cause hearing. It is exactly the same principle that is put forward in this motion. It reverses the burden of proof. In a show-cause hearing the city of Vancouver has a very significant power to require business operators or people who hold business licences to show-cause as to why their licences should not be removed.

In fact, this provision has been used on a number of occasions against businesses and stores in the downtown east side that, for example, were selling substances to alcoholics and making huge profits, things like rubbing alcohol or glue for the purpose of sniffing, and was being done deliberately.

It was also being used against businesses that were believed to be over-serving people and operating beer parlours in a manner that was completely contrary to any basic practices of good management. This power the city of Vancouver had to demand a show-cause hearing on those operators was, in effect, the same principle that we are debating today, of reversing the burden of proof. It was a fair process.

There may be concerns expressed about what we would be engaging in, but I know from the work we did at city hall, these show-cause hearings still go on today from time to time. It is a very fair, democratic and open process, and has been a very effective tool for the city of Vancouver. Maybe it is used by other municipalities, I do not know, as a way of ensuring there are good practices and management.

In doing some research on this motion before us today, in actual fact, the province of Manitoba, in 2003, introduced legislation called the criminal property forfeiture act. It would allow police to apply to the court for orders to seize property either bought with profits from unlawful acts or used to commit crimes. Clearly, the provincial government in Manitoba has already gone to some lengths to establish the same kind of procedure.

I know the member for Winnipeg Centre, who will be speaking for the NDP later today, will give further details as evidence that this kind of proposal can actually work and is indeed in operation in other jurisdictions. We want to recognize the work that is being done in the province of Manitoba by the NDP government in bringing forward a very similar initiative because of the concerns it had about the proceeds from crime and how organized crime was vastly profiting from illegal activities.

I want to speak about some related matters that have come up in the debate today. The motion before us today is very important. Hopefully, when the legislation comes back, it will provide an additional tool for law enforcement agencies and the courts to deal with organized crime, and the proceeds and profits that are gained unlawfully.

It is very important that we not only look at the consequences of those illegal efforts but also at the causes. A number of members who have spoken today have used as examples issues around organized crime and grow ops, particularly in British Columbia but not exclusively.



• (1150)

The member for Esquimalt—Juan de Fuca, the Parliamentary Secretary to the Minister of National Defence, stated earlier that 85% of grow ops in B.C. are related in some way to organized crime. I do not know whether he is right but that was the figure he used. Whether or not 85% is absolutely correct, certainly the numbers are very high. There is obviously a correlation between this motion and what takes place in organized crime.

It behooves us to examine some of the causes and the problems we are facing. The Bloc member and I were part of the Special Committee on the Non-medical Use of Drugs which was reconvened to deal with the drug bill which is now back before the justice committee. Testimony in the earlier version of the decriminalization of marijuana bill clearly showed us the very strong links between our drug laws and prohibition and organized crime.

Mr. Eugene Oscapella, who is from the Canadian Foundation for Drug Policy and teaches at the University of Ottawa, provided some fascinating insight into the real world of the illicit drug trade. He produced information for the committee. For example, to buy a kilo of heroin at a farm in Afghanistan would cost about \$90 U.S. After that same product goes through its circuitous route through organized crime and finally hits the street, its value has increased by 32,000%. That same kilo would sell for possibly \$290,000.

We need to recognize and come to terms with the reality that our laws are actually fuelling organized crime in terms of prohibitionist policies. This is an incredibly lucrative business. Whether it is grow ops, trafficking on an international scale, or financing terrorist organizations, there is absolutely no question that the illicit drug trade is a huge market and a lucrative proposition for organized crime. It is the primary source of its vast amount of profits, its influence and its power. We have to recognize that fact.

We can look at the law as it is and ask ourselves what kind of changes we need to bring in. A motion such as the one before us today resulting at some point in legislation would be an important tool in looking at the proceeds of criminal activity and organized crime. It is also important that we examine the impact of the law itself and how it fuels organized crime.

I often think of the whole regime of prohibition as being akin to a regime that equals a chaotic situation. It is an environment with no rules. It is an environment where violence is the method by which disputes are resolved. The member from the Bloc spoke earlier this morning about the deaths that have been caused by organized crime; I think he mentioned 160 deaths in Quebec alone. On TV we have seen those horrendous situations and the communities that have been impacted and the innocent people who have been killed as a result of the activities of organized crime.

My own community of east Vancouver has seen many deaths, whether they are from overdoses or whether they are from the whole regime of prohibition. It has had an incredible impact on individual lives as well as on the health and well-being of the community as a whole.

I have done a lot of work on this in my local community. There is a strong sense that we need to have a realistic examination of our

### *Supply*

laws and the impact of drug enforcement. We have to question whether or not at the end of the day it can be realistic.

• (1155)

It is such a lucrative business. We could put more cops on the street. We could do a lot of things, but the fact is, as many members have spoken about this today, this business is still growing.

As the member for Langley mentioned earlier, I do not think it is a matter that somehow we have all gone soft on crime. That is too easy an analysis. It is too simple a solution to say that. It may respond to the fears that people have about what is happening in their local community, but it is a very simplistic analysis to say that somehow all of us, except presumably the Conservative Party members, have gone soft on crime.

These are very complex issues. There is a growing recognition that law enforcement alone cannot deal with this problem. If we truly want to deal with organized crime, if we want to deal with the violence that flows from organized crime, if we want to deal with the drug trade, then we have to look at the illicit nature of that trade and recognize why organized crime is involved in that business.

The NDP is very pleased to support this motion. We did have some concerns originally that the motion was a little too broad. The way it was written it was like a blanket. With the amendment that has been put forward it is much more satisfactory.

It is very important when the bill comes back that it has a close examination. I heard the member from the Bloc question the government as to whether or not there might be some speedy process. It is something that all parties will have to discuss, but it does require an examination obviously. I would certainly encourage the Liberal government, in the spirit of this minority Parliament and the work that has been undertaken by individual members of this House who have put in a lot of effort to bring this motion to the House today, particularly the member from the Bloc, to ensure that this does not slip off the political agenda.

There is an expectation, assuming that this motion is approved, that it will come back, that there will be legislation and we will examine it. Hopefully, we will be able to pass something. It is a rare day that all sides of the House agree on something. We may have some slightly different perspectives on how we approach this, but I think there is a sense of unity here.

There is a deep concern about the impact of some of these incredibly violent crimes on people and communities. There is obviously a demonstrated willingness to take up this motion and to translate it into some workable legislation. Certainly within the NDP we will wholeheartedly support that effort and work both in the House and at committee to ensure that happens.

I hope also that we recognize some of the broader aspects of the issue that we are dealing with here in terms of organized crime. We need to have other debates, not on this day but on other days.

I would like to thank the member for bringing this motion forward. I congratulate him on his work. It is a good motion and we are pleased to support it.

*Supply*

● (1200)

**Mr. Mark Warawa (Langley, CPC):** Madam Speaker, I would like to ask my hon. colleague a question regarding her comments on our charter but before I do, I want to thank the hon. member for Charlesbourg—Haute-Saint-Charles. I serve with him on the justice committee and he has been leading the charge on this matter and is doing a great job. I want to personally give him the kudos that he deserves.

Regarding the comments that we have just heard on our charter and that the issues are not simplistic, I acknowledge that there are a number of issues that we need to consider when we deal with organized crime, marijuana grow ops, and so on. When we do the simple math and realize that about \$1.2 million per year is what an average grow op produces, that is a lot of money. It is not 85% but the vast majority of grow ops are run by organized crime. Marijuana is still an illegal substance in Canada, so it is being distributed through organized crime.

It is estimated there are 50,000 grow ops in Canada, and when we do the math it means that \$60 billion annually is produced by illegal marijuana grow ops. What is that being used for? Some 80% of it is going across the border to be traded for illegal dangerous weapons, cash and cocaine which come back into our country. We all recognize it is a huge problem.

We all honour the charter as a wonderful and valuable part of Canada to guarantee that our rights are protected. We are dealing with a very dangerous element that has come into our country and is taking away our rights. It is sucking \$60 billion out of Canada every year. It funds organized crime and it is causing huge impacts on our health care. We need more police resources. We need an educational program, a national drug strategy to fight this.

Is the member suggesting that the charter be used to protect this very dangerous element in our society? Is she suggesting that the charter be used to protect criminal activity?

**Ms. Libby Davies:** Madam Speaker, no I am not suggesting that at all. I was actually responding to an earlier comment by one of the member's colleagues who said that the bill when we see it would have nothing to do in relation to respecting the charter.

Clearly, there is an issue when the bill comes back. We have to be very careful that it is not formulated in a way that, while it is intended to deal with criminal activities and criminals who have been convicted and are responsible for those activities, it is not used for example in terms of assets that may be owned by a spouse or another family member.

There may also be situations where the bill is intended to be targeted to a serious crime. So far the example that has been used has been organized crime. I think there would be general agreement on that from all sides of the House. Depending on what we see coming back, we would need to examine the bill very carefully to ensure that it is not infringing on other people's rights. That is simply the point that was being made and it is a legitimate one.

[Translation]

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Madam Speaker, I am pleased to speak today on the motion

introduced by my learned colleague from Charlesbourg—Haute-Saint-Charles, whom I congratulate on his good work.

Since becoming the Bloc Québécois critic for justice, he has worked unstintingly on other matters as well, of course, but this one is particularly close to his heart. In fact, the document being debated during our opposition day was suggested by my colleague. It is important therefore today for the Bloc Québécois to pay tribute to him by agreeing to dedicate this opposition day to him.

In addition, Madam Speaker, before starting I would like to tell you that I am going to share my time with the member for Repentigny.

Why am I pleased to speak? Because too often in our society, despite the charges that are laid, men and women say that crime pays because they see criminals being charged and sentenced but continuing to traffic and live the high life. That annoys people. People work hard to earn their living but see freeloaders using the legal system by spending a lot of money on legal representation. They always succeed in getting away with it, and in the end, keeping the wealth they have accumulated through their illicit activities.

For example, we all have incredible situations in our parts of the country, some more than others. Among other places, a crime was committed yesterday in Sainte-Marthe-sur-le-Lac. People said, "Look, these people were living the high life with a fine house on the edge of Lake of Two Mountains, and so forth". There will surely be an investigation, and people did not dare say too much. Journalists interviewed some people, who said, "You know, when you see those people, they are young and you don't know what they do for a living. They don't work and they drive around in their vehicle. At times like that, all you do is avoid bothering them because they have cameras all over near the properties". Finally, yesterday, there was a tragedy. It is sad for the family, and I hope that there were not any children who witnessed this outrage. Rumour has it, though, that these people are connected to the world of drugs and trafficking.

Marijuana has become a plague. Revenues are more than \$60 billion. It is obvious with what happened in western Canada this week that it is very profitable and many people are taking advantage of it. That has to stop. If we can clamp down on the money that these people make, we will be able to clamp down on the whole thing and all the trafficking.

Here is another example. There is a nice lake called lac Simon in my riding of Argenteuil—Papineau—Mirabel. It is beautiful, thirteen kilometres long, with a gorgeous beach located in Duhamel. This property of the Société des établissements de plein air du Québec, has been, for many years, rated as being one of Quebec's most beautiful beaches. It has a four kilometre pebble beach. It is therefore a huge investment.

A couple of years ago, a young man settled by lac Simon and decided to build himself a very fancy house, in complete contempt of environmental standards. The town took him to court, but, at considerable legal cost, he managed to win his case. In the end, he did make some changes. But the point is, without the required authorizations, he built a multi-million dollar house.

Everybody wondered what he did for a living. Rumours flew, each grander than the next: he had won the lottery, he was the heir of a rich family, he owned a number of car dealerships. However, last summer, what should have happened happened. He was arrested and people discovered he was the head of a major marijuana trafficking ring. Charges were brought against him, and, ultimately, his assets were seized. By assets, we mean the house, the plane, the helicopter, the boats, the motorcycles, and all the rest.

● (1205)

I would say that they spent as much as they could. On the beautiful beach I mentioned earlier, there is a small bamboo bar. I had the opportunity to go there this summer. I asked who owned this nice place, who rented it and then I was shown what was behind it. We are talking about a beach with 10,000 to 15,000 visitors. Behind it was a Corvette and the latest all-terrain vehicle. I was told the name of the person who managed it. I know this individual; he has never worked a day in his life.

Surprised, I wondered what this individual had done to obtain such nice things. I asked a few questions, but everyone said the answers were not forthcoming. Those who knew said that it was too serious, that he was working with the man who owned the plane, the man who owned the helicopter and the famous Peter Cash. This name has been in the news. He was living the high life. Finally, in September, it became clear that all this was tied to organized crime.

In light of these events and the investigation, the RCMP obviously seized all these vehicles and all those assets. However, to everyone's surprise, a few months later, all these items and assets were returned, and this individual got his house back, which had been put up for sale.

In fact, when this house went up for sale, everyone wondered who would buy it. The media reported the wildest rumours: artists, talent agents, television network owners. I can say that it is a stupendous house. Finally, one fine day, the sign was gone. There were renewed rumours about the buyer's identity. Finally, the media reported that the seller had decided to take the house off the market. The seller was the famous Peter Cash, who had faced charges and who still owned his assets and was doing as he wished. He had decided that it was not the right time to sell it.

Everyone wondered why the RCMP had not seized his assets. It was ultimately because the current legislation prevents this from happening. In other words, the RCMP was not able to prove that those assets had been purchased with the proceeds of crime. As a result, his lawyers succeeded in having all his assets returned. There will probably be a follow-up.

What this motion today is proposing is that all the Peter Cashes of this world will no longer be able to act this way. Once they have been convicted—and this man was indeed convicted for trafficking—their assets will be seized and it will be up to them to prove that those assets were not acquired through the proceeds of crime.

This is not easy. Those who are listening to us do not have to be worried; these criminals know very well that they can be charged with all sorts of things and that people are watching them. So they create companies for themselves and engage in various fiscal practices. That way it becomes quite difficult for the average citizen

### *Supply*

to know whether other entities, facilities or amounts of money were not in fact moving through non-criminal circuits. It is difficult. Given that the accusers—whether the RCMP, investigators of the Sûreté du Québec or others—must prove their case beyond all doubt, should even the slightest of a reasonable doubt subsist, it is over.

What our colleague is proposing in tabling the Bloc Québécois motion today, a motion which seems to have the support of all the hon. members of the House of Commons, is precisely that this burden of proof be reversed, that it be no longer for the authorities to prove that these people have acquired assets through the proceeds of crime, but just the opposite. It should be for the person charged to prove, on a balance of probabilities, that those assets were not acquired through the proceeds of crime. So that person would have to prove where his money came from.

In the case of the famous Peter Cash, he would have to prove where he got the money to buy his house, his helicopter, his plane, his two boats, his motorcycle and all the other vehicles that passed through that handsome property over the last five years. It would be for him to prove this, otherwise all the assets would be seized and held.

● (1210)

When the Bloc Québécois has succeeded in getting the anti-gang bill passed here in the House, to charge these people and inevitably prove them guilty of gangsterism, the public will stop saying that crime pays and will finally be able to say that crime will not pay, ever again.

● (1215)

**Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ):** Madam Speaker, I am very pleased to have an opportunity to speak during the time allotted for questions and comments. We must congratulate the member for Charlesbourg—Haute-Saint-Charles on today's proposal. I also congratulate all parties and all members in this House on their attention. When the motion will be put to a vote, they will probably vote in favour of it.

I also believe that, in his arguments, the member for Argenteuil—Papineau—Mirabel has explained the objective of the motion very well. The example he gave, the situation he described clearly show the benefits the bill will have when it is adopted. Needless to say, we will have to ensure that it contains the necessary checks and balances, so that it will not go too far. That said, insofar as the objective and the substance of the legislation are concerned, we will pass a law that will lead to greater security and justice for Quebec and for Canada.

I think that the reaction of the government is a good one. I would like to ask my colleague a question. Is it not amazing that, despite this attitude, which will lead to an improvement of the situation, with the tools we have at our disposal to fight crime, organized crime, the Royal Canadian Mounted Police has decided to shut down nine detachments in Quebec, so that large areas will no longer be covered?

### Supply

As to drug trafficking at the borders by organized crime, the measure will indeed be interesting and improve conditions. However, are we not taking away some of our means? Should the government not make sure that its left hand knows what its right hand is doing?

**Mr. Mario Laframboise:** Madam Speaker, I thank my colleague for his question. Obviously, the right hand not knowing what the left hand is doing is typical of the Liberal Party. The problem is between the ears.

**Mr. Benoît Sauvageau:** Except when the hand is in someone else's pocket.

**Mr. Mario Laframboise:** Yes, except when the hand is in someone else's pocket. They seem to know how to do that. I can understand my colleague from Repentigny.

Let us talk about police intervention, particularly with respect to marijuana growers and the huge fortunes that they accumulate. That is what the public must understand. These people make tons of money. We are talking about amounts exceeding \$60 billion. Obviously, we can tighten up all the laws we want in Parliament, if we do not have the required resources for police intervention in the field, we will not be able to enforce these laws.

My colleague is absolutely right. When the federal government decides to close nine RCMP detachments in Quebec, it is not insignificant. These detachments are often located in regions where marijuana production and trafficking are a problem. The decision was made to close detachments in regions that are often adjacent to vast green spaces, whether it be forest or agricultural land. That is where marijuana is grown. It is just as if we were telling producers that we will tighten up our laws, but we will let them do what they want because we are withdrawing the police officers who watch them.

That is the message sent out by the Liberal Party, and that is what it has always done. They are totally unable to make rational decisions and to invest where it counts. We must pass the necessary laws to fight organized crime and to prevent people from amassing fortunes from the production of marijuana. We must also have the necessary resources in the field to be able to apprehend and prosecute these criminals in order to enforce the laws that we will pass.

**Mr. Benoît Sauvageau (Repentigny, BQ):** Madam Speaker, today it is my great pleasure to speak to the motion put forward by my friend, the hon. member for Charlesbourg—Haute-Saint-Charles. Before I begin, however, I too would like to pay tribute—unusual in this House, but hon. members from all parties have done so—to the hon. member for Charlesbourg—Haute-Saint-Charles.

This motion appears to have the approval of all parties. That too is unusual in the House of Commons, although not a first, since it happened earlier when there was a motion on the Holocaust. We should also remember that the hon. member who is proposing this bill is the same one who proposed a bill to eliminate \$1,000 bills, also intended to thwart the activities of organized crime and prevent money laundering. Moreover, this is the same hon. member who proposed a bill or a motion concerning the appointment of judges. That issue was studied in committee. We can also point out that it was the Bloc Québécois that introduced the forerunner to today's

topic, which was Bill C-24, to specifically recognize organized crime in the Criminal Code, through the work of my former colleague, the former member for Berthier, Michel Bellehumeur. Today we have this motion before us.

I would like to digress for a moment to go over the three or four points I have just mentioned. People listening to us, and our colleagues here in the House, if they have a somewhat open mind, can see that even if an idea comes from the Bloc Québécois, it may be quite sensible. Too often, the Canadian public and our Liberal and Conservative colleagues cover their ears and say that if it comes from the Bloc it is no good.

Today, happily, there is none of that attitude. And so I hope that this will get our colleagues thinking about other topics we might bring forward, and how even if the sovereignists introduce these topics and they are not related to sovereignty, but to society, they may be of interest to the entire community. That is another reason I want to pay tribute to my friend and colleague from Charlesbourg—Haute-Saint-Charles.

The motion he proposed to the House this morning reads as follows, since I believe it is important to refer to the wording of the motion before debating and discussing it:

That, in the opinion of the House, in order to better fight crime, the government should introduce a bill by May 31, 2005, to amend the Criminal Code by reversing the burden of proof as regards the proceeds of crime, requiring the accused, once found guilty of a serious offence, to demonstrate on the balance of probabilities that their assets were not obtained using the proceeds of their criminal activities.

The Bloc Québécois has been pressuring the federal government for a number of years to bring in effective legislative measures against organized crime. As I have already said, Bill C-24, which was passed in 2001 with the support of the Bloc, and came into force in February 2002, is one of the bills we supported in the battle against organized crime. Thanks to Bill C-24, the provisions relating to the proceeds of crime set out in part XII.2 of the Criminal Code are applicable to virtually all criminal acts.

That was one step in the right direction in the battle against organized crime. But during the election campaign the Bloc Québécois continued to reflect on ways to move further in the battle against organized crime and on behalf of safer communities. It therefore felt that another amendment was required to specifically target organized crime in Quebec and Canada. As a result, on October 28, 2004 our colleague from Charlesbourg—Haute-Saint-Charles introduced Bill C-242, to reverse the burden of proof, requiring a person found guilty of an offence related to organized crime—and that point is important—to prove on the balance of probabilities that his assets were lawfully and legitimately acquired.

• (1220)

Following this reflection process and the introduction of this private members' bill, *Le Devoir* wrote the following about the Bloc Québécois and its position:

—the Bloc Québécois, the first political party to propose reversing the burden of proof, with its Bill C-242 introduced in the Commons last fall, has adopted the idea.

At the federal-provincial-territorial ministers' meeting, other stakeholders got behind the idea. The other parties eventually came around.

"This is a proposal that the Bloc likes," confirmed the member for Charlesbourg—Haute-Saint-Charles.

The Bloc was recognized as the first political party to have put this idea forward in the House of Commons. The idea was discussed at a federal-provincial-territorial meeting at which the justice ministers agreed in principle with the idea presented to them.

When we take a closer look at the motion from the point of view of organization and procedures—the idea has been put out there—we can see that it is relatively detailed. Nevertheless, it will be refined in committee to eliminate any concerns or irritants with respect to protecting the presumption of innocence as well as the safety of the accused. The idea is definitely not to have everybody go before a court and tell the judges and defence lawyers how their assets were acquired. So, in committee, we will refine the proposal and make sure that it will be respectful of the rights and freedoms of the individuals to whom this bill does not apply.

Let us get into a little more detail. Since it is important to respect the presumption of innocence of the accused under the Charter, it is essential that, before any reversal of onus take place, the Crown first prove beyond reasonable doubt that the accused is guilty. This means that the accused has to be found guilty beyond reasonable doubt.

Here are the main points that the Bloc Québécois would like to see in a future government bill on the reversal of the burden of proof. The Crown must prove beyond a reasonable doubt that, first, the accused is guilty of an indictable offence and, second, that he benefited directly or indirectly from an asset, benefit or advantage because he committed the offence for which he is found guilty. We could add that, with a few exceptions, the accused must belong to a criminal organization. Once these three conditions have been proven beyond a reasonable doubt, the accused would have to demonstrate on the balance of probabilities that the assets which the Crown wants to forfeit were obtained in a legitimate fashion.

Currently, here is how things work: an accused—as the hon. member for Argenteuil—Papineau—Mirabel so aptly showed—can file a tax return which indicates that his annual income is around \$19,000, but he can still own a lavish property along a lake, a condominium in Florida and another one in the West Indies, a Corvette and a boat, and everything is just fine.

If the accused is found guilty, the courts must prove that he got his assets illegally. Under the motion now before us, which reverses the burden of proof, the contrary would happen, in that once the accused is found guilty beyond a reasonable doubt of committing a crime and, with a few exceptions, of being a member of a criminal organization, he will be the one who has to prove that his assets were obtained legally and legitimately.

This suggestion by the Bloc Québécois which, as I said, seems to enjoy the support of the House, is a precedent in Canada, but not in the world. A number of countries, including Australia, Austria, France, New Zealand, Germany and the United Kingdom have already legislated in that sense, to various degrees, and included in their legislation the reversal of the burden of proof as regards the proceeds of crime. The financial action task force on money laundering, which is an international organization, proposed a similar measure in 2003.

### *Supply*

In conclusion, this is a motion on which there is a consensus and one which would benefit Canadian society by making our communities safer and by impeding even more the activities of criminal organizations.

• (1225)

The hon. member for Charlesbourg—Haute-Saint-Charles deserves to be praised for his motion and so does the House which, I hope, will support this initiative and act quickly, so that it can be implemented without delay.

**Mr. Richard Marceau (Charlesbourg—Haute-Saint-Charles, BQ):** Mr. Speaker, you know that sitting in this House can sometimes make us cynical, unfortunately. Indeed, it takes time before we can change things. It is difficult: we have to push, to persevere, to convince, to convince further people in our political party, but also, of course, members of other political parties, of the merits of a case that we argue.

My colleague has succeeded many times to change things. Shortly before his speech, we talked about a great success that he achieved recently regarding official languages and Air Canada. Indeed, he is a great supporter of the respect of francophones' rights across Canada.

I thank him for his speech and for the support given to the motion introduced today by the Bloc Québécois through me. I would like to ask him a question. Since it is quite rare—unfortunately too rare in our system—that a private member's initiative is followed through, does he not think that the government, as well as all the other parties, should agree to ensure that, once the bill is introduced before May 31, 2005, the process is expedited, while respecting, of course, our duty to examine very carefully a bill that may have major consequences on the lives of citizens, including their rights and freedoms? Does he not think that we should expedite the process to ensure that the bill to reverse the burden of proof, once the accused has been found guilty, is passed as quickly as possible?

• (1230)

**Mr. Benoît Sauvageau:** Mr. Speaker, it is true that we should act quickly. I would quote the Prime Minister, who said that we had to eliminate the democratic deficit or, at the very least, reduce it, to make sure we expand the role of the members of Parliament in the House of Commons. This could be a very clear example of talk becoming reality. Thus, when this House votes in favour of a motion or a bill, the government should act quickly to adopt it.

I will return my colleague's serve and say that private members' bills very often impact our communities and Canadians directly. In the current parliamentary process, each member can introduce, for all intents and purposes, only one bill during a given parliament. I know that there is currently a lobby to allow members to introduce two bills, which would effectively double their chance of being adopted.

### Supply

To address the democratic deficit, I also believe that the government should consider this suggestion, made by several members, very carefully. Private members' bills often get things moving immediately and directly for the respective communities. With all due respect for the departments, when ministers introduce a bill for the government, our concerns are often on a different level.

In conclusion, I believe that, in order to reduce the democratic deficit, we should increase the number of private members' bills. This would give the members a greater role in this House and our communities a greater level of representation.

**Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ):** Mr. Speaker, briefly, I would like my colleague from Repentigny to tell me if there could not be a logical progression in the positions adopted by the Bloc in recent years.

Let us remember the organized crime crisis and the need for anti-gang legislation. Our then colleague, Mr. Michel Bellehumeur, fought an important battle in that regard and he is now a judge.

Since then, there have been other initiatives. Was there not an important contribution from the Bloc Québécois that is particularly significant for the well-being of Quebec society and of the rest of Canada?

• (1235)

**Mr. Benoît Sauvageau:** Mr. Speaker, my colleague is right and that is what I was saying at the beginning of my statement. This is why I called for open-mindedness on the part of those watching at home and of our colleagues in this House. Let us put aside the sovereignty issue that divides us and look at what the Bloc Québécois is suggesting. Very seldom do we see a proposal aimed at improving the living conditions of communities in Quebec that would not improve the conditions of communities outside Quebec.

My colleague from Rosemont—Petite-Patrie was saying that when we protect the environment or the unemployed in Quebec, particularly when there are these kinds of proposals to improve the conditions in our communities, there are benefits for all Canadians. This is why I am asking for more open-mindedness. These bills, motions and proposals introduced by the Bloc Québécois often benefit all our communities.

**Hon. Mauril Bélanger (Deputy Leader of the Government in the House of Commons, Minister responsible for Official Languages, Minister responsible for Democratic Reform and Associate Minister of National Defence, Lib.):** Mr. Speaker, I will be sharing my time with the member for Thunder Bay—Rainy River.

I also rise today to speak to the Bloc motion encouraging the government to introduce a bill to amend the Criminal Code by reversing the burden of proof in proceeds of crime cases. This would require accused, once found guilty, to demonstrate on the balance of probabilities that their assets were not obtained from proceeds of crime.

The underlying message behind this motion is that criminals, especially those motivated by profit, should not financially benefit from their criminal activity. We agree.

This motion, and the message underlying it, are consistent with the government's recent legislative, operational and international

initiatives aimed at disrupting and deterring criminal organizations in Canada.

We took a significant step in the fight against organized crime in 1997, with amendments to the Criminal Code through Bill C-95—which created the indictable offence of participation in a criminal organization and provided law enforcement with additional significant investigative powers.

Two years later, in 1999, amendments to the Criminal Code, the Controlled Drugs and Substances Act and the Corrections and Conditional Release Act barred those convicted of offences related to organized crime from access to accelerated parole review. While, that same year, amendments to the Competition Act and other acts created new offences for deceptive telemarketing and defined these crimes as enterprise crimes subject to the proceeds of crime regime.

Further, in 2000 the Proceeds of Crime (Money Laundering) Act was enacted and provided for mandatory reporting of suspicious financial transactions and created the Financial Transactions Report Analysis Centre of Canada to receive and manage this reported financial information.

Most significantly in the fight against organized crime, the government brought forward amendments to the Criminal Code and other acts through Bill C-24, which came into force in 2002.

Bill C-24 provided substantial new measures directly targeting criminal organizations, including a simplified definition of “criminal organization”, three new criminal organization offences separately targeting those participating in or contributing to the activities of a criminal organization, those who commit indictable offences for the benefit of, at the direction of, or in association with a criminal organization, and an offence directed at all of the leadership levels in criminal organizations. Under these provisions, penalties range from a maximum of five years imprisonment for participation, to life imprisonment for leaders. It is important to also note that consecutive sentencing applies to all three of these offences.

Bill C-24 also improved the protection from intimidation for people who play a role in the justice system, and broadened law enforcement powers to forfeit the proceeds of crime and seize property that was used in a crime.

Finally, amendments were made to the Criminal Code in 2004 through Bill C-13 in order to enable investigators to better obtain documents or data from third parties through judicial production orders. This investigative tool is now available in respect of all criminal offences and is expected to be of particular assistance in the investigation of criminal organization offences.

In addition to the legislative measures that were passed and previously mentioned, the Government of Canada has taken major operational steps to fight organized crime.

● (1240)

Of particular relevance is the creation of Integrated Proceeds of Crime Units in Canada, first launched in 1996. These units are found across Canada and are staffed with federal, provincial and municipal police officers, Justice Canada Crown counsel, customs officers, federal tax investigators, and forensic accountants. They support other law enforcement units by undertaking the investigation and prosecution of the proceeds of crime aspects of organized crime.

They also support other anti-organized crime initiatives, and help to fulfill Canada's international commitments, particularly those set by the multilateral Financial Action Task Force in which Canada plays a leading role.

Canada is also working internationally to combat organized crime. In this regard, in 1997 Canada and the United States established a Cross-Border Crime Forum to strengthen cooperation and to focus law enforcement efforts on such issues as cross-border crimes, telemarketing fraud, money laundering, and high-tech crime.

