



CANADA

# House of Commons Debates

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OFFICIAL REPORT  
(HANSARD)

**Thursday, October 20, 2005**

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**Speaker: The Honourable Peter Milliken**

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# HOUSE OF COMMONS

Thursday, October 20, 2005

The House met at 10 a.m.

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*Prayers*

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## ROUTINE PROCEEDINGS

•(1000)

[*Translation*]

### PACIFIC GATEWAY ACT

**Hon. Mauril Bélanger (for the Minister of Transport)** moved for leave to introduce Bill C-68, An Act to support development of Canada's Pacific Gateway.

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

\* \* \*

•(1005)

### QUESTIONS ON THE ORDER PAPER

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

**The Speaker:** Is that agreed?

**Some hon. members:** Agreed.

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## GOVERNMENT ORDERS

[*Translation*]

### TELECOMMUNICATIONS ACT

The House resumed from October 19 consideration of Bill C-37, An Act to amend the Telecommunications Act, as reported (with amendments) from the committee; and of the motions in Group No. 1.

**Mr. Claude Bachand (Saint-Jean, BQ):** Mr. Speaker, I want to congratulate you on your great efficiency. Over the last while, routine proceedings have been dealt with very expeditiously.

I am extremely pleased to rise today to speak on Bill C-37, to amend the Telecommunications Act. This bill will ensure that the irritants associated with the system, because telephone solicitation calls have unfortunately become too frequent, are finally eliminated

to a large extent. Such calls are intruding into the privacy of the home.

The bill before us today provides some protection for consumers and the general public. As we know, thanks to new technologies, we are bombarded night and day by solicitations. For example, a few weeks ago, someone called me at 8 a.m. I was told about an amazing new vacuum that I just had to try. Obviously, at 8 a.m. on a Saturday, there are better things to do than see how our vacuum cleaner compares to the one we are being asked to buy. It has become a kind of pollution. I believe that it is important for us, as legislators, to ensure privacy protection, because things have gone a bit too far.

Naturally, the Bloc will support Bill C-37. This bill contains provisions we like. We have looked at how this kind of system has worked elsewhere. The United States has the national do not call registry. This registry has allowed 62 million people, in a country with a population of 250 million, to say that they do not want to receive such calls. Companies must comply or pay significant fines.

People will say that this has resulted in another, related, problem. A number of these American companies relocated to Canada because things are more relaxed here. Now, we are going to set some restrictions and also be respectful to the general public.

However, there are some exemptions. Be it the vacuum cleaner I mentioned earlier, encyclopedias or cookware, people will have to comply and work within the legislation. However, there are some important exemptions, such as charitable organizations.

It is wise to state in the bill that such organizations are exempted. They will be allowed to phone people. The employees of charitable organizations have a certain amount of professionalism. I do not believe that they would call at 8 or 9 a.m. or very late at night. In fact, it would not be profitable for them to do so. If they did, they might offend whoever answers the phone at 9 a.m. In all likelihood, they would not raise much money for their charity that way. These people are professionals and therefore giving them this exemption is the right thing.

The same goes for business relationships. A pharmacist, for instance, cannot be prevented from calling a client to notify him or her that a prescription is ready to be picked up. This type of situation can justify a phone call at 8 or 9 in the morning. We agree that these are exceptions and the bill will not apply to them.

*Government Orders*

The same also goes for political calls, which are important, after all. Politics are the heart and soul of a society. The legislators are the ones who make final decisions on numerous subjects, including this one. It is very important for another exception to be made so that political parties can make phone calls. There would be reasonable rules on this. No one will solicit votes at 8 am or midnight. I therefore think this exception is a proper one.

As for opinion polls, it is a matter of the right to information. People are entitled to know what the standing of the political parties is, in the country as a whole or in specific provinces. This exception is important for us.

There is one regrettable point, however. There was consensus in the committee for another sector to be added to the exceptions: newspapers.

• (1010)

This can include the national papers as well as the local papers. It is very important for them to be able to conduct some form of solicitation. Unfortunately, even though the committee was in favour, this seems to have slipped through the cracks and disappeared.

Mr. Speaker, I regret to point out that you made a slight error. We asked for this to be included as an exception. Unfortunately, you turned down this request. Yesterday, we sought unanimous consent of the House. I was there. I do not understand why the Liberals refused, when they were in favour of this in committee. Why do they want to prevent our local papers, or the national papers, from soliciting subscriptions?

Earlier it was even said that political parties were an exception to the legislation, so why would newspapers not be as well? What they do is just as important as what legislators do. We thought it a shame that the Liberal Party did not give its consent yesterday to include newspapers in the exceptions.

Furthermore, in the bill, we like the fact that a three-year period will apply. This is part of a new section of the legislation. We will have to see what impact this will have on consumers and on marketing companies. By the way, marketing companies are in favour of this bill. These companies have already said that people who want to be excluded, who say they do not want to be solicited, refused to answer them anyway. Accordingly, the Canadian Marketing Association, or CMA, said it would give the bill its blessing.

The three-year period will apply. When the bill receives royal assent, a period of three years will apply, after which Parliament could re-evaluate the entire scope of this section of the legislation. We think this is a reasonable timeframe that will ensure everyone is protected and the bill can truly meet its objectives.

There are some gaping holes in this bill. We have been told, unfortunately, that telemarketing fraud could not be included. The typical psychological profile of the people who fall victim to this is as follows. They are often people who live alone and are around 70 years of age and their money is literally extorted from them. We were told that to deal with this, amendments would have to be made to the Criminal Code.

Still it is a shame to see this going on. People report for work in some little hidden away spot, known as a boiler room, and start making calls. These people are often paid according to how successful they are. For example, they get 40% of what they take in.

Unfortunately, people can make a fortune extorting money from this kind of client. In their view, it is paradise here. The legislation in the United States imposes heavy penalties on these people. They are sentenced to prison and given heavy fines. The result is that people who want to engage in this kind of extortion, from these boiler rooms, come to Canada and make their calls to the United States from here. At the same time, of course, they swindle Canadians and Quebecers as well.

It is too bad that this is not covered by the bill. I know that my hon. colleague, who sits on the Standing Committee on Industry, Natural Resources, Science and Technology, wants to meet with my hon. colleague from justice to try to correct this defect.

Nevertheless, taking the bill as a whole, the Bloc members are pleased with it. It is time that the private lives of Canadians were protected. People never have enough time nowadays, and they have less and less for their families, for example. This time should be protected. We should make sure that people can enjoy breakfast with their families on Saturday morning without being disturbed by three, four or five phone calls trying to sell them all sorts of things or soliciting them about everything under the sun.

I take great pleasure therefore in saying that I support Bill C-37. I think that my colleagues in the Bloc Québécois will be in favour of the Bloc's position, which is to amend the telecommunications bill in order to do something about the inappropriate solicitation problem.

• (1015)

[English]

**Mr. Ed Komarnicki (Souris—Moose Mountain, CPC):** Madam Speaker, I want to add my comments to the debate on the do not call list or registry. I can say there is no question that most Canadians are favourably disposed to some type of limitation to unsolicited calls.

I received a call from a constituent complaining about receiving a call that was unsolicited, how she was treated on the phone and some of the issues that she had with that particular call. She felt that, at a very minimum, these callers should identify themselves and indicate on whose behalf they are calling. That is part of the amendment that my party and the NDP were able to achieve through committee.

If Canadians were asked whether they like to be interrupted during their supper with a call, to go through what sometimes takes a considerable period of time, many would find it to be somewhat of a nuisance and an inconvenience and would choose not to participate in that type of phone call. However, at the same time, there are some legitimate reasons for people wanting to call, such as charities and others, that not only provide a service to the community but provide a useful service to particular organizations. The main way they raise funds is through that means. Therefore there is a balanced approach that needs to be taken.

*Government Orders*

I would like to go through some of the background in relation to the composition of this bill that is of major concern to me. When we look at the bill as it has been put together, it was very much a skeletal bill in the first instance. We are dealing with a registry and as soon as the word "registry" is mentioned, it conjures up all types of red flags simply because we have the gun registry that has cost millions of dollars, some would say billions of dollars, through administration. Perhaps part of that is due to a lack of direction or understanding of what the scope and involvement of the registry should be, what it needs to do, what its objectives are, what it hopes to attain and those kinds of things. Perhaps it was not well thought out.

I found that when this particular bill was first introduced by the government, it did not have any rules and regulations nor did it say what the objects of policy were. It had two scant paragraphs and basically abdicated that responsibility to the CRTC. To me, that is irresponsible, bordering on perhaps wilful neglect and even recklessness, not to have the House debate and set in place how this do not call registry ought to work and what the parameters of it might be. It is something that the House should take upon itself to understand. It should be the House that conducts inquiries and hearings to obtain input from the public, the players and the stakeholders and then decide how policy is to be made.

Instead, the initial bill, before its many amendments, simply provided that the commission would administer the databases or information, the administrative or operational systems, and it would determine any matter and make any order with respect to the databases or the administrative or operational systems. In fact, what it has basically said is that it will give this whole chore over to the CRTC and let it decide how it is going to be operated and what it may do.

Remarkably, the CRTC itself, through its own people, have said that it would just as soon not have that responsibility. The vice-president has indicated that the CRTC would like to receive direction on or some guidance from Parliament by way of legislation, an act or regulations. They feel that this was being imposed upon them. Even the press release that accompanied the bill said that the commission would hold hearings throughout the country to see what the public might want and how this system might operate compared to other systems to see how it should work administratively.

• (1020)

It is remarkable that the government would totally abdicate its responsibility to a commission that is not elected, that is appointed, that is not answerable to the public, has no scope of reference and has no particular known mandate. Anything could happen with that particular direction taken by that committee or group and Parliament would have to pay for it. It is like writing a blank cheque and telling people to do what they want to do and, when they decide what to do and how they want to do it, then Parliament would pay the bill. Why would the government take that kind of irresponsible approach to such a fundamental issue?

The reason the government has taken that approach is because it knows it is a publically sensitive issue that the majority of the public wants. The polling that has been done shows that 90% or better of the people want to have some sort of a do not call registry. Environics and others have shown that the majority of people would

publically register and they want the government to pay attention to it. With an election looming and the government wanting to stay in power, which is primarily governed by polls, it took a knee-jerk, half-baked reaction and said that it would set up a registry, even though it did not know how it would work. It said that it wanted people to know for public relations purposes that there will be a registry, that people will be able to call and somehow it will work. It is not sure how it will work but someone else will decide and it will write the cheque.

That is irresponsible in light of the scandals we have seen, the sponsorship abuse of funds and funds being spent for little or no value. In light of the gun registry and the overspending that has taken place there, how could a responsible government simply abdicate in this particular way? It has no idea what it is going to cost to administer it.

It says that the CRTC will be able to set the rates on what telemarketers or those who make the calls will have to pay for the direct administration. We do not know what that will be or what it will cost but even if that portion of it is passed on to the telemarketers, one way or another it will end up in the hands of the paying consumer because the costs will have to be paid.

What about the indirect costs? When I look at how the system is set up it is obvious that administrative personnel will be needed. It talks about the ability of the CRTC to delegate through its commission the authority it has to another person, so it is even beyond just the commission. It would need to designate persons who would look after violations of whatever the regulations might be, and we do not know today what they are. These persons, called the notice of violation people, would administer the act.

We know that if there is a person called the notice of violation person, he or she would need to have an administrative staff and an office that is equipped. It says that the person may enter into a place where he or she believes on reasonable grounds anything is going on that is relevant to the enforcement of the act but they need to get consent. If they do not get consent they would have to apply *ex parte* by application to a justice.

Now we would need to have a judge, a lawyer and, not just a notice of violation person, but other people to administer this. They say that if these people need to enter into a place that may require some force, we would then have to involve peace officers. The person who is the object of this would have an opportunity to make representation to a commission about the whole process. Now we would need a commission to administer that and it would decide whether an offence was committed on a balance of probabilities.

If the person who applies before the commission does not like what he or she hears, they would have the right to a review and then a right to an appeal. Now we would need a review panel and an appeal panel and, of course, these panels, these commissions, are filled by people who are appointed by orders in council, all at a salary of somewhere between \$100,000 and \$200,000 or more, and it continues.

*Government Orders*

•(1025)

We all know there is administrative law that comes into play so that if there is some issue with respect to the commission, the review panel or the appeal panel, they can go to the Federal Court as well.

It is a costly process but this costly process is tied into legislation that initially did not have a frame of reference, a scope or an objective and did not say how the objective would be achieved. It had no policy consideration at all. To me, that is an abdication of responsibility. We find it more and more that the government is reacting by abdicating to the courts, tribunals and commissions when it should be deciding things here in this place.

We find that the rationale of why this is happening is because the end result, which is staying in power and clinging to power, is what matters more than substantive legislation that is good for the country.

If the poll says that it is a good venture, the government will take a step and go in that direction, without knowing where it is actually going, to meet the immediate short term needs and benefits for long term pain without thinking it through. Away the government goes and introduces an act without telling anyone how it will work or where it is going just so it can say that it has addressed the issue. That is how the government has been governing. It is a lack of direction and a lack of steering. It is saying that someone else will decide our destiny and we will pay the bill. That is what is wrong with the way the government has approached this particular aspect of it.

Fortunately, the Conservative Party and the New Democratic Party were able to make a number of amendments in committee in such a fashion that at least some semblance of order was put back into the legislation. At least we have an amendment that says that this matter must be brought back to the House within three years for review to see how well it is working or not working. We have also exempted certain groups, such as charities, political parties, candidates, riding associations, surveys and newspapers. Those exemptions were not in the initial bill. The government simply said that it would see what the board does.

I think that is wrong and it is the wrong direction. Fortunately, we were able to beef up the bill sufficiently so that we can at least support it at this stage.

[*Translation*]

**Ms. Louise Thibault (Rimouski-Neigette—Témiscouata—Les Basques, BQ):** Madam Speaker, I want to ask the member who just spoke a question about the do not call list. It is not enough to create a do not call list. How will the public be made aware of its existence?

Could he tell us if the bill includes a special measure on awareness and information campaigns, so that the general public can be made aware of their right to register?

•(1030)

[*English*]

**Mr. Ed Komarnicki:** Madam Speaker, there is no question that the bill in its initial form is ill-conceived and very poorly drafted and has left the issue of public relations, so to speak, or the involvement of the public, up to subsequent events.

I would only hope that when we find out exactly how it is going to work—and we do not know that because there is nothing in the legislation to tell us that—once we have set the perimeters of how it might work and what the technical requirements might be, perhaps there would be a sufficient public awareness or media input to involve the public in what would be required.

There are some logistical things involved. What happens when people move or sell their homes or change their phone numbers? How often will these phone numbers be checked? Do they have to phone and will there be a particular number? There is a host of technical issues that are not addressed and not even discussed at this stage.

Essentially we are saying that there will be a better system than we have now, which is that we have from no ability to some ability to check those unsolicited calls, but we will have to figure out a way to do it. I am assuming that we will be able to do this.

My concern has been that we have advocated this to a commission or a tribunal rather than dealing with it ourselves in advance, but it at least is headed in a new direction in allowing what I guess we would say are the most likely calls that people would not want to receive to be checked. Yet we would allow those who have a legitimate reason for calling to be able to fit within the system. For example, I can think of soccer moms and other people who want to raise funds or do something. But this is very much a work in progress and that is where I have my main concerns.

**Mr. Paul Szabo (Mississauga South, Lib.):** Madam Speaker, the member well knows that more often than not legislation does not include the fine details. These are included in the regulations, which have to be developed and reviewed. Even in the case of the reproductive technologies bill, for instance, I think there were 24 clauses for which regulations had to be developed to come up with the fine tuning.

The member started off by coming up with the line that somehow the bill is ill-conceived. I suspect that if he were to consult with his constituents he would find that receiving unsolicited phone calls has been not just a nuisance but has been very annoying and disruptive in their lives. Certainly I have heard about it from a lot of my constituents.

I guess the real issue is that there somehow seems to be a reluctance on the member's part to support a bill only from the standpoint that every little detail of an operation is not in the bill, which normally is not the case.

Has the member received communications from his constituents? What would be his assessment as to the views of Canadians he has consulted with regard to the necessity of this bill?

**Mr. Ed Komarnicki:** Madam Speaker, there is no question there is a necessity for this bill. The public is concerned and wants us to do something about it. However, what I am saying is wrong is that this government has been totally negligent, irresponsible and reckless in the way it has approached this. We cannot have a piece of legislation with no rules, no regulations and where we do not know where we are going, passed on to an unelected body and say that it is somehow is acceptable.

*Government Orders*

I have asked this member to look at the two paragraphs of this particular bill that do not give any direction whatsoever to the CRTC as to how it is to operate. The CRTC itself asked us in committee to give it some direction and some idea of where we are going with this.

It is the kind of problem that we find this government knee-jerks itself out of. When it was in trouble as a minority government and its confidence was being tested, it came up with Bill C-48, a bill that the NDP forced upon it, with no—

**The Acting Speaker (Hon. Jean Augustine):** Resuming debate, the hon. member for Saskatoon—Rosetown—Biggar.

•(1035)

**Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, CPC):** Madam Speaker, today I rise to speak on Bill C-37, which is intended to create a national do not call registry.

Before I go further, I want to assure all members of the House that I have my home telephone publicly listed and I receive the same telephone calls that all my constituents do.

Canadians by the tens of thousands are interrupted every day by unsolicited telephone calls. I, too, share their feelings of intrusion, interruption and harassment. I have taken steps to inform my constituents of a national registry that already exists, but I am also quick to point out its shortcomings.

The Canadian Marketing Association will register a person for free on its DNC list. It can be done either through its website or by fax. Unfortunately, not all telemarketing companies are members of the Canadian Marketing Association, so we will not eliminate all calls if we register with the association.

The CRTC also requires that each company maintain its own DNC list, but we have to get at least one call first and the listing is only good for three years.

In my community brochures, I have provided a number of tips on how to handle unsolicited calls. I also provided information on how citizens can report fraud, scams and suspicions to the RCMP. At the end of that information, I asked four questions and obtained some interesting results.

We contacted and sent out brochures to 2,900 constituents. When I asked if they supported the concept of a national do not call list, 95% said yes and 5% said they were undecided. When I asked if the do not call lists should be maintained at taxpayers' expense by the government, 18% said yes, 65% said no and the other 18% were undecided. When I asked if they planned to add their names to the Canadian Marketing Association's DNC list, 68% said yes, 11% said no and 21% were undecided. Perhaps most interesting was when I asked if they were aware of the do not call list before receiving this brochure. A full 37% said yes, 58% said no, and 5% said they did not know.

The conclusion is that my constituents support such a list, but not with the government running it. This does not surprise me. The Liberal government's track record on national registries is abysmal. It has failed with the gun registry and also with the boat operators licensing registry.

I cannot blame my constituents for not wanting the Liberals to be in charge of another list. However, today we have Bill C-37 before us, which proposes to do just that. The bill is very sketchy on details and asks Parliament to grant the CRTC a great deal of power with minimal direction. This is a recipe for another failed registry.

The bill does not give any details on how the list will be maintained. While those who want their number on the list will be happy to have it there, it is likely they will remove that number if they change their phone number. Believe it or not, there are others who would be upset to find out that their new phone number was restricted when that was not their wish. Already the complexity of the list becomes apparent.

The bill raises a number of privacy concerns, as it fails to specify what information is required of consumers. I know that my constituents are very concerned about privacy issues and I am hesitant to support legislation that does not adequately address these issues. However, a number of amendments have been made and I will be supporting the legislation, as I believe it heads us in the right direction. Changes can be made.

I have some questions, though. How will telemarketers check this list? How much information would they have access to? How often would they be required to check the national list against their own? There are so many questions and, unfortunately, so few answers.

As we have seen in the national gun registry, reporting and accountability issues are rampant. On a DNC registry, who would provide the reporting? How timely would it be? How accurate would it be? Again, there are a lot of questions and no answers.

•(1040)

Perhaps one of the most interesting and debatable issues is that of exemptions. Clearly not all unsolicited calls can be classified as intrusive, hassles or frauds.

In addition, a number of organizations, from charitable, polling and survey firms to political organizations and candidates, make a valid case for exemption. Also, would such a list preclude companies from randomly contacting their customers without prior permission?

Who will decide on the exemptions? Under this bill, it will not be Parliament. I have a problem with that. Any restrictions to free speech require serious legal and political considerations.

According to the CRTC, the do not call list would be self-funding. Many question the CRTC's authority in handling the do not call list. Program funding would come from the fines imposed on those who fail to comply with the law.

*Government Orders*

In theory, if everyone follows the rules there will be no revenue from fines. I cannot believe the government wants to establish a funding mechanism based on the failure of Canadians to follow the law.

If the government has done studies to determine if we are delinquent enough to maintain funding for such a list, it should put them on the table. Or is the government really trying to tell us that such a list will be so ineffective that opportunities for fines will always exist?

Also, the CRTC is expecting to have very broad and far-reaching powers to create, maintain and enforce this list. Many say that the CRTC has demonstrated its inability to keep up with technology and the general wishes of Canadians.

Such a list was established in the United States with a great deal of fanfare. In fact, on its opening day, a whopping 1,000 website hits a second were received. I take it, then, that such a list is needed and wanted, but I truly question whether the government is capable of undertaking such a project.

As I stated earlier, 95% of my constituents who answered the questionnaire want such a list, but 65% of them do not want the government to run it. Carl S. of Saskatoon even suggested that telephone companies be responsible for maintaining such a list. Then, if a telemarketer failed to comply with the list, the phone company could charge the offending firm.

I will be supporting the bill only because I agree with the intent, not the method. If the Liberal government wants my full support, it would have to bring forward a detailed bill, not just the framework of one. In addition, it would need to justify why the government is the only one that can and should operate such a registry. This is a problem, created when one telephone customer irritates another.

Ironically, the phone companies have been largely silent in this regard. Perhaps it is because telemarketers are very profitable clients compared to individual subscribers. Perhaps it is because this causes many people to pay additional fees for phone features like caller ID, from which the phone company benefits financially.

I would like to see the government, before asking taxpayers to fund such a list, approach the phone companies for a solution first. I know that the phone companies already have the technology to block calls from one number to another. Why is this not the focus of our efforts?

Once again, I encourage the government not to abandon the issue but to instead come back to Parliament with a truly sustainable, detailed piece of legislation for us to debate and vote on.

Finally, I would like to thank all my constituents who participated in the survey. For the record, it was conducted by mail.

**Mr. Paul Szabo (Mississauga South, Lib.):** Madam Speaker, very simply, I wonder if the member could explain to the House where in the bill it says that the government is going to operate the call registry.

**Mrs. Carol Skelton:** Madam Speaker, I would like to answer the member by saying that the government would be contracting this with the CRTC. That raises questions.

**Mr. Paul Szabo:** Madam Speaker, I suspected that would be the answer. Even if we were to establish an arm's length new agency called "the do not call company", it still would be linked to the government and she would say the same thing. Therefore, there is no solution to her problem of the government is operating it.

The do not call registry would be under the auspices of the CRTC. It is an established agency that is involved in the area to which this relates. It would be quite appropriate for the member to say that it is recommended by her party that when the regulations are drafted and promulgated that they be reviewed for comment by the committee to absolutely ensure that there are no unintended consequences and that we get it right the first time. That is constructive feedback. For her to say that the bill will not work, that she does not like the government operating it but she will support it, is a contradiction which is not quite helpful.

I will give the member one more chance. If she is concerned about the fact that she has not seen the regulations, maybe she would like to comment on whether we should see the regulations at least in draft form prior to dealing with third reading.

• (1045)

**Mrs. Carol Skelton:** Madam Speaker, the CRTC asked for the rules and regulations. It wanted this explained.

The member forgets what has happened in the House of Commons over the last while with arm's length regulations and legislation. There are no access to information rules and regulations where we can get into any of these so-called government agencies. We have seen what has happened over the last few weeks with mismanagement and everything else.

My constituents in Saskatoon—Rosetown—Biggar have some serious questions on what has been happening. The accountability of the Liberal government does not give them the confidence to bring forward legislation like this.

**Mr. James Rajotte (Edmonton—Leduc, CPC):** Madam Speaker, I want to clarify for members who perhaps were not at the committee to hear the testimony of Richard French, the vice-chair of the CRTC. He said that he wanted Parliament to set some guidelines and parameters for what this list would do.

It is true that the government will contract this out to the CRTC and it may very well contract it out to the Canadian Marketing Association. However, the CRTC and many other groups that appeared before the committee asked that there be some parameters and that Parliament do its job and set some legislation, not just set up a framework piece of legislation and then pass the buck to the CRTC so it would have to deal with all these groups.

The industry committee did its job. It set some parameters and now it is a good bill. What the House and those members need to understand is the CRTC requested that.

**Mrs. Carol Skelton:** Madam Speaker, I am so glad my colleague from Leduc stressed the point that was made from committee. I want to thank him and the rest of the committee members for all the work they have done.



*Government Orders*

[*Translation*]

**Mr. Marc Boulianne (Mégantic—L'Érable, BQ):** Madam Speaker, it gives me great pleasure to speak on this bill. I want to congratulate my colleague, the member for Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, for his excellent work not only on this issue but also as a member of the Standing Committee on Industry, Natural Resources, Science and Technology. Furthermore, I congratulate him on his recent appointment as vice-chair.

I want to come back to Bill C-37 to amend the Telecommunications Act, because it is very important. This enactment will allow the CRTC to regulate or prohibit certain telecommunications practices. The regulations must leave room for freedom of expression. In my opinion, this principle is clearly expressed in the bill and it must be respected. This bill will prohibit or regulate the use by any person of the telecommunications facilities of a Canadian carrier for the provision of unsolicited telecommunications. This is the fundamental principle and basis of the bill.

Quite often, there is a *laissez faire* approach to telemarketing. But this industry is extremely important to Canada and Quebec and has a large presence.

There is another interesting aspect to the bill: its penalties for the contravention of prohibitions or requirements of the CRTC. As far as sanctions are concerned, we are told that Canada is a paradise for telemarketing scams. Telemarketing is covered by section 380 of the Criminal Code, but Canadian law is far too easy on it. Criminals generally get off with a fine or a really light sentence. It is hard to convict someone of this offence at present in Canada. What is more, the majority of these criminals reoffend. So there is a problem.

The RCMP even tries to get offenders extradited to the United States where the law is far harsher. For example, there an individual found guilty of fraudulent telemarketing involving a person over the age of 55 years is liable to five years imprisonment. This bill must be more rigorous. Any bill, regardless of its topic, must include incentives, of course, but sanctions or penalties as well.

As we indicated in committee—and there was unanimity on this, moreover—the Bloc Québécois is in favour of Bill C-37 for a number of reasons. One of our primary concerns is consumer protection, which we feel is essential. There are other reasons. According to the statistics, the telemarketing industry employed some 270,000 people in the year 2000, and did \$16 billion worth of business. It therefore has a considerable impact on communities, consumers and Canadians and Quebecers in general. For a business of that size, there will be major consequences as soon as a bill is passed that sets out principles of use and penalties it will be subject to.

We held consultations leading up to this bill. It is essential because it meets a need the public has expressed. A recent Environics poll reported that 79% of respondents were in favour of a national do-not-call list. This is important. In reality, such a thing is already in existence. The public is prepared to punish wrongdoers and work to achieve a bill that sets out these principles. What is more, 66% of respondents indicated that they already subscribed to such a service.

When we inform and consult with the public before developing a bill like this, which received unanimous support in committee, we know that it will be helpful and useful to the public.

• (1050)

The Bloc Québécois is in favour and has also proposed some amendments. Nonetheless, the Bloc Québécois also has some reservations. First, we want the mechanisms for setting up the registry and the costs involved to be clearly defined. We remember the gun registry. What a waste by the Liberal government. At one point it was supposed to cost \$2 million or \$3 million and now the cost is in the billions of dollars. That registry was botched. A lot of money was spent.

We are mistrustful when it comes to the registry. We have to be. It is our responsibility to enquire about the basic principles that will govern this registry. It cannot be left once again to a party or a government that has partisan or election-minded intentions. That is the primary concern of the Bloc Québécois. We have to see this bill through with this primary consideration in mind.

There is a second concern, and the Bloc Québécois would like the registry to be managed by someone outside the marketing community and the Canadian market. That is essential. Too often, the people looking into situations are the same ones who created the situations. That is unacceptable, and we have to prevent these forces from systematically distorting the verification process. This will require structures and independent organizations to, again, check how the registry is managed.

I am coming back to this point and I insist on this feature of a registry. The past is often said to be an indication of what the future holds. As I said earlier, we have seen how a registry can be handled by this government.

Another element was viewed as very important by the Bloc Québécois, which has put forward amendments in this respect. We wanted exemptions considered necessary to be included. We cannot have blanket bills, always expecting them to apply systematically.

In a society like ours, flexibility and open-mindedness are in order. Some organizations may not be affected and, if they are, the impact of the bill must at least be mitigated. I am thinking of registered charities for example. While protecting freedom of expression, they have to be allowed to function well within the system.

Under this bill, every new measure that will be put in place is essentially designed to put tighter controls on the telemarketing industry in order to protect consumers. That is what this bill is all about. That is also what the Bloc Québécois has been fighting for. We must always have at heart the interest of Canadians, Quebecers, and consumers. This bill is testimony to that.

*Government Orders*

An amendment was put forward in committee concerning a number of exemptions, which was unanimously approved. Unfortunately, we realized yesterday that it was out of order. We even sought the unanimous consent of the House for this amendment. To no avail, because of the Liberal Party's opposition. That is unfortunate because the committee was unanimous. The Bloc Québécois is, once again, seeking the unanimous consent of the House to approve this amendment. We are convinced that it will improve the bill.

Again, the Bloc Québécois believes that this is an important bill. It will protect consumers and improve telemarketing practices.

• (1055)

**Mr. Gérard Asselin (Manicouagan, BQ):** Madam Speaker, first, I want to congratulate my colleague on his excellent speech. I listened to it carefully, and I have some questions.

Earlier, the member for Saint-Jean mentioned a vacuum cleaner salesman who called at 8 a.m., bothering him and his family. I do not know if it was the hour or the vacuum cleaner brand, but he was quite inconvenienced.

The question I want to ask my colleague is this. Will Bill C-37 truly set up some restrictions on marketing representatives making telephone or door-to-door solicitations? I am not convinced that this will act as a brake here.

I have a 16-year-old son in high school. He is in grade 10. He is still living at home, given his age. Recently, a credit card company offered him a credit card. A few days later, this same company called to find out if he had received the offer and if he was still interested. Will this bill restrict this and also the potential risks?

How will we be able to intervene and supervise those who engage in door-to-door or telephone marketing? How will consumers lodge complaints? What bodies will be responsible for hearing customer complaints? What are we talking about? Criminal sanctions? Fines? Who will hear these complaints and inform violators that they are breaking the law? Also, does this include all those engaged in all types of solicitation?

• (1100)

**Mr. Marc Boulianne:** Madam Speaker, I thank my colleague for the question.

Obviously, the principle of the bill is very clear. As far as telemarketing is concerned, there will be some very important principles to prevent unsolicited advertising. The bill is very clear on that. Sanctions are provided. They will eliminate such things as credit card calls. There are provisions in the bill on that. This is an improvement. The CRTC, moreover, had already proposed changes and improvements in that area.

As for complaints, the CRTC has already intervened to ensure better follow-up on complaints and to add more powers in this connection. That too is in the bill. Connected with it is an awareness program on all aspects of unsolicited approaches.

**Mr. Serge Cardin (Sherbrooke, BQ):** Madam Speaker, I would like to have an opinion from my colleague, who has worked on this issue. In the present context, for one reason or another, why could an amendment not have been discussed in committee? That was quite

legitimate, considering that the print media, the press, are asking to be automatically excluded from this list.

I wonder why the House could not rule on the validity of this amendment. I would like my colleague to provide me with the exact context of this situation. We know that, at one point in committee, all hon. members on it seemed in agreement on allowing newspapers to make calls. We are well aware that their circulation figures are suffering considerably because of the Internet. This is just about the only means they have of ensuring that people know about them, just as we are letting political information be made available.

**Mr. Marc Boulianne:** Madam Speaker, I thank the hon. member for Sherbrooke for his question.

To put things into context, this amendment was unanimously approved in committee. When it was submitted to the House, the Speaker ruled it out of order for technical reasons. Yesterday, we tried to get the unanimous consent of the House, which would have allowed us to present this amendment. However, the Liberal government changed its mind and refused to give its consent.

In our opinion, as the hon. member for Sherbrooke said, in order to give the newspapers certain latitude, it is essential that this amendment be part of the bill. We are once again seeking the unanimous consent of the House to adopt it.

• (1105)

[English]

**Mr. Dean Allison (Niagara West—Glanbrook, CPC):** Madam Speaker, I rise today to speak to the spirit of Bill C-37. This bill provides the framework for establishing a national do not call registry to protect Canadians from unsolicited and unwanted telemarketing calls.

The bill as originally presented was weak. It did not allow for those organizations such as charities, political parties and pre-existing customer relationships to continue. What it did was make it illegal for anyone to make an unsolicited telephone call to any individual whose name was included on the do not call registry.

Through the extensive efforts of many of my colleagues in the Conservative Party as well as those in the NDP, important amendments to the bill were made and adopted at committee. As a direct result of these amendments, I can now support the bill although I would say that I am cautiously optimistic.

It has become increasingly clear that Canadians want and indeed need a national do not call registry. Telemarketing is on the increase as more and more legitimate businesses are making use of the telephone as their primary source of reaching the consumer. Not only do Canadian consumers believe that this bill is necessary, so does the CMA.

*Government Orders*

The Canadian Marketing Association supports the bill and in fact has been lobbying for the creation of a national do not call registry since 2001. CMA president John Gustavson had this to say: "We believe a compulsory call service for all companies that use the telephone to market their goods and services to potential customers is the most effective means to curtail customer annoyance with telemarketers".

There are many telemarketing analysts who do not agree with the need for a national do not call registry. They believe that the current rules are adequate in regulating telemarketers through voluntary or company specific do not call lists that have been in the industry standard form.

Some also believe that it removes a company's opportunity to reach a customer directly and therefore reduces the customer's knowledge of new products and services that could improve their lives. This argument does not hold water. Telemarketers who feel that their livelihood is being taken away from them are the ones who are generally working outside the system. In response, Mr. Gustavson said that such a service will help protect the viability of a marketing medium that employs over 270,000 Canadians and generates more than \$16 billion in sales each year.

The bottom line is that Canadians are tired of being harassed and sometimes bullied by telemarketers. They are fed up with telemarketers being able to intrude on their lives, especially at home. Many of the interruptions usually come at a bad time and disrupt household and family routines. I am sure everyone here has experienced one of these calls personally. For example, we are just about to sit down for a nice dinner with the family after a long intense day at the office and the phone rings. There on the other end of the line is one of those pesky telemarketers who just will not take no for an answer. At the end of the call the telemarketer has us so frustrated that when we finally get off the phone our mood spills over to the family dinner and ruins the evening.

Many Canadians consider calls from telemarketing firms to be annoying and would prefer not to receive them at all. A recent poll conducted by Environics for Industry Canada cited that 97% of Canadians reported having negative reactions to telemarketing calls. The same poll indicated that 79% of people surveyed supported a national do not call directory, 66% of whom said they would sign up for the service.

A similar do not call registry was implemented in the United States in 2003 and has become very popular. Over 65 million people have registered thus far. As for whether the program is working or not, recent evidence shows it has been an overwhelming success. Many Americans who had received 30 or more telemarketing calls a month say the calls have dropped to less than five per month since they have registered. More than half of the people on the list say they do not receive any calls at all.

There is a greater importance to a national do not call registry than the ability to stop being annoyed by telemarketing calls.

The Canadian Association of Retired Persons has estimated that telemarketing investment schemes and fraud costs Canadians \$3 billion per year. Seniors lose more than anyone else on a dollar per dollar basis. The organization PhoneBusters estimates that those over

the age of 60 represent 56% of the total victims of telemarketing fraud with an average dollar loss of \$12,000 per person.

Of all the victims of telemarketing fraud, seniors represent 85% of those who have lost more than \$5,000. While telemarketing is a nuisance to some Canadians, unwanted telemarketing can be financially devastating to seniors.

Seniors make easy targets to telemarketing fraud because they often live alone and tend to have savings, assets or disposable income. Seniors are more trusting and are more likely to fall for a bogus sales pitch. Those seniors who have been scammed before usually do not report losing their money in fear of embarrassment. Telemarketing fraudsters know this and target them again and again. In fact their names and numbers are sold to other telemarketing fraudsters so they can also sucker them in to buying products and services they do not need and in many cases may not even receive.

● (1110)

Telemarketing con artists are experts at gaining the trust of seniors and making them feel as though they have their best interest in mind. Trusting seniors will give away personal information such as bank information, credit and debit card information, and before they know it their savings and investments could be cleaned out and they are left with nothing. They literally give away the house because the telemarketers convince them that this opportunity will help better their quality of life or they will help them and their families be financially independent for years to come.

I am sure all members of the House have heard the following story. An elderly woman living alone gets a call from a friendly telemarketer who takes the time to talk with her, not only about the product he or she is trying to sell but appears to genuinely care about her. After a few additional phone calls from the same telemarketer, the elderly woman decides to buy what the telemarketer is offering. She says she has spoken with this person a number of times, she does not consider the person a stranger and trusts giving her or him money.

Soon after the senior has handed over her entire life savings to this new phone friend, she realizes she has been scammed. This is about the time the telemarketing fraudster is enjoying the luxury vacation on a sunny south Pacific island.

Perhaps this is not the most common type of telemarketing activity, but it is a reality. I for one worry about the well-being of my parents and grandparents and other elderly relatives. I want them protected from these telemarketers. They have all worked hard throughout their lives to accumulate savings for their retirement and no one has the right to take that away from them. No one here wants to find out that their elderly parents, grandparents or relatives have lost their life savings because of some telemarketing scam. I am sure everyone here feels the same way.

The establishment of a national do not call list is long overdue in this country. Bill C-37 will assist in preventing telemarketing fraud.

*Government Orders*

Despite my support for the national do not call registry, I have a major cause for concern over the potential cost of the program. We all know what happened the last time the Liberal government created a national registry. The history of spending by the Liberal government can be described as nothing more than astonishing and incompetent as displayed by the national gun registry, the cost of which now is approaching \$2 billion.

A national do not call registry could be effective and popular with Canadians. However, as the federal gun registry has shown, the government has an uncanny way of turning a modest project into a billion dollar fiasco. In other words, this project would be worthwhile but only if it is implemented properly and is cost effective. It must also include checks and balances in relation to monitoring its affordability and effectiveness.