In addition, Canada played a key role within the United Nations in the development of the United Nations Convention Against Transnational Organized Crime, signed in December 2000, providing countries with a shared framework to enhance international cooperation.

It is clear that the Government of Canada has taken many deliberate and effective legislative, operational and international steps in the fight against organized crime. It is this proven commitment, giving the tools to our dedicated law enforcement and Crown prosecutors, which seeks to ensure that criminal organizations in Canada are disrupted, deterred, and dismantled.

Organized criminals commit crime predominantly for monetary benefit. These financial gains sustain these criminal groups and facilitate their growth, both in numbers and influence.

It is for this reason that I support the development of a charter compliant reverse onus in proceeds of crime cases.

With this enhancement of the law, coupled with the other existing tools outlined previously, we would be in a better position to thwart the plans of criminals motivated by material gain or profit in Canada.

**Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ):** Mr. Speaker, I listened carefully to the speech by the deputy leader of the government. Indeed, I feel that there is a community of thoughts on this issue, on the relevancy of continuing to build a structure that would enable us to hold organized crime in check. Actions have been taken in the past and, without false modesty, the Bloc Québécois has made an interesting contribution.

I take this opportunity to convey my condolences to the families of the RCMP officers who, unfortunately, lost their lives while on duty. As funeral services are held today, we should have a thought for them.

In the bill which the government will introduce, I think that the objective is sound and clear, and the bill will have to achieve the

### *Supply*

expected result. My colleague has already touched on it, but I would like him to strengthen my perception of things.

We will also have to guard against jumping to the opposite extreme. He has talked about respect for the Canadian Charter of Rights and Freedoms. Does he believe that the bill will contain, on the one hand, provisions that will help us to fight organized crime by preventing proceeds of crime to benefit a person who has been convicted, but also, on the other hand, measures to guarantee that people who ought not to be targeted by this measure will not be affected?

Beyond the Canadian Charter of Rights and Freedoms which we must abide by, should other measures be included in this bill in order for today's motion by the member for Charlesbourg—Haute-St-Charles, which will be followed by the government's bill, to actually achieve the desired result, while not affecting other people who ought not to be targeted by such a bill.

● (1245)

**Hon. Mauril Bélanger:** Mr. Speaker, I would like to make a brief comment in view of the not very nice remarks made by members opposite. It would be wrong to accuse the Bloc Québécois of false modesty. They have never been guilty of that.

As to the subject matter before us today, we will be listening to this debate and to the suggestions that will be made. We will certainly have discussions about this with provincial and territorial governments, as we should. After that, we will introduce a bill in the House, just like the motion provides. The government agrees with the motion, and it is totally appropriate that, in doing so, we should abide by the charter. We should always keep a fair balance between fighting organized crime and standing for the fundamental rights that are enshrined in the Canadian Charter of Rights and Freedoms. We certainly intend to maintain the balance the government and Parliament has managed to achieve over the years.

[English]

**Mr. Ken Boshcoff (Thunder Bay—Rainy River, Lib.):** Mr. Speaker, I rise today to provide you with an overview of the government's response, working in close collaboration with its provincial, territorial and law enforcement partners, to the problem of organized crime in Canada.

I support the motion before us because we need more tools against organized crime. Organized crime is a diverse and persistent problem. It extends into every community in Canada, whether it is violent turf wars among rival gangs on our streets, marijuana grow operations in our residential neighbourhoods, or telemarketing schemes that prey upon our senior citizens.

*Supply*

We know that organized crime is increasingly profitable and increasingly costly for hard-working Canadians who face higher taxes and insurance premiums as a result of these activities. As someone who has been a registered insurance broker for the past 25 years, I know well the impact of claims on Canadians, on individuals, business people, and indeed, even on not for profit community organizations.

In response to this diverse and pervasive problem, Canada has established a strong record of concerted and vigorous action. In the year 2000, federal, provincial and territorial ministers responsible for justice endorsed the national agenda to combat organized crime. The national agenda recognizes that the fight against organized crime is a national priority that requires governments and the law enforcement community to work together.

The national agenda sets out a blueprint for action to combat organized crime in four key areas: through improved national and regional coordination; through stronger legislative and regulatory tools; through additional research and analysis; and through more effective communications and public education efforts.

I would like to take the time today to highlight just a few of the many steps federal, provincial and territorial governments have taken under the national agenda to combat organized crime.

Efforts under the national agenda are coordinated through a national coordinating committee on organized crime, a group composed of federal, provincial and territorial officials, prosecutors and law enforcement representatives, which is supported by five regional coordinating committees.

When ministers endorsed the national agenda in 2000, they also endorsed a list of shared priority issues that need to be addressed by governments and enforcement partners alike: illicit drugs, outlaw motorcycle gangs, economic crime, high tech crime, money laundering, trafficking in human beings and migrant smuggling, corruption, and street gangs.

Today I would like to highlight some of our collective efforts to address these priority issues.

Illicit drug trade tops the list. The government has made substantial investments to reduce the supply of and demand for drugs. In 2003, when the Canada strategy was renewed, an additional \$245 million over five years was committed to bolster our efforts in the areas of prevention, treatment, harm reduction and enforcement. As well, under the renewed strategy, the RCMP is receiving new resources to combat the production and trafficking of marijuana and synthetic drugs in Canada.

Efforts to combat outlaw motorcycle gangs, another top priority, were bolstered by Criminal Code amendments that came into force in 2002. These included new offences and tough sentences targeting involvement with criminal organizations. Strong partnerships among law enforcement agencies are vital to dismantling these organized crime groups and the RCMP plays a very active and necessary role in mitigating this criminal threat. In the last two years, collaborative police efforts have led to the arrest of hundreds of outlaw motorcycle gang members and associates.

Efforts to combat economic crime, whether it is identity theft, credit card fraud, telemarketing fraud, fraudulent solicitations, security and stock market fraud or counterfeiting, represent another top priority in the fight against organized crime. Economic crime victimizes Canadians of all ages and occupations. It also has a negative impact on the strength and competitiveness of our economy.

• (1250)

National efforts to combat economic crime were strengthened in 2003 when the RCMP launched RECOL, reporting economic crime online, an Internet based fraud reporting system. RECOL provides Canadians with a single port of entry for complaints regarding suspected fraudulent activity.

RECOL also allows for improved communications among law enforcement jurisdictions across Canada and internationally.

This is a dynamic area. The federal government is open to considering both potential reforms and new innovations to strengthen the tools available to fight organized crime, for instance, in the areas of proceeds of crime megatrials and disclosure.

Research and analysis is another key component under the national agenda. When ministers endorsed the national agenda to combat organized crime, they identified the need for sound data to measure more effectively the scope of organized crime in Canada. Government officials, working in close conjunction with police, are implementing a multi-year work plan under which meaningful national data collection will begin this calendar year.

Strengthening our communications and public education efforts on organized crime is the last of the four components of the national agenda. It is also of vital importance. We need to tell Canadians that organized crime activity, from identity theft to illicit drugs to street gangs, affects all communities. It is not someone else's problem. We have been working with the provinces and territories and the law enforcement community to get this message out.

To this end, fact sheets on several of our national organized crime priorities, such as outlaw motorcycle gangs, illegal drugs, money laundering, fraud, trafficking in human beings, and economic crime, have been posted to the website of the Department of Public Safety and Emergency Preparedness of Canada.

Fulfilling the mandate made in the fall 2003 meeting of the FPT ministers responsible for justice, the first FPT public report on organized crime, entitled "Working Together to Combat Organized Crime", was released to the public in May 2004. The report details how governments and the law enforcement community have come together in partnership in recent years to find solutions to the pervasive problem of organized crime.



I have highlighted today a number of aggressive steps the government has taken, along with its partners, to combat organized crime. I can assure the House and all Canadians that we remain committed to working with our provincial, territorial and law enforcement partners to address this problem. Strengthening our ability to follow the proceeds of crime, to ensure that crime does not pay, will be a key element of our work.

● (1255)

**Mr. Brian Fitzpatrick (Prince Albert, CPC):** Mr. Speaker, the member kept referring to the “dynamic” and “aggressive” program this government has in enforcing laws to deal with organized crime. I have a lot of difficulty with those comments.

One of the biggest stock frauds that ever happened in the history of stock markets was not in the United States. It happened in this country with Bre-X, when there was “gold in them thar hills” in Indonesia. That was back in 1996. Billions of dollars were lost by legitimate investors throughout the world and in this country. From what I can gather, to date nobody has been charged.

The U.S. is in the business of dealing with Bernie Evers. The Enron people are going to jail. Martha Stewart just got out of jail. But Bre-X happened in 1996 and nothing has happened, from what I can see, so when the government talks about its “aggressive” program in dealing with organized crime, quite seriously I am scratching my head.

I do have a question for the member. There is a major investigation being conducted on the oil for food program, which involved the United Nations and Iraq. It looks as if billions and billions of dollars were illegally diverted from that program and into the pockets of UN officials and Saddam Hussein.

It looks as though powerful people in Canada may have been involved in this program. The crimes were committed outside Canada, but some of the chief benefactors could be inside Canada. It is fraud and corruption to the highest level to subvert a program like the oil for food program.

I would ask the member of the government to enlighten us on what aggressive policies and laws the government has in place to make sure that the people in this country who would have benefited from this illegal billion dollar kickback scheme would pay a very heavy price in this country. I would like him to enlighten us.

**Mr. Ken Boshcoff:** Mr. Speaker, enlightening members of the opposition is always a delightful experience. I hope to be able to do that.

When we talk about Bre-X in 1996 and the debate today is dealing with organized crime, are we assuming that Bre-X was an organized crime organization? I am not sure that it was. In fact, the tragedy of the senior geologist jumping out of the helicopter probably addresses some of those issues.

When we talk about a dynamic response, the fact is that criminals are always on the creative edge of things. There is no doubt that those of us who obey and respect the law always seem to be catching up and trying to respond. It is very much reactive in a way that is going to try to pre-empt those. For us, the long list of government responses I believe is a very credible record over the past number of years.

### *Supply*

The member makes reference to Saddam Hussein. I would think that much of the proposed legislation indeed would encompass organized crime for terrorist crimes.

I have been actively involved in the police services board. Indeed, my record includes establishing community groups such as 911 groups, block parents, crime stoppers and those types of things. I am very keenly aware of what it is that communities must do.

The fact that those messages have been translated, sent and received by the other orders of government, provincial, territorial and of course federal, means that when we talk about the dynamic there is always something that needs to be done. This legislation is a very solid case of something that all members of all parties can support. I very much appreciate the member's question. I hope I have enlightened him.

● (1300)

[*Translation*]

**Mr. Marc Lemay (Abitibi—Témiscamingue, BQ):** Mr. Speaker, I will be splitting my time with the member for Hochelaga.

I want to thank the member for Charlesbourg—Haute-Saint-Charles for this motion, which raises awareness of the extreme importance of the issue we are debating today. This issue deals with reversing the burden of proof for criminals who have been found guilty.

I must say at the outset that I am a lawyer and that I practised criminal law as defence counsel. Therefore, I have a very good understanding of this issue, which has been a sensitive issue in the organized crime community for a very long time.

The Bloc Québécois has put a lot of pressure and made numerous requests to bring the federal government to pass legislation to fight organized crime, which has been present in our country for way too long. In Quebec, in particular, we saw unfortunate events, horrible events, that made the public realize that enough was enough and we had to put a stop to that. That is why Bill C-24, amending the Criminal Code, was brought forward and passed. Then there was section 426.3 of the Criminal Code. I will not go into any details, but many of my colleagues and myself have made arguments under this section on several occasions, saying that it was incumbent upon the Crown to demonstrate that the offence was linked to organized crime. It was indeed quite a burden.

Not only was it necessary to demonstrate the individual's guilt with regard to the evidence against him and the crimes of which he or she was accused, but the Crown also had to prove that the assets obtained were linked to organized crime, which meant that there was a direct connection between these assets and the offence for which a guilty verdict was rendered. The burden of proof was very difficult for the Crown in those cases.

### Supply

We believe that this is a very good bill, which should be brought before Parliament, and that this motion should be expedited so as to put an end to the Crown's obligation to assume a burden which, quite often, is very heavy. Especially since the motion tabled by my colleague, which I invite the House to adopt unanimously, is recommended by all the attorneys general of Canada and the justice ministers of all the provinces, including Quebec. We believe that the Minister of Justice of Canada would be well advised to table a bill on this subject promptly. That is why we are proposing this motion today.

I want to stress that the motion and the bill that might result from it are closely related to the offences of organized crime. Obviously we could not ask to have it apply to all crimes. It has to be related to organized crime.

I would draw attention to the fact that organized crime does not simply mean crimes committed by motorcycle gangs or groups of that ilk. Very often a criminal organization is very very difficult to dismantle.

• (1305)

A criminal organization, within the meaning of the Criminal Code, is three persons who together facilitate or commit criminal offences. So this must be demonstrated before one can say that a person is charged with organized crime. Quite often, alas, the Crown withdraws that charge because it had or will have difficulties proving the link between the three individuals, the link they would have had to commit the crimes.

Now, quite often, when the Crown manages to prove that these persons have committed crimes and so form a criminal group within the meaning of the Criminal Code, the assets seized—since very often a huge amount will be seized—must on a balance of probabilities constitute proceeds of crime obtained in connection with that designated offence. Hence this is a burden of proof that is extremely difficult, if not almost impossible very often, for the Crown to demonstrate.

The objective of this motion is to force the government to table a bill to stamp out organized crime and in particular money laundering. I emphasize that an individual who is found guilty and convicted will not be at the end of his pains, for he will have to demonstrate to the court that these assets were acquired legitimately.

Allow me to emphasize this. It is not the purpose of this motion and this bill to limit the presumption of innocence, which is extremely important. In our criminal law in Canada and Quebec, anyone appearing before the court is presumed innocent until the Crown has proven beyond a reasonable doubt that he is guilty of the crime with which he is charged.

So this motion, which I hope will lead to a bill, would have the proposed reversal of the burden of proof apply only once the accused has been found guilty of a criminal offence. It is very important that this take place only at the sentencing stage, so that it does not violate the principle of presumption of innocence. Of course, I am offering you the example of a case that occurred recently right here in the Outaouais region, in spring 2001. Individuals were arrested all across Quebec, who were suspected of being members of an

organized gang—what we call it is not important—whose seized assets were valued in the tens of millions of dollars.

The bill we want to see introduced in Parliament by our Minister of Justice would ensure that, once found guilty, the accused could no longer benefit from being presumed innocent because they have been found guilty. The burden of proof will be reversed and they will have to demonstrate that their assets that have been seized were not obtained with drug money, for instance.

That is what we could have used in the cases or events that have come up since 2001. However, the Crown has used plea bargaining to make sure individuals plead guilty, saying, “If you plead guilty to this offence, we will drop the gangsterism charge and allow you to recover some of your property”. Under the current motion and the resulting bill, this would be impossible. The onus will rest entirely on the individual.

I will conclude by saying that when the bill is passed—which I hope will happen as soon as possible—I call on Parliament and Canada, through its Minister of Justice and international relations, to tell the world that we have joined Australia, Austria, France, New Zealand, Germany and the United Kingdom in sending a message to criminals, “Be careful, if you want to do business in Canada, you will pay a high price”.

• (1310)

[English]

**Hon. Keith Martin (Parliamentary Secretary to the Minister of National Defence, Lib.):** Mr. Speaker, one of the great challenges we face, as an extension of this argument, is what to do with the movement of moneys across borders. The movement of moneys that are garnered from illegal means through drugs and other illegal activities, especially by organized crime, is an incredible destabilizing element in our world and in our country. It goes to the heart of a number of problems, everything from terrorism to small time criminal activity.

It is one of the greatest challenges with which we have to grapple. I know the international community is working on this right now, but I would appreciate the hon. member's solutions as an extension of the supply day motion from the Bloc.

Where do we go? What solutions does he have to offer on how we can put more transparency into the movement of moneys across boundaries and borders? How do we manage to give the police the tools? What tools would he recommend, which would enable police and international law enforcement officers to track illegal moneys that move around the world, which are an incredible destabilizing factor in our world today?

[Translation]

**Mr. Marc Lemay:** Mr. Speaker, I thank the hon. member for his question. Two things. First, if the money is here in Canada and there is evidence it was earned—if I may use the expression earned—through crime, I personally believe this money should come under the framework of the bill and be seized. Second, those who have this money, in bank accounts or elsewhere, should be asked to demonstrate to the court that it was not used in or come from organized crime or criminal activities.

Internationally speaking, with Interpol throughout the world and with today's telecommunications and communication, we think there are ways of tracking money transfers. Canada will have to exert pressure to have this money seized, no matter where it is found, by virtue of it coming from an offence committed in Canada. However, I invite you and Parliament to take the first step by introducing this bill so that we can pass it. We will reverse the burden of proof and then we will go to the next step.

**Mr. Marcel Gagnon (Saint-Maurice—Champlain, BQ):** Mr. Speaker, it has been a pleasure to hear my colleague, who is very able and experienced in these matters, explain all this to us. However, we must keep in mind that not everybody has studied law. Everybody is not a lawyer. In this respect, I want to make sure that I have fully understood my colleague.

When he talks about reversing the burden of proof, this is well after conviction. That means that the criminal has been found guilty and convicted. It is then that he has to prove that the assets he has in his possession have not been acquired with the proceeds of the crime.

The general public always find it scandalous that notorious criminals spend a few months in jail, and then recover the proceeds of their crimes and lead the good life. Those are questions raised in the general public.

• (1315)

**Mr. Marc Lemay:** Mr. Speaker, I wish to thank my honourable colleague for Champlain, and the answer is unambiguous. Indeed, in Canada, a sacrosanct principle obtains: nobody can be found guilty of a crime unless he has had a fair trial, and his guilt has been proven beyond any reasonable doubt. In the case of interest to us, the accused must have been found guilty.

Here is an example I have been personally involved in; it happened in spring 2001. Houses, snowmobiles, planes, off-road recreational vehicles were seized. According to the bill that will be introduced, when the accused has been found guilty, at sentencing, he has to prove that the seized assets have not been acquired by criminal means. That is the answer. It comes after conviction.

**Mr. Réal Ménard (Hochelaga, BQ):** Mr. Speaker, I would like to start by congratulating my colleague, the member for Charlesbourg—Haute-Saint-Charles and the Bloc's justice critic for introducing this motion and working so diligently to ensure that it reflects the wishes of all the parties in the House.

I must say that, in the history of the Bloc Québécois, the effective and intelligent struggle is constitutional, as our colleague from Abitibi—Témiscamingue has demonstrated. It must be said right away—and I will return to this as well—that it is a matter not just of an effective and intelligent fight against organized crime but of a fight that should be consistent with the constitutional guarantees, of which, at the top of the list, may be found the right to be presumed innocent, with all that implies in procedural terms, as the Supreme Court did.

I was saying that, in the history of the Bloc Québécois, we were able—whether it was my old colleague, Michel Bellehumeur, or other colleagues, such as the member for Saint-Hyacinthe—Bagot—to take an interest very early in the history of our party in the struggle against organized crime. We will all recall that very publicly. Of

### *Supply*

course, people a little older than I will no doubt remember the CIOC. There was a bit of a lull in public opinion. However, what catalyzed a heightened awareness of the extent to which organized crime was threatening our communities was certainly the car bomb attack on August 9, 1995, ten years ago already, in Adam St. in Hochelaga—Maisonnette, killing young Daniel Desrochers. We know that this meaningless attack was related to a motorcycle gang war, in which there had been 147 deaths and 150 attempted murders.

These were important issues in 1995, 1996, 1997, 1998 and even 2000. They were so important, in fact, that the Bloc Québécois devoted one of its opposition days in 2000 to the formation of a special committee of the Standing Committee on Justice, on which I sat along with Mr. Michel Bellehumeur, who has been elevated to the bench. We are all familiar with his talent and persistence. At the time, 13 recommendations were made, all related to the issue of gangs.

My colleague just recalled Bill C-24, but we must first remember that it took three years before we got an anti-gang law. I must say that the Bloc Québécois played an extremely important part in this. The first anti-gang act, which had been Bill C-95, did not work. Why not? Because five people who had committed five crimes punishable by five years in prison, in other words serious crimes, were needed.

Law enforcement agencies were telling us that in the branches in 1995, 1996, 1997, there were, for the Hell's Angels for example, 38 chapters in Canada. Young people with no criminal record were being recruited. It was clear that the organized crime offence in the Criminal Code could not be used.

There were all kinds of provisions. In fact, about a dozen laws had been passed to fight organized crime. Among others, there was a witness protection program. In addition, the member for Charlesbourg—Haute-Saint-Charles—he will correct me if I am wrong—had sent a message to the Association of Chiefs of Police. He had introduced a bill to withdraw the \$1,000 bill. If I recall correctly, it was in early 2000, 2001, 2002.

**An hon. member:** It was in the late 1990s.

**Mr. Réal Ménard:** It was in the late 1990s. The hon. member for Charlesbourg—Haute-Saint-Charles does not age, so this is why my dates are a little off.

All this to say that the witness protection program was improved and the \$1,000 bill was eliminated. Also—and this is very important—warrants for electronic surveillance, which used to be valid for 30 days, and then 90 days, may now be valid for up to a year. However, the hon. member for Charlesbourg—Haute-Saint-Charles was well advised, because there is a tool missing in the criminal process, the trials and the fight against organized crime, and not just biker gangs. That tool is the reversal of the burden of proof.

• (1320)

We want to add the reversal of the burden of proof, once an accused has been found guilty beyond a reasonable doubt, as provided by the law.

### *Supply*

The hon. member who spoke before me could certainly have referred to the Collins case. A number of rulings were made on what jeopardizes the fairness of a trial. It is clear that the presumption of innocence must be protected, otherwise the administration of justice could be flawed and even lead to the rejection of the evidence gathered by police forces, under subsection 24(2).

The hon. member for Charlesbourg—Haute-Saint-Charles does not want that. He wants the conviction to be solidly established. What he is proposing is that once the accused is found guilty beyond a reasonable doubt, the Crown would make the necessary demonstration regarding offence-related assets.

Let us take the example of an individual accused of second degree murder. A trial is held, all the rules guaranteeing a fair trial are respected and a guilty verdict is rendered once both sides have made their case. At that point, how the assets were obtained must be established. It is only then that the reversal of the burden of proof will occur.

This will be an extremely useful tool. Law enforcement organizations should be very pleased with today's debate.

I will not hesitate to admit that I had two mentors in my process of learning about organized crime. In 1995 I was a thirty-something rookie with two years in the House. I had never had any interest in organized crime. Obviously, I had never followed the issues addressed by the inquiry into organized crime, CECO, and all that.

When I did need to know about such matters, I had two mentors. The first was Mr. Ouellette of the SQ, who is a leading expert and now trains others. He told me what a ridiculous situation ensued when people were seen to be involved in transnational drug trafficking, and were multimillionaires with mansions, yachts and goodness knows what else, in short living the good life yet claiming incomes of \$8,00, \$9,000 or \$10,000.

Hon. members will understand the importance of allowing the accused to prove how the crime-related assets have been acquired, once an offence has been proven. This will, understandably, be of great use for investigations, court proceedings and even determining the main offence.

That is what we are dealing with today. I would not like people to think at the end of the day that there is any threat to constitutional guarantees. No one in this House, least of all the member for Charlesbourg—Haute-Saint-Charles, who is a lawyer, wants to do anything to challenge principles as solidly entrenched as the right to be presumed innocent until proven guilty.

This will be a balance added to what was concluded by the Supreme Court in 1991 with its judgment in *Stinchcombe*. This has resulted in imbalances. There were no rules prior to *Stinchcombe*, and after *Stinchcombe*, all evidence had to be revealed. This means that a police officer had to produce during the trial the notes he had written on a notepad. The department had to disclose the entire body of evidence, whether it tended to accuse or exonerate, and whether it was closely or very tenuously linked to the offence and the charge.

Hon. members will understand how hard it was for public defenders to comply with *Stinchcombe*, particularly in cases

involving shadowing or informants, or in lengthy investigations lasting three, four or five years.

I hope that all the members in this House will adopt this measure, which is constitutional, balanced, effective and intelligent.

•(1325)

[*English*]

**Hon. Keith Martin (Parliamentary Secretary to the Minister of National Defence, Lib.):** Mr. Speaker, I want to expand on the comments that were made earlier and also on the comments made by the hon. member for the Bloc Québécois who has done a lot of work on the issue of substance abuse. The Conservative member from Port Moody has also done a lot of work on this as well.

I want to expand this debate to two issues that are important to Canadians. They involve the drugs ecstasy and crystal meth. In my province of British Columbia and some other provinces as well, pot is tied intimately to the drug trade along with cocaine and heroin. There are two other substances that are being produced with quite dramatic effects and they are ecstasy, and the much more potent and dangerous substance crystal methamphetamine which is also extremely addictive. Young people are being drawn into the sex trade in part because they want to trade sex for crystal meth.

How do we deal with this? All of this is intimately entwined with organized crime, which as I mentioned before, acquires some 85% of its profits from drug trafficking and, in particular, pot. The groups mostly involved in this are organized crime gangs, particularly biker gangs, and in the province of British Columbia, Vietnamese crime gangs.

What does the hon. member suggest we could do to give our police the tools they need to deal with the crisis that is taking place right now with respect to crystal meth and MDMA, or ecstasy?

[*Translation*]

**Mr. Réal Ménard:** Mr. Speaker, I thank my colleague for his question. I have before me an article I wrote in 2001—not that I want to quote myself, but these are the figures I have before me—demonstrating that at that time illegal drug sales in Canada had a value of \$10 billion. Thus, the hon. member is correct in pointing out that the cornerstone of organized crime in modern countries, including Canada, is, of course, narcotics.

Obviously, the question that comes to mind is the following: is the prohibitionist system in place since 1909 in Canada the best way to effectively fight drug abuse? In the case of marijuana, there is a special committee looking at these issues. In the case of ecstasy, it is less well known. Nevertheless, I share the hon. member's concerns. I know that ecstasy is especially popular at raves. In addition, it is known that ecstasy can cause very serious breakdowns in its users.

Therefore, with respect to the motion by the hon. member for Charlesbourg—Haute-Saint-Charles, who asked what we can do to help the police be more effective in their investigations, I am of the opinion that reversal of the burden of proof is necessary in the case of serious crimes, once the accused is found guilty. That is certainly one tool that all law enforcement agencies should support. Therefore, it should be appreciated greatly by law enforcement agencies in Canada. I am hopeful that the vote on this motion will be unanimous.

• (1330)

**Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ):** Mr. Speaker, I listened attentively to the speech by my colleague who, in fact, in the course of his duties as an MP, experienced some very tragic consequences of organized criminal activities, as we heard when he recounted the totally unjustified death of a young boy in his riding. However, to his credit, the fact that this event raised his awareness is also due to his legal training.

Could he tell me if, in fact, a motion such as the one before us today would not constitute a concrete example of the Bloc Québécois' contribution to today's debate in the House? Often we are told, especially by the opposing parties, "The Bloc is useless". So, now, would this not be concrete proof, in the form of a motion by the Bloc and a resulting commitment by the government to introduce legislation within two months' time, that such action produces concrete results just like many other initiatives against organized crime?

**Mr. Réal Ménard:** Mr. Speaker, this is a very relevant question, as are all the questions my colleague is raising.

It is true that there are some advantages to the British parliamentary system. Naturally, it is clear that the Bloc Québécois—and I say this with a total lack of partisanship—is the primary political force in Quebec. However, in our parliamentary system, the role of the opposition is to improve the government. As we can all imagine, this is a full-time job. We are exhausted when we leave here.

I must say that the government appreciates the Bloc's vigilance. Organized crime has never been a partisan issue in the House, but it should be said that the Bloc has been extremely vigilant in this regard.

Initially, the government believed it could fight organized crime with just the Criminal Code provisions on criminal conspiracy. It needed a little push to take further action. The Bloc was there. I am pleased to note that this is not a partisan issue, but that the Bloc Québécois has shown historic leadership in this area.

[English]

**Mr. Rob Moore (Fundy Royal, CPC):** Mr. Speaker, I will be splitting my time with the member for Calgary East.

I am pleased to rise today in support of the motion brought forward by my colleague, the hon. justice critic for the Bloc. I have had an opportunity to work with him on the Standing Committee on Justice and Human Rights. He is a tireless advocate on behalf of his constituents. He also has a keen interest in this topic.

The motion, which calls on the government to take some action to help combat organized crime, I think is an excellent one. It is one which makes a lot of sense. It will have a real impact on criminal

### *Supply*

organizations' ability to conduct and to continue to sustain themselves after one of their members has been convicted of a serious criminal offence.

All too often we have seen with the theft of automobiles, with large grow operations, and with other illicit criminal activities that individuals are arrested for their offences, are tried and are convicted in a court of law, but our Charter of Rights and Freedoms requires that we prove beyond a reasonable doubt that the persons are guilty of their offences. We have a system that I feel is too lax. We do not have truth in sentencing. Our statutory release system allows people back on to the streets far too easily. Oftentimes criminals, even those convicted of serious offences, do not serve their time in prison but receive conditional sentences where they serve their time in the community. They are back on the street and back in action quite quickly.

The only way to really impact on people's livelihood and to curb their activities is to hit them in the wallet. This is what the motion would do if the government acts. Our party has consistently called for measures to crack down on organized crime. This motion will go a long way toward doing that.

It is important to note the extent of collaboration now within and among criminal groups. It has broadened greatly in recent years. We hear about the networking that takes place in prison for example between members of the traditional Mafia and the Hell's Angels. Organized crime is a serious problem in Canada. Oftentimes Canadians going about their everyday lives do not realize the extent of the problem.

The main motivator for organized criminals is to raise money to fund their lifestyle. They take money from Canadian citizens illicitly to fund their own criminal activities and their illegal lifestyle. Organized crime has expanded so broadly and has enabled criminal organizations to fund themselves. Our police cannot keep up with the situation.

Antonio Nicaso, a well-known organized crime specialist and author, has said that Canada has become one of the world's most important centres for global crime syndicates in part because our federal regulations and laws do not give the police the tools they need to fight them. This is an all too often recurring theme. Our frontline police officers struggle to maintain existing technology and are unable to adapt to new and emerging technologies because of insufficient funding and weak laws.

It is funding and weak laws that enable organized crime to flourish and to have the very best of technology, state of the art technology and access to millions of dollars derived from illegal activities. I might add that people involved in organized crime are able to bankroll the very best legal defence to keep themselves out of jail and put themselves back on the street as soon as possible.

Canadians are justifiably upset to see criminals treated with kid gloves and to see convicted criminals avoiding real consequences for their illicit activities.

### Supply

● (1335)

As I mentioned before, when it comes to organized crime, the only way to really make an impact and to curb this activity is to hit individuals in their wallets.