I am pleased that we are considering a national do not call registry in Canada, but I would like to once again emphasize my concern regarding the cost and implementation.

I am not so sure that CRTC is the body to run it. The government has stated that if the bill is passed, the CRTC would embark on a series of consultations with industry and consumers to determine how best to implement the changes in the way in which telemarketing calls are regulated. What is not clear is how the list will operate, how much it will cost and whether telemarketing companies that break the rules be punished.

The current Telecommunications Act provides for the possibility of criminal prosecution for the contravention of a CRTC order with respect to telemarketing calls. Such prosecutions are rare and the CRTC itself lacks the power to impose fines.

The CRTC has become blind to increasingly rapid changes in the telecommunications industry, archaic in its approach to regulation, and unresponsive to the needs of Canadians. The role of database administrator as it relates to the national do no call registry will be new to the CRTC and arguably outside of its mandate.

For this reason, Parliament must have more details of how the CRTC plans to administer and regulate the do not call registry. The citizens of this country deserve to enjoy the privacy of their own homes and not to be disturbed by telemarketing rants. Most importantly, we need to protect our seniors from fraudulent telemarketing scams.

Finally, the question of implementation, administration and overall cost of the registry has to be addressed. We have seen that the Liberal government has a track record of foolishly spending taxpayers' money. Measures must be put in place to guarantee that this registry does not end up as an other Liberal spending spree. After all, nothing is scarier than seeing a Liberal hand sifting through our pockets.

•(1115)

[*Translation*]

**Ms. Louise Thibault (Rimouski-Neigette—Témiscouata—Les Basques, BQ):** Madam Speaker, I have two questions for the hon. member who just spoke, regarding fines and penalties.

I want to know if he is satisfied with the provisions of the bill on this. It would be better, for our edification, if he could elaborate on

this and tell us whether telemarketers who do not respect the provisions of the legislation should have their privileges and permits revoked.

The fines are a good enforcement measure. However, if it is worth it, if there are enough profits, if the situation is favourable enough to make the fines affordable, then telemarketers could easily disobey these provisions. Fines are not the right tool to encourage compliance. That is why I want the hon. member to explain whether this will go further or whether it is limited to fines.

[*English*]

**Mr. Dean Allison:** Madam Speaker, in terms of whether fines will do what is needed, I guess that would certainly be one of our concerns. As we said before, one of the issues of the original gun registry was to register guns, which has proven to be a huge failure.

The challenge as we look at this, although a do not call registry is good in principle, is the implementation and once again the devil is in the details. How are we going dissuade people? Quite frankly, fines may not be enough. The next point is whether there are going to be teeth. Are they going to be able to collect the fines? That is a question that I guess we will have to see. We will want to hear more from the committee in terms of recommendations to get it implemented.

[*Translation*]

**Mr. Gérard Asselin (Manicouagan, BQ):** Madam Speaker, I asked a question earlier, but I did not get a satisfactory answer. I will ask the same question again.

Passing legislation is one thing; applying it is another. Being called to vote on a bill to control, limit and structure such a marketing activity is fine by me. The problem comes afterward. How can the government apply this legislation in a way that is effective in the eyes of the consumer?

I have the following question for the hon. member. Whose responsibility is it to apply the legislation properly? Who should the dissatisfied consumer turn to in order to lodge a complaint?

[*English*]

**Mr. Dean Allison:** Madam Speaker, I thank the member for his questions of how we enforce it, make it effective, and who does the customer call with complaints?

This has been the challenge with some of the legislation that has come forward from the government. The challenge has been not necessarily the intent, because sometimes I think the intent has been good. The challenge has been in the details, how do we operate, enforce, get people on the list, and ensure the right ones are on the list.

Once again, my concern is that, given its previous history, the government has not demonstrated that it has the ability to execute that properly. That will be the challenge as we move forward with this legislation.

**Mr. Paul Szabo (Mississauga South, Lib.):** Madam Speaker, I want to be on the record on this bill because it is a subject matter which has been a source of a lot of aggravation to many Canadians and I have certainly heard from many of my own constituents.

*Government Orders*

In listening to the debate, there seems to be some question about the bill not providing enough detail as to how this or that is going to work. Members will know that the bill was actually referred to committee after first reading. This is a very important new approach that the House has adopted which permits a bill to go straight to committee before we have had second reading debate and vote for approval in principle. Once we have the vote at second reading, the committee is restricted in the changes that it can make. It must deal within the approval of the principle. Therefore, it really takes the teeth out of the committee's ability to make a better bill.

First of all, it is important to recognize that it was better for the bill to go to committee after first reading in order to not include all of the wishes of those who may have crafted it but only provide the framework under which the bill should operate. This would allow the committee the greatest latitude to build the detail that is necessary and to rely on the development, drafting and promulgation of regulations, and subsequently, to fine tune the micromanagement of the operation and administration.

I tend to disagree with the argument of some members that the bill just does not describe how each and every thing is going to work. Frankly, it is not a criticism of the bill or of the government; it is a criticism of the committee. It is the committee that reviewed the bill and voted on it. The committee unanimously changed a number of aspects of the bill. It added some elements to make exemptions for charities, politicians, candidates, et cetera. It had the opportunity to change each and every clause, to add, delete and to do absolutely everything.

The committee brought this bill back to the House in its current form with a number of amendments to reflect what it felt was necessary to ensure that this bill could in fact be effective in terms of achieving this objective. I wanted to point out that it is not the drafters of the bill who present it in the House who did not do the job. If there are still changes to be made, we have ways to make those changes even yet. As members know, if they want to refer it back to committee as a motion at third reading, it can happen if they feel they really want to do that.

I am not a big fan of micromanaging bills. Obviously there has to be some latitude in the implementation and regulations. The reason we have regulations is to include the fine details. We have many bills that require regulations that have to be drafted, and in some cases reviewed by the standing committee before they are gazetted and promulgated.

We have this opportunity. Indeed, many bills actually state that the regulations must go to committee for comment and in some cases even approval. On top of that, as members well know, the bill also provides for a three year review. It is going to take some time to actually shake down the process. I suspect most members would concede that this is not going to be perfect by any means.

The important point is that there is a problem and the problem has to be addressed. I think members agree and that is why all parties appear to be supporting this bill because on balance it is in the best interests of Canadians.

There are people in my riding in the telemarketing business who told me about how important it was for their business. Yes, there are

270,000 people employed and yes, it is a \$16 billion business, but there comes a point at which there must be some balance and order in this business as well.

• (1120)

I know the experience of some telemarketers. All they have to do is find one person out of a thousand to do business with for it to be cost effective. Imagine how many people have to be contacted, and in many cases disrupted, at probably the worst possible time. Being in political life, members will know that prime time for dinner is between 5:00 p.m. and 7:00 p.m. That is when these calls come in and everybody's phones rings. One member has said that the phone companies have call block. We cannot get that service without paying for it. Why should we have to pay for it? Caller ID is another service provided by the phone company. We cannot expect each and every Canadian to pay for this.

I understand telemarketing has been successful for many businesses, but it is not the only opportunity, certainly with regard to the consequences of making a thousand calls to make one sale. On top of that, how many times do we talk to people who have no idea to whom they are speaking, they mispronounce our names and then they start into some spiel which for a lot of people, who may be considered to be vulnerable or exposed, causes them some grief and consternation.

For instance seniors are often the victims of fraud. They are often the victims of those who would take advantage of their acceptance and trust in people. This is a very important aspect. However, it is not just seniors. It is others in our society who also are susceptible, those who cannot say no, those who do not know how delicately to get off the call. How about a mother who is upstairs nursing her baby, the phone rings and she runs to pick up the phone? Imagine how many people in Canada have been doing something that is important to their families. They are expecting a call or they do not receive many calls, so when the phone rings, they want to ensure they answer it on time. What they get when they answer is somebody wanting to know if they want to buy vacuum filters or something like that.

It is important that consumers have access to the opportunities to buy products. However, in the vast majority of cases when people need something, they know how to get it. They have the yellow pages. They know how to contact people. They receive an equal amount of other ad mail and flyers in virtually every newspaper, particularly the weekend newspaper. There is a standing joke in our house about how many trees were delivered to our house on Saturday morning, with the amount of papers we receive. It is absolutely ridiculous.

There are certain principles with which we have to deal. We have to be smart in our legislation. There comes a point where it is a critical threshold, it is a point at which the disruption to the many to the benefit of a few is way out of whack.

*Government Orders*

The bill is important. I think the members have conceded, from a macro standpoint, or from the view of the big picture, that we would have a registry on which people could put their names. It would tell that business to take their numbers off the list and not to call them ever again. It will take some work on behalf of the consumers to get their names on this, but it also is important that they have the opportunity to do so.

I understand that there may be some concern about the cost, the administration and operation. However, I think members are probably confident that there are good people within the CRTC or available to the CRTC to ensure that they do not call registry is implemented within a reasonable time, that it will be workable and that it will do the job it is intended to do.

I certainly will support Bill C-37.

• (1125)

**Mr. James Rajotte (Edmonton—Leduc, CPC):** Madam Speaker, I know the member takes debates in the House very seriously. I appreciate that and his intervention.

We debated for three hours to refer the bill to committee before second reading. However, the bill in its initial form was very vague and did not have enough details. I compliment all members from all parties who sat on the committee and who debated it very strongly. They added in a number of parameters for the legislation.

I want to let the member know that committee and members from all parties did the work at committee and did improve the bill substantively, which is why the Conservative Party now supports it.

• (1130)

**Mr. Paul Szabo:** Madam Speaker, very briefly, I appreciate the member's intervention and I agree with him. The committee did exactly what we would expect. We in fact have a much better bill and it should receive the full support of the House.

**Hon. Mauril Bélanger (Minister for Internal Trade, Deputy Leader of the Government in the House of Commons, Minister responsible for Official Languages and Associate Minister of National Defence, Lib.):** Madam Speaker, my colleague opposite has acknowledged that the reference to committees before second reading of legislation, of which the government has made a practice, is working.

**Mr. Paul Szabo:** Madam Speaker, I think we have established that the new approach of bringing bills to committee before second reading is extremely important.

To repeat the point, normally when we have bills the first thing that happens after they are printed is we have second reading debate. All parties have an opportunity to debate the bill and we then have a vote in principle. If it is passed in principle, it goes to committee. The committee then gets an opportunity to have witnesses and can make amendments, but the amendments have to be within the framework of the bill that was passed at second reading by the House. There are limits on what the committee can do.

By allowing a bill to go to committee after first reading, a committee virtually can rewrite the entire bill. One excellent example was Bill C-11 on the protection for whistleblowers. It took a long time for us to work on that. We took a bill that in fact I thought was on its deathbed, but after some very good work and

excellent cooperation on the committee, as this committee had with its Bill C-37, the bill became one that everyone could get behind. We intend to work very hard to ensure that it fully achieves the objectives.

It was a good decision to refer it to committee. The committee should be commended for making the changes. I think all members would agree that they are constructive and productive amendments.

**Mr. Garry Breitkreuz (Yorkton—Melville, CPC):** Madam Speaker, I have sat here for a couple of days now and listened to the debate. I support Bill C-37 in principle. It protects the privacy of Canadians and prevents them from harassment.

However, when I hear the Liberals mention the word "registry", a red flag is immediately raised. I have not heard very much discussion on what it will cost.

The Liberal member who just spoke is absolving himself of responsibility in this area. He is in a sense almost blaming the opposition if this thing does not turn out right, if a bloated bureaucracy develops that is not effective while the opposition had a chance to correct it. The government administers these programs. The government's own bureaucracy will be responsible for the program. The minister has to take responsibility for it.

I have seen a gun registry that was supposed to have good intentions and results spin out of control and become so flawed as to be completely unusable. It ultimately became a big joke and a sinkhole for our tax dollars.

The Liberal MP has said that he has confidence that the costs will not spin out of control. I do not have that same confidence. I saw the government try to quietly sneak by a \$273 million contract on the gun registry in March of this year. It did not even follow its own rules as to where these things should be listed and accounted for. I am a bit concerned.

I want to move on to something else. This is the main point of what I have to say today. In a sense this is putting the whole discussion in perspective from the average Canadian living outside of the Ottawa bubble.

Canadians look at what we are doing here today and they are asking me if this is all we have right now or if this is all we have in the agenda.

I just returned from a tour of my riding last week. Agriculture producers in the northern part of my riding are struggling with a harvest that is almost impossible to bring in. Imagine 17 inches of rain falling on the prairie in just a couple of weeks and the water has no place to go. The water sits on crops that were supposed to be the salvation of farmers who have struggled through a year of drought in 2003 and a killer frost in 2004. They had a nice crop coming along and suddenly they had rains that far surpassed what Katrina dumped on Louisiana and Texas. This rain has devastated what they had.

If we want to put a perspective on what we are debating here today, if we were to stand where these farmers are standing and look at what we are doing today, we might have a very different perspective. If we were surrounded by water that made it almost impossible to maintain our livelihood, this discussion today would seem quite irrelevant.

*Government Orders*

I do not have many opportunities to bring issues such as the flooding forward. The government dismisses the livelihood of farmers and agriculture producers as not a big factor with which it wants to deal. That is extremely unfortunate.

The people of my riding say that it is nice to pass this kind of legislation. It will allow people to sit on their couches and not be annoyed by someone phoning them to sell some vacation in Florida. However, when a farmer is losing his farm that has taken generations to build because the government has inadequate disaster relief available for grain producers, what we are doing today seems quite trite to them.

My constituents are asking me why Parliament is not dealing with issues that are of a higher priority to them. There are issues such as forcing a farmer to try to salvage a crop because he is trying to comply with some government imposed rules for crop insurance or a farm support program, such as the CAIS program. This is a problem which makes getting off the sofa to answer the phone look pretty insignificant.

● (1135)

That is the perspective in relation to which I want us to see this debate. We have spent so much time in the past two years blowing a lot of hot air past our teeth discussing nuances in legislation which for most Canadians is not a great priority. As they see us here today, they are thinking that it would be nice to have a do not call registry, and I support it, but they would rather have lower taxes so they could spend their money on their priorities, stay on their farms and not have more government programs imposed on them. That is their fear with another big registry. They quiver when they hear the word registry.

Farmers may also have some difficulties, but when they look at what we do here they ask why we cannot debate how our farm programs could be designed to be effective, because right now they are not working. The farmer sees government make big announcements about money flowing to agriculture, but he is frustrated by the fact that it just fuels a load of bureaucracy. It takes 50% to administer the government assistance programs. The farmer sees very little of the money coming in assistance to him.

I witnessed some unbelievable events this past week. Craig and Sharon Stegeman took me on a tour of their farm. We are not allowed to use props so I will just have to describe the pictures that they gave me. Standing on a bridge, as far as one can see there is water. The bridge happens to be the highest point of land. In another picture of their farm, the only things that show up are a few power and telephone poles sticking up through the water and maybe a few blades of grass that are a little longer than most. As far as one can see there is water, a high grid road with water covering it, or fields of grain standing in water. There is picture after picture of water. Then there is a place with trees and it looks as if the beavers have a built a dam, but they have not. That is just the natural result of 17 inches of rain. Swaths of grain have been washed into the ditches. There is no more swathed grain left in the fields.

A month after the rains, farmers tried to harvest their fields with their combines. They had to fit their combines with dual wheels. It cost them more than \$20,000 to adapt their combines to drive through the water to cut the heads off the grain that was standing in

the water. That is what these people are faced with and they have to do it. The farmers cannot even access any of the crop insurance or farm assistance if they do not make an attempt to harvest. They are ruining their land when they do this. It is unbelievable. I rode on one of the combines. The farmers do not want to scoop up water in case it gets into the grain they are harvesting. The grain is reasonably dry standing in the water.

The average city person probably does not even understand. These are not pictures from Louisiana and Texas. These are pictures from an area north of Yorkton.

When I went there last week there were 30 farmers waiting to talk to me. Every farmer in that area was there. We had a tailgate meeting. They poured their hearts out to me. It would have made members weep to hear the young farmers, their wives, and the older farmers tell the stories of how they have been working so hard. They have been killed by fuel costs. They have been hurt by fertilizer and chemical costs.

The Liberals have 40 pieces of legislation before the House. They have given the impression that we are really busy here. All these committees are working, but where the rubber hits the road, where the average person is trying to make a living, this seems to be quite irrelevant. The government sweeps agriculture problems under the rug. It gives the impression that CAIS and crop insurance are helping, but the claims for the year 2003 have not even been filled. The assistance that should have been coming is not there.

● (1140)

We need our city cousins to realize what is happening in rural areas, because what is happening is going to impact on them. The cheap food, the good quality food they have been enjoying will no longer be there when corporations take over because farmers cannot make a living supplying our city cousins with good quality food.

Let us take note of this. Let us put this whole debate in perspective because I am concerned for my constituents.

**Mrs. Joy Smith (Kildonan—St. Paul, CPC):** Madam Speaker, I thank my colleague from Yorkton for his insightful comments. There are a few things I want to put on record in terms of putting this debate into perspective as well.

Bill C-37 is an act to amend the Telecommunications Act. I want to make some comments regarding the establishment of the national do not call registry. This registry has merit. Based on the amendments that were put into the bill at committee, the Conservative Party supports the establishment of a national do not call registry with reasonable exemptions provided for charities, political parties and companies that wish to contact their current customers.

*Government Orders*

Whenever the word registry is put forward by the current government, it sends chills down the spines of Canadians. The intent of the bills put forward sounds good and certainly the political spin is well recorded on the front pages of many newspapers, especially when plane rides and announcements can be made on the taxpayers' backs. When the Prime Minister and his colleagues go across Canada repeatedly making announcements, the taxpayers are finding more and more that they are the ones who are actually paying for it. It is actually a pre-election campaign.

Having said that, something else has been disconcerting, and that is the gun registry. The gun registry is like a black hole. All across the country when the subject of the registry comes up, red flags go up all over the place.

Originally Bill C-37 had some serious issues that needed to be addressed. I must commend the work of the committee. The committee tried very hard to address some of the concerns.

The original version of Bill C-37 had no reasonable exemptions laid out for charities, political parties, polling firms or companies. That was a serious concern to the general public. There has to be control on fraudulent calls, especially calls to our most vulnerable citizens such as our senior citizens and make sure that the calls are not to fraudulently get money from our senior citizens or cause them distress. Usually telemarketers call at five or six in the evening during the dinner hour. Often this is the only time when families get a chance to sit down together and have some down time.

No one is arguing that there are many reasons that this bill is necessary. For those reasons and because of the amendments to the bill, the Conservative Party will support the bill.

One very important amendment is that three years after the do not call list comes into force, it will be reviewed by Parliament. That is very necessary. Because of the gun registry and because of the fraudulent use of taxpayers' money for more than a decade that the current government has been in power, there have to be checks and balances put in place to protect Canadian taxpayers' well-being, their money and quality of life.

Another amendment was that any person making a telecommunication must at the beginning of the call identify the purpose of the call and the person or organization on whose behalf the call is being made.

● (1145)

The amendments were the result of a leadership role by the Conservative members on the committee. The NDP did have input and supported the review after three years of the do not call list coming into force. Those were very important.

There are some other valuable amendments which exempt calls on behalf of registered charities, within the meaning of charities under the Income Tax Act; calls made on behalf of political parties as defined by the Canada Elections Act; calls made on behalf of a nomination contestant, a leadership contestant or a candidate of a party as defined in the Canada Elections Act; calls made on behalf of an electoral district association within the meaning of the Canada Elections Act; and calls made for the sole purpose of collecting information for a survey of members of the public.