My colleague from the Bloc is proposing a motion that would require the government to introduce a bill by May 3, 2005 to amend the Criminal Code by reversing the burden of proof as regards proceeds of crime. This change would require the accused, once found guilty, and we are talking about a convicted individual, to demonstrate on the balance of probabilities that his or her assets were not obtained using the proceeds of his or her criminal activities.

This motion, someone said to me, would break the kneecaps, so to speak, on the legs of organized crime. That is what we want to do. We want to prevent organized crime from flourishing and from continuing to carry on even after some of its members are convicted. There are numerous legal precedents for such a provision in other jurisdictions, for example, Australia, Austria, France, Italy, New Zealand, Switzerland and Great Britain.

In 2003 the OECD's financial action task force on money laundering made 40 recommendations to fight money laundering and organized crime. I will quote one suggestion:

Countries may consider adopting measures that allow such proceeds or instrumentalities to be confiscated without requiring a criminal conviction, or which require an offender to demonstrate the lawful origin of the property alleged to be liable to confiscation, to the extent that such a requirement is consistent with the principles of their domestic law.

On the issue of these provisions being consistent with Canadian domestic law, that is, their constitutionality, I believe there are no significant concerns that cannot be addressed by this Parliament.

The Charter of Rights and Freedoms outlines the right to a presumption of innocence. This has been interpreted by the courts as requiring the burden of proof in a criminal case to rest with the crown.

The courts have established a test to determine the constitutionality of any given reverse onus provision that states that where an impugned reversed onus provision makes it possible to convict, despite the existence of a reasonable doubt, the courts will find a violation of the charter. However, there are often other factors that balance that violation, such as the overriding importance of curbing the crime at stake.

For example, in the Downey case, the Supreme Court of Canada upheld a provision that automatically assumes that a person living with a prostitute is guilty of living on the avails of prostitution unless he or she can prove otherwise. The objective of ending the problem of pimping was of sufficient importance to override the violation.

Similarly in the Peck case, the Nova Scotia Court of Appeal held that a provision which automatically deems it to be an offence to refuse to provide a breath sample without reasonable excuse was acceptable because of the overriding importance of maintaining highway safety and eliminating impaired driving.

Clearly the importance of combating organized crime would be a significant factor in upholding the law that this motion proposes.

Most important, the fact is the reverse onus clause suggested here does not touch on an essential element of the offence, but rather is part of the sentencing. Therefore, the reverse onus provision does not impinge on the individual's liberty rights, but rather his or her property rights once the individual has already been convicted of a serious criminal offence.

The constitutionality of these provisions should be upheld by the courts. We have every reason to move forward with the legislation that this motion calls for. Certainly opposition parties agree that this should happen. Indeed, this issue has been a fine example of cross-party cooperation in order to further the interest of justice.

It is interesting to note the timing of this debate today with an announcement by the Minister of Justice. In typical Liberal fashion, the minister has just announced that he will be introducing a bill similar to what is called for in today's motion. It is an all too familiar theme, I feel, of poaching good ideas and the Liberals selling them perhaps as their own. Nonetheless, my colleague in the Bloc is to be commended. There is no doubt in my mind that it is only due to Canadians' overwhelming support for this tougher and more comprehensive approach to organized crime that the party across the way will be following suit.

● (1340)

I am thankful for the time to address this important issue. I encourage my colleagues on all sides of the House to help do what we can to combat organized crime and to make Canada a safer place for all Canadians.

[Translation]

**Mr. Richard Marceau (Charlesbourg—Haute-Saint-Charles, BQ):** Mr. Speaker, I would like to thank our colleague from the Conservative party for his speech and the support he demonstrated for the motion that our party introduced yesterday. I know as well that he is a very distinguished member of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness. I know that he works very meticulously on issues related to public security, public protection, and more generally, all justice issues.

My question is as follows. Since it is very rare to have unanimity in this House—especially when the proposal comes from a member of the opposition and not a member of the governing party—does he think that it is necessary to speed up the process? Once this motion is passed, once the government brings in its bill by next May 31, would he agree to speed up the process, while still studying the bill in depth of course?

The result would be that, by the end of the year, the bill to reverse the burden of proof would be enshrined in Canada's statutes.

[English]

**Mr. Rob Moore:** Mr. Speaker, we have seen strong opposition support for this motion. We know that Canadians are supportive of us, as federal government, as the legislature at the level that controls criminal law in the country. There is support for rooting out organized crime.

Although I have not seen the bill yet, and I do not know if anyone has, the justice minister assures us that legislation will be forthcoming. If that legislation is in keeping with the nature for which the motion calls, then it should have speedy passage through the House. I certainly would work for that because it is necessary. All too often we have seen important bills delayed. I am thinking of the efforts we are trying to make to protect children. We have seen bills come forward, which may be faulty, that end up being delayed.

I am hopeful the bill the justice minister puts in place will have the very effect that the hon. member intends with his motion.

● (1345)

[Translation]

**Mr. Marc Lemay (Abitibi—Témiscamingue, BQ):** Mr. Speaker, I would like to thank my hon. colleague for his speech and his support of the motion introduced by the member for Charlesbourg—Haute-Saint-Charles.

The parliamentary secretary of the Liberal party intrigued us with a question. I would like to put it to my colleague. I would like him to tell us about a possibility.

This motion will result in a bill which, we hope, will be passed unanimously by the House. With this bill, how can we trace money that is laundered here in Canada but comes from crimes that might have been committed outside of Canada, or money transferred for example to tax havens from crimes committed in Canada?

Does the hon. member have an answer to that question?

[English]

**Mr. Rob Moore:** Mr. Speaker, we have seen efforts in the past to assist the police. The police have been calling for the tools necessary to track the proceeds of crime. Money laundering is a terrific problem. With technology being what it is today and the international markets as they are, it is becoming increasingly difficult to oftentimes track laundered money.

There is money and there are other assets that are proceeds of crime. I feel that the bill, which hopefully the justice minister will come forward with, if it is in keeping with the motion that my colleague has put forward, would go a long way toward achieving that. It would enable police and our justice system to better track and be aware of the assets. It would give them more of a reason to keep track of the assets, whether money or physical assets, that are purchased through criminal activities. In doing so and in having this reverse onus, we would be able to put in the Crown's hands these proceeds of crime, take the wind out of the sails and take away the motivating factor for organized crime. In doing so, we will cut the support planks out of organized crime.

**Mr. Deepak Obhrai (Calgary East, CPC):** Mr. Speaker, I am joining my colleague from Fundy Royal in extending my congratulations and appreciation to my colleague from the Bloc and to the justice critic from my party and from the NDP for bringing this issue to the forefront.

Before I start, I would like to pay tribute to the four RCMP officers who lost their lives fighting crime in our country and whose memorial service is being held today. Our sympathies go to the families of the officers.

### *Supply*

The motion is before us in Parliament today because there is a strong concern among Canadians that criminal elements feel that crime pays. They feel they can get away with crime because of the lenient sentences and existing laws. Because they feel crime pays, we have seen an escalation of gang wars and drug related incidents, especially among young Canadians.

Only 10 days ago in the city of Calgary a young individual was gunned down in a bar, and the incident was drug and gang related. Prior to that, a young gentleman lost his life as he walked out of a gym. He was shot dead because he was involved in gang related crime.

It became so bad that the chief of police in Calgary said last week that it was time to fight. During the incident with the young fellow who lost his life 10 days ago, it was miraculous that innocent bystanders were not killed. Bullets were fired on the streets and cars were hit. It has become so bad now that the lives of innocent Canadians, who are walking on the streets of Calgary, are at risk. The city council and everyone are now saying it is time to fight. However, police officers need the tools to fight this growing crime.

Gang wars in Vancouver are reaching high proportions. Young Canadians are dying from gang related vengeance. In Edmonton the same thing is happening.

About two months ago a young fellow lost his life in a gang related incident. What happened? The young fellow was shot dead when he walked out of the gym. He was a known drug dealer. Everybody new he lived a high life. He had a penthouse, flashy cars, et cetera, and he is only a young kid. The message gets out that crime pays. There is an attitude that if they get caught, so what. They will go to jail, be back out on the street soon and their proceeds from crime and drugs will still be there. It is a small price for them to pay.

We have a problem with pot growing in my riding of Calgary East. In residential areas, marijuana is being grown and it is becoming a major concern for the community. Residents have approached us and have asked what we can do to help them. They have asked us about what kinds of laws we can put in place to fight this.

Drug crimes and other crimes are moving into communities, threatening law-abiding Canadians across the country. These incidents are coming forward, and they are causing concerns.

● (1350)

That is why I am happy to see that the three opposition parties are asking the government to bring forward something. This motion talks about taking away the illegitimate gains. It is a good motion. This will send a strong message to the people involved that crime does not pay. Canada will not tolerate crime being a profitable business.

I must say in passing that I have a private member's bill to fight break and enter in home invasions. Criminals feel that crime pays for them. Will they or will they not go to jail? If they get a suspended sentence, then they are out and they just made an easy buck. This is the essence of this whole motion here.

*S. O. 31*

I am happy to hear that the Minister of Justice has just indicated that he will bring a bill forward. However, there is always the issue of charter rights. Yes, there are charter rights. I am a visible minority myself and I look at the charter as one of those strong pillars of protection in society. We must maintain charter rights. At the same time, however, we need to have a balance to ensure that the rights of Canadians are not threatened. This is fundamentally important.

We see time after time when we open the newspapers anywhere in the country, that it is becoming evident that Canadians generally are now not safe on the streets and are becoming concerned. This is a very timely motion.

Let me go back for one minute to these four RCMP officers who lost their lives a few days ago fighting crime. Yesterday, on a CBC documentary on the RCMP, which was very sad to see, we learned that many RCMP officers have lost their lives fighting crime. It is only then that we put in procedures and laws to ensure that it does not happen again.

My question is, why do we have to wait until someone loses their life before we put in something that everyone knows is required and is a common sense law? This motion that has been brought forward by the Bloc is asking the government to look at it. It is our duty. Our constituents are telling us to take this issue in hand and fight.

When the bill comes forward, the motion says it should be without delay. We need it. The issue of gang warfare in Quebec has prompted the Bloc to bring forward this motion. It is because of the huge concern of Quebecers concerning the Hell's Angels and other groups. The profits are so huge that criminal groups ignore the safety of other Canadians.

I say to my colleagues in the House that we should put pressure on the government to bring forward a bill, so that we can support it and ensure that we send a strong message from this Parliament that crime does not pay in Canada.

• (1355)

**The Deputy Speaker:** There will be five minutes for question and comments following question period.

## STATEMENTS BY MEMBERS

[English]

### GOVERNMENT OF CANADA

**Mr. Leon Benoit (Vegreville—Wainwright, CPC):** Mr. Speaker, we really have to wonder how the Liberals decide what issues to focus on and why they refuse to deal with truly important issues like the serious problems facing farmers today. I just cannot figure it out.

What is their agenda? First they want to spend \$5 billion on a national day care system because apparently they believe that government can look after kids better than parents. Second, they want to legalize marijuana. They want to legalize prostitution. They want to bring in same sex marriage. That is their agenda. Who asked for any of these things? Where does this agenda come from? Their priorities are all screwed up.

The government just cannot seem to wrap its mind around the fact that it should be dealing with the extremely important issues facing this country like lowering taxes, making Canada more secure, and dealing with serious agricultural problems that are literally forcing farmers to lose their farms day after day, week after week in this country.

Where are their heads? They simply have to get on the people's agenda.

\* \* \*

• (1400)

[Translation]

### DALAI LAMA

**Mr. Roger Clavet (Louis-Hébert, BQ):** Mr. Speaker, the Dalai Lama has just issued a statement concerning the situation in his native Tibet.

The Tibetan spiritual leader deplores the fact that human rights are not being respected, that, in the supposedly autonomous region, the authority has been solely held by Chinese leaders and that, despite Peking's contention, the Tibetans are not enjoying autonomy.

The Dalai Lama states that China deserves the position it has achieved as a major player in the world, but condemns what he calls its undemocratic actions, unequal implementation of autonomy rights regarding minorities, and lack of human rights.

The Dalai Lama is convinced that China can do better and ought to give back to the Tibetan people the freedom they deserve to enjoy.

The Bloc Québécois is calling on the Canadian government to redouble efforts to promote dialogue between Chinese and Tibetan authorities.

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[English]

### VETERANS AFFAIRS

**Mr. Mark Holland (Ajax—Pickering, Lib.):** Mr. Speaker, 2005 is the Year of the Veteran and I want to stand at this point in time and recognize the tremendous outpouring of support that has been felt across this country. When the Minister of Veterans Affairs stood and stated that they are asking all Canadians to surrender their time to volunteer their hearts, and to take 12 months to fully remember a century of sacrifice, I think Canadians are rising to that occasion and that challenge.

With the 60th anniversary of the end of the second world war, it is a pivotal year for the Government of Canada and Canadians to demonstrate their commitment to veterans, both to the veterans of the last century and the Canadian Forces veterans of this century.

There will be countless activities taking place across this country in cities large and small and overseas to help Canadians celebrate the contribution of veterans, honour their sacrifices, remember their legacy, and teach youth our history. We will ensure that young Canadians take full advantage of the living history that our veterans carry with—

**The Deputy Speaker:** The hon. member for Scarborough—Agincourt.



## GUYANA

**Hon. Jim Karygiannis (Scarborough—Agincourt, Lib.):** Mr. Speaker, while the world's attention was focused on Southeast Asia, Guyana was suffering through the worst floods in over 100 years. Approximately one-third of the population was affected by the flooding.

Working with the Guyanese Canadian community leaders and my good friend Eden Gajraj, at the invitation of the government of Guyana through the High Commissioner of Canada, I was able to visit Guyana and witness firsthand the extent of the flood damage. I want to thank all stakeholders, especially our High Commissioner, Mr. Bruno Picard, for their help and assistance in this visit.

The situation in Guyana is one of great concern. The recent severe flooding has left the walls of the East Demerara conservancy dam in a weakened state and vulnerable to the ravages of the upcoming rainy season in May-June. I was advised that should the conservancy dam break, most of the populated coastal area of Guyana would be flooded and the seawall could collapse. This would cause the coastline of Guyana to be pushed, up to 20 miles inland, causing the need for the immediate evacuation of up to 40% of the population.

The people of Guyana are looking for our help—

**The Deputy Speaker:** The hon. member for Selkirk—Interlake.

\* \* \*

## AGRICULTURE

**Mr. James Bezan (Selkirk—Interlake, CPC):** Mr. Speaker, I want to express the importance of the cattle industry and the other equally important ruminant industries that were worth over \$7 billion before the border closed. The entire agricultural sector has always contributed a great deal to Canada's prosperity.

I want to commend all of the proud agricultural producers who are fighting through these hard times waiting for the border to reopen. I also want to thank President Bush for his commitment to veto any legislation that crosses his desk with the intent to delay the border opening.

I also have to express my disappointment and the anger of all those in the cattle and livestock industries at this Liberal government that has failed to expand the packing industry in every region. Liberals have failed to find a Canadian solution that would ensure a healthier market and security for the future. I hope all Canadians join with me in condemning this Liberal government for its dithering approach.

I call on this government to immediately use the contingency fund to expand the slaughter industry regionally, access new export markets, reduce the herd, and deliver relief quickly and directly to primary producers.

\* \* \*

## FOREIGN AFFAIRS

**Mr. Ken Boshcoff (Thunder Bay—Rainy River, Lib.):** Mr. Speaker, 46 years ago today the people of Tibet held massive demonstrations to demand that the Chinese restore the full independence of their country. These demonstrations resulted in the slaughter of tens of thousands of Tibetans by the People's

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Liberation Army. In the days that followed, the Dalai Lama and some 80,000 Tibetans fled to neighbouring countries for refuge from the Chinese troops.

In a statement this morning, the Dalai Lama indicated that he is encouraged by the support Tibetans are receiving from various parts of the world and within certain Chinese intellectual circles for their middle way approach. The Dalai Lama remains hopeful that this longstanding issue will be resolved.

Representatives of the Tibetan community are with us here today. I ask my fellow parliamentarians to join with me in a moment of remembrance of the Tibetans who gave their lives for the cause of Tibetan freedom.

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● (1405)

## TSUNAMI RELIEF

**Mr. Derek Lee (Scarborough—Rouge River, Lib.):** Mr. Speaker, I want to applaud the relief efforts of many people in and around the riding of Scarborough—Rouge River in response to the December 26 tsunami. In particular, I would like to recognize the following groups and individuals:

Mr. Mano Kanagomany organized People Helping People which collected clothing and food to be sent to the region. The Integral Yoga Centre made its premises available as a staging centre.

The Islamic Foundation of Toronto sent a team of doctors to Indonesia, and hosted a fundraising dinner with 10 other Islamic mosques that raised over \$1 million.

The Laxmi Narayan Hindu Temple raised over \$23,000 and sent a container of clothing to Sri Lanka.

The Chinese Cultural Centre coordinated a fundraising appeal with the Canadian Multicultural Council-Asians in Ontario and Citytv, and raised \$60,000.

Canadians for Tsunami Relief was formed by several local businesses and cultural organizations to raise funds for the Red Cross and Oxfam. Dr. Joseph Wong of the Yee Hong Community and Wellness Foundation assisted there.

Sylvester Rajaratnam coordinated a group of local churches and businesses, and sent seven containers.

Many other people have similarly participated in the effort and I thank them all.

\* \* \*

[Translation]

## AGRI-FOOD

**Ms. Pauline Picard (Drummond, BQ):** Mr. Speaker, more than 1,500 cash crop producers in central Quebec, 11,600 in all of Quebec and 80,000 across Canada are denouncing the federal government's withdrawal from an agri-food sector where prices have remained ridiculously low.

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Syndicate president Werner Schur deplored the attitude of Ottawa, whose support to the agri-food industry in the federal budget dropped from 3.9% in 1991 to 1.6% in 2002, stressing that grain producers are at their wit's end.

An OECD comparative statement shows a clear disproportion between certain countries in terms of farm income support. In U.S. dollars, for the year 2000, Canada provided \$182 per capita in support, as compared to \$378 in the U.S., and \$276 in Europe.

What is Canada waiting for to improve the situation of our grain producers, who are the first link in the agri-food chain?

\* \* \*

[English]

### NOROUZ

**Mr. Don Bell (North Vancouver, Lib.):** Mr. Speaker, this coming weekend I will be attending celebrations in my riding to mark one of the oldest and most traditional cultural celebrations in human history. I am speaking of Norouz, the Persian New Year.

The Norouz festival celebrates the awakening of natural life and symbolizes the triumph of good over the evil forces of darkness, represented by winter. It is the time when the oppressive presence of the cold winter ends with the commencement of the lively and hopeful spring.

Norouz is a time of renewal, and symbolizes rebirth, awakening, cleanliness and newness. All animosities are put aside to celebrate this event in peace. Many persons from Iran have chosen to make Canada their home and to add their rich ethnic heritage to the cultural mosaic of Canada.

To my friends in the Canadian Persian community in my riding of North Vancouver, and the vibrant Canadian Persian community across the country: "Norouz Mobarak"

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### VOLUNTEERISM

**Mr. Guy Lauzon (Stormont—Dundas—South Glengarry, CPC):** Mr. Speaker, I am proud to pay tribute to an outstanding constituent of Stormont—Dundas—South Glengarry and a great Canadian.

Sultan Jessa came to Canada from Tanzania in 1973 and settled in Cornwall. Since then he has been a tireless and dedicated volunteer, an outstanding journalist, and a mainstay of several service clubs. In 1979 he was named Cornwall's Citizen of the Year.

Sultan Jessa is renowned for his outstanding fundraising abilities, boundless energy and commitment to his community. His efforts have benefited such organizations as the Children's Treatment Centre, the Cornwall Regional Art Gallery and Big Brothers and Big Sisters, among many others. As president of the Cornwall Multicultural Council and the Ontario Folk Arts Multicultural Council, Sultan has fostered solidarity among diverse cultural groups.

I am fortunate to count Sultan among my friends, and the entire Cornwall community is blessed by his outstanding leadership and generosity of spirit.

Congratulations Sultan Jessa.

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● (1410)

**ANTHONY GORDON, LEO JOHNSTON, BROCK MYROL, PETER SCHIEMANN**

**Ms. Françoise Boivin (Gatineau, Lib.):** Mr. Speaker, I would like to take this opportunity to express my sincere condolences to the families of the four RCMP officers killed last week in Mayerthorpe, Alberta.

Canadians right across the country are shocked at this brutal act that took the lives of Constables Peter Schiemann, Anthony Gordon, Leo Johnston and Brock Myrol, four courageous Canadians killed as they carried out their duty in enforcing the law and protecting the public.

[Translation]

At this time when, in Edmonton, nearly 10,000 people are gathered to mourn the loss of these men and to pay tribute to them as well as to the men and women killed in the line of duty, I ask all Canadians to remember the sacrifice the members of our national police and all other police corps are making to ensure that Canada is a country where we can live without fearing for our safety.

Let our thoughts and prayers be with them.

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[English]

### FOREIGN AFFAIRS

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, today is the symbolic anniversary of Tibet's loss to China 46 years ago, but Tibetans are not rising up in defiance of China. They seek a peaceful means of negotiating with China Tibet's rightful place in today's world. It is reasonable and just that Canada help to make this happen.

It was my privilege to meet with his holiness personally during his visit to Canada last spring. When he met with the foreign affairs committee and the Prime Minister, the Dalai Lama urged Canada to take on a peace bridging role between China and Tibet.

Tibetans, Canadians and a majority of their parliamentarians urged the Prime Minister to seize the opportunity of his recent visit to China to urge an end to human rights abuses in China and the resumption of peaceful dialogue with Tibet.

We have yet to see evidence that the Prime Minister has acted on those requests. That is why today parliamentarians in every corner of the House once again call upon the Prime Minister to show leadership in doing what Canadians expect of their government, and that is to contribute to building peace and a meaningful place within China for Tibetans.

## FOREIGN AFFAIRS

**Mr. Rob Anders (Calgary West, CPC):** Mr. Speaker, on this day in 1959 the Tibetan people voiced their united protest against the invasion of their country by the People's Republic of China. The Tibetan national uprising stood up against the Chinese invaders.

In retaliation, the Chinese government massacred thousands of innocent monks, women and children in the streets of Lhasa and elsewhere. A week later, 80,000 Tibetans, including the Dalai Lama, were forced to flee their homeland for asylum in India. There are now more than 130,000 Tibetan refugees scattered around the world.

Today's 46th anniversary does not bring any joy in Tibet, as imprisonments and killings continue. The cultural genocide in Tibet cannot be ignored. The Communist Chinese legacy in Tibet includes 1.2 million Tibetans murdered, 6,000 monasteries destroyed, thousands of Tibetans imprisoned for their political beliefs, and the burning of irreplaceable Buddhist texts.

It is time for the Prime Minister to stop sitting down in Chinese boardrooms until he stands up for human rights.

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[Translation]

## MEMBER FOR TERREBONNE—BLAINVILLE

**Ms. Monique Guay (Rivière-du-Nord, BQ):** Mr. Speaker, as one of the many activities marking International Women's Day, the Milles-Îles chapter of the Réseau des femmes d'affaires du Québec yesterday revealed the winners in three categories: business women, women who care, and the younger generation.

In the women who care category, which honours a woman from the Lower Laurentian region who has shown outstanding community and social involvement over the years, the prize was given to my hon. colleague for Terrebonne—Blainville, the Bloc Québécois critic on international cooperation.

The hon. member for Terrebonne—Blainville is not only a woman who cares, she is also a woman of passion and action, with an indomitable will to serve her community and a commitment to build the Quebec nation.

All my colleagues, her staff members, and everyone in the Bloc Québécois applaud her determination, know-how and dedication, so eloquently recognized.

We also want to congratulate Josée Aubin and Carole Nantel, the other finalists in the same category. Bravo to all.

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[English]

## FOREIGN AFFAIRS

**Hon. Eleni Bakopanos (Ahuntsic, Lib.):** Mr. Speaker, I am pleased and honoured to rise today to extend the warmest of welcomes to His Excellency the High Commissioner for the Republic of Cyprus to Canada on the occasion of his visit to Ottawa.

[Translation]

I also wish to point out that, in December 2004, more than six months after Cyprus joined the European Union, Cyprus has once

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again extended the hand of friendship to Turkey by supporting, along with the other 24 member countries of the EU, a definite date for the start of negotiations to bring Turkey into the EU.

● (1415)

[English]

Canada-Cyprus relations have a history of over 30 years. Canada has always supported a comprehensive and permanent settlement to the Cyprus issue and Canada will continue to work with the UN, the G-8 and others to resolve the island's divided status.

Having worked with other colleagues on the Cyprus issue for as many years as I have been a member of the House, including the presentation in 1996 of the motion on the demilitarization of Cyprus, and always in pursuit of a just and peaceful solution, I, along with my constituents, family and friends of Greek Cypriot origin, remain optimistic that Cyprus will soon be reunified.

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## HEALTH

**Mr. Tony Martin (Sault Ste. Marie, NDP):** Mr. Speaker, on the same day on which we honour four RCMP officers, victims of a disturbed individual, I heard from a mother of a 32 year old man suffering from schizophrenia. He is doing well but relies on the Link Up program in Toronto, which for 12 years has helped people of all disabilities deal with employment barriers.

Link Up will close in two weeks. Why? Because HRSDC, as an answer to its billion dollar boondoggle, has rigid new guidelines that are killing community programs. Welcome to boondoggle chapter two. With the new rules, non-profits fight over contracts with other non-profits and better resourced private companies are winning competitions.

Not funding Link Up is outrageous. Shock waves are rocking the entire voluntary sector.

The government is so eager to stop civil servants from doing anything wrong that it makes it virtually impossible to do anything right. The human resources minister should listen to the community and announce a moratorium on this policy as the standing committee begins its investigation.

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## FORUM FOR YOUNG CANADIANS

**Ms. Bev Oda (Durham, CPC):** Mr. Speaker, last night I had the privilege of attending the Forum for Young Canadians dinner here on Parliament Hill.

Mallorie Malone from Newtonville in my riding of Durham is part of the forum this week, witnessing the world of national politics and public affairs in Ottawa.

Since its inception, over 15,000 young Canadians have graduated from the forum, many of Canada's best and brightest students. I want to congratulate the Forum for Young Canadians, Canada's longest running program for youth focused on government and governing.

*Oral Questions*

I am confident that Mallorie Malone and the other students in Ottawa this week will remember this experience and will make a great contribution to Canada in their future vocations and enrich their communities over the coming decades.

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## ORAL QUESTION PERIOD

[English]

### CANADA-U.S. RELATIONS

**Hon. Rob Nicholson (Niagara Falls, CPC):** Mr. Speaker, the Prime Minister's hand-picked spokesperson on Canada-U.S. relations said the other day "let's embarrass the hell out of the Americans".

The Prime Minister has promised Canadians on a number of occasions that he wants to do things differently, but comments like these are starting to remind Canadians of the old days and the Chrétien government.

Can the Prime Minister tell us how these comments do anything to reduce the trade tensions between our two countries or does he even care?

**Hon. Jim Peterson (Minister of International Trade, Lib.):** Mr. Speaker, let me remind the House that Canada and the United States enjoy the largest trading relationship that the world has ever seen.

There are irritants that have arisen in our trading relationship in softwood lumber, BSE, wheat and live swine, but let me remind the House that 96% of our trade with the United States is dispute free and those of us on this side of the House are going to work to ensure that it is 100%.

**Hon. Rob Nicholson (Niagara Falls, CPC):** What has become apparent, Mr. Speaker, is that the Prime Minister is incapable of controlling the anti-American sentiment in the Liberal Party. That is too bad, because we have some serious problems, problems with agriculture, softwood lumber and border issues.

Can the Prime Minister answer a simple question? Does he agree with the comments of the parliamentary secretary? It is a simple question. Answer it.

**Hon. Pierre Pettigrew (Minister of Foreign Affairs, Lib.):** Mr. Speaker, the opposition makes it a common habit to try to focus on little comments here and there and never tries to help build a strong relationship with the United States, as this government is trying to do.

We want to work well with the United States. The Prime Minister will be going to Waco and Crawford in Texas on March 23. He will be working with President Fox and the President of the United States on a new North American partnership. This is what counts.

We focus on the positive. The opposition should join us in trying to build a strong relationship with the United States.

• (1420)

**Hon. Rob Nicholson (Niagara Falls, CPC):** Mr. Speaker, after years of her anti-American statements, the Prime Minister finally got rid of the member from Mississauga. Now his personal representa-

tive on Canada-America relations is using the same kind of comments. Canada cannot stand for this kind of incompetence.

Will the Prime Minister do the right thing and fire the parliamentary secretary?

**Hon. Pierre Pettigrew (Minister of Foreign Affairs, Lib.):** Mr. Speaker, I think it is very important to realize that the government is working very well with the United States. We intend to continue to enjoy and we have built with the Americans the best continent on the planet in terms of prosperity, quality of life and the level of justice.

We are now working closely with Mexico as well. We will, at the end of this month in Waco, Texas, continue to build on the relationship. We will do this because we like working with the Americans and we know that this is the right thing to do for the future of Canadian prosperity and the quality of justice on our continent.

**Ms. Belinda Stronach (Newmarket—Aurora, CPC):** Mr. Speaker, just last week in Washington, the Prime Minister's parliamentary secretary for Canada-U.S. relations was talking sweet to the Americans about building long term relationships. This week in committee, she proposed a plan that Canada should slander the name of the United States around the world, our friend, ally and major trading partner.

Have the Prime Minister and the cabinet committee on Canada-U.S. relations approved a renewed strategic plan of embarrassment?

**Hon. Jim Peterson (Minister of International Trade, Lib.):** Mr. Speaker, let me say that in building a strong, positive relationship with the United States we are not going to do what the opposition does, which is to focus on every little negative aspect it can try to bring out. We are going to concentrate on what we have in common, that is, the security of North America, the world's largest trading relationship and the fact that 96% of that trading relationship is dispute free.

Why do the opposition members not join with us in emphasizing what Canada is all about?

**Ms. Belinda Stronach (Newmarket—Aurora, CPC):** Mr. Speaker, I am sure those kinds of comments and irritants are not helpful to the good efforts of the Minister of International Trade.

The mandate of the parliamentary secretary for Canada-U.S. relations is to help manage and improve that most critical relationship. Suggesting that Canada should go around the world badmouthing and even embarrassing Americans is nothing but irresponsible.

Why does the Prime Minister accept this kind of behaviour and when will he replace the parliamentary secretary with someone who actually knows what they are doing?

**Hon. Jim Peterson (Minister of International Trade, Lib.):** Mr. Speaker, the hon. member talked about us going around the world and about what we are saying about the United States.

I will tell her what we are saying. We are saying that we are delighted to be working with them on the WTO in terms of trade liberalization and in terms of getting rid of those supports to agriculture in the EU and in the U.S. This is good for Canada.

We are happy to be going around the world talking about how we are going to help develop the Doha agenda, and that means bringing developing countries into the world trading relationship.

These are the positive things we talk about.

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[Translation]

#### SPONSORSHIP PROGRAM

**Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ):** Mr. Speaker, as the Gomery Commission continues its work, we are discovering that the food chain involving the Liberal government's buddies is very long and that the dirty money which ended up in party coffers came from all over.

How can the government justify the fact that the Deloitte & Touche report, which was supposed to be a report of great transparency and shed light on the contributions made to the Liberals, is so incomplete and mentions only a few of the people implicated in the sponsorship scandal? What is the government trying to hide?

**Hon. Jean Lapierre (Minister of Transport, Lib.):** Mr. Speaker, I must say this is not really a question that concerns the government. I am surprised that it was allowed.

In any case, I want to tell the hon. member that the Liberal Party has submitted documents to the Gomery Commission listing the names of all the agencies, directors and subsidiaries that might have been contributors. The list was available. It is the same list which was distributed to both Commissioner Gomery and the special counsel.

**Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ):** Mr. Speaker, this question does indeed concern the government, since just today at the Gomery inquiry, Jacques Corriveau of Pluridesign was called to testify. Mr. Corriveau's company is strongly suspected of having been paid via Lafleur Communication in the sponsorship scandal.

We know full well that the Liberal Party owed money directly to Mr. Corriveau after the 1997 election campaign. Why did the minister not mention Jacques Corriveau's name in the Deloitte & Touche report, which was supposed to be used to track the dirty sponsorship money? That is my question.

• (1425)

**Hon. Scott Brison (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, it is not appropriate to discuss this testimony day after day here in the House of Commons.

[English]

However, one thing that is very clear, and to which this government is absolutely committed, is that if partisan funds were received from any of the parties implicated ultimately by Justice Gomery in his final report, those funds will be returned to the people of Canada. That is a promise made and, when Justice Gomery completes his work, that will be a promise kept.

However, we have to allow Justice Gomery to complete his work.

#### Oral Questions

[Translation]

**Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ):** Mr. Speaker, the Minister of Transport did indicate, several times, that all the dirty money from the sponsorship scandal would be found and taken out of the Liberal Party coffers.

How can the Prime Minister claim that the dirty money will be paid back when the Deloitte & Touche report that was supposed to identify this money makes no mention of the nine employees at Lafleur Communication who were strongly urged to contribute \$1,000 each to the Liberal Party? How can we shed any light with such an incomplete report?

**Hon. Jean Lapierre (Minister of Transport, Lib.):** Mr. Speaker, the hon. member should know that the Deloitte & Touche report was based directly on the list provided by the Auditor General of Canada. This should be the most credible and complete list available since it was created from the Auditor General's report.

We cannot prejudge the inquiry and the hon. members opposite should not either. Let us wait for the report. If the money was given improperly, every cent of it will be reimbursed.

**Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ):** Mr. Speaker, on February 20, 2004, the Minister of Transport, former head of the Quebec wing of the Liberal Party of Canada, and now a member of this House, said in an interview with *La Presse* that Deloitte & Touche had been given "a very broad mandate" to track the sponsorship money.

How could the Minister of Transport make such a statement at that time when, in reality, the mandate was extremely narrow and there was no possibility whatsoever of identifying the bulk of the contributors involved in the sponsorship scandal?

**Hon. Jean Lapierre (Minister of Transport, Lib.):** Mr. Speaker, I do not know how the hon. member reaches his conclusions. We took the Auditor General of Canada's report, and used it to draw up a list of all the names mentioned, company names and all their directors. We took the most complete list we had and that list came from the Auditor General.

Moreover, we cannot be asked to take over the job of the Gomery Inquiry. It was put in place to find out the whole truth. Its list will become ours, and if there is any causal connection between donations and Liberal Party activities, every cent of it will be paid back. Nothing could be clearer than that.

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[English]

#### HEALTH

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, the NDP has asked consistently why the Liberals have allowed credit card hospitals to open in Alberta, credit card surgery to expand in B.C. and Quebec, and credit card MRIs to expand in Nova Scotia. Every time the Liberals' response has been that they support the Canada Health Act.

Yesterday was different. Yesterday the minister admitted that the act did not stop privatization, just as we have been saying all along.

### Oral Questions

If the act does not stop credit card medicine, why have the Liberals pretended for so many years and to the public that it does?

**Hon. Ujjal Dosanjh (Minister of Health, Lib.):** Mr. Speaker, as I said yesterday, we will be providing \$41 billion to the provinces over the next 10 years to stem the tide of privatization. They can put that money into the public health care system.

I have said very clearly that we support the public health care system. We support public delivery of health care services across this country. Our preference is not privatization.

I also said that the practice of opting out has existed from the time of Tommy Douglas and that it is outside the ambit of the act.

The hon. member for Elmwood—Transcona said that to the press some months ago. It is clearly on the record. I agree with—

• (1430)

**The Speaker:** The hon. member for Vancouver East.

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, the question is: Why has this minister been pretending to the Canadian public that the Canada Health Act does prevent privatization? Why is he allowing those funds to go out with no accountability and without stopping privatization?

Why is it that the Liberals pretend in an election that they are there to support public health care and yet in government they are prepared to stand by and watch people whip out their credit cards instead of their health care cards to pay for health care?

Does the minister just lack the gumption to enforce the act and stop privatization or is he just content to see another promise broken by his government?

**Hon. Ujjal Dosanjh (Minister of Health, Lib.):** Mr. Speaker, I have said it so many times that I guess it bears repeating. We stand for public health care and for public delivery, which is our preference, and we stand for enforcing the Canada Health Act.

My officials are in dialogue with the provinces. Yes, we absolutely do want to enforce the Canada Health Act.

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### AGRICULTURE

**Ms. Diane Finley (Haldimand—Norfolk, CPC):** Mr. Speaker, the Liberals have once again shown their anti-American bias while the U.S. border remains closed to our Canadian cattle and livestock. This strategy is like poking someone in the eye and then asking them for a favour.

If the Prime Minister were truly serious about American border issues he would be more outraged about this than we are.

Could the Prime Minister explain how his government's policy of "embarrassing the hell out of the Americans" will help reopen the U.S. border to our Canadian livestock?

**Hon. R. John Efford (Minister of Natural Resources, Lib.):** Mr. Speaker, if hon. members opposite were truly serious about getting the border open and working with the Minister of Agriculture they would not be standing in this House day after day criticizing what the government is doing.

This government is doing everything possible. The opposition would be better served if it took a proactive approach instead of a negative approach.

**Ms. Diane Finley (Haldimand—Norfolk, CPC):** Mr. Speaker, instead of trying to embarrass the Americans, the Prime Minister should stop embarrassing himself and our country.

The Prime Minister's hand-picked personal representative for Canada-U.S. relations has once again shown the government's disrespect for our southern neighbours. This brazen disregard further jeopardizes the future of our already beleaguered livestock producers.

When will the Prime Minister repair the damage done, demonstrate that he is serious about Canada-U.S. relations and fire his parliamentary secretary?

**Hon. Pierre Pettigrew (Minister of Foreign Affairs, Lib.):** Mr. Speaker, I am sure the opposition calls far more the attention of Washington with that comment than the comment itself generated. The opposition is really not helping the beef producers in the west.

This government is working hard with the Americans to reopen the border to softwood lumber and to beef. We are working hard with them in building in Afghanistan and the reconstruction of Iraq. We are working together in Haiti. We are also working with the Mexicans in building a stronger North America, while those people just do not—

**The Speaker:** The hon. member for Vancouver Island North.

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### SOFTWOOD LUMBER

**Mr. John Duncan (Vancouver Island North, CPC):** Mr. Speaker, I have news for the foreign affairs minister. The committee meeting, which the hand-picked Parliamentary Secretary for the Prime Minister attended, was a closely watched committee meeting in this place by the stakeholders in the softwood dispute between Canada and the U.S. She could not have picked a worse moment. What an embarrassment and what a liability for Canada.

Canadian cash deposits in the softwood lumber dispute are nearing \$5 billion and her reckless anti-American comments represent a major setback.

**The Speaker:** The hon. Minister of International Trade may want to respond to the comment.

**Hon. Jim Peterson (Minister of International Trade, Lib.):** Mr. Speaker, I am totally incredulous that the hon. member talked about a major setback on the softwood lumber issue.

My goodness, just this week we were able to get the unanimous consent of all of the provinces and the three territories for an initial proposal on the softwood lumber dispute in order to bring it to a resolution. What is even better, preliminary indications from the U.S. are that this is constructive and could lead to a good outcome.

• (1435)

**Mr. John Duncan (Vancouver Island North, CPC):** That is pretty shallow stuff, Mr. Speaker.

The U.S. Congress is looking for any excuse to erode the NAFTA dispute resolution process on softwood lumber. Experts warned about this at the very meeting where the Parliamentary Secretary to the Prime Minister made her ill-advised comments. She has done great damage to Canada's national interest in a meeting closely watched.

When will the Prime Minister fire his hand-picked parliamentary secretary?

**Hon. Jim Peterson (Minister of International Trade, Lib.):** Mr. Speaker, the hon. member talked about the dispute resolution provisions of the NAFTA, chapter 19.

Everyone on this side of the House, including the Prime Minister, recognizes that we have to bring finality to these disputes under the NAFTA. All of us are working constructively with the United States in order to look at new ways to achieve that. This was agreed to at the highest level. We will continue to be constructive.

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[Translation]

#### CSL SHIPPING

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Mr. Speaker, Greenpeace is protesting the fact that a ship belonging to the Prime Minister's family firm, Canada Steamship Lines, was headed for India to be demolished, without Canada having indicated that it contained hazardous materials, contrary to the requirements of the Basel Convention of which it is a signatory.

How can the Minister of the Environment explain that he did not fulfill his Basel Convention responsibilities in connection with this CSL ship?

**Hon. Jean Lapierre (Minister of Transport, Lib.):** Mr. Speaker, I must point out that Transport Canada inspectors had indeed examined the vessel and all international standards, all international requirements, were met at the time of its departure.

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Mr. Speaker, according to two sources, including one at the port of Montreal, that is incorrect.

CSL sold the ship to a shipowner and it went straight to demolition. However, this ship itself is highly contaminated and constitutes hazardous waste.

Why did the Canadian government not inform the Government of India, as it had the duty to do? Is the Government of Canada not giving the impression that it is helping Canada Steamship Lines, the company owned by the family of the Prime Minister, pull a fast one?

**Hon. Jean Lapierre (Minister of Transport, Lib.):** Mr. Speaker, if I were cheap, I would do what the hon. member is doing and try to make connections to the family like that. It takes someone cheap to do that.

The truth is we are all working together, the Government of Canada, Transport Canada and Environment Canada, to establish better international standards for decommissioned ships. Everyone is working for a better environment and we certainly have nothing to learn from the Bloc Québécois.

#### Oral Questions

#### THE ENVIRONMENT

**Mr. Christian Simard (Beauport—Limoilou, BQ):** Mr. Speaker, the Minister of Natural Resources and the Minister of the Environment do not agree on what position to take concerning auto manufacturers. One prefers the voluntary approach to reducing greenhouse gas emissions and the other prefers an agreement accompanied by binding regulations. This difference of opinion between the two ministers is delaying the drafting of the Kyoto protocol implementation plan and has even forced the Prime Minister to step in to resolve this impasse.

Can the Prime Minister tell us whether he decided in favour of the Minister of the Environment?

[English]

**Hon. David Emerson (Minister of Industry, Lib.):** Mr. Speaker, I can assure the House that the discussions which are ongoing with the automotive industry will not delay the implementation and release of a climate plan.

[Translation]

**Mr. Christian Simard (Beauport—Limoilou, BQ):** Mr. Speaker, does the Minister of the Environment recognize that if the government continues to reduce greenhouse emissions targets, particularly with regard to the major industrial polluters, he will have to buy emission credits from other countries, and the taxpayers are the ones who will pay for wealthy oil and gas companies to do nothing?

**Hon. Stéphane Dion (Minister of the Environment, Lib.):** Mr. Speaker, we will have a plan for Kyoto. It will be announced in the coming weeks and it will be an excellent plan that will allow all Canadians to play a role. Indeed, everyone will be asked to do his or her share.

The excellent green budget presented to Canadians by the Minister of Finance provides the tools that we need, including a fund for climate change and for partnerships, tax incentives and targeted programs. Of course, regulations will also be made regarding final emitters, and this will help Canadian competitiveness.

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● (1440)

[English]

#### CANADA-U.S. RELATIONS

**Mr. Monte Solberg (Medicine Hat, CPC):** Mr. Speaker, what a unique approach to improving Canada-U.S. relations. The Prime Minister's hand-picked representative actually has advocated that Canada sabotage U.S. trade discussions with other countries. How ironic, because that is exactly what the parliamentary secretary is doing to our trade ties with the United States.

When will the Prime Minister fire the parliamentary secretary?

### Oral Questions

**Hon. Pierre Pettigrew (Minister of Foreign Affairs, Lib.):** Mr. Speaker, that is the very member who on his website is using Dr. King's name for a political end, absolutely using and misusing American history. He pretends that on this sort of thing we can build a strong relationship between Canada and the United States. Not only is he not respecting Canadian efforts and Canada's role in North America, he is not even respecting the whole history of the United States.

**Mr. Monte Solberg (Medicine Hat, CPC):** Mr. Speaker, one in three jobs in Canada depends on trade. It is ridiculous that we get that kind of answer when that many jobs are dependent on good relations with the United States.

This was no slip of the tongue. This was a trade strategy proposed by the parliamentary secretary at a time when we had the border closed to Canadian cattle and softwood lumber. How can the Prime Minister have any credibility when he goes to meet President Bush when he carries that kind of baggage around?

**Hon. Jim Peterson (Minister of International Trade, Lib.):** Mr. Speaker, the hon. member mentions softwood lumber. Why does he not recognize that we are making progress in continuing with our three-track approach? What one single constructive idea has he given on this? What one constructive bit of advice has he been able to provide? None.

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### FOREIGN AFFAIRS

**Ms. Helena Guergis (Simcoe—Grey, CPC):** Mr. Speaker, on the heels of a booming economy and significant internal economic reforms, the World Food Programme director, James Morris, has announced that at the end of 2005 the program will no longer be an active operating program in China. China no longer needs us.

The Minister of International Trade returned from China earlier this year raving about China as a crucial emerging market for Canadian business. When will the CIDA minister get the hint that China is now ready for trade, not aid?

**Hon. Aileen Carroll (Minister of International Cooperation, Lib.):** Mr. Speaker, members on the other side of the House love to talk as they do about the government of China. What they do not understand, and I have said this a number of times, is we do not give one penny of money to the government of China. We work with the Canadian Bar Association that is setting up a legal aid system. We work with the Canadian Bar Association that is setting up community legal services for the poorest and most disenfranchised.

Why they want me to cancel this program and not engage China is beyond this side of the House.

**Ms. Helena Guergis (Simcoe—Grey, CPC):** Mr. Speaker, communist China has the world's largest military ready to crush independence and democracy in Taiwan. If it has money for military and space programs, it has money to take care of its own.

When will the Liberal government get its act together and decide exactly what its foreign policy is and help countries that cannot help themselves?

**Hon. Aileen Carroll (Minister of International Cooperation, Lib.):** Mr. Speaker, this side of the House has its act together. We are working very well with all our departments of the international

policy system to provide exactly the kind of coherency and focus that seems lacking on the other side of the House.

We are sending experts to China to improve the judicial system and to improve the legislative system. Helping the Chinese to build a more democratic and more prosperous country is not only good for China, it is good for the world.

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● (1445)

### STATUS OF WOMEN

**Mr. Russ Powers (Ancaster—Dundas—Flamborough—Westdale, Lib.):** Mr. Speaker, over the last 20 years women have made real progress toward achieving gender equality. Women and girls throughout the developing world are taking action. Canada too has committed to gender equality in all of its CIDA programming.

I would like to personally thank the Minister of International Cooperation for her work on addressing the global fight against HIV-AIDS and her initiative in the promotion of gender equality.

Will the minister update the House on what Canada is doing to address gender inequality and women's lack of empowerment globally?

**Hon. Aileen Carroll (Minister of International Cooperation, Lib.):** Mr. Speaker, may I assure him and the House that gender equality will always be integral to everything we do within Canada's development programs. I would like to give him an example of a few of them of which I am particularly proud.

In Afghanistan, CIDA supported the education of 3,000 girls who were denied access to education under the Taliban. As a result, this initiative means full integration for 3,000 young women into the public education system.

In addition, it provided \$15 million for microbicides to enable women on the AIDS fight.

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### THE ENVIRONMENT

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, in the United States decommissioned Zonolite plants are designated EPA super fund sites and full remediation is underway. That is because people who live next to these Zonolite plants are dying of asbestosis.

The Zonolite plant in Winnipeg is right across the street from the largest high school in my riding, yet the federal government has done absolutely nothing to remediate the ten Zonolite plants in ten cities across the country.

Why has the government taken no action about Zonolite? Why is it afraid to admit there is no safe level of asbestos? Why is it not cleaning up these hazardous sites?



*Oral Questions*

**Hon. Joe Fontana (Minister of Labour and Housing, Lib.):** Mr. Speaker, the hon. member is as concerned as we are about the question of safety in homes and in buildings. The member is a resident of West Block and I can reassure him that it is safe. We are looking into the situation, and we will ensure that people's safety comes first and foremost.

\* \* \*

**SOCIAL DEVELOPMENT**

**Mr. Tony Martin (Sault Ste. Marie, NDP):** Mr. Speaker, the government rewards its corporate friends with billions in tax cuts while killing funding to programs that support people with disabilities.

The navigating the waters program that supports people to find work and to develop their skills is losing its funding, despite the government's repeated promises to increase the participation and inclusion of persons with disabilities. This national program puts millions into the economy. Clients leave social assistance and become taxpayers. Seven hundred people will lose their employment support.

Will the Minister of Social Development immediately overturn this—

**The Speaker:** The hon. Minister of Social Development.

**Hon. Ken Dryden (Minister of Social Development, Lib.):** Mr. Speaker, as the hon. member knows, the Canadian Association of Independent Living Centres, which is the driver of that program, has been a significant recipient of assistance from the government, having received \$3.7 million in 2003-04 and over \$2 million this year.

A proposal that it made for funding in this past year did not meet the new criteria, and it was not accepted. At the same time, we have been working with the organization on a new proposal, and we look forward to supporting it in the future.

\* \* \*

**IMMIGRATION**

**Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC):** Mr. Speaker, the truth is coming out about the Liberals' growing contempt for democracy. This week the Liberal immigration minister said that a law passed by Parliament would not really be the law of the land. It is just "for guidance". In other words, he actually said that Parliament's laws did not have to be respected and followed if the Liberals did not feel like it.

When he said that Parliament's laws were just guidance, did this minister speak for the Prime Minister?

**Hon. Joseph Volpe (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, first, I wish the member would quote me accurately and do the complete quote. What I did indicate was that the Refugee Appeal Division, which was proposed by the committee and accepted in Parliament, was an additional impediment to streamlining the process, which she apparently favours.

I gave an indication in the House and elsewhere that last year we had an additional 6,000 refugees that were approved in the process

and, therefore, with an increase of close to 25% in refugees' acceptance, we hardly needed that mechanism.

● (1450)

**Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC):** Mr. Speaker, that law was passed by Parliament years ago. It is alarming that the minister of the Liberal government would actually try to excuse and rationalize ignoring and disrespecting the law of the land.

Canadians deserve to know why the Prime Minister is allowing Parliament's laws to be treated merely as guidance.

**Hon. Joseph Volpe (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, considerations for that legislation were designed to provide claimants with an opportunity to appeal a negative decision.

I might remind the House that all failed claimants can make an appeal to the federal court. They are also subject to a pre-removal risk assessment and have applications for H & C in the process.

I refer to a specific case just this last year: a country from Central America, 2,000 applicants and 99% of them were refused. Would she have those 99% clogging up the system that she abhors?

\* \* \*

[Translation]

**SPONSORSHIP PROGRAM**

**Mr. James Moore (Port Moody—Westwood—Port Coquitlam, CPC):** Mr. Speaker, when we think of it, the sponsorship scandal is based on a very simple premise: The Liberal government awarded generous contracts to advertising agencies that are friends with the Liberal Party and, conversely, these agencies gave money to the Liberal Party. We learned that Pierre Michaud and Pierre Davidson both gave \$1,000 to the Liberal Party in 1997, after receiving money from the sponsorship program.

The Minister of Transport promised to give back the dirty money related to sponsorships. Is this also a broken promise by the Liberal government?

[English]

**Hon. Scott Brison (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, once again the member is commenting on testimony. We know that even this week one day's testimony has been contradicted by another day's testimony. He would be better off to wait for Justice Gomery to complete his report and to report back to Canadians. When we know the truth, we will be able to do the right thing and address those issues then.

I am sure the hon. member will be very pleased with the government's action at that point.

**Mr. James Moore (Port Moody—Westwood—Port Coquitlam, CPC):** Mr. Speaker, the evidence is not contradictory. The evidence is mounting that the Liberal government is involved and has been involved in some pretty sketchy activities.

Last week during an advocacy day in Washington, D.C., 1,700 tee-shirts were distributed promoting Canada on Capitol Hill. The shirts were supplied by a company with a sketchy record of unfair labour practices in the third world, and these 1,700 tee-shirts were made in Mexico, not Canada.

*Oral Questions*

Why would the Canadian government not distribute Canadian products on a Canadian trade mission?

**Hon. Jim Peterson (Minister of International Trade, Lib.):** Mr. Speaker, here are the facts if the member is really interested. The shirts were sewn in Mexico and packed in the United States. However, they were designed by Canadians. The thread was made in Quebec. The tissue was made in Quebec. The shirts were dyed in Quebec, and they were purchased from a Quebec company. Most of these shirts were from Quebec.

\* \* \*

[Translation]

**TEXTILE INDUSTRY**

**Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ):** Mr. Speaker, the Canadian input was not indicated on the shirt or on the packaging.

The United States did not hesitate to protect their textile industry by opening their border to apparel from all over the world, provided such imports were made with American thread. Canada refused to do the same, with the result that Canadian textile plants are closing one after the other.

Why did the government refuse to do the same thing to protect the textile market, particularly considering that such a measure would not have cost it one penny, since it would simply have had to pass legislation?

**Hon. Jim Peterson (Minister of International Trade, Lib.):** Mr. Speaker, as we have already mentioned, most of these T-shirts were made in Canada by Canadian workers.

Having said this, our support to the textile and apparel industries is very significant. Over the past two years, we gave them close to \$600 million. Such is our support to help these industries become more competitive.

• (1455)

**Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ):** Mr. Speaker, passing legislation does not cost anything, except a small amount of political courage and the will to act. The Americans legislated to ensure that clothing sold in the U.S. has American content, thereby protecting their industries.

Why did the government not see fit to take similar action to protect our textile industry?

**Hon. Jim Peterson (Minister of International Trade, Lib.):** Mr. Speaker, we did take action to protect our textile and apparel industries in Canada. We have given them close to \$600 million to become more competitive. That is the support we have provided.

\* \* \*

[English]

**NATIONAL DEFENCE**

**Mr. Brian Pallister (Portage—Lisgar, CPC):** Mr. Speaker, a \$1.5 billion contract for pilot flight training was supposed to have been awarded last October but the government is dragging its feet. We are not sure why. Our information is that the evaluation between Allied Wings, a western Canadian consortium, and Bombardier, the present provider, was also completed months ago. There is growing

suspicion that if Bombardier had the winning bid, the contract would have been awarded months ago.

As the deadline is fast approaching I want the government to tell us today, will it announce the winner of this contract, or is this part of the Bombardier bailout package?

**Hon. Bill Graham (Minister of National Defence, Lib.):** Mr. Speaker, that is a totally outrageous and divisive analogy to take in this House to try and divide one part of Canada from another. It is typical of that party, divide the country and make us all fight one another.

What we are doing in the Department of National Defence with the cooperation of Industry Canada and with my colleague in the Department of Public Works is to work on these contracts to make sure they are the best contracts for our defence forces, the best contracts in the interests of our forces and in the interests of our country. We will do that.

Treasury Board is examining this contract. The award will be made this spring, but it will be made in the national interests, not narrow parochial interests that the member is—

\* \* \*

**JUSTICE**

**Mr. Dave Batters (Palliser, CPC):** Mr. Speaker, crystal meth is a highly addictive, destructive menace that is ruining lives and communities across the country.

The Minister of Justice has said that he is waiting until June for a task force to tell him that he needs to reclassify crystal meth as a schedule I drug. How many more Canadians will be hooked by then?

Once again the government has failed to take immediate and decisive action to protect the well-being of Canadians.

Will the justice minister act immediately to get tough on crystal meth traffickers by allowing judges to impose stiffer penalties?

**Hon. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, we are aware that crystal meth is becoming a scourge within our communities.

Recently the view has been expressed that the current classification of methamphetamines in our drug legislation results in a maximum penalty for possession and trafficking that is not proportionate to the potential harm that can be caused by this drug. Accordingly, Health Canada is examining this and will make recommendations as to whether this designation should be changed.

\* \* \*

[Translation]

**FOREIGN AFFAIRS**

**Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.):** Mr. Speaker, my question is for the Minister of Foreign Affairs and concerns Taiwan.

The United States of America has recently announced it is opposed to China's so-called anti-secessionist law, which would have the Chinese army invade Taiwan immediately following any undefined move toward some form of independence by the Taiwanese government.

Will the Minister of Foreign Affairs add his voice to that of his American counterpart in condemning this unilateral action by China?

**Hon. Pierre Pettigrew (Minister of Foreign Affairs, Lib.):** Mr. Speaker, it is my understanding that the record of the proceedings on the bill in question has not been made public by the National People's Congress. We are anxious to apprise ourselves of its content and we will review it once it has been published.

I would like to point out that Canada has always been adverse to either side taking any unilateral action to change the status of Taiwan and cause tensions to intensify, which would have an impact on prosperity and political stability in east Asia.

\* \* \*

[English]

#### TOBACCO PRODUCTS

**Mr. Jeremy Harrison (Desnethé—Missinippi—Churchill River, CPC):** Mr. Speaker, Radio-Canada has reported that the illegal trafficking of cigarettes through the Akwesasne reserve is growing. In the first two months of this year alone, RCMP have made 35 seizures at a value of over \$1 million. An estimated 20,000 cartons of cigarettes cross the reserve's border illegally every day.

The government's band-aid solutions obviously are not fixing the problem. Why will the Liberal government not drop the smoke and mirrors and seriously crack down on Akwesasne's smuggling operation?

• (1500)

**Hon. Bill Graham (Minister of National Defence, Lib.):** Mr. Speaker, the RCMP carefully monitors trends in order to develop and implement effective enforcement strategies and to deploy the appropriate resources. Law enforcement agencies on both sides of the border work together to curtail the illegal movement of tobacco products.

It is totally inaccurate to make the proposal of the hon. member. In fact, the RCMP and its partners, both domestic and international, combat the illicit tobacco market through crime prevention, monitoring and enforcement activities. They shall continue to do that.

\* \* \*

#### TRANSPORT

**Mr. Mark Warawa (Langley, CPC):** Mr. Speaker, auto theft is an epidemic problem costing Canadians over \$1 billion every year. I have been working on this issue for the last five years and I am pleased that the Conservative Party's pressure on the government has been successful.

All new vehicles registered in Canada will soon be equipped with an immobilizer as standard equipment, making those vehicles almost impossible to steal. The Canadian standard immobilizer is the best type. Why would the transport minister also permit the inferior,

ineffective European standard to still be used, putting vehicles at risk to be stolen?

**Hon. Jean Lapierre (Minister of Transport, Lib.):** Mr. Speaker, I would like to thank the hon. member for recognizing that the government has acted. The Liberal caucus has also been asking for those measures.

The reason we are allowing both standards is to encourage global harmonization by vehicle manufacturers and to open the Canadian market to world suppliers. There are 175,000 vehicles stolen each year. With this measure we hope that number will go down dramatically.

\* \* \*

[Translation]

#### GOVERNMENT CONTRACTS

**Ms. Louise Thibault (Rimouski-Neigette—Témiscouata—Les Basques, BQ):** Mr. Speaker, earlier this week, in response to a question about maintaining the 55% Canadian content requirement for army boots, thereby allowing Tannerie des Ruisseaux of Saint-Pascal-de-Kamouraska to remain in operation, the Minister of Public Works and Government Services said that he wanted to respect international agreements. But the fact of the matter is that DND procurement is excluded from all international trade agreements.

I will simply ask the Minister of Public Works and Government Services again if he can give us the assurance that this 55% requirement will be maintained, thereby maintaining 50 jobs in Saint-Pascal-de-Kamouraska?

[English]

**Hon. Scott Brison (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, I thank the hon. member for her question and for her diligence on these issues.

The fact is we are working with the Department of National Defence to consider our options. We are balancing the need for a competitive supplier environment with the issues of industrial benefit for all regions of the country, best value for the Canadian taxpayer and best equipment for the Canadian armed forces. We expect to issue an RFP shortly.

\* \* \*

#### HEALTH

**Ms. Ruby Dhalla (Brampton—Springdale, Lib.):** Mr. Speaker, many of us know that the World Health Organization is investigating human cases of the avian flu in Vietnam. This is being done to determine if the virus is becoming more adept at spreading from human to human.

Would the Minister of State for Public Health please tell the House if the Public Health Agency of Canada is taking the required precautions to protect Canadians from the human to human transmission of the avian flu?

**Hon. Carolyn Bennett (Minister of State (Public Health), Lib.):** Mr. Speaker, I thank the member for her ongoing watch on global health and health care in Canada.

### Supply

To date there is no evidence of efficient human to human transmission of avian flu H5N1. The WHO has not changed its assessment of risk to human health as a result of the health care worker's case. The Public Health Agency of Canada is working with the WHO and continues to monitor the global avian influenza situation.

[Translation]

Canada has developed a comprehensive action plan to deal with flu pandemics, including at the provincial and territorial level, with several provinces or territories currently developing their own plans.

\* \* \*

[English]

### BUSINESS OF THE HOUSE

**The Speaker:** It being Thursday, I believe the hon. opposition House leader has a question he would like to ask.

**Mr. Jay Hill (Prince George—Peace River, CPC):** Mr. Speaker, now that the Conservative Party of Canada has ensured the survival of this Parliament for a little while longer, we are interested in learning exactly what the government's agenda is for the remainder of this week and on into the week after the break.

We are also interested in learning when the government intends to table its long-awaited legislation on the Atlantic accord. Will it be in the budget implementation bill or will it be a stand-alone separate bill?

**Hon. Tony Valeri (Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I am sure you and all Canadians know the reason the Conservative Party of Canada abstained from voting for the budget is that the budget was very popular with Canadians. In fact the Conservatives did not want to go knocking on doors given the fact that the budget was there. I say that just so we are clear with respect to the preamble.