In addition, all of the parties who have been made exempt must keep individual do not call lists. If a person is called by a charity and asks to be placed on the do not call list held by that charity, the charity is forced to comply and is not allowed to call that individual for three years. That is the current time limit. The length of time could be changed by the CRTC once the bill is passed.

All those amendments are valuable. Telecommunications and telemarketing is a huge business in Canada. A lot of companies rely on telemarketing to build their businesses. It is important to note that there are legitimate companies that value their customers and whose customers do rely on the telemarketing for contact with them.

In my riding of Kildonan—St. Paul many charitable organizations use telemarketing to reach out to my constituents. One example is Mothers Against Drunk Driving, MADD. Mothers Against Drunk Driving actually made a submission to committee and said that the bill in its original form would have a devastating financial impact on that organization.

When I was a member of the Manitoba legislature, I had a big fundraiser for Mothers Against Drunk Driving. All the proceeds, every cent, went to the organization. It was a fashion show. Prior to the fashion show people from Mothers Against Drunk Driving got up and recited all the important things that the organization did. There were testimonials from different people who had experienced loss of life in their families due to drunk drivers. I continue to financially and verbally support Mothers Against Drunk Driving. It is a very worthwhile initiative in Canada. My constituents in Kildonan—St. Paul certainly support MADD.

There are some very important initiatives and charities that do use telemarketing for very good purposes. It was important to ensure in Bill C-37 that charities, businesses and political parties were still allowed to use the telemarketing component in a very fair and reasoned way by putting in different checks and balances that would protect people from fraudulent telemarketing from other sources.

● (1150)

I will be supporting the bill because of the reasonable work that was done by committee. However a large red flag does go up. We need to ensure that the registry is used prudently and that the money is used solely for the registry.

**Mrs. Nina Grewal (Fleetwood—Port Kells, CPC):** Madam Speaker, I rise today on behalf of the constituents of Fleetwood—Port Kells to participate in the debate on Bill C-37, an act to amend the Telecommunications Act, or the national do not call registry.

I understand the frustrations of the general public who are often inundated with phone calls that interrupt family dinners, entertainment and their lives, which is why I am generally supportive of such a bill. Do not call registries give the public a tool in controlling their own lives. It allows Canadians to protect their privacy and protect their personal lives from usual intrusive measures by telemarketers. Everyone has a story of being called late in the night or early on a weekend morning and having their day upset by obnoxious telemarketers.

Canadians in their busy lives are asking Parliament for simple solutions. We in the Conservative Party recognize this need and are supportive of a do not call registry.



*Government Orders*

However we must be careful not to throw the baby out with the bath water.

The telemarketing industry in Canada is important to the livelihood of many of my constituents and people across Canada. The industry employs more than 270,000 people and is worth approximately \$16 billion in goods and services. With such an economic impact, it is important that the bill be specific in its intent and impact and contains no potential loopholes for Liberal regulators to go beyond the boundaries of the bill.

Earlier this year I rose to speak against the original bill because of its many flaws, especially for the potential of Liberal loopholes. At that time I and many of my colleagues were concerned with the bill's vagueness. Exceptions to the registry were not included in the bill and neither were any details on how the list would be maintained or checked by the respective companies involved. In the original version of Bill C-37, these exemptions were not laid out by the government.

Furthermore, the power to determine these details was delegated by the Liberals to the CRTC and its regulatory powers rather than to elected representatives. The irony was that even the CRTC in committee expressed its desire that Parliament be specific in its regulations to avoid confusion.

The CRTC is a regulatory body and should not be taking over the policy making capacity of the House of Commons or the government. Broadly worded legislation invites the potential for abuse and exports democracy to unelected people when that role is properly contained within the House of Commons.

I and many members of the House have reason to be concerned about such matters. The sponsorship program shows what poorly designed programs with Liberal loopholes can do: the waste and theft of millions of taxpayer dollars.

Before I support legislation creating another program, proper safeguards must be put in place to avoid bureaucratic bungling and political interference. We have already seen in the past what happens when such safeguards are not in place.

At the committee stage, I was happy to see that some of my concerns were addressed in the bill. Possible exemptions were clearly laid out thanks to the Conservatives and other opposition amendments. Political parties, charities and polling firms were all exempted, which is clearly in the public interest.

In a democracy, it is important that political parties, candidates and riding associations have the necessary tools to engage the public. Telephoning constituents is a necessary tool for members of Parliament and political parties to remain engaged with the public. We cannot afford as a democracy to enact legislation that could potentially lessen voter turnout even more.

Exceptions were also made for party candidates and riding associations, which I think is in keeping with my democratic concerns. Candidates and riding associations have even more reasons to be given an exemption. As the local representative of parties, riding associations and party candidates are connected to the grassroots. To take away the ability to phone constituents would be

an affront to the right of political expression, not to mention further weakening of democratic participation in Canada.

Similarly, the exception made for charities remains key to the viability of our non-profit sectors. These organizations are already struggling to get funds due to overtaxation by the government.

● (1155)

In the United States, for instance, Americans give almost twice as much to charities as Canadians. It is not because Americans are more charitable that they give more. It is because they are taxed less.

Canadian charities need every tool available to them to continue their good work in our communities: feeding the poor, sheltering the homeless and providing places of worship for people of faith.

An exception for polling firms is also clearly in the public interest. While polling as an institution has its pros and cons, polling still provides a snapshot of Canadian opinion on a whole host of issues. We should not be led by polls but neither should we be ignorant of them. Polling also contributes to private sector research in product development and marketing, providing Canadians with better products and economic growth.

Who knows, without polls we may not have had the swiffer wet jet or the Mr. Clean eraser, which would be a travesty for housecleaners the world over.

Seriously, these exemptions are important to all democratic and market oriented societies. They can no doubt be abused but in the end they provide better democracy, improved products, more jobs and stronger economic growth.

However there is still concern as to whether another program under Liberal control will be adequately managed. I am committed to my constituents to keep a close eye on the do not call registry to ensure that the Liberals do not overrun their budgets like the gun registry program or the HRDC boondoggle.

Thankfully, a future Conservative government will ensure that this program is run within cost and does not become another gun registry or HRDC boondoggle.

Another major concern is fraud through telephones, for instance, gambling and lottery sales by telemarketers to vulnerable members of society, particularly the seniors on fixed incomes. There should be tough measures in place to prevent and deal with it.

Already in this minority Parliament we have substantially rewritten this bill and others and have shown the benefits of having a check on Liberal corruption, waste and mismanagement.

*Government Orders*

The bill attempts to bridge a divide between protecting a valued industry in Canada and the privacy rights of Canadians. With the exemptions now provided in the bill, I believe that legitimate business practice will continue and that political parties and charities can continue to reach out to the constituents of Fleetwood—Port Kells and the Canadian people.

• (1200)

**Mr. Paul Szabo (Mississauga South, Lib.):** Madam Speaker, there were some caveats in the member's speech with regard to operational and administrative matters. Certainly those are very legitimate concerns with regard to any government program or service and we certainly will not dispute that.

However, for governments and the Government of Canada, it really depends on how it is defined. The government itself does not operate each and everything. Obviously there are boards, agencies, crown corporations and so on, all of which have been delegated or seconded to do this work.

I would be interested to know if the member thought that perhaps the CRTC had her confidence in terms of being able to operate and administer the do not call list.

I am not sure why but the member mentioned that we do not want this to become something like the HRDC billion dollar boondoggle and the gun registry. I just want to remind the member that the billion dollars, that is always being referred to, was the total cost of the program which was for skills development, for youth, labour programs and so on. After all was said and done in that regard, the total amount that was unrecoverable by the government with regard to those who took money from programs was \$65,000.

With regard to the gun registry, I certainly understand her party's position on this. I remind the member that the front line police officers and the Canadian Association of Chiefs of Police continue to vigorously support the registry, which they consult 5,000 times each and every day, about 1.8 million references to the gun registry, to ensure the protection of not only the officers but Canadians.

**Mrs. Nina Grewal:** Madam Speaker, when the bill was introduced it was an empty shell. All that it is—

**The Acting Speaker (Hon. Jean Augustine):** Order, please. I would urge all members to make sure the protocol in the House is recognized. Cellphones and BlackBerries buzzing and ringing disturbs the quality of what should be our communication.

**Mrs. Nina Grewal:** Madam Speaker, when the bill was introduced, it was an empty shell. All the details were left to the regulations. Now, thanks to the hard work of the opposition members, we have some details.

Importantly, we now have exemptions for charities, political parties, pollsters and businesses with which a person has a prior relationship. These are similar exemptions to those of the American do not call list, which has been extremely successful.

Canadians should be asking themselves why the Liberal government could not have given us a detailed bill creating do not call lists. Why did we have to wait for another committee to get the details that should have been in the bill in the first place? One must conclude that the government is getting lazy and not doing its job.

Like all Canadians, I hate receiving telemarketing calls which always seem to come at the most—

• (1205)

**The Acting Speaker (Hon. Jean Augustine):** Order, please. The telephones, the cellphones, the BlackBerries, the tape recorders, all of those things are not permitted in the chamber.

**Mrs. Nina Grewal:** Madam Speaker, like all Canadians I hate receiving calls, like the one I just received right now. Telemarketing calls always seem to come at the most inopportune time, which is why I welcome a do not call list.

Now that Bill C-37 has been amended, thanks to the hard work of the Conservative members in the committee, my only concern is with the management of the registry. We have seen how the government has managed other registries. Canadians cannot forget about the gun registry that was supposed to cost us \$200 million and now it is \$2 billion.

**Mr. Gurmant Grewal:** Madam Speaker, I rise on a point of order. You were very harsh today about the telephone ringing but it is her birthday today and our son was calling to wish her a happy birthday without knowing she was speaking in the House.

**The Acting Speaker (Hon. Jean Augustine):** We all want to take the opportunity to wish her a happy birthday but it cannot be through the cellphone.

**Mr. Gurmant Grewal (Newton—North Delta, CPC):** Yes, Madam Speaker, that is why we have a do not call list here, which we are debating.

I am very pleased to rise on behalf of the constituents of Newton—North Delta to participate in the report stage debate on Bill C-37, an act to amend the Telecommunications Act. The bill addresses telemarketing calls by enabling the CRTC to establish and enforce a do not call registry similar to those already found in the U.S. and the United Kingdom.

We all have received unwanted calls at awkward times, even sometimes in the House, from people attempting to sell goods or services or convey some sort of message. Sometimes these calls are invasive, disruptive, time consuming and incredibly annoying.

Telemarketing scored number four in *Time* magazine's survey of the worst ideas of the 20th century. A survey conducted by Decima Research, undoubtedly by telephone, found that 75% of Canadians want the federal government to institute a do not call list to protect them against unsolicited telephone calls.

In 2003 the U.S. responded to the unwanted telemarketing calls by establishing a national do not call list. Americans were quick to sign on, registering more than seven million phone numbers on the first day. This summer, registrations surpassed the 100 million mark in the United States.

Since its origin, the registry, run by the Federal Trade Commission, has received nearly one million complaints, nine violation cases and four fraud cases in the United States.

Before going to committee, Bill C-37 was almost an empty shell, with most of the details left to the regulations. As a result, we did not know if there would be any exclusions to the list, how much it would cost, who would operate the list and so on.

This government habitually introduces shell bills that lack substance and are written in often incomplete general terms that are vague in their intent.

Much of the law that affects Canadians is found not in the Consolidated Statutes of Canada, but in the thousands of regulations made pursuant to powers granted by acts of Parliament. This leaves the door wide open to put through regulations that define our laws, without the proper checks and balances.

What is surprising is that 80% of the law that governs Canada is done through the back door by regulations, not by laws passed in Parliament. By doing so, the Liberal government has effectively gutted the parliamentary process of accountability and transparency in the formulation of its laws. Parliament is no longer at the centre of the law-making process. It is the bureaucrats who are at the centre.

During second reading debate, if members recall, I outlined all these concerns. I concluded my speech by saying that the registry, if established, must be “within parameters clearly defined by Parliament and with reasonable exemptions provided for charities, political parties and companies that wish to contact their current customers” and that we must craft a more detailed piece of legislation so that both consumers and telemarketers will know how the do not call registry will work.

After second reading, at committee, the Conservative Party members, my colleagues, worked to amend the bill and to add several new clauses to the Telecommunications Act. These amendments require the CRTC to report to the minister annually on the operation of the national do not call list and further require a review of the do not call legislation three years after the coming into force of the act as amended.

● (1210)

Most significantly, the bill was amended to provide certain exemptions from inclusion on the national do not call list, notably for charities, “existing business relationships”, political parties and pollsters.

In the original version of Bill C-37, these exemptions were not laid out by the government. Furthermore, the power to determine these details was delegated by the Liberals to the CRTC and its regulatory powers rather than the elected representatives in this House.

There are more concerns. Sometimes aggressive telemarketers call the most vulnerable in our society, such as seniors on fixed incomes, to induce them into gambling or lotteries or to scam and defraud them. These citizens need and deserve our protection.

Bill C-37 does not address unsolicited ads on the Internet. When young children are learning through the Internet or surfing the web to do their homework projects, they are bombarded with pornographic and vulgar ads. They are not suitable for young children or even in a family setting.

### *Government Orders*

I am disappointed that the protection of children against vulgar images and the temptation that is forced upon them is not within the scope of this bill. So far nothing has been done by this weak Liberal government to provide any protection to those who deserve it and who need it.

The bill does not address the unsolicited faxes ringing on shared residential telephone lines, many times in the middle of the night. As we know, the faxes sometimes do not display the telephone number of the sender. I do not know how those numbers will be added to the do not call list.

These are very important details that deserve the consideration of Parliament.

Even with the amendments in place, I am still concerned over how much this scheme will cost when implemented. The government says that the registry would be self-financing. Of course, the government said the same thing for the long gun registry also introduced by this government. The gun registry was supposed to cost a mere \$2 million. It now has a tab approaching \$2 billion, and that is billion with a “b”.

Canadians obviously do not want another fiasco like the gun registry. The Conservative Party will monitor the cost of maintaining this registry. It will make sure the registry operates smoothly, efficiently and in a way that best protects the interests of Canadians.

Some of the motions on this bill are housekeeping amendments, but one of the CPC amendments that was passed in committee forces everyone who is exempted, such as charities, political parties, candidates, polling firms and existing business relationship callers, to immediately identify themselves and state the nature of their business when they make a call.

The Liberals argue that this identification will bias survey answers. We agree, thus we are supporting this motion.

Generally in the telemarketing industry, Canadians buy more than \$16 billion in goods and services over the telephone each year. This generates employment for more than a quarter of a million Canadians. The telemarketing industry is important to the livelihood of many of my constituents. B.C. is home over 300 call centres, ranging in size from a few agents to several hundred. There are currently an estimated 14,000 call centre jobs in the greater Vancouver area.

It is unclear what impact a national do not call registry would have on the Canadian telemarketing industry. It can be assumed, however, with the exemptions the Conservative Party successfully pushed for in committee, that the impact would be less than it would have been under the original bill put forward by the government.

To conclude, let me point out that a centrally administered national do not call list provides the means for consumers to avoid unsolicited telemarketing calls. A well-run do not call list will provide consumers with choice while protecting Canadian businesses and jobs.

*Government Orders*

•(1215)

The Conservative Party supports the establishment of a do not call list within parameters clearly defined by Parliament and with reasonable exemptions provided for charities, political parties, polling firms and companies that wish to contact their current customers.

While I personally still have some concerns with the bill, as I mentioned earlier, particularly about the management of the registry, I will be watching closely to protect the best interests of my constituents of Newton—North Delta and of all Canadians who are watching this debate.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I thought it was interesting that the member wanted to wish his spouse a happy birthday by sending messages through his speech. This is probably the first time I have heard of that one. Maybe I will just pass on another message to the member, then, which is that if he still owes \$50 to another member of Parliament since last February he may want to settle that as well.

In his speech, the member had a criticism of the bill with regard to the fact that if someone calls us and we do not have caller ID, it would be difficult to get the number on the list because we could not see the number of the company calling. I did not understand the point the member was making, because I thought that the do not call list would have our number on the list as one that companies would not call. Our number is one that is taken off the list of numbers to call.

Could the member please explain so that I can understand better the nature of his concern? Why is it a problem when someone cannot see the number of the company that is calling?

**Mr. Gurmant Grewal:** Mr. Speaker, I am always pleased to take a question on this subject, but that was a cheap shot from the member about the \$50 business. I do not know when he was hired as a debt collector. It is not \$50. He did not get his facts together. It is \$5 U.S. It was a friendly transaction between another member and me. I do not think the Liberal members are in the business of collecting money. If they have to collect money, they should collect money from Dingwall and from the sponsorship scandal. That is where the member should focus his energy: on collecting taxpayers' money from the sponsorship scandal and the corruption and other things that are happening in the government, not members' money.

Now to answer the substance of the question, I note that many Canadians cannot afford two telephone lines. They can have a residential telephone line—

**Mr. Paul Szabo:** You owe the member \$50, since last February. Repay her.

**Mr. Gurmant Grewal:** The member is heckling, but I will continue answering on the substance of the question.

Many people in Canada have only one telephone line at home. They also use that telephone line for receiving or sending faxes. Telemarketers, particularly in the U.S., have found a roundabout way to avoid the do not call list by sending faxes to residences assuming that many people will have a fax on the same line as the telephone.

This is an abuse of the system, going by the legitimate concern or the legitimate law that is passed by Parliament.

When a phone is ringing in the middle of the night and we do not know if it is the fax or the telephone, of course it interrupts us. When we hear the fax tone, we receive a fax for a cruise or for some telemarketing product or service without it showing the fax number of the sender. People do not program their fax machine to depict the fax number of the sender. Many people do not have caller ID. Therefore, those people are caught in this situation. They deserve protection as well.

That is why I brought up this concern. I have practical experience of this. I think many of the members also have this concern.

•(1220)

**Mrs. Joy Smith (Kildonan—St. Paul, CPC):** Mr. Speaker, I thank my colleague for his insightful presentation today. I have just one question. I look at this bill and see many merits. We have agreed to support it, but it is the word “registry” that concerns me.

Yesterday in this House I watched the Deputy Prime Minister smirking as we were talking about very, very important crime issues all across Canada, but when a bill like this is introduced in the House, we are very mindful of what happened with the gun registry. Now we have another registry.

Could the member please comment on how we can make sure that all the checks and balances and the transparency and accountability are there to ensure that all the resources put into this bill are actually used for the purposes for which they were intended?

**Mr. Gurmant Grewal:** Mr. Speaker, I do not know if I have any magic bullet to answer this question or stop the out of control Liberal government's tax and spending policies and its record on the fiascos with various departments and various registries including the gun registry where the government said it would cost \$2 million but ended up costing \$2 billion. The government is confusing the millions and billions because it does not have any regard for taxpayers' dollars.

With a Conservative government in place, it would ensure that these registries are controlled and governed the way they should be. Taxpayers' dollars would be considered taxpayers' dollars and not considered the government's dollars.

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

**Some hon. members:** Question.

**The Deputy Speaker:** The question is on Motion No. 1. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**The Deputy Speaker:** I declare the motion carried. Accordingly, I declare Motions Nos. 2 to 6 inclusive, 8 and 9 carried.

(Motions Nos. 1 to 6 inclusive, 8 and 9 agreed to)

**The Deputy Speaker:** The question is on Motion No. 10. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**The Deputy Speaker:** I declare Motion No. 10 carried.