This afternoon we will continue to debate the supply day motion. On Friday we will consider report stage and third reading of Bill C-3, the Coast Guard bill; Bill S-17, which ratifies a number of tax treaties; Bill C-23, the human resources bill; and Bill C-22, the social development bill.

When we return on March 21 we will resume debate on Bill C-38, the civil marriage bill. Tuesday, March 22 shall be an allotted day. On Wednesday, March 23 we will consider report stage and third reading of Bill C-30, the compensation bill. If we complete that, we will resume business from Friday. We will then return to the marriage bill on March 24.

With respect to the budget implementation bill, I expect to be introducing that bill in the House in the very short term. At that time the hon. member will see its exact contents.

### ROYAL ASSENT

• (1505)

[Translation]

**The Speaker:** Order, please. I have the honour to inform the House that a communication has been received as follows:

Rideau Hall  
Ottawa

March 10, 2005

Mr. Speaker,

I have the honour to inform you that the honourable Ian Binnie, Puisne Judge of the Supreme Court of Canada, in his capacity as Deputy of the Governor General, signified royal assent by written declaration to the bill listed in the Schedule to this letter on the 10<sup>th</sup> day of March 2005, at 12.38 p.m.

Yours sincerely,

Curtis Barlow

Deputy Secretary, Policy, Program and Protocol

The schedule indicates the bill assented to was C-24, An Act to amend the Federal-Provincial Fiscal Arrangements Act and to make consequential amendments to other Acts (fiscal equalization payments to the provinces and funding to the territories), Chapter 7.

\* \* \*

### POINT OF ORDER

SUBCOMMITTEE ON INTERNATIONAL TRADE, TRADE DISPUTES AND INVESTMENT

**Hon. Marlene Jennings (Parliamentary Secretary to the Prime Minister (Canada—U.S.), Lib.):** Mr. Speaker, today, at the Subcommittee on International Trade, Trade Disputes and Investment, I made some comments that raised many questions. I would simply like to say that I had the opportunity to review the transcript and I recognize that I may have used certain words that were a little exaggerated.

[English]

I believe it is up to our government and each one of us to undertake to be constructive in our relationship with the United States. It is in our interests. It is part of our Canadian values to cherish the relationship with the United States, as I do as someone who is half American and has family in the United States. I would apologize to the members in this House that my comments were a little bit exaggerated. I apologize.

**Mr. John Reynolds (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC):** Mr. Speaker, I would like to say that those of us on this side, and in true parliamentary fashion, accept the member's apology for those very inappropriate remarks.

**The Speaker:** I thank hon. members for their interventions.

### GOVERNMENT ORDERS

[Translation]

### SUPPLY

OPPOSITION MOTION—PROCEEDS OF CRIME LEGISLATION

The House resumed consideration of the motion, as amended.

**Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ):** Mr. Speaker, it extremely rarely in the past 12 years have I risen in this House and been totally proud to speak on a motion or bill, at least with this sort of intensity.

I am particularly proud to be a member of the Bloc Québécois, for, since 1994, that is, since our very first deliberations in the House of Commons, it has always been a concern of the Bloc Québécois to combat organized crime. We were motivated to combat this organized crime particularly in view of the weaknesses that could be found in the Canadian Criminal Code.

The intensity, conviction and passion that we have devoted to this have been such that my colleagues in the Bloc Québécois have brought about two radical reforms of the Criminal Code, particularly on the anti-gang provisions concerning organized crime. And there were other provisions concerning threats and intimidation that were prompted by the Bloc Québécois. Also the whole debate surrounding the ease with which drug traffickers in particular could launder money using \$1,000 bills.

On this subject I would like to salute my colleague from Charlesbourg—Haute-Saint-Charles who, upon being made aware of this issue in 1997, tabled a bill to eliminate these \$1,000 bills, which facilitated the transport of dirty money and the laundering of it.

I would like to thank my party, its leader, and all my colleagues, for all the work that has been done since 1994 to even more effectively combat organized crime. In particular, I would like to congratulate my colleague from Charlesbourg—Haute-Saint-Charles, an outstanding young lawyer who is deeply concerned to build lasting society based on law, justice and social justice. He has been primarily responsible for the production of a volume on the Shoah and on our capacity to all recall the Jewish genocide every year.

I was pleased when my colleague from Charlesbourg—Haute-Saint-Charles asked me to support this motion which he has tabled on reversal of the burden of proof. I was pleased and honoured as well that he should think of me. My colleague from Rosemont—La Petite-Patrie had the same idea of urging me to support the motion of my colleague from Charlesbourg—Haute-Saint-Charles. I am proud to have supported this motion on the reversal of proof, because I have believed in it for many years.

In spite of myself, for sure—as you know, it was not my career plan or my choice either—I have had to change my political path a little over the last few years. A few years ago, my family and I were the victims of death threats from organized crime and drug traffickers in the greater Saint-Hyacinthe area.

Why were we threatened? Because in 1997 I had started denouncing the criminals in the Hell's Angels south chapter, who were squatting on farm land, planting thousands of cannabis plants, threatening farm families and terrorizing them too. I had taken up the cause of the rural world, and of freedom too, because that is what it was really all about.

One cannot be a descendant of sons of freedom, for example, desire the emancipation of Quebec and still agree to close one's eyes to the fact that hundreds of farm families are imprisoned by threats from organized crime, no longer masters in their own homes and no longer able to enjoy the tranquility, peace and serenity of their own land. I decided at that point to take a stand for the freedom of some, which means a lack of freedom of others.

### *Supply*

This confrontation with organized crime was just a matter of circumstance. But, given the seriousness of the threats, I decided that instead of keeping quiet in the face of organized crime, I would be more outspoken than ever in order not to leave an inch of land to these criminals, who, through terrorism, subject people daily to *omertà*, that is, the law of silence.

● (1510)

We created a public info-crime committee in my region, whose main objective is to promote a very simple tool—a telephone number—people can call to report crimes of any kind anonymously and completely confidentially. I co-founded this committee a few years ago with the late Raymonde Rivard, who at that time chaired the school board in my region. She too was fed up with organized crime, which was poisoning her children, as she put it.

We decided to take things in hand with the citizens committee. We would bring organized crime out of the woods and off the land in our region. If that is done in all regions, at some point these people will not have anywhere to go, except to greenhouses where the electricity meters go 200 miles an hour and where it is easier to find them and send them to jail.

The events of last week, that is, the simultaneous murder of four police officers, should also open our eyes to the fact that these people with links to organized crime, to the biggest gangster groups like the Hell's Angels, for example, the Nomads in particular, are not luxury gardeners. It is not humdrum. It is not something that can just be alone. These people are criminals.

What they grow in our fields they exchange for cocaine, heroine, ecstasy or date rape drugs. They poison our children right from primary school. Quebec has just published the most extensive study ever done on first experiences with all sorts of drugs. The study found that, unlike three or four years ago, children are starting at age nine to have their first experience using drugs.

If there were no supply, there would be no demand for these drugs. If there were no supply, there would be no dealers wandering around elementary and secondary schools selling this junk to our children, who can end up in a vicious circle.

We know through experience that even if a community takes charge and locks people up there are still flaws in the Criminal Code and in the way sentencing is handled. I repeat, these are not deluxe gardeners or very nice people. They are criminals, who poison our children and kill people just to monopolize the drug market.

We saw this during the biker wars. There were 160 deaths, including an innocent child in Hochelaga. He died in a bombing by a rival gang of the Rock Machine. We have noticed that although well equipped, there are still flaws in terms of sentencing and the degree of wealth of these criminals when they get out of prison.

### Supply

We have noticed a problem with sentencing. A Hells Angels henchman in my region was incarcerated a few years ago for controlling the squatters who were keeping an eye on the land and threatening the farmers. This man spent a few months in prison. He came out just as rich as when he went in. His sentence did not make up for the damage he caused to society and to our children or the quality of life he took away from the farmers when he terrorized them.

This is one of the problems that could be resolved with the new bill on decriminalization that includes much harsher sentences for major producers.

Then there are the proceeds of crime. We have seen with *Opération printemps 2001*—this was in March 2001—how difficult it was to prove, beyond a reasonable doubt, that the assets belonging to a criminal were the proceeds of criminal activities.

It costs the Crown, the country, that is all the taxpayers, millions and millions of dollars and takes an awful lot of time just to establish a direct link between, for example, a half a million dollar house, three Harley-Davidson, one Mercedes and somebody's criminal activities.

● (1515)

For that kind of evidence, the obvious is not enough. When somebody with no known job or on welfare is accused of being a drug dealer linked to the Hells Angels for instance and owns a 350 000 \$ house, two Harley-Davidsons, three Mercedes and one country house in Charlevoix, it is too obvious to be true. We have to complicate things a little. We need a very comprehensive file.

A Crown counsel was telling me that a year of work and tons of files were needed to establish proof as regards proceeds of under 500 000 \$, and we still cannot recuperate half of what we should be getting back.

There are blatant cases at this time. I will mention only two, where things do not make a lot of sense. Normand Robitaille is number 2 with the Nomads, the Hells Angels' deadliest group, and is "Mom" Boucher's right arm. He was arrested during *opération printemps 2001*, more specifically in March 2001. His assets have been estimated at \$1 million and that only part of part was seizable based on the evidence, if it was shown beyond any doubt that this part of Mr. Robitaille's assets had been acquired through criminal activities.

Since March 2001, we have been trying to find evidence concerning an amount less than \$1 million. We have not finished yet. We have not yet gathered all the documents necessary to seize part of the assets valued at \$1 million belonging to the number 2 of the Nomads, a component of the Hells Angels. We are talking about \$1 million and that man did not have a known job. He managed to amass assets worth \$1 million, and he did not have a job. He had a numbered company, which never produced a thing. That man, today, has cost us maybe hundreds of thousands of dollars to establish evidence that his assets in the amount of \$1 million were acquired through legal, licit means, even though he does not have known employment and he has no income. It does not make sense. This has been going on since March 2001 and it concerns but a small part of the million dollars.

I might add that the drug trade in Canada, which is controlled to a large extent by the Hells Angels Nomads, represents \$10 billion a year. I talked to a journalist with *La Presse*, Mr. Cédilot, who told me that in 14 months, that is to say the 14 months leading up to *opération printemps 2001*, \$110 million linked to the drug trade had entered the coffers of the Nomads alone.

We are pleased to say that, in Quebec, over a period of nine years, for example, we were able, through this very complex and expensive procedure, to recover \$32 million in assets from organized crime. This amount represents less than \$4 million a year. We can be proud of that. We certainly hold the record compared to the other Canadian provinces. However, \$32 million is less than \$4 million a year over a period of nine years, and we know that the drug trade generates \$10 billion a year. Consequently, organized crime has recovered \$90 billion over 10 years, and we cannot brag about seized \$32 million in assets from it. This does not make sense. There are flaws somewhere: \$90 billion in drugs, our children are being poisoned, 160 people have been killed in the biker gang war to capture the drug market. There are questions to be asked about this, because \$32 million is a drop in the bucket.

Let me give you a second well known case. This is probably the most dreadful criminal whom I have ever met. Maurice "Mom" Boucher is responsible for the murder of two prison guards, for conspiring to commit a murder, for gangsterism and for drug trafficking. This man has been in jail for two years. He went in with an arrogant smile, perhaps thinking that he would get out more quickly.

● (1520)

He has been in prison for two years. He appealed the charges against him for the murder of the prison guards. It has been two years, and the process to compile evidence regarding several millions worth of seizable assets belonging to Mr. Boucher has not even begun yet. Seasoned observers in the justice community tell us that building up the evidence could take years and years and cost millions and millions of dollars.

Yet, Maurice "Mom" Boucher himself is almost a numbered company. He was supposedly a used car dealer in downtown Montreal even though he never sold a car in his life. This man has a superb residence on Montreal's South Shore, a magnificent piece of property. He also own Harley-Davidson motorcycles, of which he is very proud, as any member of a criminal biker gang would be. Bikers who are not criminals are also proud of their Harley-Davidson motorcycles but in his case, let us say that it has a slightly different connotation. He owns properties everywhere.

As I was saying, he was leader of the Nomads. In 14 months, before *opération printemps 2001*, they made \$110 million from drug trafficking. It will take us years and millions of dollars to build up the evidence and maybe seize part of the assets obtained using the proceeds of criminal activities.

Currently, the most common practice is that if, for example, a criminal was arrested last year and had his trial this year and if there were changes in his assets during that year, a judge will decide that it is those assets that will be seized. We do not even look at the last 10 or 15 years during which this criminal amassed a fortune and deposited money in a lot of different places, probably in secret bank accounts. We no longer look at that because it takes too much time and too much taxpayers' money to prove that assets have been obtained through criminal activity.

It is time to put an end to this. I must again pay tribute to my colleague from Charlesbourg—Haute-Saint-Charles, a talented young lawyer. I pay tribute because it is my opinion that his motion forces the government to take action. Using the concept of the balance of probabilities in the reversal of proof, and totally in keeping with the Charter of Rights and Freedoms, we are going to have criminals who are charged with offences, Maurice “Mom” Boucher, Normand Robitaille and the like, have just one responsibility: to prove that their assets, their half-million-dollar homes, their Harleys and Mercedes, their yachts, their property holdings, were acquired through legal activities. It will be up to them to prove it, and not the taxpayers. They will have to prove that they have, for at least part of their lives, been involved in legal activities and have not been life-long criminals.

On the other hand, if they have been life-long criminals and cannot prove that their assets were legally acquired, all their possessions can be seized. It will not be a matter of proving this without a shadow of a doubt. This concept would not be applied in cases where criminals have already been sentenced for serious offences, “Mom” Boucher or Normand Robitaille, for instance.

I would like to take this opportunity to thank two journalists who have helped me a great deal over the years, since my background is economics. They have guided me through the legal process. André Cédilot, whom I have already mentioned, who helped flesh out of the reversal of proof aspect. The information I received from a lawyer with the experience of my colleague from Charlesbourg—Haute-Saint-Charles meshed extremely well with the explanations of a seasoned observer like André Cédilot.

I would also like to express my thanks to Michel Auger, with whom I discussed a lot. He helped me understand how organized crime works, in order to be in a better position to fight it.

Finally, a motion like this could lead, with the unanimity of the House, to a bill that will include this reversal of proof. In my opinion, this is an important step in increasing the efficiency of our battle against organized crime. I do, however, hope that some of the proceeds of the disposal of criminal's belongings will again go to the law enforcement agencies to enable them to keep up what they are doing.

• (1525)

And that some will also go to the victims of these criminals, to help them get through their ordeal and any after-effects.

I am speaking for myself and for those who are involved. I would like it if some could be directed to Info-Crime committees. Because every time Info-Crime committees have been created in our regions

### *Supply*

and Crime Stoppers in Ontario, miracles have been achieved, not only through police work, but also because of citizen involvement.

Once again, hurray for my colleague from Charlesbourg—Haute-Saint-Charles and hurray for the other members who are going to support this initiative.

• (1530)

**Mr. Pierre Paquette (Joliette, BQ):** Mr. Speaker, I thank the hon. member for Saint-Hyacinthe—Bagot for his remarks. First, it is a subject he knows very well because he has been fighting organized crime for a long time. Also, he was instrumental in founding Info-Crime, which he mentioned at the end of his speech. It was due to his initiative in the Saint-Hyacinthe region that I followed suit in Joliette. And now we have our own Info-crime committee.

I am wondering why the government members seem to be preparing to vote in favour of this motion. Once this motion has been adopted and later a bill introduced to reverse the burden of proof, would it not be consistent to review the decision that was made by the RCMP, and approved by the Minister of Public Safety, to close nine RCMP detachments? I know that my colleague is as aware as I am of the squatters who grow cannabis in farmers' fields. The farmers are often terrorized and do not dare turn them in. Would it not be logical, after the vote on this motion and the introduction of a bill, for the decision to close nine RCMP detachments in Quebec to be reversed?

**Mr. Yvan Loubier:** Mr. Speaker, I thank my colleague from Joliette for his question. Indeed, I would like to pay tribute to him, for when we first talked about Info-crime and the possibility of setting up Info-crime committees all over Quebec, he was the first to launch an initiative in his riding. Since then, the Joliette Info-crime committee has been one of the most active in Quebec in terms of combating organized crime.

He has of course put his finger on something that is fundamental. When I was talking about luxury gardeners earlier, in reference to grow operators linked to the Hells Angels, that is not my own expression. I should have explained where it comes from. It comes from Commissioner Bourduas of the RCMP, who is responsible for Quebec and Eastern Canada. He was telling us that it was not the RCMP's role to hunt down luxury gardeners, as he called them. I hope he will reconsider his understanding of the situation. The Hells Angels, like the other criminal groups involved in the production and trafficking of narcotics, are not luxury gardeners. We saw a sad example of this in the west last week, with the murder of four RCMP officers. I take this opportunity to offer my condolences to the families and friends bereaved by this quadruple murder.

### Supply

We must get back to basic necessities. When police forces are not on the ground closely tracking the networks, the establishment of networks and their connections with international networks, they cannot do their work properly. We had an example of this with the events of September 11 in the United States. The Senate committee looked into what the government should have done but did not do, what the police should have done but did not do, what the CIA should have done but did not do. It has become clear that the CIA did exactly what the RCMP is doing right now, which is to remove the police officers on the ground who were in the habit of doing surveillance, of getting to know the local networks and their international connections. They put them in central offices in New York and Washington and told them: "Now do the same work you did before". There was nobody on the ground.

Now the RCMP is making the same mistake. This happened in Ontario, and now the RCMP is no longer in Northern Ontario. The distances are far too great. When there are 300 km to go in order to answer a call or tail people, it is not an effective way to start an investigation. We will therefore continue our fight to keep the nine detachments open and the RCMP continuing to do its outstanding job, together with the Sûreté du Québec, in order to fight organized crime better. Closing a detachment is giving organized crime another opportunity. It is they who benefit most from this decision.

• (1535)

**Ms. Monique Guay (Rivière-du-Nord, BQ):** Mr. Speaker, I would like to congratulate my colleague from Saint-Hyacinthe—Bagot on his remarks. He too, I imagine, is very concerned about the children, given all the battles he has waged over cannabis in his region. A tip of the hat for all the work done. We must continue, never stop. This has become a serious problem in Quebec.

The techniques that organized crime uses in my region to produce cannabis have become very sophisticated. They even grow it on trees. Luckily, a plantation of this kind was found very near where I live, through the use of a helicopter. There was an incredible amount of cannabis. This fight must continue.

That being said, I am very happy that the RCMP detachment in my area has not been closed because it is a regional capital and it would have been pretty counter-productive to do this.

Insofar as the burden of proof is concerned, it is obvious that if you are in organized crime and make some purchases, some acquisitions, you would not be crazy enough to put them in your own name. Doing this, the investigations that we have to do now—because the burden of proof does not exist—cost a fortune because we have to go to the source, to the basis. But if they had to provide proof, things would move along much more quickly. It should not be up to us to pay for the investigations but up to them to provide complete, incontrovertible proof that something was honestly acquired.

I would like to hear my colleague speak to this. What does he think? Does he think that the investigations would be done much more quickly? Does he also think that, if there is no proof that a certain house or boat or car was purchased legally or honestly, it should be seized immediately to ensure that these people will no longer enjoy the proceeds of organized crime?

**Mr. Yvan Loubier:** Mr. Speaker, I thank my colleague for her question. Obviously, this will make things much easier. In fact, now, the Crown has to produce evidence beyond all reasonable doubt that the accused acquired some of his assets as the result of criminal activities.

When we talk about the "balance of probabilities", we are looking at the bare facts. The accused will have to explain to Revenue Canada, for example, or Revenue Québec or the Ministry of Finance of Ontario—since the problem of marijuana growers and drug traffickers is in Ontario too because the Hells Angels are in Ontario—how he acquired \$25,000 or \$30,000 in earnings over the past five years, a home worth half a million dollars, a country house worth \$250,000 and two Mercedes, three Harley-Davidsons and so on, and how his wife, who has no known employment, has acquired assets of almost equal value. He will have to provide clear proof.

The balance of probabilities means that, considering all the probabilities, including the lifestyle and employment of the accused, the following question remains: is it possible for a normal person—with the exception of a lottery winner, which is easily verified—to own so much. At that point, things will proceed quickly. In fact, the process will be a bit more normal than it is now with the notion of "beyond all reasonable doubt", because the Crown is under the obligation to produce hundreds, if not thousands, of pages, incredible amounts of research, and public funds are used to better serve the criminals once again.

Furthermore, it is scandalous that, during the megatrial following the police operation in the spring of 2001, some judge somewhere decided, with all due respect, to increase legal aid fees for the Hells Angels Nomad chapter to \$125 per hour for its defence. This is a complete outrage. I hope this will not happen in the future.

**Mr. Pablo Rodriguez (Honoré-Mercier, Lib.):** Mr. Speaker, I rise today to express my support for a Charter of Rights and Freedoms viable reverse onus of proof in the proceeds of crime cases.

Currently, the Criminal Code does allow for the forfeiture of proceeds of crime allows the forfeiture of the proceeds of crime, upon application by the Crown, and after a conviction for a designated offence. Once culpability has been proven, the Crown must show on a balance of probabilities that the property is the proceeds of crime and that the property is connected to the crime.

If no connection between the offence for which the offender was convicted and the property is established, the judge may order the forfeiture of the property if he or she is satisfied beyond a reasonable doubt that the property is proceeds of crime.

Although these provisions have been in force for quite some time and have in fact been successful to a significant degree, we need to work towards ensuring that criminals, especially those primarily motivated by financial benefit, do not profit from their ill-gotten gains.

Committing crime for financial benefit is the hallmark of organized crime. Whether these crimes involve drugs, prostitution, fraud or whatever, organized crime is fuelled by greed.



It is the proceeds of this criminal activity which allow organized criminals to commit further crime, recruit further members and facilitate generally the criminal operation of these groups. Organized crime demands specific, focussed and sustained responses.

We as a Liberal government have taken significant steps over the past few years in the fight against organized crime, first with Bill C-95, in 1997, and, most recently, in 2001, with Bill C-24.

Bill C-24, which came into force in 2002, included a simplified definition of “criminal organization”, three new criminal organization offences and tough sentencing and parole eligibility provisions.

These amendments also improved the protection from intimidation for people who play a role in the justice system and broadened law enforcement powers to forfeit the proceeds of crime and seize property that was used in a crime.

This clearly demonstrates that this Liberal government is committed to combating organized crime.

These and other tools found in the Criminal Code are being used by law enforcement and prosecutors in the fight against organized crime.

Despite significant legislative activity in this area recently, we need to evaluate whether prosecutors have all the necessary tools to advance on this front, as organized crime groups are now becoming increasingly sophisticated, complex and adaptive in their criminal ventures.

Clearly, this assessment should examine whether a reverse onus in proceeds of crime cases would contribute to the disruption of criminal organizations. In my view it would.

As this matter advances, it is important to have the views of the provinces on this issue. In many cases, their prosecutors are the ones bringing the proceeds of crime applications, given their authority to prosecute most Criminal Code offences.

As a government, we have taken a step in the right direction. In January 2005, federal, provincial and territorial ministers for justice discussed proposals to change the Criminal Code to create a reverse onus for the proceeds of crime regime.

• (1540)

According to joint news release issued, and I quote:

All Ministers agreed that the ability to obtain the forfeiture of proceeds of crime is needed and the federal justice minister said he intends to move forward as quickly as possible with changes that meet charter requirements.

The federal-provincial-territorial forum is useful in gauging provincial support on issues such as these. Based on the outcome from this meeting, it appears there is general support for the need to advance a reverse onus provision that is within the parameters of the Charter.

The requirement that any advancement in this area be viable from a charter perspective is a very important one. A balance must be struck in crafting a reverse onus scheme which represents a useful tool for prosecutors, over and above what is now available under our current proceeds of crime scheme, while doing so within the limits prescribed by the Constitution.

### *Supply*

This is a very important consideration as charter viability will ensure that our prosecutors will have this tool, and that it will be effective to take away criminal profits for years to come.

This motion is directed at ensuring that criminals are not permitted to financially or materially benefit from the commission of criminal offences. It is one which is targeted at fighting crime in the most effective way—by taking the profit out of it.

• (1545)

**Mr. Pierre Paquette (Joliette, BQ):** Mr. Speaker, I really enjoyed the remarks of my colleague from the Montreal area. As I did earlier with the hon. member for Saint-Hyacinthe—Bagot, I would like to ask him what his thoughts are about the consistency of government action in the fight against organized crime.

Following the adoption of this motion and the introduction of a bill—he has indicated that the federal justice minister had already announced his intention—I wonder if the member would agree that, as the member for Saint-Hyacinthe—Bagot suggested, the consistent thing to do would be to also keep the nine RCMP detachments in Quebec open. I know that the Quebec Liberal caucus has spoken out against their closure. I would like to hear him on that.

**Mr. Pablo Rodriguez:** Mr. Speaker, I thank my hon. colleague for his question. In fact, he has answer it in part when he said that the Liberal caucus had spoken out against their closure. I too have spoken out against the closure of the RCMP detachments, and the hon. member for Brome—Missisquoi has been very active on this file.

As far as I and the members of the caucus are concerned, we would rather a different decision had been made.

**Mr. Pierre Paquette (Joliette, BQ):** Mr. Speaker, I am pleased to speak on an issue about which I readily admit I am not an expert, even though, like any law-abiding citizen of course, I abhor having to do with organized crime in its various forms. We know that not only criminal organizations are a threat to public safety and security but they cause social dislocation and disrupt the cohesiveness of a society like that of Quebec.

I also want to think the hon. member for Charlesbourg—Haute-Saint-Charles. He was described earlier as not only an outstanding lawyer but also a very active parliamentarian. I would like to remind this House that the hon. member for Charlesbourg—Haute-Saint-Charles was behind another decision made by this Parliament, a simple decision but one that had to be followed through nonetheless.

We will recall that he was the one who proposed that \$1,000 bills be taken out of circulation, because it is well known that organized crime, the mafia, makes extensive use of cash and that large denominations made it relatively easy for such mafia and criminal networks to move significant amounts of money.

### *Supply*

Now, with the disappearance of these bills following the initiative by our colleague from Charlesbourg—Haute-Saint-Charles, the criminal gangs have a harder time moving and laundering all this cash, since the largest bank note available from the Bank of Canada is \$100. I have seen that more and more, all over, people are refusing \$100 bills.

As a result, it is not surprising to see the motion presented today by the hon. member for Charlesbourg—Haute-Saint-Charles. I shall read it, so that our listeners know what motion we are debating:

That, in the opinion of the House, in order to better fight crime, the government should introduce a bill by May 31, 2005, to amend the Criminal Code by reversing the burden of proof as regards the proceeds of crime, requiring the accused, once found guilty, to demonstrate on the balance of probabilities that their assets were not obtained using the proceeds of their criminal activities.

Here we see something I think is extremely important. First there is the fact that, obviously, we are proposing a new measure to give additional tools to the forces of order and the courts to fight crime, namely reversing the burden of proof regarding the proceeds of criminal activities.

Obviously, in order to protect the Charter of Rights and Freedoms, there will be a number of provisions, and I will speak of them later. However, I think it is just as important to point out that in his motion, the hon. member for Charlesbourg—Haute-Saint-Charles refers to a date: May 31, 2005. It ensures that the intentions of the Minister of Justice, which have been repeated a number of times, will become reality.

I remind the House that on many issues—and I know I am off topic a little—the Liberals have assured us there will be changes. For example, the Prime Minister of Canada, in front of the entire television audience, millions of men and women—I am sure the hon. member for Chambly remembers this well—announced that he was going to make changes in the employment insurance eligibility threshold. Well, June 28 was a long time ago. We have had an opportunity, with the budget, to see this government's response to its promise, and there has still been no substantial change in the eligibility threshold. As a result, we are continue to wait for a promise that was made in 2000.

It is important, in terms of this motion, to focus on this deadline, which will ensure the tabling of a bill, instead of waiting as we do in so many cases, “Solution to follow. We are considering it. Wait and see”. Earlier, during question period, I heard the Minister of the Environment say, “Wait, in a few weeks we will have the Kyoto action plan”. I know I digress, but I cannot resist the urge to talk about the Minister of Foreign Affairs, who announced the tabling of new foreign policy directions for December. We are March and we still do not have any news about the deadlines.

• (1550)

The reference to April 30, 2005, in the motion by the hon. member for Charlesbourg—Haute-Saint-Charles is extremely important.

I was saying that the hon. member for Charlesbourg—Haute-Saint-Charles had taken extremely important legislative initiatives to combat organized crime. I talked about the \$1,000 bills he stopped from circulating. I also think that Bill C-242, which he tabled on October 28, 2004, was the forerunner of this motion and the debate

we are having today. In a way, this bill forced the Minister of Justice to assume his responsibilities.

The purpose of Bill C-242 was to reverse the burden of proof, which we are discussing today, and would require the accused, once found guilty of criminal activity, to demonstrate on the balance of probabilities that their assets were acquired honestly and legitimately.

I am talking about October 28, 2004. We are now March 2005, so there is consistency in the approach by the hon. member for Charlesbourg—Haute-Saint-Charles. This falls in line with the work the Bloc Québécois has been doing for many years to make sure that not only the Criminal Code, but the entire machinery of government is able to fight this scourge that is organized crime and the mafia networks.

The initiatives by the member for Charlesbourg—Haute-Saint-Charles—and I am talking for instance about Bill C-242—have received support from members of all parties. I know that Bill C-242 received strong support from the NDP and the Conservative Party. Today, I am pleased to hear that the government side is preparing to support this motion.

This motion is the result of initiatives by the member for Charlesbourg—Haute-Saint-Charles and also of many years of work by the Bloc Québécois to give the government and the Criminal Code the means to fight organized crime.

I very clearly recall running for the first time as a Bloc candidate in Joliette in 2000. Back then, the Bloc Québécois, during and after the election campaign, was extremely virulent about organized crime. The Liberals took this issue rather lightly.

I remember, early in the election campaign, a senseless murder in southern Lanaudière. The only political party candidates with enough courage to take to the streets with the people and condemn such criminal acts causing the death of a completely innocent bystander were members of the Bloc Québécois. I was extremely proud, as a political newcomer, to be associated with a party that was not afraid to speak out against organized crime.

I know that the member for Saint-Hyacinthe—Bagot did so too as an individual and he has paid the price in many ways, in terms of his own safety and that of his family. This is the stuff the 54 members of the Bloc Québécois are made of. I could say that this is the stuff the 75 Bloc MPs—the number in 2000 and in the last election—are made of, meaning that they will promote the interests of the public and their constituents, even if, unfortunately, it means paying a price that, as in the case of the member for Saint-Hyacinthe—Bagot, was perhaps higher in some cases than in others. However, we are happy that his life is no longer in danger.

If the reversal of the burden of proof in connection with the proceeds of crime were added to the Criminal Code, it seems to me that we would be in a position to reassure our fellow citizens, society in general, that they will have less need of to resort to action like the marches of the year 2000 to protest the unsafe conditions they were living in.

I see you telling me I have one minute left. I was told I had 20 minutes to speak. I have never seen 20 minutes go by so fast in my entire life.

• (1555)

**The Deputy Speaker:** I thought you and the hon. member for Rivière-du-Nord had 10 minutes each.

**Mr. Pierre Paquette:** Mr. Speaker, I was told I had 20 minutes. I believe that the two other 10-minute speeches were to come a little later on.

This year is the 100th birthday of Einstein's theory of relativity, so I was wondering whether I was the first human being to experience the effects of that scientific phenomenon.

As I was saying, I was very proud to be part of that group in 2000. Our efforts during the election campaign brought the battle against organized crime to the forefront of the campaign issues. Because of all the other things that were going on, like Shawinagate and the sponsorship scandal, we did not have as much success with the organized crime issue. As a result, at our request, and with pressure from the public as well, from public opinion as a whole, the government introduced Bill C-24, which amended the provisions of the Criminal Code. It was passed on June 13, 2001, with our support. We had after all indirectly instigated it. It came into effect on February 1, 2002.

Thanks to this bill, amendments to the Criminal Code have given law enforcement additional tools, for example, on the issue of the proceeds of crime. So there have been many more indictable offences that have been covered by the amendments to the Criminal Code.

Previously, only 40 crimes were categorized as organized crime offences. With the new provisions, we will be talking more about designated offences, which will encompass the indictable offences covered by the Labour Code and other federal statutes, apart from a few exceptions established by regulation.

So the broadening of the application of the provisions of the Labour Code to the proceeds of crime now enables law enforcement to seize, block and confiscate the profits that can be derived from possible criminal activity and are connected to and facilitated by organized crime.

Of course this was an important step forward, but we must go further still. That is why we are proposing in this motion another provision which should be added to the Criminal Code to address organized crime specifically. This is true in Quebec as well as, unfortunately, all over the world. So it is time for the Parliament of Canada to acquire this additional tool of reversal of the burden of proof with respect to the proceeds of crime, plus the introduction of the notion of the balance of probabilities.

As was mentioned by the previous hon. member, there was a federal-provincial-territorial meeting last January 23 and 25, at which the justice ministers discussed an amendment to the Criminal Code. There might be reason to make a minor correction to what the Liberal member for Anjou—Rivière-des-Prairies said about certain provisions proposed by the Quebec justice minister and not by the federal justice minister, who subsequently endorsed them—I will not get into this—which were intended to reverse the burden of proof.

### Supply

This proposal of the Quebec justice minister Mr. Jacques Dupuis was endorsed by all the provincial justice ministers as well as the federal minister. At the conclusion of discussions on this proposal, the ministers supported it, considering that it was necessary to facilitate confiscation of the proceeds of crime. The federal justice minister then said that it was necessary to improve the confiscation rules and that he would quickly produce amendments that were in compliance with the Charter of Rights and Freedoms. This had been mentioned by the previous Liberal member. Therefore, in my view, including this cut-off date of May 31, 2005 in the motion will assure us that the Minister of Justice will take action on what he said in late January.

It may be important to point out also that this proposal stems both from a suggestion made by Quebec's justice minister and from Bill C-242 introduced last October by the hon. member for Charlesbourg—Haute-Saint-Charles.

• (1600)

It is interesting to read the following about the Bloc's position on the issue of reversing the burden of proof in the February 5, 2005, edition of *Le Devoir*, a newspaper read by few people in English Canada unfortunately:

—The Bloc Québécois, the first political party to propose reversing the burden of proof, with its Bill C-242 introduced in the Commons last fall, has adopted the idea. “This is a proposal that the Bloc likes,” confirmed Richard Marceau, the party's justice critic. We will have to wait and see which offences will be listed in this new bill, which, according to Mr. Marceau, should be introduced in the spring by federal justice minister Irwin Cotler.

Indeed, as everyone knows, May 31, 2005 falls within that timeframe, springtime.

At present, subsection 462.37(1) of the Criminal Code places on the crown prosecutor the burden of proving that the property to be forfeited is proceeds of crime related to the offence committed. This means that the Crown has a double task: first, get the accused convicted, and second, prove that the property in the possession of this person was illegally acquired. Then, of course, steps have to be taken to obtain its forfeiture.

Thus, we see that, with the proposal to reverse the burden of proof, we will greatly facilitate the task of the Crown who, once there is no longer any reasonable doubt as to the guilt of the accused, will throw back on the accused the onus of demonstrating that they did not obtain the property or the assets with illegal money.

I would like to get back to the initiative of Quebec's justice minister by reading what he wrote in the major Quebec newspapers at the beginning of February. It would be important for people who are listening to take note of this. Concerning subsection 462.37(1), Mr. Dupuis, who is the justice minister and attorney general of Quebec, came to this conclusion:

If the proposed amendment is enacted, an accused who is convicted of an indictable offence will be required to satisfy the court, on a balance of probabilities, that the property in respect of which the Attorney General is seeking forfeiture is not proceeds of crime related to the offence of which the accused has been convicted. Our proposed amendment goes further than the amendment in Bill C-242 recently tabled in the House of Commons in that it applies to all indictable offences, not only criminal organization offences.

### Supply

Here, the proposal of the Quebec justice minister goes even further than what we have in Bill C-242. The federal justice minister is obviously free to go further than what we have proposed. We will obviously see the proposed provisions after studying the bill, which will be introduced before next May 31.

However, in the case of the Quebec justice minister, he proposes not just crimes related to gangs or organized crime but all criminal acts. He continues:

Despite the expertise Québec has developed and our success in offence-related property forfeiture (since 1996, property worth a total of \$32 million has been forfeited)—

That is not chicken-feed, but everyone will agree that it is not very much in comparison with the proceeds of crime.

—it remains difficult to prove that a particular item of property is in fact proceeds of crime. Establishing that proof is a lengthy and painstaking process. Our proposed amendment to reverse the burden of proof will further enhance the claim that crime does not pay

It was the Quebec justice minister who wrote this in the large dailies in Quebec.

So there is evidently a broad consensus now. I can see it in this House as well as in Quebec society. While still complying with the human rights charters, the burden of proof is being reversed for criminals who have been found guilty beyond all reasonable doubt.

The balance of probabilities is also extremely important. Ordinary citizens are not happy that criminals famous for their illegally acquired riches can avoid their responsibilities because no tax is paid on what is not declared.

• (1605)

One of the aberrations to which this has led is the fact that they have been entitled to legal aid in some trials. This leaves the public cynical.

With the adoption of this motion and the introduction of the following bill, we will help to reduce this cynicism and clear up the general climate in Quebec and Canada, and in the end, strengthen democracy—something that is wanted by everyone in this House.

**Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ):** Mr. Speaker, I would like to congratulate my colleague from Joliette. His comments are always relevant and he is very eloquent when it comes time to defend the interests of Quebecers. In this case, it is really the interests of Quebecers that are at stake in every possible way. We are talking about the fight against organized crime. There is also the fact that the burden of proof is reversed and that the taxpayers should not have to pay to demonstrate that a criminal's assets are the proceeds of illegal criminal activities.

I would like to ask my colleague a question regarding RCMP detachments. Further to last week's unfortunate events in western Canada where four RCMP officers were killed by a drug dealer, how does he see the future of Joliette's detachment? Does he not feel that we should leave all those detachments open, including the one in Joliette?

I know that he is fighting hard for that. As he said earlier, he was responsible for setting up the Info-Crime committee in his region. It is a very dynamic committee that is proving successful in a difficult region. Where there is a lot of agricultural activity, there are also a lot

of cannabis producers connected to biker gangs. What does he think about the reopening of the detachment in his riding?

• (1610)

**Mr. Pierre Paquette:** Mr. Speaker, I thank the hon. member for Saint-Hyacinthe—Bagot for his question. The reference he made to the four RCMP officers who were killed gives me an opportunity to extend my condolences to the families and the community that have suffered this loss. I think that we are all affected by it.

In my opinion, this incident shows how dangerous it is to weaken the network of RCMP detachments in the field.

Earlier, I heard my colleague, the hon. member for Rivière-du-Nord, rejoice over the fact that the detachment in Saint-Jérôme will remain open. I am happy for her. However, I believe that Joliette also is a regional capital and that the Lanaudière region would deserve to have the RCMP detachment in Joliette remain open.

The proposal made by RCMP management was to send the remaining officers—and very few remain—to Saint-Jérôme and Trois-Rivières. This will mean no RCMP officers in the Lanaudière region. I do not think that, without this physical presence, this region will be properly protected.

Also, as the hon. member for Saint-Hyacinthe—Bagot said, we have corn plantations but also tobacco plantations. There are still a few. These provide excellent opportunities for squatting. This is an everyday reality.

I would like to stress one point. We are fighting here for the nine RCMP detachments to remain open not only in their present locations, but also with a sufficient number of officers. I was pleased to hear the hon. member for Anjou—Rivière-des-Prairies say that, on the Liberal side, they shared the same concern. The strength of the detachment in Joliette, which should normally have been at 12, and that is a minimum, was down to just two or three.

Little by little, the communities were being put in front of a fait accompli, just like this Parliament right now. The government has a responsibility to bring RCMP management back into line.

I could quote testimonies from school principals, even private school principals, saying that, with the RCMP gone, drug trafficking in school yards, in high school, will increase dramatically because they have neither the means nor the expertise to control that. There is a serious storm brewing.

**Mr. Yves Lessard (Chambly—Borduas, BQ):** Mr. Speaker, first, I want to congratulate my colleagues who spoke before me, particularly my colleague from Joliette, for his most relevant presentation that has us thinking about what we should have done much earlier. Fortunately, members opposite have come to see things the way we do. Out of necessity, a bill has been introduced and, in the current circumstances, it is a quite courageous one. Indeed, it involves a lot of fear—certainly not on the part of the members who are here and who make statements, but in the population—and we understand that.

Here is what I am getting at, my question for my colleague. I know his experience with administrative tribunals is quite considerable; they are not in the same category as criminal tribunals, but still. I am referring to the whole concept of the burden of proof.

It is common knowledge that, concerning an individual who owns property that has been acquired through crime, the facts must be proven. This is the step where the difficulty comes up, especially when one must bring in witnesses. There is a whole climate of fear that exists.

I would like him to come back to the concept of the burden of proof and what that entails for the Crown, to facilitate its work.

• (1615)

**Mr. Pierre Paquette:** Mr. Speaker, I want to thank the hon. member for Chambly, who also has great experience with administrative tribunals. We used to run into each other at the Confédération des syndicats nationaux.

His speech leads me to draw a parallel. It is not the same thing, but it has to do with fear.

In Quebec, during the process of accrediting a union, we know full well that employees can be threatened by the employer, as we saw recently in the Wal-Mart case. That is why when a union submits enough cards, it is presumed that the majority of employees are in favour of the union. We know that the accreditation system requires 50% plus one, which, in a democracy, is entirely normal. Accordingly, if the labour relations board finds that the cards are valid, accreditation is given without a vote.

In the rest of Canada, most of the provincial jurisdictions have an accreditation method whereby, even though cards are submitted, a vote is held if it is not clear that there is a majority of cards plus one. This gives the employer the chance to threaten employees on accreditation before a vote is held. In a way, in the Quebec accreditation model, we have reversed the burden of proof. It is up to the employer—who has the upper hand—to demonstrate that it is not true that the majority of employees want to unionize or not.

I find what the hon. member for Chambly is suggesting interesting. It is the exact same thing here. Those who have the information and who have the upper hand, are the criminals. We are reversing the burden of proof to have them tell us how they acquired their financial assets or property when the income they declared over the years simply does not correspond to their wealth.

In a way, Quebec's approach of reversing the burden of proof is reflected in the motion and the bill.

**Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ):** Mr. Speaker, I will be brief. I would like to go back to the issue of RCMP detachments, because in the riding that I represent, Gaspésie—Îles-de-la-Madeleine, there used to be an RCMP detachment manned by one RCMP officer. However, it has already been a year and a half since the detachment was closed in the Madgalen Islands. In light of the decision made against RCMP authorities and the way the government is reacting to this whole issue, I have something to tell the House.

When it is difficult to gather evidence and when we are losing resources that would help gather such evidence, we can see the point made by the hon. member for Joliette. Indeed, in a situation such as that one, what we are proposing today is very relevant and would ensure that we do not add to the difficulty that we already have in terms of tracking down these criminals, and particularly their activities.

### *Supply*

**Mr. Pierre Paquette:** Mr. Speaker, I thank the hon. member for Gaspésie—Îles-de-la-Madeleine for his question. I think he just demonstrated the aberration of the decision made by RCMP authorities.

Anyone who looks at a geographical map realizes that an RCMP detachment is necessary in the Magdalen Islands. Indeed, we are several hours away from the continent by ferry and access by air is not easy either.

It is really a bureaucratic decision that was made, without any consultations whatsoever. That decision was made unbeknownst to Parliament and in a cavalier fashion. I can relate my own personal experience. I had phoned Mr. Bourduas to make an appointment with him. The Minister of Public Safety and Emergency Preparedness had told me that no decision would be made. I was supposed to meet him on the Friday, but the closure of the nine RCMP detachments was announced on the Wednesday.

There were no consultations and the decision was made without a real knowledge of the situation. This is an arrogant and truly bureaucratic decision.

• (1620)

[English]

**The Deputy Speaker:** Order, please. It is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Prince Albert, Equalization Program; the hon. member for Charleswood—St. James—Assiniboia, Health.

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, on behalf of the New Democratic Party caucus and the constituents of Winnipeg Centre, I am happy to share our views on the opposition motion put forward by my colleague from Charlesbourg—Haute-Saint-Charles with regard to what I believe is a very creative and innovative idea to amend the Criminal Code to allow the government to seize the proceeds of crime in a more readily available way.

If I understand the motion correctly, it is to reverse the onus on the persons who we believe have benefited from crime to demonstrate that they acquired those assets through some honest means and not criminal activity.

I am enthused about that idea because I represent an inner city riding, the riding of Winnipeg Centre, where crime and safety are top of mind in virtually every citizen that I poll and survey on this subject. Like many members of Parliament, I frequently canvass and survey the views of the people who live in my riding. By a factor of three to one, the top of mind issues that they cite are crime and safety. Even health care and education rank way down the list. The people in my riding are irritated by the obvious outward demonstration of wealth by people they know full well are involved in some type of criminal activity. They are frustrated by the fact that law enforcement officers seem unable to do anything about it.

It is time we revisited this idea of the burden of proof. If the proposal put forward by my colleague from Charlesbourg—Haute-Saint-Charles gives better tools to law enforcement officers to actually bring justice in these situations, then I am all for it.

*Supply*

Under the category of great minds think alike, I thought members would be interested to know that the province of Manitoba recently implemented such measures as part of its anti-gang program. We believe it now has the strongest anti-gang legislation anywhere in the country and legislation that is very similar to what has been put forward by my Bloc Québécois colleague.

I thought members may be interested in knowing a bit more about this recent legislation. I believe this new law came into full force on December 11, 2004, which is what we in Manitoba call the criminal property forfeiture act. The whole idea of the law in Manitoba and the proposal by my Bloc colleague is to take the profit out of crime and make it less profitable. The secondary effect would be that criminals would not be able to use the proceeds of crime for more criminal activity.

If we make it easier to give the civil law process the tool to seize and freeze the proceeds of unlawful activity and have them forfeited, then not only does the message get sent that it is not that easy to enjoy the proceeds of crime, but people will not be able to keep the proceeds of crime and will not be able to use these proceeds to commit further crimes, as in the case of grow ops or property used for them. I think it makes eminently good sense.

Another twist to the Manitoba legislation is that the money reaped from the sale of seized properties and assets will be dedicated to the anti-gang program, which includes money for police officers and for various other measures to make our communities safer.

• (1625)

Every police force in the country is strapped for resources. One of the most compelling interviews in the days following the terrible tragedy in Alberta was listening to how quick four RCMP officers said that they could have used more police officers on duty that day and more backup had the resources been available. That is a common complaint from every municipal, provincial and federal police force in the country. They do not have the resources to keep up with the swelling tide of criminal activity.

What is being put forward today is a revenue stream. Under the Criminal Code we already have a way to forfeit the proceeds of crime after a conviction has taken place but only under specific circumstances. That fund is useful because it gets divided up among the provinces to be used for law enforcement.

In the Manitoba legislation, which is very bold, no such conviction has to take place. Manitoba reversed the onus on to the people who are involved in a criminal activity to prove that they bought a property, a car, a ring, or grow op drug paraphernalia through a legitimate stream of income. It is a very stringent burden of proof.

I think Manitoba's legislation is the toughest legislation anywhere in Canada. It was challenged in very aggressive ways by the opposition Conservative Party in Manitoba. Ironically, that party protested and objected because it felt that innocent people could end up having their property seized. I can assure the House that the legislation was examined with a fine tooth comb to make sure it stood up to any charter challenges about individual rights being violated by this groundbreaking legislation.

I think the House would be interested in a real life scenario that has occurred since the Manitoba legislation became law.

A well-known member of a large outlaw motorcycle gang, who shall remain nameless, was living with his wife in a Winnipeg suburb in a brand new \$375,000 home purchased last year. No mortgage was registered on the home. The title was registered in his name and his wife's name. Neither he nor his wife had filed an income tax return in over five years. A luxury car, a motorcycle and a boat were parked in the driveway, all of which were registered in the name of a corporation of which he is a director.

The chief of police for the city of Winnipeg obtained an order under the new legislation which allowed him to seize the vehicles and to place a notice at the land title's office about the property. He went to court and satisfied the judge that the man was more likely than not a member of a criminal organization, in this case, a motorcycle gang. The man could not demonstrate where the money had come from to buy any of the items and he could not show any legitimate sources of income. As a result, the properties were forfeited to the government.

The court also did not accept that the man's spouse had any source of income and in fact ruled that the property was likely obtained through crime and no one could demonstrate otherwise. As a result, the government sold the property, subtracted it and the police expenses from that amount, and the remaining money was handed over to legal aid.

That was a revenue stream and it would not have been possible without Manitoba's groundbreaking legislation. That was a graphic illustration of how the idea put forward by my colleague from the Bloc Québécois could work on a national level.

I wanted to speak to the motion today because I am very proud that Manitoba has taken tough action against organized crime in this way. What used to drive people crazy was that these guys could actually flaunt it. They could rub our noses in the fact that they were making thousands of dollars, if not millions of dollars, a year from criminal activity. As we know, selling illegal drugs yields enormous windfall profits. The police, who are bound by this burden of proof under the current Criminal Code, cannot act even though they know full well that these guys get their money through selling dope.

• (1630)

We could stop people on the Sparks Street mall and ask them whether they would like police officers to be able to actually act on what they know to be true instead of being held back by this burden of proof under the Criminal Code which, by necessity, has to be very stringent. I am sure they would agree to shifting the onus on the criminals to prove they did not buy their house with the proceeds of crime. It is just common sense.

I suppose there may be some bleeding hearts who would say that it may infringe upon private rights but I do not accept that. I think we have gone beyond that in terms of the scope of the problem. Naturally it has to be able to survive charter challenges, as my colleague across the way said. I am looking forward to the first charter challenge on the Manitoba legislation because this has been developed by authorities and constitutional experts across our province and, believe me, it would not have been introduced if we had thought it would fall as soon as it was put in place.

We look at similar legislation in other jurisdictions that has had a net effect. Perhaps the best bonus is not just the revenue stream that we could tap into, but the fact that it drives criminals away from those jurisdictions.

The criminal assets bureau in Ireland, for instance, has reported that a large number of high level criminals have left Ireland as a result of the vigorous pursuit of the forfeiture of the crime related assets. Ireland's legislation seizes crime related assets to such a degree that it is not all that profitable to commit those crimes in Ireland so they leave. What could be better? They drove the snakes out of Ireland and now maybe they are driving the drug dealers out of Ireland.

The office of Nassau county and the district attorney in New York report that certain illegal businesses have been driven out by attacking them through the state's forfeiture laws. For example, so-called legitimate businesses that are fronts for other illegal businesses, such as gambling and prostitution specifically, have been driven out of the state of New York and Nassau county because of their rigid forfeiture laws that reverse the onus in that situation as well. This particular district attorney points out that the forfeiture of luxury cars owned and flaunted by drug traffickers has had a positive impact on the neighbours particularly affected by drugs.

In the state of New Jersey, the department of law and public safety reports that a number of traditional organized crime families in that state have been decimated. Their legs have been cut out from underneath them because they have not only taken away their luxury toys, they have taken away their ability and their resources to commit more crimes.

I should point out that in Manitoba we can seize a luxury car, a house, the property, jewellery or a boxful of cash if the person cannot demonstrate where he or she got the boxful of cash. Criminals saying that they found it on a street corner probably would not pass the test of any judge in the province of Manitoba. We are ganging up on gangs is what it is.

We saw Quebec, and Montreal specifically, suffer through gang wars. Quebecers would not tolerate it any more and called for firm action. They called for an iron fist in dealing with organized crime, and specifically motorcycle gangs. We are in the same boat and we are not going to tolerate it. Nobody is going to pussyfoot around on this issue.

I would point out again that the purpose of our legislation in Manitoba is to make crime, particularly organized crime, less profitable and more difficult to commit by confiscating the property obtained through the breaking of law. Unlawful activity covered by

### *Supply*

the legislation includes any provincial or federal offence, as well as similar offences from jurisdictions outside of Canada.

I should also point out that no conviction is required. This is a civil court proceeding in which the court must be satisfied that the origins or the intended use of the property is more likely than not to be illegal. If the property has been obtained through illegal activity or it is about to be used for an illegal purpose, we will take it away, sell it and use the money to put more police on the street to catch more people. That is common sense.

• (1635)

This is the fun thing about being in government. If people have any courage, they can do that kind of thing. If they do not have any courage, they just stay in government forever like the Liberals and do not in fact ever do anything that really has a meaningful effect on the safety of our citizens.

Just to clearly differentiate this from the Criminal Code activities that can also seize property and sell it, in this case the judge cannot and need not find anyone guilty of any offence in the seizing of this property. Really, I think it is fascinating. Property owned and possessed by members of criminal organizations or by a corporation in which a criminal organization member plays a key role, in other words, the clubhouse of the bike gang in this case, is presumed to be obtained through unlawful activity unless the owner can prove it was obtained through legitimate means.

How is that for cleaning up a bike gang clubhouse in a residential neighbourhood? Instead of having to drive by it year after year knowing full well that illegal activity is taking place and knowing full well it was built, bought and paid for by the proceeds of illegal activity, now we can just seize it and put the burden of proof on them to prove to us that it was purchased through legitimate means.

Any chief of police, under our legislation, which includes the commanding officer of the RCMP, may apply to the Court of Queen's Bench for orders to seize and forfeit or confiscate property that is either the proceeds or an instrument of the illegal activity. This is revolutionary. This is very bold legislation.

The Manitoba government becomes the owner of the property at that time and it then must sell the property and must use the money for crime prevention initiatives. There is a specific designated use mandatory in this legislation. It cannot just go into general revenue and pay for health care or anything else. It has to go to crime prevention. This is why it has been so enthusiastically greeted by the citizens of Manitoba. Those who wanted more money spent specifically on crime prevention now have the avenue of a revenue stream they can look forward to other than a tax increase.

The money can be used for these specific purposes: for crime prevention initiatives or to assist victims or to fund legal aid in the provinces. Victim compensation is another whole chapter of Manitoba justice that we have recently expanded greatly. It came to our attention that victims are often left out of the criminal justice system completely, especially when it comes to compensation.

### Supply

Certainly I am very proud of what we are doing in the province of Manitoba. I am very heartened and enthused by the proposal put forward to us by the Bloc Québécois through their opposition day motion. I encourage the federal government to examine very carefully what we have done in Manitoba and to expand this throughout Canada as far as it is jurisdictionally allowed to, or at least take steps to encourage provinces to undertake a model like the Manitoba model.

We are proud of it. Everybody here wants to stamp out crime. Here is a good viable way to take a step in that direction.

• (1640)

[Translation]

**Mr. Pierre Paquette (Joliette, BQ):** Mr. Speaker, if you were to seek it, I believe you would find unanimous consent of the House to revert to presentation of reports by committees, so that I can table the third report of the Standing Committee on Foreign Affairs and International Trade.

[English]

**The Deputy Speaker:** Is that agreed?

**Some hon. members:** Agreed.

## ROUTINE PROCEEDINGS

[Translation]

### COMMITTEES OF THE HOUSE

#### FOREIGN AFFAIRS AND INTERNATIONAL TRADE

**Mr. Pierre Paquette (Joliette, BQ):** Mr. Speaker, I have the honour to present, in both official languages, the third report of the Standing Committee on Foreign Affairs and International Trade regarding the supplementary estimates.

## GOVERNMENT ORDERS

[Translation]

### SUPPLY

#### OPPOSITION MOTION — PROCEEDS OF CRIME LEGISLATION

The House resumed consideration of the motion.

**Mr. Yves Lessard (Chambly—Borduas, BQ):** Mr. Speaker, first I want to congratulate the member for Winnipeg Centre on his speech, which proved to be very informative. I was pleased to learn that Manitoba has a law similar to the one that is proposed here. Some provisions may be different, but the legislation obviously leads to the same results as the ones we wish to obtain through the bill proposed by my colleague from the Bloc.

The member for Winnipeg Centre made an analogy—very similar to the one we heard from the member for Joliette—regarding the whole issue of poverty, crime and safety. If I understood correctly, he made a connection between the issue before us today and poverty. I take that as an invitation for us to keep in mind, when we take measures such as the ones we are contemplating, namely reversing

the burden of proof with regard to the proceeds of crime, that it should not detract us from dealing with the situations that lead to crime.

In this regard, the people who are the most vulnerable to crime are the poor. For example, youth, who are reached in school yards or elsewhere and who are tempted to become the conduit for organized crime, particularly in drug trade, are people who, to a large extent, are not only interested in making money as such, but are also motivated by the fact that they are poor.

One of the measures that increase poverty—I know that my NDP colleague is very sensitive to this issue, because his party has spoken many times about it—is the employment insurance issue and the restrictive measures brought in by Liberal governments over the years. These measures have made families poorer and have ensured that we saw an increase in poverty among youth before Christmas.

I would like the member's comments on this. If I have understood his concern well, yes, we must vote in favour of the bill before us today, but the government must go further. It must correct the distortions created by the employment insurance measures to allow families that contributed to the employment insurance fund to get their fair share of EI benefits.

I would like to hear him on this.

[English]

**Mr. Pat Martin:** Mr. Speaker, I thank my colleague for raising those very salient points and adding to my presentation by expanding on an area that I would very much like to add to my comments.

It is true that my inner city riding of Winnipeg Centre is the third poorest riding in all of Canada, by whatever statistical measurement is used. When dealing with chronic long term poverty, one of the predictable consequences is perhaps not more crime, because I do not want to say that poor people commit more crimes, but poor people are more likely to be victims of or exposed to crime. Therefore, it is very much a top of mind issue for the people I represent.

As for the contributing factors to the fact that mine is the third poorest riding in the country, one can be directly blamed on the cutbacks to the EI program in the late 1990s. We did a study and a survey right across the country. In my riding of Winnipeg Centre alone, the cutbacks to EI resulted in \$20.8 million per year being sucked right out of my riding, pulled out, extracted and ripped out.

This is a riding that was already low income and suffering the consequences of poverty. Taking that \$20.8 million every year out of my riding alone pushed more people from being low income marginal families into families in dire poverty. I thank the member for making that connection.



As for the EI fund alone, with its \$20.8 million a year, let us imagine a company with a payroll of \$20.8 million a year wanting to move into a riding. We would pave the streets with gold to welcome that company because that would mean 2,000 well-paid jobs. The government pulled that out of my riding just by those changes to EI alone. The impact is shameful. I know of other ridings in eastern Canada, for instance in Newfoundland, where the impact is \$50 million or \$60 million per year in single ridings, according to that same survey.

• (1645)

**Mr. Derek Lee (Scarborough—Rouge River, Lib.):** Mr. Speaker, I will try to get back to the topic of debate today. I am wondering if the member might have thoughts on either of the two subjects I will mention.

In terms of confiscation of the proceeds of crime, before we enact legislation the state or the government would want to give an eye to how the state does it. In other words, we would want the procedures to be charter proof and have a reasonable amount of fairness even though we are dealing with organized crime proceeds and organized criminals.

I am just wondering how far we would track that money, those proceeds of crime. An example came up earlier. If a hospital foundation had received some bundles of money out of the organized crime envelope, how much knowledge would the charity need to have before we actually confiscated the money? Is this something we should be paying attention to as we develop the legislation?

Second, we have a government agency called Fintrac, which now, on a relatively covert basis, tracks all significant financial transactions in the country. I am wondering whether or not the member feels we should be marshalling all the resources of government, including agencies like Fintrac, to be part of this organized crime initiative. Some taxpayers will say yes. Others will say that we should be careful how we do it and how much of the resources of the state we use in various ways in relation to citizens.

Could I ask him for his comments on those two sidebar issues?

**Mr. Pat Martin:** Mr. Speaker, I thank my colleague for raising those two very legitimate points. I am aware that there is work under way to look at money laundering and the aspects of money laundering. I am aware that there is great interest on the part of the federal government to have a holistic approach to attacking organized crime. I would only put forward that what has been proposed by the Bloc Québécois today is in fact a way of financing that activity.

The hon. member did ask me specifically about the process and perhaps how far it would reach. Let me use as an example the way we wrestle with that in Manitoba. It is up to the chief of police, including the commanding officer of the RCMP, to make application to the Court of Queen's Bench for orders to seize or forfeit and confiscate property. I doubt they would be looking at charitable institutions which may have inadvertently become the repository for proceeds from crime.

I would like to think, seeing as we folded the judiciary into this, that a Court of Queen's Bench has to issue the order. I suppose there

### *Supply*

would be some analysis of the type of application made and some judicial wisdom shown there.

[*Translation*]

**Ms. Monique Guay (Rivière-du-Nord, BQ):** Mr. Speaker, as I begin, I wish to inform you that I will be sharing my time with the hon. member for Rosemont—La Petite-Patrie.

First, I wish to congratulate my colleague from Charlesbourg—Haute-Saint-Charles who had the courage to present this motion today. This motion will force or invite the government, which appears to agree with it, to introduce a bill. The reason the hon. member has presented it today is that this issue, reversing the burden of proof, has already been under discussion and a solution sought for a long time. We want the situation clarified.