*Government Orders*

(Motion No. 10 agreed to)

• (1225)

**Hon. Mauril Bélanger (for the Minister of Industry)** moved that Bill C-37, as amended, be concurred in with further amendment and read the second time.

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

**Some hon. members:** Agreed.

**The Deputy Speaker:** I declare the motion carried.  
(Motion agreed to)

\* \* \*

### CRIMINAL CODE

The House resumed from October 18 consideration of the motion that Bill C-65, An Act to amend the Criminal Code (street racing) and to make a consequential amendment to another Act, be read the second time and referred to a committee.

**Mr. Deepak Obhrai (Calgary East, CPC):** Mr. Speaker, before I begin, let me give you my best wishes. I am sure that you will come out swinging in your struggle for your health.

It is my pleasure to speak to Bill C-65, an act to amend the Criminal Code in reference to street racing and to make amendments to another act, which would bring in a stronger punishment, as the government would like to say. We all know about the consequences of street racing. We have seen people lose their lives. Those who do street racing have a complete and total disregard for the safety and interests of others on the streets. All they are concerned about is their own interests.

My dear friend and colleague, Chuck Cadman, who is no longer with us, worked very hard to ensure that the bill was passed. One could say that Chuck Cadman's support of the Liberal government in May prompted the government to come up with the bill. We will accept that. I know Chuck wanted the bill passed and because the bill is before us, we will support it. Even though there is a political reason why this bill is before us, we will support it, but we do have a lot of concerns.

It is a typical Liberal approach to addressing issues that Canadians are always concerned about, specifically on crime. Every time a bill comes before Parliament from the Liberal side, we find that the bill is compassionate. The Liberals are always compassionate for those who have committed the crime. The Liberals say that a mistake was made and there should be rehabilitation and they try to put a face of compassion on all the bills that come before us to show that the Liberal Party is compassionate. The problem with that approach, which time after time Canadians have brought to our attention, is that the tendency of people is to ignore it, when there is no significant punishment.

I have introduced in Parliament three bills on three occasions. My private member's bill on repeat break and enter offenders, asking for a minimum two year sentence, has been defeated by the Liberals because they do not believe in mandatory sentencing. Why did I bring that bill forward? The concern with break and enter is such that repeat offenders find it profitable as a business because the punishment is so low and the rewards are so high. Offenders

disregard it and they go do it again. So, what, if they have to go to court? They will get a suspended sentence or a small sentence and they are back doing the same thing. They continue on and as they become more efficient, there are more and more crimes.

The Liberal government will come along and tell us there have been no break and enters. They have declined across the nation. That is not the issue. The issue is that the crime of break and enter may have declined because of higher security or something.

The fundamental issue is when does punishment fit the crime? That is the key point. The bill that is before us has a similar consensus as that of Chuck Cadman. His bill had an escalating scale of punishment clauses to ensure that there was some kind of mandatory punishment for repeat offenders.

Mr. Speaker, you are from British Columbia. There have been recent cases in British Columbia where people have lost their lives and even police officers have lost their lives to street racing. These guys street race because they can get away with it, for the little fun that they get at that given time, with absolute disregard to the consequences it could have. They do not take into account the results and terrible consequences for others.

• (1230)

We talk about the people who have done this crime, but it is only recently, after pressure by the Reform Party of which I was a member, that we started looking at the victims, the terrible tragedy, the terrible consequences of these actions which are not thought of by these street racers, and what happens to the families.

A good example of that is what happened to me with the Ethics Commissioner. These actions and subsequent damage to my family are so severe that today, as I speak to you, Mr. Speaker, he is in front of the procedure and House affairs committee explaining these consequences. He probably never thought of it because he was so blind to the facts. He thought he had to do these things and he never thought of the consequences and what would happen to the family if he did what he did. Now he is in front of the committee to explain that.

I told the committee how these consequences have had an impact, on my sister-in-law, who has absolutely nothing to do with being a member of Parliament, and why her and her son's lives have become a public spectacle. Because Mr. Shapiro decided he wanted to go public and talk about something that was frivolous, this whole issue became public and the next minute everybody was talking.

I am talking about consequences, which are in this bill. The consequences of actions is what I am talking about. I want to tell Mr. Shapiro that the actions can be severe for those who have to pay the price. In the case of street racing, we know that people have lost lives. What about their families? They have voids that will be forever in their lives.

If we want a bill to address an issue, we cannot address issues in small parts. We cannot address a bill by saying one part is wrong and then think about another part. No, we need to understand and give a strong message. This Parliament has to give a strong message to anybody out there that their actions will have consequences, not that their actions will be taken lightly and we will look into the issue.

*Government Orders*

That is why the Conservative Party is proposing amendments to this bill, to make it tighter, to make it stronger, with the message going out that if street racing carries on and if somebody gets hurt there are consequences.

A couple of days ago, there were newspaper stories about a bus driver in Toronto who was shot in the face and there is the likelihood of losing an eye. He was an innocent bystander. Canadians want their streets safe. That is the issue everywhere, whether it is street racing, whether it is gun violence or any other form out there.

The police forces are asking us to do something. Even in the case of pornography with child predators. We need to send a very strong message about the consequences. When we have bills that have loopholes, or are watered down with the whole Liberal philosophy that they have to be compassionate, it is not sending the right message. The concern of what is happening on our streets, to our homes, is becoming louder and louder for Canadians.

● (1235)

Like me, all my colleagues listen to their constituents. I hope many of them will speak on behalf of the bill to strengthen it. The purpose of strengthening it is not to look as though we are cruel or that we have no compassion. That is not the point. We are all compassionate. The point is that the consequences for one's actions must be stated in the bill. People must know that they will face the consequences.

A bill is passed in the House and the independent judiciary implements the law. I am not saying there is anything wrong with an independent judiciary. I strongly support having an independent judiciary. It is the strongest foundation of a democracy. However, many times we have seen the judiciary send the wrong message. One decision is subsequently picked up by others and it goes on.

On many occasions many members of the judiciary have said that we in this place are the ones who propose the laws. Members of Parliament are the ones who give the directions. There is nothing wrong in sending the judiciary a message about mandatory sentencing. We are telling the judiciary that Canadians want safe streets. We are telling the judiciary that Canadians want people to pay for their actions. We as lawmakers have to make strong statements, and we should do so in proposed legislation. Bill C-65 is a watered down version of Mr. Cadman's desire.

I was at Mr. Cadman's funeral and I know, Mr. Speaker, that you were at his memorial service. We heard many tributes made to Chuck by politicians and people who knew him very well in his riding. What came out very strong was Chuck's compassionate nature and how hurt he was after losing his son. He galvanized himself into working to ensure that the punishment fit the crime.

Chuck was not interested in throwing people in jail. He was interested in making people understand that there would be consequences for their actions. If we do not do that, then people will not understand, and that is the problem with this bill.

Chuck would go to victim's homes. He understood their pain because of the pain he himself felt. A compassionate man like Chuck would like to see a stronger bill. He would like us to send a stronger message. Bill C-65 does not propose that. While addressing Chuck's concerns, the bill still is a watered down version of what he wanted.

We want to bring in amendments that will leave a legacy for Chuck so people across Canada will get the message and, most important, the judiciary will get the message that the Parliament of Canada is very serious about addressing crime, about making our homes safe and our streets safe.

I again intend to bring my private member's bill on break and enter forward in the House. My bill would ensure a two year minimum mandatory sentence. The purpose is to break the cycle of people repeating these things.

● (1240)

I again intend to bring my private member's bill on break and enter forward in the House. My bill would ensure a two year minimum mandatory sentence. The purpose is to break the cycle of people repeating these things. We talk about compassion. Mandatory sentencing is not being cruel. We are being compassionate by taking repeat offenders off the streets and making them realize this is not a profitable issue.

Grow ops have become a major problem in our cities. In my riding grow ops have become a major issue because housing is cheap. Why? Because we have a problem with legislation. Hence the law enforcement agencies are weak when it comes to this issue.

I have met with law enforcement agencies in my riding. I have met with the local alderman, the local MLA and with local associations to address the issue of grow ops. Grow ops subsequently get into the drug trade and into prostitution. We have discussed how to address this issue. One solution is to put more police officers on the street. That has been our experience when police officers talk to us. They say that if they have more resources, they can put more police officers on the street which is a major deterrent, but we are not doing that. The police officers in my riding in Calgary have identified that there is no strong legislation to help the police to do this.

While the Liberals on the other side will say that this bill will address in the strongest possible terms those issues, another independent body will make the final judgment on how this is done.

Our experience has been that this independent body tends to go in a different direction. We are then doing a disservice to the independent body, the judiciary. We are not taking anything away from it. We are telling it what I want it to do. That is our responsibility. The Parliament of Canada carries the responsibility to make sound laws, laws that protect Canadians. We are elected to do that. We are not elected to create vague bills and then leave it to an independent body to decide what it wants to do.

We are giving our responsibility to it. We have said time after time that on many issues the government refuses to make law. It runs to the Supreme Court of Canada and asks it to make the decision.

*Government Orders*

It is this Parliament that will make the decisions. We make the laws. Let us give direction. This way Canadians feel confident that we are doing our jobs. The judiciary feels confident that a clear direction has come from Parliament. In this way we follow the direction that Canadians want us to follow. They have elected us to be their voices and their consciences.

We will be proposing amendments to the bill to ensure that people understand the consequences for their actions.

• (1245)

**Mrs. Joy Smith (Kildonan—St. Paul, CPC):** Mr. Speaker, the hon. member's comments were insightful. We can look at the heroic things Mr. Cadman did to ensure our streets were safe. We will always look up to him. He has left a legacy in Canada and the rest of us need to live up to that.

Yesterday in question period I watched the Deputy Prime Minister smirking constantly at the very serious questions we were asking about crime. It sent chills up my spine to see that. I have seen the refusal to raise the age of consent from 14 years to 16 years. I have seen the refusal to shut down the gun registry and put those resources into front line police officers on the streets. I take a look at all the things that have happened in the House of Commons and the cavalier attitude by the government toward crime. The government has been in power for over a decade, and I find the environment very disquieting.

As a mother of a police officer, I find it very scary. Would the member please comment on the environment that has developed in Canada under the Liberal regime since it came into power? How has affected people on the streets in Canada and what can do to make it better?

**Mr. Deepak Obhrai:** Mr. Speaker, my colleague has said exactly what Canadians have said. Being the mother of a police officer, she has first-hand experience of how police officers' hands are tied and how they cannot do their jobs because we have not given a clear answer.

The government makes vague laws, leaving another authority, the independent judiciary, to make the decisions. Many times the decisions it makes are not the will of Parliament.

The prime example is my friend Chuck. Chuck lost a son. That galvanized him to come here. An innocent man lost a son, but it galvanized him to action. I sat with Chuck on many occasion on these benches talking to him. There was a deep void in him with the loss of his son. Although he fought for justice from different angles, his justice was make all Canadians safer and our streets safer. It was that void and pain that brought him here.

There are consequences. People have died because of street racing and their deaths have left a void that remains for a very long time. It is our responsibility to ensure that we make the streets safer.

**Mr. Randy Kamp (Pitt Meadows—Maple Ridge—Mission, CPC):** Mr. Speaker, the member knew Chuck Cadman better than me, but I knew him for a number of years as well. He spent considerable time in my riding, in the city of Maple Ridge, helping with our youth diversion program.

The notion that Chuck left a legacy is one with which I completely agree. I assume the hon. member does as well. When the government

decided that it would bring forward this legislation, which it had at one point opposed, as fitting tribute to the legacy of Chuck Cadman, we were expecting to see the bill on which he had worked hard, a bill that he brought it to the House over and over. Yet the government left out the one section, as the member pointed out, on the escalating punishment consequences for repeat offenders.

I am curious as to what the hon. member thinks might be the reason for the government leaving that section out of the bill. If the government had put that in, as Chuck had intended, we would all enthusiastically support the bill. It seems to me that would have been a fitting tribute.

• (1250)

**Mr. Deepak Obhrai:** Mr. Speaker, let us be honest about this whole thing. This is the Liberal Party's way of thanking Chuck Cadman for supporting the Liberals and not causing an election. That is why the government brought the bill here. That is all it was.

As was rightly pointed out, Chuck introduced his bill many times but the government did not think it was important then. As I am saying, it was to thank Chuck for voting with the government and keeping it alive. Then it falls back to the same old philosophy that the Liberal Party sets out, that it is compassionate, that it must look after the rights of those who commit crimes and all those things. It followed the so-called compassionate face that the government wants to present. What we see is the watering down of this bill. Let us be honest about it. There is no compassionate face out there. This is politics being played and that is unfortunate.

Chuck's friends know he left a legacy. What Chuck wanted was strong sentencing and that is what we will propose for this amendment.

**Mr. Dave MacKenzie (Oxford, CPC):** Mr. Speaker, Bill C-65 is purported to be a legacy of Mr. Cadman's, a man whom I did not know, but obviously members on both sides of the House speak very well of him. My understanding is that his intent was to put some teeth into a serious matter, something of which I have some knowledge.

Most, if not all, provincial legislatures have street racing as a provincial offence. Street racing frequently would be looked at as a minor offence. In order to include an offence in the Criminal Code, it must be a very serious event. I can say that these events are serious when they reach this point. Police officers take no pleasure in notifying the family of a victim who may have been a participant in street racing, and even less so when notifying the families of innocent victims.

The real intent of the legislation should be as a deterrent. There are no particular deterrents in the bill, not what we should have and not what Mr. Cadman proposed. There is nothing in the bill that would strike fear in the hearts of those who would take part in the kinds of activities that endanger other people.

There is no question that Mr. Cadman's intent was to raise minimum mandatory prohibitions. Repeat offences would increase the minimum mandatory sentences.

*Government Orders*

We frequently hear from the other side that it has fixed the laws, that the government has increased maximum potential sentences. There is a total difference between being tough on crime and being tough on criminals. Increasing the maximums does very little if there is nothing at the minimum level.

The bill does not provide us with the kind of deterrence that is required in these circumstances. Deterrents are so important whether they be for street racing, for break and enters, or for drug offences. We do not need to put any water in our wine in these circumstances.

This offence puts innocent civilians at risk. It puts police officers at risk. We are talking of vehicles that are travelling at very high speeds and very likely out of control, although the driver may think he has control of the vehicle. There are no safety factors as there would be at a proper race course. There is no one around to render aid when things go wrong.

The bill adds nothing to Mr. Cadman's original intent. As a matter of fact, it detracts from the intent of his bill. It is a neutered version of what Mr. Cadman brought forward in 2002. Mr. Cadman's bill proposed:

- (a) for a first offence, during a period of not more than three years plus any period to which the offender is sentenced to imprisonment, and not less than one year;
- (b) for a second or subsequent offence, if one of the offences is an offence under section 220 or subsection 249(4), for life;
- (c) for a second offence, if neither of the offences is an offence under section 220 or subsection 249(4), during a period of not more than five years plus any period to which the offender is sentenced to imprisonment, and not less than two years; and
- (d) for each subsequent offence, if none of the offences is an offence under section 220 or subsection 249(4), during a period of not less than three years plus any period to which the offender is sentenced to imprisonment.

● (1255)

Those are the kinds of things that deter that type of action. The judiciary will do its job. Police officers across the country are quite willing to do their job. They want to do their job. This would put the tools in the hands of the judiciary to provide some direction as to what society, through its elected representatives, really expects to occur for the most serious of offences.

We are not talking about the minor offences. As a police officer I know there are many cases of street racing that occur at traffic lights, where two people for whatever reason will race away from the light. We are talking about the serious offences. They are planned and premeditated. Frequently the vehicles are out of control. The cars and motorcycles reach excessively high speeds. One hundred kilometres an hour would be a very minimum speed. These are high speed events that have the potential for total disaster, which does occur and has occurred on our streets across the country.

This bill may be a good start, but we need to go back to what Mr. Cadman had originally intended. The bill needs to have some teeth and a strong deterrent effect. These events will occur if there are no deterrents.

In the last few months on one of the television channels there has been a show about racing called *PINKS*. People lose their ownerships to their cars if they lose the race. The race takes place in a controlled environment on a racetrack where safety officials are present.

We are talking here about street racing where there is no control, where vehicles are on roadways and pedestrians are present. There are a number of situations that lend themselves to total disaster.

As I have indicated, there are provincial laws with respect to racing. These are very serious situations. Why we would think it is necessary to water down what Mr. Cadman proposed defies logic. This bill needs to be passed with amendments that fit what Mr. Cadman had in mind. It certainly would be appropriate.

It is very difficult for me to understand why we would want to back down from what he initially had and why the House would not support what Mr. Cadman brought forward. If we are really going to honour Mr. Cadman and call this part of his legacy, then we need to put it in place just as he had brought it forward.

There are other related offences which by their nature tell us that this is serious. The other Criminal Code offences involved are criminal negligence causing death, criminal negligence causing bodily harm, dangerous operation of a motor vehicle causing death, and dangerous operation of a motor vehicle causing bodily harm. These are serious offences. There is no need for us to water it down.

If we do not truly honour what Mr. Cadman brought forward, we are not doing Canadians any service and we are certainly not honouring Mr. Cadman's memory.

● (1300)

**Mr. Gurmant Grewal (Newton—North Delta, CPC):** Mr. Speaker, I am pleased to rise on behalf of the constituents of Newton—North Delta to participate in the debate on Bill C-65, an act to amend the Criminal Code with respect to street racing.

Bill C-65 defines street racing as “operating a motor vehicle in a race with another motor vehicle on a street, road, highway or other public place”. Under the proposed legislation, street racing would be an aggravating circumstance for sentencing purposes in causing death or bodily harm by criminal negligence or by dangerous operation of a motor vehicle. A street racing offender, when convicted of these offences, would face a mandatory prohibition against operating a motor vehicle on any street from one to ten years and would follow the prison sentence. Currently, offenders face discretionary driving prohibitions if convicted of the above-mentioned offences.

Street racing has been a growing problem in British Columbia's lower mainland and has resulted in numerous high profile tragedies that have caused considerable public outcry.

In June 2000, Cliff Kwok Kei Tang, 28 years old, hit and killed pedestrian Jerry Kithithee, racing a Porsche at approximately 150 kilometres per hour.

In November 2000, Sukhvir Khosa and Bahadur Bhalru lost control of their Camaros while racing at an estimate speed of 140 kilometres an hour, and hit and killed Irene Thorpe on the sidewalk of Marine Drive in Vancouver. Both were given two-year conditional sentences rather than jail time and later Bhalru was deported.



*Government Orders*

In September 2002, Yau Chun Stuart Chan ran a red light at a Richmond intersection in his speeding Honda sports car and t-boned RCMP Constable Jimmy Ng's police cruiser. The force of the crash sent the 32-year-old constable through the back window of his vehicle, killing him instantly.

In May 2003, another street racer, Ali Arimi, was handed a conditional sentence after being found guilty of dangerous driving causing death.

In March 2004 in Surrey, an 18-year-old lost control of his muscle car at an estimated speed of 140 kilometres per hour. He demolished a bus shelter, critically injuring a 71-year-old woman. Another car was spotted fleeing from the scene.

Those were just a few examples of the many sad stories that have resulted from young people racing on the streets of the lower mainland. In recent years, these speeding cars have claimed nearly 30 known victims. People are outraged, not only by the crime but also by the lenient sentences handed out to the guilty.