Obviously, we know that in Parliament things often proceed slowly. Bringing this motion before the House today, and discussing it all day, has made it possible to get a general idea of the members' feelings. I have seen much stormier debates in this House during an opposition day. It appears there is some consensus among the political parties. It feels as if we are moving forward with a situation where we really want to find a rapid and practical solution—one which everyone is waiting for eagerly.

Our primary role as human beings is to take care of ourselves, each other and our children. We can see what is happening in the schools today. One need only look at the big high schools or even primary grades. People come in to sell their illegal products—drug products—to our children. These people come from organized crime. Everyone knows that. They are known. Ask any teenager: they all know exactly where to get drugs.

That is at the foundation. As legislators, we must try by every means possible to fight against it. Reversing the burden of proof is one solution. It is not the only solution, but it can help a great deal. When criminals are arrested, they will have to prove to the rest of us that their property really belongs to them and that it was earned legally, not illegally.

I am rather concerned about what my colleague from the NDP said earlier. I hope I understood correctly. He was talking about Manitoba and said that even if people were not facing criminal charges and not found guilty, they could ask for this kind of investigation. If there are suspicions about someone, they can ask whether that person's goods were legally obtained. I think that violates the Charter of Rights and Liberties.

What we are proposing is more applicable to a situation where, after an accused is found guilty, he must prove that his assets belong to him and that they were earned lawfully.

Obviously, this is ascertained during investigations currently underway. Some have gone on for years. It costs taxpayers millions to try to prove that a known criminal obtained his assets legally. Some cases have been dragging on for seven years. They have already cost millions of dollars.

We should not have to pay to prove that a criminal's assets were obtained with the proceeds of his crimes. It should be the other way around, and that is the reason for our motion today and for this debate.

*Supply*

In my opinion, this would be a enormous progress. It would be a step forward. However, we must also consider allocating resources for this. We cannot simply pass legislation and then think that it will be enforced on its own. That is not how things work.

We must be able to ensure that there are enough people in the field dedicated to this. Once again, I come back to the situation with regard to the RCMP detachments, because this has affected many of my colleagues, including my colleague from Îles-de-la-Madeleine. The Magdalen Islands are facing an extremely serious and acute crisis.

It is no less acute in all the other ridings. There is my colleague from Joliette. When a murder was committed in his riding, it made the headlines in Quebec. It involved a young man in his twenties who was a bar owner and who had refused to let gangs sell drugs there. He was murdered in cold blood, just like that, on the sidewalk.

• (1650)

So, there are situations where criminal groups are still very powerful. Quite often, the only way to deprive them of that power and strength is to seize their assets, so that when they come out of jail—assuming of course that these assets were illegally obtained, and I am quite convinced it is the case for some of them—these people cannot resume their criminal activities. They will have no choice but to operate under the legal system, like the rest of us.

Here is another personal example. I used to own a commercial building, and two young women wanted to start a business. They opened a bar in our small town, but one day some members of a criminal organization showed up and told them bluntly that they wanted to sell drugs in their bar. The two women refused and soon received death threats. They had to shut down their business, because they were afraid they would be found dead on the sidewalk. Such situations still exist today.

Therefore, in order to try to avoid such situations, we must put in place all the necessary tools—not only the reverse burden of proof, because it is part of a whole set—to fight crime in Quebec and in the rest of Canada. I am convinced that doing so will lead to a better society.

However, we must act rather quickly. As the hon. member for Saint-Hyacinthe—Bagot mentioned earlier, there are some major criminal figures in Quebec, particularly Normand Robitaille and Maurice “Mom” Boucher, who has a big smile on his face, even though he is in jail.

If we cannot use the burden of proof, once these individuals come out of jail they will still have their three Mercedes, two boats, three houses, etc. They will have spent a few years in jail, where they will have been well treated—to be sure—because they really know how to behave in that environment, since it is their field of expertise. Currently, when they come out of jail, they can simply get their assets back, quickly reorganize their criminal gang, reintegrate their former position as leader of a criminal gang, and resume their operations, because they have the money to do so. Therefore, we must put a stop to that.

The day that we are able, as in the case of Maurice “Mom” Boucher for example, to seize his illegally obtained assets and to see to it that he can no longer use this money to commit crimes, it will

change a lot of things. We have to start with one individual so that others realize that there are laws and there are things going on in the field that prevent them from engaging in these kinds of activities from now on. We have to take a stronger stance to attack the problem at its roots, meaning that we have to try to protect our children as best we can.

In Saint-Jérôme, in my riding, the RCMP provides services and has an excellent knowledge of the area. In fact, RCMP officers recently discovered in our region a counterfeiting ring that came from the United States. It had been there for a long time, but they were waiting for the right moment to proceed with the seizure. They did an excellent job because they know their people. If they are withdrawn from the area to be sent elsewhere, all the work done in the past will be wasted. They also do a lot of work with youth. So we must ensure that these positions are maintained because they are part of a whole, as I was saying earlier.

I am very pleased to see that there is a certain degree of consensus in the House today in support of this motion.

• (1655)

**Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ):** Mr. Speaker, I will take this opportunity to congratulate the hon. member for Rivière-du-Nord on her speech and to thank her for drawing attention to what is going on, particularly in my riding of Gaspésie—Îles-de-la-Madeleine, where those who could do a great deal in the battle against organized crime are no longer present. I will give the background on this. There used to be two RCMP detachments, one at Gaspé and the other on the Islands.

A year and a half ago, the detachment on the Islands become just a telephone connection to Gaspé. There is no local contingent. Situated as they are in the middle of the Gulf of St. Lawrence, the Magdalen Islands are becoming an ideal environment for organized crime. It is as if it has been advertised as an open house. An open house, an opportunity to take advantage of what I would term government nonchalance. I would also go so far as to say that these actions are irresponsible. With nine detachments gone, one can well wonder about those that are left. We do have an RCMP presence at Gaspé, but for how long?

This I think illustrates just what we have been hearing and seeing about the government's washing its hands of responsibility. We see this in its actions, or lack of action. I would like to hear the hon. member for Rivière-du-Nord say more about the advantages of having an RCMP detachment since she still has one in her riding. Since laws are important to fighting crime, what we in the Bloc Québécois are proposing is to strengthen the law and change the burden of proof. That is very important and also leads us to examine the situation in order to see what we can do about organized crime.

I will take this opportunity, of course, to ask: what next after Magdalen Islands? Gaspé? And then what? That is the dangerous situation we are in right now.

*Supply*

• (1700)

**Ms. Monique Guay:** Mr. Speaker, I wish to thank my hon. colleague and I can appreciate his situation. I understand how people can feel abandoned in a situation like this. We are talking about an important resource, because these are people with special expertise in the specific field of safety, as well as in investigation and intervention of a type that is different from those conducted by our other police forces. We need them in the field. Organized crime is also a specialty of theirs. Without them, there is a void, and serious problems might arise.

The idea of a telephone connection is absolutely preposterous. This is nuts. There is no way that an RCMP officer will be able to deal with problems in the Magdalen Islands by phone. We have to be realistic.

It is obvious that not only the detachment in Gaspé must remain open, but also that serious thought ought to be given to reopening the one in the Magdalen Islands. I encourage my hon. colleague to make representations and to continue fighting, as he has in the past, for the detachment in the Magdalen Islands to reopen and, above all, to prevent the one in Gaspé from closing.

**Mr. Yves Lessard (Chambly—Borduas, BQ):** Mr. Speaker, I have a very short question for my hon. colleague. What does she make of the position of the Liberal Party, which is agreeing today with our whole approach to the reversal of the burden of proof, while at the same time giving up resources as important as RCMP detachments? There is something that does not make sense, which our colleagues opposite have not done a very good job explaining to us. The facts, however, are completely contradictory. From her experience, was she able to gain any understanding?

**Ms. Monique Guay:** Mr. Speaker, I will be extremely brief. Sometimes, here, connections are not made. This is probably one of those times. If, in voting to reverse the burden of proof, the government does subscribe to this and does introduce legislation, I hope that it will implement measures that will enable the re-opening of various RCMP detachments, instead of the reverse. It would be only logical. I sincerely hope that the connections are made in the right places and that ultimately a solution to these problems can be found.

• (1705)

**Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ):** Mr. Speaker, I am very pleased today to take part in this debate on the Bloc Québécois motion. Our motion seeks to amend the Criminal Code so as to reverse the burden of proof in our legislation.

This motion was moved by my colleague from Charlesbourg—Haute-Saint-Charles, and seconded by my colleague from Saint-Hyacinthe—Bagot. First, it is important to read the motion:

That, in the opinion of the House, in order to better fight crime, the government should introduce a bill by May 31, 2005, to amend the Criminal Code by reversing the burden of proof as regards the proceeds of crime, requiring the accused, once found guilty of a serious offence, to demonstrate on the balance of probabilities that their assets were not obtained using the proceeds of their criminal activities.

First, I want to remind the House that the motion introduced today comes as no surprise. The Bloc Québécois has been working for many years and has led a real crusade since the 2000 election campaign to get the federal government to introduce measures and

amend the Criminal Code to include this reversal of the burden of proof.

On this side of the House we thought, and still do, that we needed to provide police officers and crown prosecutors with every possible means to combat organized crime better, since it has such a social and economic toll on society. As early as the 2000 election campaign, the Bloc Québécois had been calling for amendments to the Criminal Code, thereby providing law enforcement officers with more concrete measures and more suitable provisions to deal with this scourge.

The government did, of course, respond in part to what the Bloc Québécois was calling for by passing Bill C-24 in this House in June 2001. This amended the Criminal Code to enable law enforcement agencies to seize, block and confiscate the proceeds of organized crime.

It is important to keep in mind that organized crime is not restricted to motorcycle gangs. Any group of more than three individuals involved in criminal activity can be considered a criminal organization according to the law. These individuals can therefore be found guilty by virtue of the amendments adopted by the House of Commons in 2001 in the form of Bill C-24.

As I have indicated, however, the Bloc Québécois supported the government's Bill C-24, and as I also said did not deem it to be sufficient. We have several examples proving that the bill has not necessarily achieved its initial objective: attacking organized crime. This is why my colleague from Charlesbourg—Haute-Saint-Charles introduced Bill C-242 in October 2004. This bill basically was a remedy for the government's inaction in connection with the impossibility of including the reversed burden of proof in the Criminal Code.

So, four years later, we have decided to present this motion. The ancestors of that motion were the Bloc and the hon. member for Charlesbourg—Haute-Saint-Charles, whose major crusade has led to the motion before the House today. As my colleague from Chambly has said, to our great surprise, today the government is supporting our motion.

• (1710)

I recall that when Bill C-242 was introduced by my colleague, it received support from a number of members of the House, in the NDP and the Conservative Party. They all agreed that legislative amendments would be needed in order to include this reversal of the burden of proof in the Criminal Code.

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What is interesting is that my colleague was the first one on a path later followed by even the federal and provincial ministers. They expressed their agreement with this approach to reverse the burden of proof in June 2004—that is, quite recently—at a federal-provincial conference where the issue was actually discussed. The provincial ministers gave their support to the approach recommended by the Bloc Québécois, not only during the 2000 election campaign, but also more concretely in Bill C-242, introduced in the House of Commons by the hon. member for Charlesbourg—Haute-Saint-Charles.

Thus, all of Canada is lining up behind the Bloc Québécois. The newspaper *Le Devoir* had a comment on this recently, in February 2005, and I quote:

The Bloc Québécois, the first political party to propose the reversal of the burden of proof, in Bill C-242, introduced in the Commons last fall, has taken this idea to heart. "It is a suggestion that pleases the Bloc", confirmed the member for Charlesbourg—Haute-Saint-Charles—

In this respect, it is very clear that my colleague from Charlesbourg—Haute-Saint-Charles has been a real trailblazer on this issue.

Why do we have to fight organized crime by adding the reversal of the burden of proof to the Criminal Code? First, because of the huge social and economic impacts.

How can we agree, in this Parliament, that people—whom I dare not describe as ordinary—the citizens of Canada and Quebec who earn their living honourably, who must pay income taxes and other taxes to the federal government and who do so fairly and honestly, see these people, these organized groups, these criminal gangs, finding all sorts of devious ways to practice what amounts to tax avoidance.

It means significant losses for the Canadian government and, in the end, for the social, education and health services that the taxpayers are entitled to receive. Meanwhile, these organized criminal gangs laugh at the world and in the faces of people who earn an honourable living, and meanwhile, we, the elected representatives, look at the situation and refuse to act.

This is nothing new. This comes as no surprise. Many countries have adopted this same approach at various levels. Some countries partially reverse the burden of proof. Others, like Australia, fully reverse it. France, New Zealand, the United Kingdom and Germany have decided to include this important concept in their legislation.

It is a question of social justice, individual rights and justice. Provided the motion is unanimously passed by this House in the next few days, it should inevitably lead to the tabling by the government of a bill to recognize this issue and to give effect to the motion by my colleague from Charlesbourg—Haute-Saint-Charles and the Bloc Québécois.

I can assure you that we will be vigilant over the coming months and weeks, should the government decide to table a bill. We will work at the parliamentary committee and we will make sure that the very spirit of the motion tabled by the Bloc Québécois—that could be passed by this house—is reflected in this bill.

Often the government opposite refuses to keep its word.

● (1715)

What we are hoping for today is for this motion—tabled in the House of Commons and votable—to be reflected in a bill.

Partisanship aside, the Bloc Québécois will be proud to support the bill that is tabled. We must never forget that the hon. member for Charlesbourg—Haute-Saint-Charles and the Bloc Québécois were trailblazers in this.

**The Deputy Speaker:** It being 5:15 p.m., pursuant to order made earlier today, all questions necessary for disposal of the opposition motion shall be deemed put, and a recorded division deemed requested and deferred until Tuesday, March 22, 2005, at the expiry of the time provided for government orders.

\* \* \*

[English]

## BUSINESS OF THE HOUSE

**The Deputy Speaker:** I have received notice from the hon. member for Mississauga—Streetsville that he is unable to move his motion during private members' hour on Friday, March 11. It has not been possible to arrange an exchange of positions in the order of precedence.

Accordingly, I am directing the table officers to drop that item of business to the bottom of the order of precedence. Private members' hour tomorrow will thus be cancelled and the House will continue with the business before it prior to private member' hour.

**Hon. Larry Bagnell:** Mr. Speaker, would you just clarify for me what time we start tomorrow and what are we working on when we start?

**The Deputy Speaker:** We will begin at 10 o'clock tomorrow morning, but we will have an extra hour of government orders because there is no private members' business.

Do we have the unanimous consent of the House to see the clock as 5:30 p.m., so we can start private members' business?

**Some hon. members:** Agreed.

**The Deputy Speaker:** It being 5:30 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

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## PRIVATE MEMBERS' BUSINESS

[English]

### FOREIGN CREDENTIAL RECOGNITION PROGRAM

**Ms. Ruby Dhalla (Brampton—Springdale, Lib.) moved:**

That, in the opinion of the House, the government should create a secretariat responsible for overseeing the Foreign Credential Recognition Program, which would work with all stakeholders and provincial representatives to coordinate and collaborate on activities, implement processes, and assist in the research and the development of national standards that recognize foreign-training credentials in Canada.

She said: Mr. Speaker, I rise before the House today to speak to an issue that is of vital importance to many Canadians across the country. This issue has a direct impact on the lives of many new Canadians. It has an impact on the economic growth, the prosperity and the competitiveness of our nation.

The issue before us today is FCR, or foreign credential recognition, the recognition, the accreditation and the integration of foreign Canadians into the Canadian labour market.

Canada is a nation of immigrants. It has been built on the talent of these immigrants. Year after year waves of immigrants have come to Canada filled with hopes and dreams to have a better life for themselves and their families. These new Canadians left behind their countries, their communities and their homes for a land of the unknown. They came to a land of the unknown and brought with them a work ethic of hard work, ambition and dedication. It is these very qualities that have contributed to the success of immigrants in our country.

I, like many other first generation Canadians, see a moral responsibility to ensure that the path for new Canadians to integrate into Canadian life is less challenging.

Today I take this opportunity to pay tribute to the generations of new Canadians who have come to Canada, people like my mother who came to this land of the unknown with absolutely nothing but a passion and a vision, not only for herself but a passion and vision for a better life for her children.

I spoke about Canada being a nation of hopes and dreams, which is why we as a nation have been able to attract the very best and the very brightest. We continue in our country to invite the very best and the very brightest. All these new Canadians come here with all the right tools. They come with the knowledge, the skill, the talents and expertise, yet when they come they discover challenge after challenge.

Fifty-four per cent of new Canadians in 2002 arrived in our nation under the economic category. They arrived possessing at least one foreign credential, all these new Canadians hoping to turn their potential into success. Out of these individuals, less than half were able to obtain employment in their respective professions. The Conference Board of Canada estimates this economic loss to be in the realm of \$2.3 billion, lost because Canadians with foreign credentials are not recognized.

It is not that these new Canadians are not finding jobs. They are. Almost 40% of newcomers into our nation find jobs. The question that we must ask ourselves is whether they are the right jobs. The question we must ask ourselves is whether we as a country are truly maximizing their potential. Are these newcomers to Canada finding jobs in which they can utilize their talents for which they have spent years training? Let me tell all my colleagues in the House that six out of ten new Canadians do not work in the same occupation or the area of expertise for which they had spent so many years training. This is simply unacceptable.

Let me enlighten this House with some other alarming and shocking statistics from Statistics Canada. Of all the new Canadians who arrived in this country in 2002, 55.4% of them were trained in a field such as in natural or applied sciences, which means they came

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either as doctors, or scientists, or lab technicians or surgeons. Less than half of these people actually found work in their field. Instead of working at a clinic, or in a lab or in a hospital, they all put their talents as doctors, as scientists, as lab technicians to use by either chauffeuring us around or maintaining one of our public facilities.

● (1720)

Further still, 20.7% of newcomers to Canada in 2002 arrived with an expertise in the field of management, which means that when they came they had either been CEOs, or VPs or accountants. Only 7% of these people actually found work. Thirteen per cent of these newcomers had been trained in the area of management had expertise and a knowledge base in the area of management. They were resigned to working in hard labour.

The numbers I read are simply unacceptable for a nation that is on the brink of facing a very well-known and serious shortfall in skills labour growth. The Conference Board of Canada has predicted that by 2011, baby boomers will be retiring in greater numbers. Immigrants are expected to account for all of the net labour force growth.

We know we have an aging workforce. We know our workforce is shrinking. We also know this will have a significant surefire economic impact. That is why we as a nation must be prepared.

We as parliamentarians know that this emerging domestic and global challenge really requires an aggressive approach. We as a nation have what it takes. We have the greatest resource of all, and that is our people.

Our prosperity as a nation lies in people who are skilled, talented and knowledgeable. We must utilize this potential. We cannot afford for all these valuable, educated, talented and skilled people to go to waste.

The challenge for our country is to ensure that we remove any barriers for any type of full participation. The challenge for our country is to tap into all the experiences, to tap into skills and into expertise. It is the federal government's responsibility and for us as nation to move from the role of facilitator and supporter to a much more active and aggressive role, one that will ensure we utilize all the skills of new Canadians and Canadians who have been born and raised here. For example, Canadians who choose to go away to medical school and come back have to be assured that we will put their skills and experiences to proper use.

It is a proud moment to say that our Prime Minister has demonstrated a willingness to recognize foreign credentials. The recognition of foreign credentials is more than just about the accreditation of credentials within our own nation. Foreign credential recognition is about cementing Canada's role as a leader in the global arena. Foreign credential recognition is about global competitiveness.

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The importance of this issue has been acknowledged in the past three throne speeches. In the past budget, moneys were given toward great policy initiatives. For that, I thank the Prime Minister, the President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister of Human Resources and Skills Development, the Minister of Citizenship and Immigration and the Parliamentary Secretary to the Minister of Citizenship and Immigration. I also thank all the other numerous government officials for their commitment toward this issue of national importance.

• (1725)

However, this issue is growing so rapidly and with such a sense of urgency that we must do more. We must increase our efficiency, our outcomes and the pace at which we do this work. This will equal results.

The federal government cannot do it alone. We as parliamentarians in the House cannot do it alone. We need willingness and commitment from all stakeholders, provincial and territorial governmental representatives, professional and regulatory bodies, colleges and universities and the private sector. We need that commitment and willingness from everybody. Only by working together as one team toward one common goal will our nation no longer have the best educated taxi fleet.

It is with this sense of urgency on behalf of my constituency of Brampton—Springdale that I set forward a motion to have the federal government move expeditiously in recognizing foreign credentials in Canada. This is not just about new Canadian immigrants. This is also about young Canadians who were born and raised here, but who chose to study abroad and now face challenge after challenge to get in. This is unacceptable for a nation that has wait lists. It is unacceptable for a nation where Canadians cannot get access to doctors.

It is for this reason that we, as parliamentarians, must act with a mindset that is expansive. We must act with a political vision in which innovation will be at a premium. Only with this mindset and vision will Canadians, both the ones who are born and raised here and the new Canadian immigrants with foreign credentials, be recognized, accredited and integrated into the social and economic fabric of our nation.

I stand here today to ask all hon. members in the House for their support of my motion to recognize foreign credentials in our nation.

• (1730)

**Mrs. Susan Kadis (Thornhill, Lib.):** Mr. Speaker, I admire the efforts of the member for Brampton—Springdale on this important issue.

What will the economic impact be if we do not utilize the professional individuals, their talents and abilities?

**Ms. Ruby Dhalla:** Mr. Speaker, I know she has a tremendous interest in this issue as well and has done a tremendous amount of work. She has a number of constituents who are also faced with this concern. Many other parliamentarians share this concern with her as they have a number of constituents within their respective ridings who are directly impacted by this.

As I mentioned during my speech, the economic impact in our nation of not utilizing or recognizing the credentials of foreign trained individuals, either new Canadians or Canadians who were born and raised here, is in the range of \$2.4 billion. These people come here trained in the sciences, in management or in a variety of other skilled professions. However, when they arrive in the country, it takes so long for them as individuals to get their credentials recognized, to be accredited and then to actually integrate into the labour market workforce, and our country suffers a huge economic loss.

It is not only about the dollars, or economic loss or reduced economic prosperity and growth. There is also a social factor to this. There is a cost in social and human terms that is quite extensive. It is our obligation as Canadians and as parliamentarians to really work in a collaborative spirit with all provincial and territorial stakeholders and regulatory associations to ensure we really move forward in this area.

**Mr. Garry Breitkreuz (Yorkton—Melville, CPC):** Mr. Speaker, I have two quick questions.

First, I have been here for a while and I have observed that the government has made commitments in this area for quite some time. Does the member have any statistics as to how often this has already been promised to us?

My second question is about the barriers between the provinces in regard to this issue. Is there anything in her proposal that would address the fact that credentials are not recognized from one province to the other? Teachers cannot move from Saskatchewan to Alberta to Ontario without jumping through hoops and hurdles. Is there anything in her proposal that would address that?

**Ms. Ruby Dhalla:** Mr. Speaker, I will address the hon. member's last question first. The particular area of recognizing the credentials of individuals who have been trained abroad is over a number of jurisdictions, including provincial, and within professional and regulatory bodies. Believe that is one of the reasons there has been a slower pace in terms of getting results. That is why my motion talks about a collaborative spirit. It talks about a spirit of commitment of all these jurisdictions working together.

In the member's first question he mentioned that the federal government has spoken about this issue in previous years, that it has been mentioned in the past three throne speeches. It was a proud moment for me when the finance minister delivered the budget. A total of \$75 million was allocated toward recognizing and improving the accreditation of health care professionals from abroad.

We as a government have made some movement. This motion brings together all the stakeholders and all the respective jurisdictions to work together.

Canadians, whether they are new Canadians or were born and raised here, want to work in the fields for which they have been trained. Whether it is a provincial issue or a national issue, they do not necessarily have an understanding of it.

If we all work together as a team and in a collaborative spirit, we will achieve results.

● (1735)

**Ms. Jean Crowder (Nanaimo—Cowichan, NDP):** Mr. Speaker, would the member elaborate on the health care professionals? We are facing a critical shortage.

**Ms. Ruby Dhalla:** Mr. Speaker, during the campaign when I knocked on the doors of a number of my constituents in Brampton—Springdale they wanted to know what we as a government were going to do to address the shortage of doctors.

As I have said, in this budget \$75 million has been allocated toward accrediting and integrating these health care professionals.

A very exciting task force report was done which made a series of six recommendations. I would encourage all members to look at that report. The report recommended that the credentials of individuals who have been trained as doctors should be recognized. We should get those individuals accredited, get them internships and get them working. In that way we could reduce wait times in our hospitals, and Canadians could have access to doctors.

**Mr. Gurmant Grewal (Newton—North Delta, CPC):** Mr. Speaker, I am very pleased to rise today on behalf of the constituents of Newton—North Delta, as well as the Conservative Party of Canada to participate in the debate on Motion No. 195 regarding the development of national qualification standards and the recognition of international credentials.

I congratulate the member for Brampton—Springdale for bringing forth this important motion. As she is relatively new to the chamber she may not realize that I was the first member ever to introduce a motion to develop national qualification standards and recognition of international credentials on the floor of the Canadian Parliament.

My Motion No. 232 was debated in 2001. I had tabled it two other times but I did not get the opportunity to debate it. It was the member's party that refused to support my motion. It was exactly the same motion but the Liberals refused to support it. I wish the hon. member better luck this time.

I have been talking about this issue since I first came to Canada in 1991. Like other newcomers I experienced firsthand the red tape and bureaucratic nonsense of my own degrees not being recognized. I have an honours B.Sc. degree in agriculture and an M.B.A., both from very reputable institutions, but I have suffered the fate which all newcomers face in Canada.

I have talked the ears off of everyone possible, including cabinet ministers. I tabled a private member's motion first in the 36th Parliament and then in the 37th Parliament, yet little has changed since then despite numerous promises by the Liberal government.

For years the government has been dithering on the recognition of international credentials. This has harmed our country and betrayed newcomers who offer skills that Canada needs. Year after year the Liberals promise action on the recognition of foreign credentials but they never do anything to fix the problem.

After defeating my motion, the Liberals realized their mistake. Then they included in their throne speeches that they would recognize foreign credentials. The 2001 throne speech stated:

These strategies commit the government to working in partnership with the provinces and territories and key stakeholders to develop fair, transparent and

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consistent processes to assess and recognize foreign qualifications before and after the immigrant's arrival.

In the 2002 throne speech there was another promise:

The government will work with its partners to break down the barriers to the recognition of foreign credentials and will fast-track skilled workers entering Canada with jobs already waiting for them.

Then there was another promise. Last October in the Speech from the Throne the government again voiced its intention to implement a program to recognize the international academic credentials of immigrant workers. It stated:

We will also deepen the pool of Canada's talent and skills by ensuring more successful integration of new immigrants into the economy and into communities.... The government will do its part to ensure speedier recognition of foreign credentials and prior work experience.

This follows a long line of unfulfilled promises. The Liberals are starting to sound like a broken record. This begs the question, how many times can they make the same promise without doing anything about it?

Canadians know the government is very good at paying lip service to problems, but it is terrible at delivering the goods. Promises made but never kept. New Canadians are not interested in more empty promises. They want jobs in their chosen professions, professions for which they are qualified, trained and experienced.

I remember one time in my constituency office there were six persons with Ph.D.s sitting together. They had come to lobby on this issue. All of them were underemployed and were doing menial jobs.

I remember one person in particular who had two doctorate degrees in environmental sciences, one from Germany and one from India. He had over 20 years of experience as a professor and scientist and he had written 43 research papers in reputable international journals.

● (1740)

He attended promotional seminars put on by CIC and HRDC in India to lure professionals to come to Canada. He applied under the "independent" category. His degrees fetched him the required points and he was granted immigration very quickly. He resigned from his prestigious job. However, once he arrived in Canada he felt that he had been duped. His degrees had already been recognized by Citizenship and Immigration Canada but they were not recognized in Canada, even by HRDC, Agriculture Canada, Health Canada and Environment Canada, because there is no coordination in different departments of the government.

He almost went crazy while working to support his family by, guess what, pumping gas at a gas station. This is a person with two Ph.D.s and so much experience and great repute. Other frustrated professionals told similar stories. Some are driving cabs and others are doing clerical work or even janitorial jobs.

When arguing that foreign credentials should be recognized, we are not talking about lowering standards in Canada. We are talking about some common sense.

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The portability and recognition of skills and credentials are being addressed on a global basis. The governments of European states are already introducing mechanisms to make it easier for professionals to move from one country to another. The Canadian government should take this work seriously, assume leadership in this important area and keep up with the rest of the world so that we are not left behind.

More than 60% of new immigrants to Canada have earned post-secondary degrees in their native countries. Nearly half are trained in regulated industries, such as medicine, engineering and so on.

According to a study conducted by the Conference Board of Canada, more than 500,000 immigrants are working at jobs beneath their education levels because Canadian institutions and corporations will not recognize their degrees from foreign universities. It found that 23% of immigrants could not practise their profession and 49%, almost half of them, found that their foreign credentials affected their ability to get a better job for which they were professionally qualified.

Improved recognition of credentials could add 83,000 post-secondary degree holders to the existing talent pool. Allowing these skilled immigrants to participate fully in the workforce could improve Canada's performance on innovation and productivity.

Canada must consider creating a common framework for valuing, learning, establishing national standards, improving transfer mechanisms and institutional linkages, both in Canada and internationally.

If people do not hold degrees from Canadian institutions, I think they cannot become members of Canadian professional groups. They are denied jobs in their field of expertise.

We know that four million people in this country do not have a family doctor. Meanwhile, foreign trained doctors are forced to sit idle. This is outrageous.

Prominent countries are competing for skilled workers, IT workers, for example. However, when those professionally qualified people arrive in Canada, we do not take care of them. What will happen is they will go to other countries.

There are certain countries in the world that do not have the natural resources that Canada is blessed with. They do not have many other things. What they simply have is a skilful pool of human beings. In countries like Taiwan, people are highly skilled. Those countries do not have natural resources, but they are dominating in many areas.

Similarly, there is a need for us to address the situation of coordinating the standards in Canada. If someone has a diploma in dental surgery from one province, the person cannot practise in the other provinces. It is similar for real estate agents.

In a nutshell, the Conservative Party of Canada believes in providing new immigrants with the best possible opportunity to use their education and experience here in Canada so that they can integrate better into Canadian society. We see this as a matter of fairness to newcomers and their families and a means of ensuring that Canada receives the full benefit of immigration.

Currently, federal government efforts on the issue of foreign credentials are too vague and superficial, just empty promises. The interdepartmental working group encompasses 14 departments but they are not working in coordination.

• (1745)

Therefore, Conservative proposals in this area will require a centralized structure to ensure their proper and efficient implementation. Motion No. 195 is worthy of our support. I encourage all members to support this motion and pray that the government will finally get its priorities in order and take immediate steps to facilitate the recognition of foreign academic credentials.