Many of us in British Columbia, like my former colleague and neighbouring member of Parliament, the late Chuck Cadman, were outraged at the light sentences given to street racers. Street racing can be compared to waving a loaded gun around while blindfolded and squeezing off shots at random without any regard for other people or property.

Chuck Cadman introduced two bills, Bill C-338 and Bill C-230, dealing with street racing, neither of which went beyond committee stage. The bills were intended to prevent street racing by sending a clear message that those who endanger the public will face serious and long term consequences. As is usually the case, the government was not interested in supporting an opposition MP's bill when Mr. Cadman was a Conservative.

● (1305)

Almost two years ago, in October 2003, when Bill C-338 was debated at second reading, the Parliamentary Secretary to the Minister of Justice spoke in opposition. He claimed that the bill was inadvisable and said that if a court imposes a long period of imprisonment, the court may believe there is no need to have the offender prohibited from driving. The offender will have been off the streets and away from the wheel for a long time.

The problem with the parliamentary secretary's logic is that no one has ever received long jail terms for convictions resulting from street racing. Often house arrest is being used for street racers who kill or injure people.

The government has now turned an about face on Mr. Cadman's street racing bills. This should come as no surprise to members and to the public watching. After refusing to support my bills to protect firefighters and whistleblowers and to recognize international credentials, the government stole my concepts, introduced them in its name and started supporting them. First it criticizes an opposition bill and then it steals its concept, messes with it and then makes it a considerably weaker bill.

Bill C-65, the proposed legislation before us, is a neutered version of Mr. Cadman's past bills. Although it provides for mandatory driving prohibition and the inclusion of street racing in aggravating

factors for sentencing, it fails to include the clauses on repeat offenders, which was an essential part of Mr. Cadman's bill.

Amendments to the bill should include reinstating Mr. Cadman's increasing scale punishment clauses replace subsections (a) and (b) in section 259(2.1) with the following:

(a) for a first offence, during a period of not more than three years plus any period to which the offender is sentenced to imprisonment, and not less than one year;

(b) for a second or subsequent offence, if one of the offences is an offence under section 220 or subsection 249(4), for life;

(c) for a second offence, if neither of the offences is an offence under section 220 or subsection 249(4), during a period of not more than five years plus any period to which the offender is sentenced to imprisonment, and not less than two years; and

(d) for each subsequent offence, if none of the offences is an offence under section 220 or subsection 249(4), during a period of not less than three years plus any period to which the offender is sentenced to imprisonment.

Illegal street racing terrorizes our neighbourhoods and kills innocent people. We must put a stop to it. Doing so will require work by all levels of government. Part of the solution may lie in increased impound fees for vehicles involved in street racing; the prosecution of street racing spectators, as has been done in the U.S.; traffic calming mechanisms; and the confiscation of vehicles after multiple violations.

The federal government, in particular, should provide more funding to the RCMP to increase enforcement and allow for the use of high tech surveillance. We must also have laws with teeth that provide a real deterrence to street racers, and steps should be taken to ensure that sentences are actually served.

When will the government realize that people who commit violent crimes should serve real time, not at home but in a prison where criminals will understand the magnitude of their crimes.

The B.C. government is already taking steps to clamp down on street racing. B.C. police seized 60 vehicles and suspended 180 driver licences. The B.C. government is doing its part. It is now time for this weak, Liberal federal government to do the same.

● (1310)

It is time to get tough on street racing. Street racing is something that is absolutely unacceptable and we should have zero tolerance for it. The Conservative Party supports the mandatory minimum prohibition on driving for street racing offenders and the placement of street racing as an aggravating offence.

The Conservative Party has consistently supported the efforts of Chuck Cadman in tackling this issue by supporting him on his bill. The Liberals, on the other hand, did not support his bill when he was a caucus member of the Canadian Alliance and the Conservative Party. They only decided to support legislation after Mr. Cadman voted to save the Liberal government in a confidence vote on May 19.

*Government Orders*

Bill C-65 is a step in the right direction but the government should honour Mr. Cadman's memory by amending the proposed legislation to more accurately reflect the true intentions of the bill.

**Mrs. Joy Smith (Kildonan—St. Paul, CPC):** Mr. Speaker, it seems to me that the member's riding is right beside the former Chuck Cadman's riding in Surrey North. I know the residents often mingle back and forth. Could the member please tell the House what the constituents say about this bill, Bill C-65? Could he also comment on what they have said about the decriminalization of marijuana, the lack of raising the age of consent and the gun registry?.

**Mr. Gurmant Grewal:** Mr. Speaker, people in my riding and in the neighbouring riding of Surrey North, which was represented by my friend, Chuck Cadman, are disgusted. This is political opportunism demonstrated by the Liberal government.

I have a friend who was also very close to the family of Chuck Cadman and Chuck Cadman himself. His name is Dane Minor. He worked with Chuck Cadman right from the beginning when he founded the CRY organization. Dane wrote an open letter to the newspapers in the riding, which reads as follows:

Several weeks ago the prime minister announced on the front pages of national and local papers that his government would pass Chuck's private member bill into legislation as an honour to Chuck. My immediate reaction was a positive one. It would be a fitting memorial to Chuck. Then the justice minister announced his watered down version. This isn't Chuck's bill in either intent or design. It is a cynical attempt by the Liberals to use Chuck's good name while doing little or nothing to change the existing laws.

Mr. Dane Minor further writes:

If the Liberals truly want to honour Chuck Cadman I suggest they pass his laws as written and actually give the police the resources to find out how many previous offences there were. If they don't have the courage to do that, at least have the decency to stop using his name in a self-serving bid to gain political points.

Dane Minor is not alone. I know Dane well and I have known him for a very long time. He is a good community-oriented person and I give him due credit for the hard work he does in the community. He has spent time with Chuck Cadman. He is not alone. A lot of people who come to my office and initiate discussions about Chuck Cadman's legacy are disappointed with this bill.

The Liberals should listen to this and listen to the Conservative Party. If they want to maintain Chuck's legacy, let us do what Chuck intended to do, not what suits the Liberals and using Chuck's name but watering down the legislation.

• (1315)

**Mr. Rob Moore (Fundy Royal, CPC):** Mr. Speaker, it is a pleasure today to speak to Bill C-65 on behalf of my constituents of Fundy Royal.

Unfortunately the bill is held out to be an adoption of Mr. Chuck Cadman's previous private member's bills, Bill C-338 and Bill C-230, which he had been trying for years to get through the House. They were common sense legislation that would protect Canadians and innocent bystanders and make our streets safer for everyone.

However, in typical Liberal fashion, the government dragged its heels for too long, and now, insultingly, once again it is offering too little too late.

From the outset, I would like to state that this bill is flawed and inadequate. Countless people have suffered from street racing while the government did nothing. Now the government is responding, but it is responding with a typical Liberal half-baked measure.

It reminds me of a couple of other issues related to the administration of justice, which I will touch on very quickly. One is the sex offender registry. As my colleagues know, victims' groups, the police and the provinces have been calling for a national sex offender registry for years. Unfortunately, the party opposite was ideologically opposed to such a move.

When public pressure became overwhelming in regard to the fact that the protection of children outweighed any privacy rights that sex offenders might have, the government did come up with proposed legislation for a sex offender registry. It was unfortunate and ironic what the bill did in regard to the registry. People were shocked to find out that the registry was not retroactive, which meant that all of the convicted sex offenders and people who had victimized children in the past would not be included in the registry.

It left countless Canadians wondering what was the point of having a registry if it was empty, if it was a blank sheet of paper, if we had to start from scratch when we already had all this information and could protect Canadians. There was a model in Ontario that we could have followed. Ontario had a retroactive registry.

Once again, in a wishy-washy method that was designed to pander to their own ideological bent, the Liberals could not stomach having an effective registry, but because of public pressure they had to come up with something.

The other example is Bill C-2, the child protection legislation. We see this same pattern. They call something "child protection legislation" so that it sounds like a bread and butter issue. It sounds good. We are all interested in protecting children, but what we are left with in Bill C-2 is a hollow shell. We are left with loopholes that people who victimize children could drive a truck through, loopholes that the defence and the bar associations across the country will have a field day with. It is not effective. It is not precise. It does not protect children. It does not go beyond where we are today with our current legislation.

The party opposite suggests that just by throwing a name out there and saying that something is a sex offender registry or child protection legislation or, in this case, a street racing bill, somehow Canadians will be fooled into thinking the government is taking some substantive actions.

Originally Mr. Cadman's bills were tabled to address the rise in street racing. The police tell us that the practice of street racing is becoming increasingly dangerous across the country. It begs the question, then, why now? Why is the government finally wanting to take on the appearance of action? Why was something not done in the past when Mr. Cadman was introducing private member's bills that would have addressed this very issue?

It is important to note the government's earlier response to Mr. Cadman. What was it saying in the past? The Parliamentary Secretary to the Minister of Justice said:

*Government Orders*

Unless there is some compelling reason to specify that certain circumstances are aggravating it is better not to multiply the instances where the Criminal Code spells out that a particular way of committing the offence will be an aggravating factor. In my view, we are not seeing any such reason emerging from decisions of the trial courts and the appeal courts with regard to the four offences when street racing is a part of the circumstances of these offences.

• (1320)

There was a reluctance to adopt Mr. Cadman's bill. There was an effort to downplay it, to make it sound like it was not going to be effective. The Minister of Justice said, "Your proposed bill would result in a mandatory driving prohibition".

That is what the bill called for: a mandatory driving prohibition.

The minister went on to say:

As you are aware, the Canadian criminal justice system is premised on the notion that sentences should be individualized for each offender...Research indicates that mandatory minimum penalties do not work from the point of general deterrence and recidivism.

This is the same line that we hear from the current Minister of Justice. We heard it as recently as yesterday in a response to a question. The Minister of Justice stated that mandatory minimum sentences do not work, yet we see that in other jurisdictions they are effective for serious offences. The Minister of Justice and the government are for some reason ideologically opposed to providing concrete protections for law-abiding citizens and to protecting the innocent in society.

It has been three years since Mr. Cadman first tabled his bills. All along, the government refused to support the legislation because it called for mandatory minimum driving prohibitions and increased the punishment for repeat offenders.

We could ask any Canadian if it makes sense that if someone is a repeat offender there should be an increase in the punishment. If someone is showing signs of recidivism, of being a repeat offender, should there be an increase in the punishment? The average thinking Canadian would say, "Absolutely. That makes sense". When someone is a more serious offender, there should be a more serious consequence to the offence, yet in the past the government refused to support this legislation. I am pleased to say that the Conservatives have consistently supported these measures.

Bill C-65 proposes to amend the Criminal Code by defining street racing and by specifically identifying involvement in street racing as an aggravating factor during sentencing. That makes sense. The following offences are listed: dangerous operation of a motor vehicle causing bodily harm; dangerous operation of a motor vehicle causing death; criminal negligence causing bodily harm; and criminal negligence causing death.

Bill C-65 also provides for mandatory driving prohibition orders if street racing is found to be involved in one of those offences.

There we go. On the one hand, yesterday the minister stated that mandatory sentences do not work, yet in an effort to appease Canadians when there is public pressure for something, the party on the other side will do whatever it takes to appease people. So what do we see included in this bill? We see a measure that I support. There is the mandatory driving prohibition, but again it is a half measure because there is no increase for repeat offenders.

There is an irony in debating this bill today, which has the mandatory provision, when we remember that the Minister of Justice stood up yesterday and said in a blustery way that he was opposed to mandatory minimum sentences because they do not work. It just does not make sense.

Despite the positives, and there are some positives in this proposed bill, it is important to note, as I mentioned, that without serious penalties for serious crimes those crimes are going to continue. There will be no effect.

It is important to remind Canadians that in this legislation the severity of the punishment does not increase for repeat offenders. That was an essential aspect of the proposals in Mr. Cadman's original private member's bills. His bills proposed that for subsequent serious offenders there would be more serious consequences.

Bill C-65 is a half measure. After years of the government dragging its feet and speaking out against Mr. Cadman's private member's bills, it has introduced a half measure. It is a half measure that I cannot support.

We should honour the original intent of these bills, which would have been effective and would have provided serious consequences for those people who are serious offenders. We need to have some common sense amendments to this bill.

• (1325)

**Mr. Dave MacKenzie (Oxford, CPC):** Mr. Speaker, I enjoyed my hon. colleague's comments. The member for Fundy Royal stated the issue very well.

I would appreciate hearing the member's comments on the Criminal Code section dealing with impaired driving, which does impose mandatory suspensions and, at certain points, mandatory prison terms or jail sentences.

I would also appreciate hearing his thoughts with respect to this bill in that in the impaired driving section there are increases in the sentences with subsequent offences. Obviously there is a sense of deterrence because of that. Then we have this bill, where, from the government's perspective, we do not wish to impose additional sentences.

Would the member give us his thoughts on the impaired driving section as opposed to this bill?

**Mr. Rob Moore:** Mr. Speaker, my hon. colleague's question is a good question. In the current Criminal Code under the impaired driving provisions that the hon. member has mentioned, there is provision for an increased sentence for serious repeat offenders.

By way of example, let me note that there are situations where someone commits an offence and perhaps learns from their mistake. They do not reoffend. In effect, they have learned their lesson.

*Government Orders*

But then we hear the horror stories. We are dealing with one now, about repeat sex offenders. Yesterday there was a discussion in this chamber on this very issue. For whatever reason, when people have shown themselves to be an absolute menace to society, to be a danger, or when people have multiple serious offences when it comes to street racing, for example, the party opposite does not want to take it up to the next level and impose a serious consequence.

I think Canadians are left wondering why. In the topic we are dealing with today of street racing, why? When it comes to protection of children, why? When it comes to offences involving property, why?

Why do we not take a more serious approach when people have risen to the top of the class, so to speak, when it comes to criminality and are easily identified as what we would call serious repeat offenders? These people have shown recidivism in their nature. They have shown that they cannot be trusted to honour and respect the safety of their fellow citizens. Yet we will not take a correspondingly serious response. A Criminal Code has to do that. That is an expectation.

The member's point is well taken. If people are showing themselves to be serious repeat offenders, then there should be a correspondingly serious response by our criminal justice system.

• (1330)

**Mrs. Joy Smith (Kildonan—St. Paul, CPC):** Mr. Speaker, I would like to thank my colleague for his very insightful presentation today.

Earlier we heard about so many things that have gone on this year in terms of justice issues in the House of Commons. I said that yesterday the Deputy Prime Minister, who is also the minister of public safety, was actually smiling as we were talking about very critical issues in the justice field. It really is very chilling to see that.

Would the member please comment on the lack of credibility that we have seen from members opposite over this past decade due to the fact that crime has risen? I know that in Manitoba we are the homicide capital of Canada. This is a fact I am not very happy about.

Also, we have had child pornography issues. This has emerged especially over the Internet. Would the member please comment on the lack of credibility and follow-through on these justice issues?

**Mr. Rob Moore:** Mr. Speaker, I agree with my hon. colleague. The Liberals have a tendency, which we have seen repeated over and over, to respond to public outrage. The public is rightly outraged about carnage on the streets, about property offences and about people who offend against children and most Canadians, from coast to coast, regardless of their province, town or city, when it comes to the protection of children they want that to be a priority.

There is an absolute reluctance on the part of the government to take steps that actually would be effective. However, because it is just politically smart to do so, there is the need to appear to be doing something. I use, for example, the sex offender registry where, in order to appear to do something, the government introduced a registry but when we scratch beneath the surface we realize that it was a blank registry, a blank sheet of paper with no names, so it was absolutely ineffective. The same for our child protection legislation. It has a nice name. We all agree that children should be protected but

what is behind the curtain is an empty shell. It does not protect children.

What we need is a government that looks at the needs of Canadians and addresses them, not in a half-measure but goes all the way by adding some teeth to our criminal justice system so that Canadians will be protected.

[*Translation*]

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Mr. Speaker, I am pleased to take the floor on Bill C-65 to amend the Criminal Code regarding street racing.

I would like to offer a summary, for this is important for the young men and women who are listening to us. Young people often let themselves be tempted by speed. This is too often the case. Young people always tend to say that the politicians prevent them from doing what they want; in this particular case, what we want is to prevent them from engaging in excessive speeding.

Often the only way to curb excesses in the population is to impose laws and standards. It will of course be clear that street racing is a scourge. Some will say that if those who engage in racing do themselves harm, it is their own fault. However, while street racing endangers those who are driving, it also endangers the lives of the other citizens on the road who are the victims of accidents because of this racing.

Bill C-65 amends the Criminal Code by defining street racing and by specifically identifying involvement in street racing as an aggravating factor during sentencing for offences of criminal negligence and dangerous operation of a motor vehicle. The bill also provides for a mandatory driving prohibition order for a minimum of one year for persons convicted of such offences committed while street racing.

The bill defines street racing as “operating a motor vehicle in a race with another motor vehicle on a street, road, highway or other public place.”

The message we want to send to our young men and women is that there are places to engage in racing. That is what race tracks are for. So we do not want to discourage them or deny them the full enjoyment of their vehicles. Many young people put time and money into fine vehicles which are often very powerful. This is very much the fashion, and we do not want to discourage them from it.

What we are saying to them is that, when they do this, there are places for running their automobile trials. It is quite obvious that, for a young person who has spent a lot of money, it is always important to determine in the field whether the goods have been delivered. The message that we want to send our young people is that the only way to do this is on the race track and in those places where this type of racing is permitted.

All other uses of vehicles and all other speed trial activities are now considered indictable offences. I will repeat the definition that is defended by the Bloc Québécois and that we want to see in the Criminal Code. Street racing means “operating a motor vehicle in a race with another motor vehicle on a street, road, highway or other public place”.

The bill provides that in imposing a sentence for the offences cited in sections 220, criminal negligence causing death, 221, criminal negligence causing bodily harm, and 249, dangerous operation of a motor vehicle, the court must consider as an aggravating circumstance the fact that the offender was street racing at the time of committing the offence.

This means that when a person is accused of an accident causing death or bodily harm or of dangerous driving, the fact that he or she was involved in street racing is an aggravating circumstance. The sentence will therefore be stiffer.

Our purpose as legislators, as I was saying, as members of the Bloc Québécois and as men and women who work hard to defend the interests of both Quebecers and Canadians, is not to pass legislation for the fun of it. We are dealing with situations that result in the loss of human life or major accidents that leave very serious injuries. People are left permanently scarred by accidents caused by individuals who were street racing. They are men and women, and not just young people. I must say in their defence that it is not just young people who take part in street racing.

We did it in our day, but we tried to do it in places where it was allowed. The people of my generation were familiar with muscle cars, as they were called. There were places in Quebec for people who liked that, such as the Sanair track. I liked it myself back in those days. But it was always done in places where it was allowed. That is where we went.

• (1335)

So there are locations like this. There are speedways. There are all kinds of activities for people who want to try out their cars. That is allowed in these places. We are not trying to discourage that. Quite the opposite, what we want to discourage are the people who engage in street racing. We want to get them to do it in locations where it is allowed. That is why we support this legislation and will vote in favour of Bill C-65.

We need to understand that it is getting more and more common to have powerful engines. We fight here in this House—we the members of the Bloc Québécois—to ensure that gasoline taxes and prices are fair. We never want to see oil companies taking advantage of their virtual monopoly position—as they did in September—to make astronomical refining profits and try to pocket them.

When gas prices are low, there is another problem. Then we see use of the more powerful vehicles, the gas guzzlers. Some environmentalists will tell us that the answer is to increase the gasoline tax as well as the price of gasoline. And indeed, that would discourage people from owning the more high-performance gas guzzlers. But we do not think that this is the answer, although it is part of the answer.