[Translation]

**Mr. Roger Clavet (Louis-Hébert, BQ):** Mr. Speaker, it is my pleasure to speak to Motion M-195. Basically, this is a motion to establish a secretariat responsible for overseeing the foreign credential recognition program.

In immigration matters, some files are simple, while others are complex; some are a little obscure, while others are more transparent. Motion No. 195 is one of the latter. The situation could hardly be clearer. In the opinion of the Bloc Québécois, Ottawa simply does not have jurisdiction on such a motion. This is not a fabrication of mine.

In fact, in a recent conversation with the Parliamentary Secretary to the Minister of Citizenship and Immigration at the Standing Committee on Citizenship and Immigration, on which I have the pleasure of sitting, the hon. member for Vancouver Centre clearly recognized it. Allow me to quote her:

Credential recognition largely falls under provincial jurisdiction, a responsibility which has in the legislation been delegated to the regulatory bodies

We must understand—there are members in this House who do not seem to understand—that, in matters of immigration, the distribution of powers between Ottawa on the one hand, and Quebec and the provinces on the other hand, is very clear. It could not be any clearer, particularly for all matters pertaining to Quebec. We have the Canada-Quebec accord, which did not appear out of thin air, out of the blue. It was signed back in 1991 and is very comprehensive.

On the topic of foreign credential recognition, this accord is unequivocal: it is the responsibility of Quebec, not that of planet Mars. Section 25 of the accord is disconcertingly simple. It states, “Canada undertakes to withdraw from specialized economic integration services to be provided by Québec to permanent residents in Québec”.

It cannot get much more transparent than that. However, there are cases where this agreement can be waived. For example, this is true for standards applicable to all of Canada. But, there can be no question of that here. In fact, it is not possible to have Canadian standards applicable to all professions, just as there simply are not standards applicable to all professional associations. This same logic applies to various regulatory bodies or educational institutions. Each one is free to create its own. It is certainly not up to the Canadian government to define the standards.



All the stakeholders involved in the foreign credential recognition process agree at least on one thing: it is extremely difficult to reach agreement with the professional associations—true—because each one, out of professionalism, has its own requirements. There has to be some consistency, and that is logical. The various stakeholders also agree that it is not possible, here, to have a package deal. The notion of standards cannot apply to the field, simply because one cannot be compared to another. This is a simple truth.

Everyone agrees too that it is essential to reach agreement with the professional associations and no one else—not with a new player joining those already in place. I do not want to give a lesson or a demonstration in this House on federalism. I will leave that to those who are still interested in it. However, it is important to remember that the provinces have exclusive jurisdiction over professional associations.

The debate could even conclude here, because it simply is irrelevant in this Parliament.

What is the meaning of this Liberal motion? I can see only one: it is yet another attempt to interfere in a discussion in which the federal government clearly has no place. This is not the first time and I imagine that it will not be the last. This happened with regard to parental leave. It also happened with regard to the famous millennium scholarships—yet another intrusion.

Canada's immigration system—even the last immigration minister recognized it—is not in good shape. We are in agreement. There are considerable delays. Here is yet another reason to address these delays and finally examine the issues so as to refocus. There is enough to do here before it pokes its nose where it does not belong.

• (1750)

It would be possible, anyway, for the federal government to find a solution to the problem of recognizing foreign credentials, because this is something we are already working on in Quebec. We have been focussing efforts on it for a number of years. It is a lengthy process, with all manner of difficulties. How then can the federal government claim—I find this rather amusing—to go still further than Quebec, when it has to deal with more parties than Quebec does? That claim does not hold up to scrutiny.

In fact, all that this interventionist approach will lead to is headaches, court challenges and disputes, more delays, lost time and energy, and wasted resources as well. Can we afford such wasteful systems?

If, with all the parties around the table and with the involvement of all the professional accreditation bodies, Quebec is making only slow progress, no one can expect Ottawa will find it easier. Moreover, at this point in time, the mere act of initiating discussions with the professional associations, with whom Ottawa has no right to be dealing, runs the risk of compromising the progress Quebec has already made and the discussions it has already held. Ottawa is liable to slow down the process already under way and the final outcome will be a realization that they have reached a stalemate and so it will be back to square one.

Why insist on sabotaging a process that is already a difficult and laborious one, when there are so many other problems to be solved. Moreover, there are other issues to be solved that do fall under

### *Private Members' Business*

federal jurisdiction, so they could focus on them. They could start attacking them seriously right now. This very morning in committee—this happened in the immigration committee with my colleague—they were discussing the refugee appeal division. There are considerable delays. When will they start processing immigration files faster? All these delays poison the system. This is where the federal government could get involved. This is where they can play a role in moving things ahead. But no. Instead of putting a proper refugee appeal division in place, they again start interfering in others' jurisdiction and start talking about a national secretariat. Everyone is already saying there are too many structures, too many procedures, too much bureaucracy, and yet they would like to have one more thing: a national secretariat.

In my opinion, Ottawa must resolve the issue of partisan appointments once and for all. Why go to Quebec and see what is already being done and try to correct it? The delays—I already mentioned this—are still very long. In terms of the problems reuniting families, all the riding offices are inundated with requests to do so. There are considerable delays. There is a lot of work to be done and Quebec cannot resolve all this at once. However, we are working on it. What is Ottawa doing in the meantime? I wonder.

I would say Ottawa is trying to confuse the issue. We cannot say it enough in this House; the recognition of foreign credentials is not a federal jurisdiction.

I would like someone to explain to me, since no one was able to earlier, why there should be a secretariat to coordinate activities for which money has already been paid. The money in question exceeds what is needed for setting up the refugee appeal section people want.

How can we make Citizenship and Immigration understand this? There are so many problems. Why was money allocated to the foreign credential recognition initiative before any guidelines were drafted?

It is very clear that the recognition of foreign credentials is a provincial jurisdiction. In my opinion, this has been made abundantly clear by the Bloc Québécois over the years. What was true at the time is still true now. Parliament has no business discussing this motion. The Bloc Québécois will vote against Motion No. 195. I call on all hon. members of this House to respect Quebec's jurisdictions.

• (1755)

[English]

**Ms. Jean Crowder (Nanaimo—Cowichan, NDP):** Mr. Speaker, I am rising in support of this motion and to further discuss the principles outlined in Motion No. 195.

This motion calls on the government to create a secretariat responsible for overseeing a foreign credential recognition program. It calls on the involvement of all those levels of government and various representatives who have a share or interest in this program. They would work together to implement national standards to recognize foreign credentials in Canada. We are well aware of the fact that employment is a key element of successful immigrant settlement and successful involvement in the Canadian way of life and economy.

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When people apply to immigrate to Canada as economic immigrants, they submit their education and professional or trade credentials which are then judged on the point system. The points given to these are crucial to the success of their applications. Because they are so crucial to the application process, the expectation is clearly raised that people with these skills and abilities are needed and wanted in Canada.

However, sadly, many of these people arrive here to find that they cannot practice their professions or trades in Canada. There is a huge disconnect between the success of their immigration applications and their inability to work in Canada. This is unfair and unjust. It causes huge disappointment and frustration for these new immigrants.

Programs that facilitate their access to employment in their fields must be an integral part of Canada's immigrant settlement policies. We have all heard stories about physicians driving taxis, engineering professionals cleaning hotel rooms, and highly skilled people working in jobs that do not put to use their specific skills. I call to mind an oncology nurse in my own riding who, after a couple of years, was finally able to work in her profession, a highly skilled, highly trained individual.

We must ensure that people are able to fulfill their professional callings here in Canada. We must work out a way to let them contribute to their new home. In my riding and in ridings across the country this is something that happens to new Canadians, but there is a difference between being underemployed as a temporary measure when one first arrives and being forced long term to throw away one's particular talents and skills, and perhaps even to deny one's calling to a profession.

Being chronically underemployed is deeply damaging to the self-esteem of new immigrants. It hurts them spiritually and represents a waste of potential and resource to our country. New Canadians should be able to use their skills and talents here in Canada, so our country can benefit from their experiences and skill sets.

We need to create an infrastructure that allows immigrants access to do the meaningful work that they were trained to do. A coordinated infrastructure would expedite this process and allow for pan-Canadian standards which would make it easier and more accessible both for employers and new Canadians.

There is no doubt that this is a complicated matter here in Canada. There are many levels of government, many government departments, educational institutions, professional associations, licensing bodies and trade unions, all of which have an interest and a jurisdiction in the issue. Adding new levels of bureaucracy is clearly not always the best way of solving a problem, but the reality is that this problem has not been solved even though the seriousness of it has been recognized for so many years.

We need to take all measures to address this problem and be seen to be actively addressing this problem. Establishing a group of dedicated public servants with a specific mandate to find and implement solutions is a necessary step in the right direction.

Consecutive throne speeches have made the issue of foreign credentials a government priority. The Standing Committee on Citizenship and Immigration has recommended that the federal government work toward developing a nationwide system for

assessing international credentials. The committee is working on the issue of international credentials and I understand that it will soon be holding hearings across Canada. I hope it hears from Canadians about how to solve this problem and about how a secretariat might be of assistance in that solution.

I am aware that the Parliamentary Secretary to the Minister of Citizenship and Immigration has been given a mandate from the Prime Minister to work on this issue. Citizenship and Immigration has a key role in this matter. Human Resources and Skills Development is also a key player, but there are at least 10 or 12 other federal departments involved. It speaks to the challenges of getting to a solution.

How do we best ensure that this situation receives the attention it deserves? How do we ensure that the issue of foreign credentials is resolved and that a system is in place that gets new immigrants to work using their overseas training?

• (1800)

We must ensure that this task is not something done off the side of the desks of many busy people with complex mandates. We must ensure that a branch of our government has a mandate for action on this issue, that it is that branch's priority, its full time endeavour.

I think the best way to accomplish this is to establish a secretariat for overseeing foreign credential recognition. This step would prove in a tangible systematic way that the federal government is serious about its leadership in this area.

Currently there is an enormous variation in the way that employers deal with the evaluation of foreign credentials. Some of them take them at face value and some use informal networks of friends or associates who may know more about the institution or standards in the potential employee's country of origin. Others use provincial or institutional assessment services.

We need to bring these methods together in a comprehensive system so that both employers and potential employees are not operating under a whole variety of conditions.

A secretariat would work to make employers comfortable with the skills of new Canadians. Many employers are hesitant to provide job opportunities to people about whose qualifications they are unsure. The federal government must step up to the plate and show ongoing leadership to help these employers, provinces and educational institutions with the task of putting new immigrants to work using their training and professional qualifications.

The federal government must show leadership on developing standards and appropriate process. It must not impose standards, but it must make available resources to ensure their development and their ongoing implementation. A secretariat would be a helpful tool in moving toward this goal.

It is not just the employers who should be comfortable with and informed of these standards for foreign credentials. The potential immigrants themselves should be given relevant information about certification processes in Canada so they would know what to expect. That would help them make a choice about coming to Canada.

I do caution that we need to think about regional strategies, as needs vary with geography. Immigrants tend to settle in cities, but all federal programs need to take into consideration the unique needs of the individual communities across Canada. We can achieve this with a consultative process championed by a secretariat with a mandate for consultation and the fostering of cooperation among all the players on this issue.

In an increasingly global world, Canada is competing for immigrants. Canada must be positioned as a destination of choice in order to attract the highest calibre of skilled workers.

We rely on immigration for growth in our economy. By 2015 all new job growth in Canada will come from immigration. By the mid-2020s, all new population growth will come from immigration. The ongoing viability of our social programs is also linked to population growth.

We cannot afford a bad reputation among potential immigrants. Canada must not be known as a place where highly trained, highly motivated professionals and skilled workers are not allowed to use their training and their skills. Nothing will limit our ability to attract immigrants more than that kind of bad reputation.

The Australian immigration department has centralized their skills recognition. The Australians have a dedicated area that deals only with this issue. Perhaps there is instructive experience in their model which will be helpful to Canada. This system allows a more accurate assessment of potential immigrants' skills before they apply for permanent residency. Australia is also one of Canada's only significant competitors for immigrants and it is recognized that Australia does a far better job in putting new immigrants to work after recognizing their credentials.

Perhaps even more worrisome is the fact that some research has begun to show that this situation is so frustrating for some new immigrants that they are now considering leaving Canada and returning to their country of origin or to some other country that actually will recognize their credentials. We cannot afford to lose people who at great personal sacrifice and with incredible hope for a better future for themselves and their families have chosen to come to Canada.

I realize that a long term systematic approach to bring together all levels of government, regulatory bodies, NGOs and so on is no small feat. The Conference Board of Canada calculates that the impact to Canada's economy of recognizing the skills of immigrants to be valued at \$3 billion to almost \$5 billion annually. This is a significant impact on our economy.

### *Private Members' Business*

More than just the economic value, we must ensure that those people who choose Canada as their new home feel that their gifts and talents are recognized and appreciated and that they can take their place in making their communities and our country a better place to live.

These skilled workers are a vast untapped resource. At present they represent a huge brain drain to our country. Let us work together to make sure that Canada is an attractive place for skilled workers. I believe there is merit in this proposal and recommend that we continue the debate and interest in it.

● (1805)

**Mrs. Susan Kadis (Thornhill, Lib.):** Mr. Speaker, I seek unanimous consent to split my time with the member for Bonavista—Gander—Grand Falls—Windsor.

**The Deputy Speaker:** The member for Thornhill has asked for unanimous consent to split her time, which requires consent of the House. Does she have consent of the House to split her time?

**Some hon. members:** Agreed.

**Mrs. Susan Kadis:** Mr. Speaker, I commend the member for Brampton—Springdale for her passion, determination and efforts to create a more inclusive, stronger Canada. With consent of the mover and the seconder, I move:

That the motion be amended by:

(a) deleting the words “create a secretariat responsible for overseeing the Foreign Credential Recognition Program, which would work with all stakeholders and provincial representatives” and substituting the following: “direct Ministers responsible for overseeing the Foreign Credential Recognition Programs, to work expeditiously with all stakeholders and provincial and territorial governments”;

(b) deleting the word “national”;

(c) deleting the words “that recognize” and substituting the following: “to recognize”;

(d) deleting the words “foreign-training” and substituting the following: “foreign” and

(e) adding after the word “Canada” the following: “and produce a report within six months for the House”.

**The Deputy Speaker:** Before we can accept that amendment on the floor, we have to make sure that it has the consent of the mover of the motion.

Does the member for Brampton—Springdale give her consent?

**Ms. Ruby Dhalla:** Yes, I do, Mr. Speaker.

● (1810)

**Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.):** Mr. Speaker, I am pleased to have this opportunity to speak on the motion by my colleague from Brampton—Springdale. Her compassion on this issue has inspired many here today and hopefully will inspire all as we resume this debate.

*Private Members' Business*

The member is well known for her commitment to ensuring that foreign trained professionals and new immigrants can fully participate in the Canadian labour market and more broadly in our society. I want her to know that I too share this commitment.

[Translation]

I too am of the opinion that one of the conditions for Canada's prosperity and future competitiveness is to allow skilled immigrant workers and foreign trained Canadians to contribute to the socio-economic development of Canada.

[English]

In my rural riding, one of the prime concerns came from primary health care and the fact that providing health care providers for many of the smaller communities in my riding has become troublesome and very difficult.

This is one of the ways to combat that: by recognizing health care professionals from abroad. By doing that we can provide a better health care service to our smaller communities in rural Canada. This is one of the big reasons why I support this bill.

Despite the fact that more skilled immigrants and foreign trained professionals are coming to Canada, too many cannot get a job in their field and it is taking much longer for them to catch up to Canadians with similar levels of education and expertise, resulting in comparatively low income levels.

It is against this background of common concern for the better integration of immigrants into Canada's labour market that I am pleased to support the member's motion regarding the government's foreign credential recognition program. The policy objective has been clearly set out, and I support this bill and the efforts of my hon. colleague from Brampton—Springdale.

[Translation]

**Ms. Diane Bourgeois (Terrebonne—Blainville, BQ):** Mr. Speaker, I rise on a point of order. I would like some clarification. There are some things I have missed, even though I have been very attentive.

My colleague split her time, ten minutes, in two. She introduced an amendment. My colleague spoke and we were never asked if we were in favour of this amendment and whether we could debate it.

Can you explain what is going on in terms of procedure?

• (1815)

[English]

**The Deputy Speaker:** What happened procedurally was a little unusual. The member for Thornhill asked for permission to split her time with the member from Gander. That permission was given.

During the time available to the member for Thornhill, she moved an amendment to the original motion that changed the motion considerably. When the member from Gander had the floor, he spoke for four or five minutes and sat down.

If no one else rises to debate, then we will put the question on the amendment. If someone rises to debate, we will continue with debate. I did not see anyone rise, so therefore the question will be on the amendment.

**Mrs. Susan Kadis:** Mr. Speaker, I rise on a point of order. I would like to call the question on the motion.

**The Deputy Speaker:** The question is on the amendment. Is the House ready for the question?

**Some hon. members:** Question.

**The Deputy Speaker:** Is it the pleasure of the House to adopt the amendment?

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And more than five members having risen:*

**The Deputy Speaker:** Pursuant to Standing Order 93 the division stands deferred until Wednesday, March 23, immediately before the time provided for private members' business.

[Translation]

**Ms. Diane Bourgeois:** Mr. Speaker, usually the parties agree on presenting amendments to bills and motions.

First, we were not aware that this amendment was going to be introduced. Second, you read it aloud. Even though you read it slowly, even though we have good translators, there was a problem with the translation and I missed a part. It was not a big part, but still. I would have liked to have seen this amendment in writing. Third, there are members on the other side who were not in their places when they shouted out their agreement.

In the face of all this, to be fair, I would ask you, if it is possible, to delay this vote to another day, perhaps in the week we come back to the House.

[English]

**The Deputy Speaker:** I thank the hon. member for her intervention and explanation of some of the difficulties with a lengthy amendment. It was read and the vote will be deferred until Wednesday, March 23, when we come back after the next break week. Therefore all parties will have time to consider it. It is not out of order to do it this way but I agree that it is unusual.

• (1820)

**Ms. Ruby Dhalla:** Mr. Speaker, the amended version of the motion was provided to the whips of all parties earlier this afternoon but I do not know if the whips forwarded it on to all MPs. As far as we know it was provided to the Bloc Québécois because I spoke to the whip of the Bloc Québécois.

**The Deputy Speaker:** Again, just to be clear, procedurally everything was followed in order. Information does not need to be given to whips or to anyone ahead of time. Anyone can propose an amendment. It was proposed and it was done in order. My best advice, however, in private members' business especially, is to ensure the information is fully shared ahead of time so problems do not result.

Because of the standing orders, this vote has been deferred until March 23 and at that time we will have a standing vote to decide whether that amendment should actually pass.

However I do urge all members in private members' business to consult broadly when large amendments such as this take place because it does make it confusing for all members to try to follow the intent of the mover and the amendment.

The time for private members' business has expired.

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## ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[English]

### EQUALIZATION PROGRAM

**Mr. Brian Fitzpatrick (Prince Albert, CPC):** Mr. Speaker, it is a pleasure, on behalf of the constituents of Prince Albert, to speak to the matter of equalization.

Prior to the last election campaign the Prime Minister made a very major commitment to the province of Saskatchewan and western Canadians. He said that since 1867 there has been a perception that Ottawa has too often favoured parts of eastern Canada while ignoring the interests of western Canada.

Unfortunately, the Prime Minister said that there was a good deal of reality to this sort of perception. He promised that under his administration this matter would be addressed, that this would not happen under his new government. He basically said that if he could not address that perception and that reality in western Canada, he would see himself as a failure as a Prime Minister. He went on to say that he would literally move heaven and hell to make sure that western Canadians felt that they were being treated fairly in this Confederation of Canada.

The Prime Minister recently eliminated the energy revenues from oil and gas from the equalization formula for two Atlantic provinces, the provinces of Newfoundland and Labrador and Nova Scotia. I am not critical of that. I think many commentators have said that non-renewable resources should be removed from that formula because it causes more problems than it helps.

The unfortunate part of that decision is that the Prime Minister is dealing with a national program. That promise was made in Newfoundland. It was made in respect to a national program, equalization. It was made in the heat of an election campaign. When he made that promise he was not only making that promise to Newfoundland and Labrador and Nova Scotia, he was making that

commitment and promise to every Canadian and every province in the country.

What did the Prime Minister do after the election? He did the very thing for which he was critical. He made a change to a program that addressed a concern in the eastern part of the country while ignoring any sense of justice by applying the same principle to provinces in western Canada, in particular, the province of Saskatchewan. This is a serious injustice.

This is what an independent commentator had to say on the question of equalization. Tom Courchene, a professor in Ontario, said that the formula has had an absolutely brutal effect on the province of Saskatchewan. He said that it has the effect of actually making Saskatchewan poorer. Let me give an illustration. When Saskatchewan receives a dollar from light crude oil, it actually loses \$1.20 in equalization payments. Theoretically, the province would be better off shutting off the taps and not producing oil and gas.

It is a very punitive type of formula and it is most unfortunate. When we compare the provinces of Manitoba and Saskatchewan over a 10 year period, we see that the annual difference in equalization payments between those two provinces is \$800 million, and Manitoba, by all objective indicators, has a higher fiscal capacity than Saskatchewan. The cumulative effect on Saskatchewan is terrible. It is very unfair and the Prime Minister has broken another promise.

● (1825)

**Hon. John McKay (Parliamentary Secretary to the Minister of Finance, Lib.):** Mr. Speaker, equalization tries to measure fiscal capacity among a variety of provinces so that reasonably comparable public services can be provided from province to province so that Canadians have some form of equal access.

The natural resource revenues for Saskatchewan are about 16% of Saskatchewan's revenues to be equalized and impact heavily on its level of entitlements. In recent years Saskatchewan's financial capacity has benefited in particular from the strong rise in energy prices. This has resulted in lower equalization entitlements even to no equalization in 2003-04 and hence has made Saskatchewan a have province.

In one of the annexes to the budget, the last time Saskatchewan was in a deficit was in 1993-94. Its deficit at that time was \$272 million. When we became the government in 1993 the federal deficit was \$42 billion. As I understand it, in 11 budgets in a row Saskatchewan has actually been in a positive frame. In the last one, which is 2004-05, the number is \$289 million to the positive. Saskatchewan's turnaround has been quite substantial.

I should note that one of the features of the equalization program is a floor that protects the provinces from a large annual decline which has been a response by the Prime Minister and the Minister of Finance to the very issue the member raises, which is the fluctuation in the amount. Sometimes it fluctuates up and sometimes it fluctuates down.

*Adjournment Proceedings*

Effectively the Government of Canada has bought the risk for equalization receiving provinces so that going forward they can know that their equalization floor is assured and that they can reasonably anticipate something in the order of 3.5% on an annual basis going forward for the next 10 years. That is something that Saskatchewan, assuming that it possibly slips back into a have not status, will benefit from, but as I say Saskatchewan at this stage is a have province.

The new equalization framework has set out Saskatchewan's entitlements for 2004-05 and 2005-06. Let me point out that its revenues from natural resources keep increasing. According to the latest estimates, non-renewable resource revenue is forecast to reach \$1.4 billion in 2004-05, nearly twice the \$700 million figure projected in the 2004 budget.

At this point Saskatchewan has been compensated for its crown leases which is something in the order of \$120 million. As well, under the new framework it has additional equalization funding for 2004-05 which will bring the overall level of entitlements up to \$10 billion. Of that, Saskatchewan's share will be \$652 million. Therefore, \$652 million plus the \$120 million will be a significant sum. It is a shot in the arm to the fiscal capacity of the province of Saskatchewan.

• (1830)

**Mr. Brian Fitzpatrick:** Mr. Speaker, the parliamentary secretary said something that is correct. The equalization formula should measure fiscal capacity.

In this current year Manitoba is receiving \$1.4 billion in equalization payments and Saskatchewan is getting \$77 million. I am sure he can understand the huge disparity between them.

When we look at per capita income, Manitoba is \$1,500 higher than Saskatchewan. The average family of four gets basically \$6,000 more in income. Next year the growth is projected to be \$1.6 billion in equalization payments for Manitoba. For Saskatchewan it is \$88 million. Both of those provinces have about a million people. By most indicators Manitoba is slightly higher than Saskatchewan and has a better fiscal capacity than Saskatchewan has.

There is something seriously wrong with that formula. I wish the minister and the parliamentary secretary would understand the essential flaws in putting so much emphasis on non-renewable resources.

**Hon. John McKay:** Mr. Speaker, Canadians can play these endless games of "I am more prosperous than you are", and essentially that is what it boils down to, but I draw the hon. member's attention again to the annex in the budget. It does compare Manitoba and Saskatchewan over that period of time.

In 1993-94 Manitoba was running \$431 million in a deficit position as opposed to Saskatchewan's \$272 million in a deficit position. Since then, it has relatively run a parallel course, although at this stage Manitoba's surplus in 2004-05 will be \$11 million whereas Saskatchewan's surplus will be \$289 million.

For the purposes of equalization, clearly Saskatchewan is a have province. I do not know the formula well enough to say on the floor of the House of Commons whether Manitoba is about to become a have province.

## HEALTH

**Mr. Steven Fletcher (Charleswood—St. James—Assiniboia, CPC):** Mr. Speaker, in December I asked the Minister of Health what he would do about the doctor shortage in Canada. According to a Fraser Institute report, the shortage of doctors has increased exponentially since 1993, interestingly enough since the Liberals took office. When I asked the minister this question, he avoided a direct answer. Under the Liberal government, we have seen nothing but incompetence.

We just heard a Liberal backbencher bring forward a motion to have the credentials of foreign-trained professionals dealt with in a more timely manner. That is from a Liberal, and now we see this throughout the system. There is a crisis in our health care system for human resources, particularly doctors and specialists.

At the time there was a big issue about the fact that the government seemed to have no problem letting strippers into the country, but made it difficult for doctors to come to Canada. The few doctors who do make it into the country cannot get their credentials to practise the profession. This is one of the issues causing a major crisis in our health care system, and it is acknowledged by a member of the Liberal party.

The minister talks about it. Previous Liberal ministers have talked about this issue, and nothing has happened. The crisis has expanded under Liberal governance.

I would like to point out that the Liberals cut \$25 billion out of the health care system in 1995. It is the Liberal government that is responsible for the health care crisis we have today. Now we hear that it is putting some moneys in from the health accord and that this will be done over the next 10 years, et cetera. However, let us not forget that the Liberal government caused the crisis in the first place.

The fact that the Liberals have refused to deal with this issue has caused a lot of suffering for many people in Canada. The fact that the Liberals chose to let in strippers rather than doctors suggests the government does not have its priorities straight.

When will the Liberals get their act together? We just a few minutes ago we heard from a Liberal backbencher that the government was not acting fast enough. That is not a surprise to Canadians. What will the government do to ensure that we have proper doctors and specialists to serve the public?

• (1835)

**Hon. John McKay (Parliamentary Secretary to the Minister of Finance, Lib.):** Mr. Speaker, I do not think strippers and doctors are comparable in terms of the training that is required. If the hon. member thinks about that for a few minutes, he will realize that we are not talking about the same kinds of people.

There is no magic here in the response to the hon. member. It takes a long time to train a doctor. It takes a long time to train nurses, psychologists, pharmacists, and a variety of other people who populate our health care system.

*Adjournment Proceedings*

Yes, we are arriving at a demographic crunch where the population is aging, including the currently trained professionals. We are faced with a situation where the demographic is going to drive new training and more inventive ways of dealing with those who have foreign credentials.

The member for Brampton—Springdale is right on the mark in the motion that she brought forward. In some respects, it is very complementary to what the government is doing. In the 2003 accord the government put up \$85 million for this very issue that is of interest to the hon. member. We would anticipate the use of that money by the provinces for the purposes of training, in part, in anticipation that we will meet the so-called crunch that is coming forward.

However, members will recollect as well that in the negotiations between the premiers and the Prime Minister, there was a wait times reduction strategy put in place. That was \$4.25 billion.

The hon. member would have enjoyed the conversation we had at the Senate hearing yesterday where we talked about this very issue, about how these moneys would be used, and in what manner they would be used. However, as soon as this bill receives royal assent, \$4.25 billion will be available to the provinces, in part, for the very purpose that the hon. member thinks is appropriate. Thereafter, the sum of \$250 million will be made available for every year after that five year period. So each province will draw its money as it sees fit.

In theory, there is no reason why, on the day after royal assent is received, a province could not draw down its share of the money to be used, in part at least, for the very issue that the hon. member wishes it to be used for.

However, members should bear in mind we also have something of a jurisdictional issue here as well because the Government of Canada does not train doctors. The Government of Canada does not train nurses or pharmacists. We simply, at its simplest form, put up a portion of the money, not all of the money, I would not argue with that, for the medical health care system. Clearly, nurses and doctors are best positioned to draw that money down and hopefully to respond to the concerns that the hon. member raised.

There are a number of challenges facing foreign-educated health care professionals entering the workforce. I am told that in this graduating year, and I cannot verify this, there are in fact more foreign-trained foreign-credential doctors graduating than are native born Canadians. We certainly recognize, on this side of this House, that we do not need to waste scarce human resources. We have too many people who are taxi drivers who have degrees in mathematics, physics and medicine.

If the hon. member gives some thought to it, he will find that the government is in fact working creatively toward a solution to his question.

● (1840)

**Mr. Steven Fletcher:** Mr. Speaker, I find it interesting that this member says the government does not do this or cannot do that. The fact is that the federal government should lead and leading is what this government is not doing. If proper policies were implemented and proper leadership was shown, this problem would have been anticipated and dealt with appropriately.

The member is right that strippers and doctors are different people with different skill sets. However, it seems that this government has been focusing on letting strippers into the country rather than dealing with training foreign doctors and allowing more doctors from other countries to come into Canada. That is a matter of record. Canadians know this. This government has not shown the appropriate policy approach.

I guess the only hope for Canada is to have a Conservative government because the Conservatives know how to plan. This government obviously does not.

**Hon. John McKay:** Mr. Speaker, I have heard a lot of things about strippers in my time, but a skill set was not exactly one of the things that comes to mind immediately.

The member asks about a plan. If he read our platform, he would see the plan. If he read the Speech from the Throne, he would see the plan. If he read the budget, he would see the plan. If he followed the negotiations between the Prime Minister and the premiers in September and October, he would see the implementation of the plan.

I made reference to the \$4.25 billion which really ramps up over 10 years to \$5.5 billion in terms of a wait times reduction fund, but that is only part of the story. It is in fact a substantial increase to a base amount of \$19 billion over the next two years to bring it up to the so-called Romanow gap. That money is available in part for the very issue that the hon. member wishes.

The government has responded with a very detailed plan and has put its money where its mouth is.

**The Deputy Speaker:** The motion to adjourn the House is now deemed to have been adopted. Accordingly the House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24 (1).

(The House adjourned at 6:43 p.m.)





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