One thing is certain, however. The industry has to be disciplined. That is why the Bloc Québécois has asked for changes in this House so that a gas price monitoring agency can be created, to ensure that the oil companies never again employ their quasi-monopoly to make indecent profits. We may be faced with some situations on account of the hurricane that is now forming in the Atlantic. Every time there is a threat, we see the prices go up at the pump.

### *Government Orders*

All that we want is to ensure that, when the price of crude goes up, the increase in the gas price is strictly limited to the increase in the costs of acquiring petroleum or purchasing crude, and is not used for three or four days to take advantage of this virtually international situation.

When we are faced with a hurricane, the whole planet is affected. The hurricane is the universal focus of attention. The oil companies must not use this situation to raise their refining prices, to make profit for four or five days on the petroleum they already have in their tanks and suddenly hike the prices so they can fill their pockets, as they have too often done in recent months.

So we want to ensure that the prices paid by the users, the citizens, are always fair. That is what the Bloc Québécois is working on.

On the other hand, with this situation of a reasonable gasoline price we will often see the use of more powerful, more high-performance vehicles. That is what our young people are doing. That, in a way, is the message we are sending. We do not want to discourage those of our young people who invest time and money. They work hard. We know that often they go to school and have a job at the same time, for they are obliged to do both in order to finance their education. They treat themselves to a little luxury. They try to have a car and to invest something in it.

It is phenomenal. If one has the opportunity to go to various shows, it is clear how much money is spent on cars. One aspect this money is spent on is the power of the engine. This leads to the phenomenon of street racing. An individual gets a powerful car and wants to try it out, so competitions are arranged.

The real message from the men and women representing the Bloc Québécois in this House is to tell our young people that there are places for this. We are not trying to discourage you. You have nice cars that are beautiful, high-performance toys. Nonetheless, when you want to use them to go fast, there are places such as speedways and competition race tracks throughout Quebec that are available. Look into it. You could engage in your activities quite safely at these locations. Through this bill, we hope you will no longer race on the streets.

I will close by repeating, once again, the definition of street racing.

The bill provides that street racing means operating a motor vehicle in a race with another motor vehicle on a street, road, highway or other public place.

Please, ladies and gentlemen listening, do not race in public places, or on streets or roads any more. It is for your own safety and the safety of all Quebecers, who can end up in an accident that is not their fault because you were not paying attention. That is why we support this bill in this House.

*Government Orders*

• (1340)

[English]

**Hon. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, I thank the hon. member for his support and his party's support for the bill. Clearly, this is a problem that has been of great concern to many, especially in urban centres where street racing has become extraordinarily prevalent.

With respect to the criticism that has been levied in comparing these two bills, that is the bill brought forward by Mr. Cadman and the bill the government brought forward, if we examine the first offence category, in a majority of cases they are first offenders who are being dealt with under legislation in situations where street racing has been involved and a death has occurred.

If we look back and reflect on the previous bill that was brought before the House as a private member's bill, the mandatory minimum prohibition for driving was one year, with a maximum of three years. In this bill there is a mandatory minimum driving prohibition of one year with a lifetime ban as the maximum penalty.

Does the hon. member think it has been fair to make the comment that this bill is a watered down version of Mr. Cadman's bill?

• (1345)

[Translation]

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Mr. Speaker, I do not think that the bill waters anything down. In regard to minimum sentences, the Bloc Québécois feels that it should be left up to the courts to determine the sentences. Since involvement in street racing is an aggravating circumstance, we are absolutely certain that the courts will react by increasing the sentences.

The bill states that this will be an aggravating circumstance, in particular under sections 220, 221 and 249 of the Criminal Code. This means implicitly that the courts will react by increasing the sentences. Do we absolutely have to have a minimum sentence to start with? There are parties in this House, of course, that advocate this way of doing things. For our part, we are in favour of leaving it up to the courts to determine the sentences. We are convinced that the judges in our courts will make the right decisions.

[English]

**Mr. Dave MacKenzie (Oxford, CPC):** Mr. Speaker, I listened to my colleague from the Bloc and found his speech interesting. However, could he tell the House what his views are with respect to the impaired driving section of the Criminal Code, which imposes minimum sentences and increases the penalty in subsequent offences? Does he think that is not a deterrent? What we are looking at in the Criminal Code is a deterrent for serious offences. Why does he think there should be a difference in this, which is the most serious of the driving offences, aside from the impaired driving section?

[Translation]

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Mr. Speaker, it is true that under subsection 249(3) of the Criminal Code, being found guilty of dangerous driving results in a mandatory driving prohibition ranging from a minimum of one year

to a maximum of ten years and one is liable to a sentence of ten years in prison.

In view of the fact that involvement in racing is an aggravating circumstance, we are absolutely sure that there is no need to start off with a minimum sentence. This is an aggravating circumstance, and so the sentences handed down by the courts, especially through the case law, will automatically not go off in the opposite direction. When it has been decided that this is an aggravating circumstance, we are convinced that the effect will not be to reduce the sentence.

We fail to see why we should start by establishing a minimum sentence. Since this offence is an aggravating circumstance, the courts will react automatically under the circumstances by imposing stiffer sentences on people who commit this offence. We just need to give judges a chance. In the setting of sentences, as we know, there is always the question of recidivism. Is this the first offence? We do not want to automatically turn our youth into hardened criminals. We want them to be able to take advantage of all the circumstances available to people who commit crimes. We want to leave it up to the courts to determine the sentence.

[English]

**Mr. Stockwell Day (Okanagan—Coquihalla, CPC):** Mr. Speaker, I was interested in the questions by the member for Northumberland. I am not questioning his sincerity, but what he has tried to do is deflect the issue and in effect confuse and diffuse the issue. He has missed the main point about which we are concerned.

I think that everybody understands that Bill C-65 is the act to amend the Criminal Code to include street racing and also to make an amendment to another act. What the proposed bill will do is amend the Criminal Code by defining street racing and by specifically identifying the involvement in street racing as an aggravating factor during sentencing for a number of offences. Those offences would include: dangerous operation of a motor vehicle causing bodily harm; dangerous operation of a motor vehicle causing death; criminal negligence causing bodily harm; and criminal negligence causing death. It also provides for a mandatory driving prohibition order if street racing is found to be involved in one of these other factors.

We want to see this type of prohibition, but the Liberals are stopping short of what they are trying to convince the public is being done. We need to look at the history. This bill is something that was championed by a number of people in the House, but chiefly by the recently deceased member, Chuck Cadman. He had been attempting to legislate changes to the street racing provisions since December 2002. Previous versions of the bill also included Bill C-338 and Bill C-230, for those who want to explore and do some research into the background on this.

What is important is the government for years refused to accept the premise of what Mr. Cadman and others were asking for, and that was that there should be some minimum mandatory sentencing if street racing were an aggravating factor. There is no question that the whole issue of street racing seems to be a growing problem. It involves absolute disregard for the life, safety and security of other people. Our citizens across the country are asking that something be done about this.

As much as I appreciate the half step being taken, once again it is only under extreme public reaction and sustained anger over a long period of time that the federal Liberals seem to get it and want to respond. That is a constant frustration in the House, with so much legislation that is common sense, that is needed by people and that is protective of them. Unless the Liberals see in the polls that it will affect some votes, they are very reluctant to move on principle. It is always on politics and that has been a frustrating part of the progress of this. Chuck Cadman was frustrated by this lack of progress for a long time.

We understand that there may have been some background discussion, that the Liberal ministers or others in their camp may have had discussions with Mr. Cadman prior to his decease and gave him some kind of reassurance that what he had asked for, over a number of years would be granted. That may have helped Mr. Cadman in some of the decisions he was making at the time or it may not, I do not know. The Liberals only moved on this as they saw extreme anger and public reaction over a sustained period of time and the possibility of winning support for this and other votes. That is what has been frustrating.

They are pretending that this bill is everything Mr. Cadman, and others who wanted to see this progress, wanted. In fact, it is not. It falls short. It does include street racing as an aggravating factor for sentencing, but it totally ignores the very serious area of repeat offenders. The aspect of repeat offenders was an essential part of what Mr. Cadman wanted to see happen

• (1350)

Why are the Liberals so reluctant to get tough on crime or to get serious about serious crime? Why are they so reluctant to deal with minimum mandatory sentencing? Sometimes when we use that phrase, it can sound like we are saying a certain very serious and grievous crime deserves a minimum sentence. We do not mean to minimize it. We are saying that in many cases the judiciary has too much discretion when it comes to sentencing and too often the judges will not apply any kind of sentence to a grievous and serious crime. Therefore, it does not serve as a deterrent.

The problem, philosophically, is liberals have a great struggle in terms of their view of human nature to accept that there are times when a very serious crime deserves very serious time. Liberals tend to diminish personal responsibility when it comes to crime. They tend to say that since we are all basically born good, the only reason anybody does any bad things is because they are influenced by society, or by their mothers or fathers or by some other extraneous force. When liberal philosophy does not in general accept that there can be personal responsibility, especially when it comes to serious crime, then they are greatly reluctant to assign any imprisonment or so-called punishment to that. They say that it was not that person's fault, that they were influenced by society, or by their parents or by the car manufacturer, the car was too fancy or too fast.

We are talking about minimum mandatory sentencing for this type of serious crime or others. We constantly raise the issue of serious repeat offenders in the House. We know repeat offenders perpetrate most of the crime. We have to deal with them. Repeat offenders have to be deterred by knowing there will be a serious mandatory sentence, one that a judge cannot get around. If it does not work as a

deterrent and they go ahead and repeat the crime, then at the very least they are off the streets for awhile and society is protected.

That is a clear philosophical difference between liberal thinking and conservative thinking. People have to take responsibility for their actions and that actions bring consequences. Sometimes those consequences are not pleasant, but the consequences of seeing innocent people maimed, injured or killed by irresponsible street racers are serious and must be met with serious offences and imprisonment for repeat offenders. The philosophical problem we deal with all is this liberal thinking.

We ask people to recognize that this bill is like so many areas where Liberals philosophically in their heart of hearts disagree with it, they do not like it and it makes them feel all queasy. When they see the population wants the particular law because it makes sense, they have this internal battle between feeling all queasy about demanding responsibility and consequences and the possibility of losing votes. They think about how they can capture some votes and at the same how they can ease off the queasy feeling inside them. Because they like to feel squishy rather than queasy, they take a half step, thinking that will ease the pressure. They will do it today. They will stand and say that they have the mandatory provision in the bill. They will say "There, all you vengeful people, we will put that person in jail for awhile". It has nothing to do with revenge. It has to do with common sense, consequences and people taking responsibility for their actions.

• (1355)

We are asking the Liberals to take responsibility for their actions. They made a commitment to follow through on a commitment that was made to Chuck Cadman. As Mr. Cadman was representing a majority of citizens on this issue, it is a commitment to the citizens. The Liberals said that they would do something, but they have not done it. We are asking them to put in the mandatory provisions for serious repeat offenders. Do the right thing is all we are asking.

**The Speaker:** The hon. member will have five minutes for questions and comments when the debate on this matter resumes at the conclusion of his speech, but his time has now expired. We will now proceed to statements by members.

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## STATEMENTS BY MEMBERS

[English]

### CANADIAN LIBRARY WEEK

**Hon. Sarmite Bulte (Parkdale—High Park, Lib.):** Mr. Speaker, I rise today to recognize Canadian Library Week/Semaine nationale des bibliothèques which runs from October 17 to October 24, 2005.

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Canadian Library Week highlights the many roles a library plays in our communities. Libraries offer services that promote literacy, access to information, innovation and productivity among our community members.

This year's theme is "Lifelong Libraries — Discover Us". It focuses on the lifelong contribution that libraries make to the everyday lives of community members. Libraries provide a broad range of information, regardless of one's age, religion, social status, race, gender or language. They also maintain the history and culture of our communities and our nation.

Libraries will be holding events across the country to raise awareness of the services they offer to the public. I stand today to encourage all my colleagues and all Canadians to discover their local library.

\* \* \*

• (1400)

**GOOD NEWS REPORT**

**Mr. Ken Epp (Edmonton—Sherwood Park, CPC):** Mr. Speaker, I bring a good news report.

I could tell members that Sherwood Park placed first in its category in the annual national Communities in Bloom competition. Congratulations are due to the citizens and the organizers.

I could tell members about the exciting upcoming visit of Canada's National Arts Centre Orchestra to Saskatchewan and Alberta. Both provinces are being honoured by this tour as part of their centennial celebrations. There are eight major concerts with many more events for students in all our schools in communities large and small. How exciting.

I could tell members about the wonderful new exhibit, "Acres of Dreams", at the Canadian Museum of Civilization in honour of the pioneers of Alberta and Saskatchewan and celebrating our centennial.

It is too bad that this is all overshadowed by the goings on of this corrupt and failing government.

I am so glad to be a part of an optimistic future when we form government and Canadians will be able to celebrate the good times without this Liberal cloud.

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**SOUTH ASIA EARTHQUAKE**

**Hon. Gurbax Malhi (Bramalea—Gore—Malton, Lib.):** Mr. Speaker, I send my heartfelt sympathy to all Pakistani Canadians, especially those who have lost loved ones in the wake of the October 8 earthquake in Pakistan.

I have met with many representatives of the Pakistani community and various relief agencies. These organizations include both the Canadian Relief Foundation and the Pakistan Relief and Development Foundation. I salute the efforts of these relief organizations and the many Canadians working with them, people such as the seven members of the Elahi family of Brampton. They are but one of the many families in my riding who are working tirelessly right now to provide urgent medical, fundraising and other services.

The Canadian government has committed to match every dollar donated by individuals, but only until October 26. I would ask that the Minister of International Cooperation consider extending the deadline beyond October 26. As the needs have grown, so has Canada's support. Canada can and must continue to provide substantial support to the victims in Pakistan.

\* \* \*

[Translation]

**PUBLIC LIBRARY WEEK IN QUEBEC**

**Mr. Maka Kotto (Saint-Lambert, BQ):** Mr. Speaker, Quebec is celebrating its seventh public library week until October 22.

A magical kingdom where our imaginations run wild, where mythic tales and brilliant ideas abound, where the men and women who have invented humanity live on thousands of pages, public libraries are more than places providing books and knowledge; they are places for sharing ideas and making discoveries, opening a window into arts and culture, and a window on the world.

The Bloc Québécois invites Quebeckers to visit our libraries this week and discover the talented writers born from the diversity within Quebec and elsewhere. This is an excellent opportunity to once again ask the federal government, which cares little about creators, to increase the Canada Council's budget to \$300 million, abolish the GST on books, give creators a tax exemption on public lending rights and royalties, as Quebec has already done.

I say to all Quebeckers, happy public library week and happy reading.

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**PAY EQUITY**

**Ms. Françoise Boivin (Gatineau, Lib.):** Mr. Speaker, the drafting of pay equity legislation, as announced by the government on October 7, is an important step in progress toward economic equality for women.

Pay equity legislation will ensure that women's work is not undervalued and will put all employers subject to federal legislation on equal footing. The aim of these provisions is to clarify the situation and replace the current adversarial system, based on the filing of complaints, which often leads to long and costly litigation.

Women are watching this issue closely. They encourage the government to act without further delay. We believe that, in addition to being a fundamental human right, pay equity will directly stimulate the economy thanks to the increase in women's purchasing power. Pay equity will also allow women to improve their training and skills.

Although pay equity is a complex matter that requires us to proceed with great caution, I strongly encourage the government to continue its efforts, so as to provide women with another means with which to obtain equal pay for equal work without further delay.



[English]

### TSUNAMI RELIEF

**Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC):** Mr. Speaker, Asian tsunami victims continue to report failures in the distribution of relief funds.

Canada eventually announced a comparatively small commitment of \$425 million for tsunami relief aid. As of September 2, 2005 the federal government has only disbursed 40%, or \$166 million of that.

Canadians also need an accounting of that money in light of reports that this aid is not reaching the people who need it most.

In Sri Lanka relief workers on the ground report that storehouses are full in government controlled areas, but that no aid has been reaching the worst hit areas in the north where the Tamil people are, nor in the south eastern regions.

Tamil tsunami victims continue to suffer in Sri Lanka because aid is not reaching them. What is the Liberal government doing to ensure that Canadian relief to Sri Lanka is reaching those Tamil people who need help the most?

\* \* \*

●(1405)

### CHARITY FUNDRAISING

**Mr. Mario Silva (Davenport, Lib.):** Mr. Speaker, this past summer Mr. Vince Molinaro, who serves as the vice-chair of the St. Clair Business Improvement Association, was moved by the work of the Children's Wish Foundation of Canada. He and the members of the St. Clair Business Improvement Association decided to raise funds for this wonderful organization which helps kids with serious illnesses to make their dreams come true.

During the past summer the members of the St. Clair Business Improvement Association raised more than \$2,000 for the foundation. They did this by holding a silent auction during the annual street festival.

I commend the St. Clair Business Improvement Association and Mr. Vince Molinaro for their efforts on behalf of the Children's Wish Foundation of Canada.

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[Translation]

### FUTURE OF FARMING

**Mr. Réal Lapierre (Lévis—Bellechasse, BQ):** Mr. Speaker, last week I had the opportunity to meet with the farmers of Bellechasse and to hear their concerns about the future of farming.

From 1996 to 2001, the number of farms in Quebec has decreased by 10% and their profitability continues to drop. What is more, the federal government's lack of conviction in defending supply management is penalizing young farmers.

As a result, a number of farm operations are being reluctantly closed down because the younger generation is not interested in carrying on.

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The federal government must stop pulling the rug out from under our farmers. I call upon it to follow the lead proposed by the Bloc Québécois in motion M-225 and encourage young people to go into farming.

The Union des producteurs agricoles and the farmers are anxiously awaiting these measures, which will not cost all that much compared to the value of the agriculture heritage being lost. The future of agriculture in Quebec depends on it.

\* \* \*

### ÉCO DE LA POINTE-AUX-PRAIRIES

**Mr. Pablo Rodriguez (Honoré-Mercier, Lib.):** Mr. Speaker, I would like to draw the attention of the House to the exceptional work being done by Éco de la Pointe-aux-Prairies, a organization based in my riding but having an impact on a large portion of eastern Montreal.

This organization, with its passionate leader, Robert Beaulieu, works with energy and conviction to promote and protect the environment. Éco de la Pointe-aux-Prairies designs, creates and implements innovative projects to inform the public and raise awareness and, more important still, encourage them to take concrete actions for the environment.

Thanks to the genius and dedication of its members, the organization is active on a number of fronts: recycling, composting and responsible consumption in particular.

The members of Éco de la Pointe-aux-Prairies want to make a difference, and indeed they are doing so. They are keenly aware of the urgency of the situation. The organization informs us, summons us to action, encourages us to question our usual ways of doing things, and most importantly keeps on reminding us of something we must never forget: concern for the environment is no longer an option, but an obligation for—

**The Speaker:** The hon. member for Medicine Hat.

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[English]

### CO-OP WEEK

**Mr. Monte Solberg (Medicine Hat, CPC):** Mr. Speaker, this week Canadians are celebrating National Co-op Week and Credit Union Day. This year's theme is "The Power of Co-operation—Innovation, Community, Commitment, Success". It really highlights the role of co-operatives as agents for economic and social development.

I know first hand the importance of co-ops and credit unions to communities. Over one in three Canadians belong to a co-operative. Co-ops employ over 155,000 people across the country.

In my riding of Medicine Hat, co-ops and credit unions are more than a place to go to get groceries or cash a cheque. They are a community meeting place.

On behalf of the Conservative Party of Canada, I say congratulations and thanks to Canadian co-operatives and credit unions as they celebrate another year of innovation, community, commitment and success.

*S. O. 31*

### MISS CANADA GALAXY

**Mr. Todd Norman Russell (Labrador, Lib.):** Mr. Speaker, on behalf of my constituents and colleagues, I rise to congratulate Sherylynn Butt of Labrador, who was crowned Miss Canada Galaxy last week.

In 2003 Sherylynn was named Miss Newfoundland and Labrador. She has since participated in other competitions and will represent Canada in the international Miss Galaxy pageant next year.

Sherylynn, a flight attendant with Provincial Airlines, has a degree in sociology and physical anthropology and is pursuing a degree in education. Bilingual in English and French, with some Russian thrown in for good measure, she is active in charity work.

She has achieved many things since her days at home in Red Bay, population 250, and her grandparents' home in L'anse au Loup, but she has never forgotten her roots on the coast of Labrador.

Sherylynn is an articulate young woman of poise and inner beauty who is a role model and an outstanding ambassador for Labrador and now Canada. I join with her family, friends, colleagues, the people of Red Bay and all of Labrador in sending Sherylynn our very best wishes for her success.

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● (1410)

### CO-OP WEEK

**Ms. Jean Crowder (Nanaimo—Cowichan, NDP):** Mr. Speaker, I rise today to mark Credit Union Day, celebrated during Co-op Week 2005. Credit unions give people more control over their financial services.

As a social democratic party the NDP has a natural affinity with the co-operative movement. We share the vision of greater power for Canadians over their economic lives. The 9,500 co-ops and credit unions in Canada are worth over \$175 billion and employ over 150,000 people. Yet this sector does not receive the attention it deserves from the federal government.

For example, the co-operative development initiative will provide \$15 million over five years. That is only \$3 million a year for a sector that serves 10 million Canadians.

It is time for the federal government to give this important sector the attention it deserves and create a ministry for co-ops and community economic development. The power of cooperation is strong in Canada and I ask all members of the House to join with me in celebrating Co-op Week.

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### DIWALI

**Mr. Deepak Obhrai (Calgary East, CPC):** Mr. Speaker, once again I, along with the India Canada Association of Ottawa, Montreal and Toronto, will hold the sixth annual Diwali today, which is properly known as the festival of lights celebration.

This annual event has now become a community driven event and is now held on Parliament Hill on behalf of all Indo-Canadians across our nation. Diwali is celebrated all across the world because of its message of good triumphing over evil. This day is celebrated

by lighting one's house, praying and the sharing of sweets with others.

I want to take this opportunity to thank fellow members, including the leaders of all parties, for their support of this event. Their support has made this event a huge success and all Indo-Canadians express their thanks. It is a matter of pride that we in Canada were the first to celebrate Diwali at a national level. Now others are following, including the White House.

To all Canadians, happy Diwali, and to my fellow members, please join me at 200 West Block starting at 6:30 p.m. today.

\* \* \*

[*Translation*]

### HOMELESSNESS

**Mr. Christian Simard (Beauport—Limoilou, BQ):** Mr. Speaker, this Friday, October 21, some 17 towns in Quebec will hold homelessness awareness night activities.

The main purpose of the event is to gain social recognition for the homeless and financial recognition for aid agencies.

In Quebec and Canada there are more than 150,000 homeless people who need help from the government if they are to have any chance of improving their lot. Yet, the government still has not renewed the SCPI program, which funds agencies working with the homeless. Unless prompt action is taken, the homeless will have no more service after March 31, 2006.

That is why I call on the Prime Minister to join me in taking part in the awareness raising activities on the night of the homeless. Perhaps that experience will inspire him, at last, to call a cabinet meeting in the wee hours of October 22 to take action against poverty and eradicate homelessness.

\* \* \*

[*English*]

### NATIONAL HIGHWAY SYSTEM

**Mr. Gerald Keddy (South Shore—St. Margaret's, CPC):** Mr. Speaker, on October 18 the Government of Nova Scotia and the Government of Canada announced that Highway 103, spanning from Halifax to Yarmouth, would become part of Canada's national highway program.

This very important step recognizes both the national strategic importance of the Highway 103 system and its regional significance for the movement of goods and services. In the past six years alone, the federal Liberals have collected more than \$800 million in gas taxes from Nova Scotia drivers. Only a paltry portion of that amount, \$31 million to be exact, has actually been spent on Nova Scotia highways.

The Government of Nova Scotia is calling for a significant long term federal highway funding program. The Highway 103 committee has lobbied for years for that very same thing. This can only be accomplished if the federal government stops playing politics with Nova Scotia's gas tax.

*Oral Questions*

●(1415)

**DAVID HAMILTON**

**Hon. Robert Thibault (West Nova, Lib.):** Mr. Speaker, I rise today to acknowledge David Hamilton.

Mr. Hamilton is a true hero. On August 22 without regard for his own safety and against the advice of others, Mr. Hamilton entered the frigid waters of the Bay of Fundy off Morden in order to rescue a woman trapped by the tide. Mr. Hamilton's selfless act rescued this woman.

As a local fisherman from Morden, Mr. Hamilton is very familiar with the area. Due to nightfall and foggy conditions, his knowledge of the tides was invaluable.

I want to commend Mr. Hamilton for his act of bravery. His selfless act of courage deserves our recognition. The word hero is much overused, but when a person risks his life to save a stranger, that is a true act of heroism.

**ORAL QUESTIONS**

[Translation]

**INTERGOVERNMENTAL AFFAIRS**

**Hon. Stephen Harper (Leader of the Opposition, CPC):** Mr. Speaker, every day, this government launches a new attack against the Government of Quebec. Yesterday it was the Minister of Transport, the co-founder of the Bloc Québécois, who insulted a minister, Benoît Pelletier.

Will the Prime Minister remind the Minister of Transport that he is no longer in the Bloc Québécois and that it is no longer his role to attack the federalist government in Quebec?

**Right Hon. Paul Martin (Prime Minister, Lib.):** Mr. Speaker, the position of our government, as expressed by the Minister of Intergovernmental Affairs, the Minister of Transport, and all the other ministers, including ministers from Quebec and the other provinces, is that we respect provincial jurisdictions. Furthermore, we want to work together.

We know full well that if we continue to work together, we will achieve great things. That is what Canadians and all Quebecers want.

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**DAVID DINGWALL**

**Hon. Stephen Harper (Leader of the Opposition, CPC):** Mr. Speaker, the Prime Minister should join with Premier Charest in condemning the comments by the Minister of Transport.

[English]

Yesterday David Dingwall said he was told to go to the Privy Council Office to seek any severance he believes he is entitled to. The Privy Council Office is under the Prime Minister's direct authority. The Prime Minister has maintained that Mr. Dingwall quit voluntarily. In fact, he says his government urged him to stay.

Why does the Prime Minister not just say no to David Dingwall's demand for more money?

**Hon. John McCallum (Minister of National Revenue, Lib.):** Mr. Speaker, on the morning of September 28 Mr. Dingwall informed me that he was going to resign later that day. The reason he gave was that he thought it would be in the best interests of the Mint and I did not agree.

On the subject of legal obligations, that is a matter for the Privy Council Office lawyers. They are operating under the instructions of the Prime Minister to pay the legal minimum that is required under these circumstances.

**Hon. Stephen Harper (Leader of the Opposition, CPC):** Mr. Speaker, I do not understand why the Prime Minister just sits there. David Dingwall is knocking on his door. He holds Canadians' chequebook in his hand. He says David Dingwall quit voluntarily. In fact, he begged David Dingwall to stay and not quit.

Why does he not just say no and say he will not give him any more taxpayers' money?

**Hon. John McCallum (Minister of National Revenue, Lib.):** Mr. Speaker, David Dingwall is not knocking on anybody's door. David Dingwall is doing what is legally appropriate in our system. That is to say, any matter regarding legal obligations is handled by government lawyers in the Privy Council Office who are under instructions from the Prime Minister to pay the legal minimum.

**Mr. Brian Pallister (Portage—Lisgar, CPC):** Mr. Speaker, the Prime Minister is putting the sit in democratic deficit.

Let us get this straight. Dingwall quit in disgrace. He did not fulfill his contract. He said he was leaving anyway, but now he is ready to sue us because he is entitled to his entitlements and the Prime Minister seems to agree with that.

For three weeks he and his government have been promoting the idea of paying Dingwall off with severance without providing us a single shred of evidence as to why. Dingwall could not successfully sue unless he had a deal.

Will the Prime Minister admit he did a Dingwall deal?

**Hon. John McCallum (Minister of National Revenue, Lib.):** Mr. Speaker, rather than going through all these doubtful premises and hypotheses, why do we not just stick to the facts? The fact of the matter is, Mr. Dingwall telephoned me on the morning of September 28 and indicated he would resign later that day because he felt it was best for the Mint. I agreed.

He is engaging a lawyer in consultation with government lawyers at Privy Council Office to determine the legal obligations under the instruction of the Prime Minister that the government will pay the legal minimum. Those are the facts.

●(1420)

**Mr. Brian Pallister (Portage—Lisgar, CPC):** Mr. Speaker, in a recent negotiation the Prime Minister's chief of staff said, “—the PM will say we are not offering and making no offers. And I think that is the narrative we have to stick to it”. More backroom deals. Here we go again.

*Oral Questions*

Here are the facts. First, the revenue minister encourages Dingwall, then the Prime Minister accepts Dingwall's resignation. Then they both try to sell us on severance for Dingwall. Those are the facts.

Will the Prime Minister admit that he knew in advance that his minister had spoken to Dingwall concerning his entitlements?

**Hon. John McCallum (Minister of National Revenue, Lib.):** Mr. Speaker, only one of those statements made by the hon. member I know to be absolutely false. The idea that I encouraged Mr. Dingwall is false. I can only assume his other statements are equally likely to be false.

I was informed by Mr. Dingwall on the morning that he was going to resign. When he said it was in the interests of the Mint, I did not disagree. That is not encouraging anything. It is accepting a resignation.

\* \* \*

[Translation]

**INTERGOVERNMENTAL AFFAIRS**

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, yesterday the Prime Minister said Quebec-Ottawa relations were as good as ever. Yet his Minister of Transport has said otherwise, accusing Benoît Pelletier, the Quebec Minister responsible for Canadian Intergovernmental Affairs, of adopting an attitude that poisons Quebec-Ottawa relations.

I would ask the Prime Minister to clarify this: are things going well between his government and the Government of Quebec, or badly? Does he share the opinion of his political lieutenant in Quebec?

**Right Hon. Paul Martin (Prime Minister, Lib.):** Mr. Speaker, our relationship is fine.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, I would like him to tell us whether he shares the opinion of his political lieutenant.

The Quebec Minister responsible for Canadian Intergovernmental Affairs, Mr. Pelletier, made it clear he was speaking on behalf of the Government of Quebec. I would like to know whether the Prime Minister believes his political lieutenant was speaking on behalf of the Government of Canada when he criticized Mr. Pelletier.

**Right Hon. Paul Martin (Prime Minister, Lib.):** Mr. Speaker, he speaks on behalf of a government that has concluded the final agreement on the Quebec parental leave program, a government that has signed an agreement on municipalities, a government that has signed an agreement on infrastructure programs, a government that has signed an agreement on older workers. I believe, therefore, that he speaks on behalf of a government that is maintaining good relations with the Charest government.

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**CHILD CARE**

**Ms. Christiane Gagnon (Québec, BQ):** Mr. Speaker, the government's position is full of contradiction. The Prime Minister, the Minister of Intergovernmental Affairs and the Minister of Social Development are saying that everything is going very well in the negotiations with Quebec on child care, while the Minister of

Transport is saying that things are now at a standstill with Quebec's Canadian intergovernmental affairs secretariat.

Can the Minister of Social Development tell us, once and for all, since there is still no agreement with Quebec on child care after 16 months of negotiations, what is the hold up?

**Hon. Lucienne Robillard (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.):** Mr. Speaker, the Minister of Social Development is with his provincial counterparts this very day discussing the various challenges we face throughout the country. He also is in ongoing dialogue with his colleague from Quebec, Carole Thériault.

**Ms. Christiane Gagnon (Québec, BQ):** Mr. Speaker, minister Béchard has confirmed that Quebec refuses to allow Ottawa to impose conditions. The federal minister says that the Government of Quebec could put the money into its family policy. Is this not a condition imposed by Ottawa and therefore in direct contradiction with the Prime Minister's promise during the election campaign that the transfer would be made with no strings attached?

**Hon. Lucienne Robillard (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.):** Mr. Speaker, there is no contradiction. First, as far as Quebec is concerned, discussions are being held between the minister responsible, Carole Thériault, and our Minister of Social Development. It is absolutely normal for Quebec, given its headstart over many other provinces, to consider other aspects of its family policy.

\* \* \*

• (1425)

[English]

**HEALTH**

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, yesterday in the House the health minister indicated that the government would be willing to sit down to talk about the issue of private health care. As the Prime Minister knows, the NDP has some proposals in that regard.

My question is for the Prime Minister. Would he be willing to sit down and have a discussion?

**Right Hon. Paul Martin (Prime Minister, Lib.):** Mr. Speaker, unlike the official opposition who have said on countless occasions that it does not want to see Parliament working, that it does not want to see government business proceeding, the leader of the NDP has always stated that he wants to see the House work. Under those circumstances, I would be more than happy to sit down with the leader of the NDP.

\* \* \*

**THE ENVIRONMENT**

**Hon. Jack Layton (Toronto—Danforth, NDP):** Mr. Speaker, I would like to thank the Prime Minister for his response. Our office will be in touch right away to set that up.

I would like to bring up another matter with respect to the question of oil exports to China. As the Prime Minister knows, the production of oil and gas does lead to the production of greenhouse gases. In fact, Canada has greenhouse gas emissions that are greater than the United States.

*Oral Questions*

How can we square the increase in the production of oil and gas for China in the context of our efforts to reduce greenhouse gas emissions?

**Right Hon. Paul Martin (Prime Minister, Lib.):** Mr. Speaker, first, I think one should understand that the principal source of energy in China at the present time is coal which, obviously, in terms of CO<sub>2</sub> emissions and pollution, is a problem, which is why, at the same time that we would export oil and gas, we would seek to export environmental technologies. In fact, when the Chinese president was here, whether it be CO<sub>2</sub> sequestration or whether it be the development of renewable energy, we talked to the Chinese in terms of the overall energy package.

\* \* \*

**DAVID DINGWALL**

**Mr. Peter MacKay (Central Nova, CPC):** Mr. Speaker, in Liberal Ottawa the truth is the first casualty when the government feels it is in danger of being held accountable or defeated.

Now the latest example is the Liberals' denial that there were severance discussions with Mr. Dingwall and yet Mr. Dingwall told us yesterday that while he did not have discussions with the PMO or the PCO specifically about severance, there were discussions about entitlement to entitlements. One man's entitlement is another man's severance.

Will the Prime Minister show some leadership, get out of his chair, come clean and finally admit that his government did indeed have severance relations with that man, Mr. Dingwall?

**Hon. John McCallum (Minister of National Revenue, Lib.):** Mr. Speaker, my conversation with Mr. Dingwall was limited to the fact that he stated that he would resign. The main reason given was that he thought it was best for the Mint, and I did not disagree with that.

Any discussions regarding legal obligations are matters for lawyers and those discussions no doubt are taking place in the Privy Council Office, which is where such discussions normally take place in our system.

**Mr. Peter MacKay (Central Nova, CPC):** Mr. Speaker, it seems that all roads from Dingwall lead to the Prime Minister. They were cabinet colleagues, partners in ad scam and cooperators at the Mint. He is a bit like gum in the Prime Minister's hair or maybe the Prime Minister has gum in his pants because he cannot get out of his chair.

In praising and defending Mr. Dingwall, the Prime Minister said that under his tutelage the Mint returned a profit. He boasted of this and yet at the Mint this profit occurred while there was a contract in place with, wait for it, the Department of Finance.

Will the Prime Minister admit that the Department of Finance during his time was covering the operating costs of much of the Mint's expenses that boosted its bottom line?

**Hon. John McCallum (Minister of National Revenue, Lib.):** Mr. Speaker, that is absolute nonsense. It is total grasping at straws. The fact is that the Mint melted down old coins to make new coins and the cost of that was paid by the Department of Finance, a totally normal transaction offering only the costs to the Mint. The opposition is getting very desperate.

**TECHNOLOGY PARTNERSHIPS CANADA**

**Mr. James Rajotte (Edmonton—Leduc, CPC):** Mr. Speaker, yesterday David Dingwall denied he was paid any contingency fee to secure a grant from the federal government. However we know that Technology Partnerships Canada threatened to stop all payments to Bioniche if it did not repay the money paid to Dingwall. Dingwall says that he is not guilty but TPC says that he is.

I ask the Minister of Industry, who is right here? Why was Bioniche forced to pay back Dingwall's \$350,000 success fee if in fact he did nothing wrong?

• (1430)

**Hon. David Emerson (Minister of Industry, Lib.):** Mr. Speaker, the Government of Canada had a contract with Bioniche. We got back all the money that went out in contingency fees. It was Bioniche that was in breach of its contract. That breach was remedied and the money was returned.

**Mr. James Rajotte (Edmonton—Leduc, CPC):** Mr. Speaker, the industry minister did not even try to answer the question. The facts are these. David Dingwall registered to lobby TPC for Bioniche. He openly declared that he would be receiving a contingency fee which is prohibited under the program's guidelines. The company in question was forced by the government to pay back the contingency fee but yesterday Dingwall insisted that he did not receive a contingency fee.

There is a direct contradiction here. Either the government has wrongly forced a company to repay over \$460,000 or Dingwall did not tell the truth to a standing committee of the House. Which is it?

**Hon. David Emerson (Minister of Industry, Lib.):** Mr. Speaker, we did find Bioniche in breach of its contract. We did recover all of the money that went out in contingency fees. The matter has now been dealt with.

\* \* \*

[*Translation*]

**CHILD CARE**

**Mr. Guy Côté (Portneuf—Jacques-Cartier, BQ):** Mr. Speaker, Bill C-43, passed by the federal government, establishes four conditions that child care centres must meet in order to fulfill Ottawa's requirements.

Can the federal government tell us if it is claiming that it has the jurisdiction to assess whether these mandatory conditions have been met? In other words, does the federal government believe that it gets to be the judge here?

*Oral Questions*

**Hon. Eleni Bakopanos (Parliamentary Secretary to the Minister of Social Development (Social Economy), Lib.):** Mr. Speaker, as the Prime Minister, the Minister of Intergovernmental Affairs and the minister said, negotiations are currently underway. We are not negotiating with the Bloc, but with the legitimate Government of Quebec.

The minister is currently in a meeting on the conditions and the political will for a better child care system for children in Canada and Quebec.

**Mr. Guy Côté (Portneuf—Jacques-Cartier, BQ):** Mr. Speaker, the establishment of conditions for Quebec's child care system, conditions that the federal government then gets to assess, leaves Ottawa with the role of judging and Quebec with the role of implementing.

By proceeding in this manner, does the federal government not understand that, in the area of child care, those without the expertise—Ottawa—are judging the work of those with the expertise—Quebec? Once again, the federal government, which knows nothing, is acting like it knows everything.

**Hon. Eleni Bakopanos (Parliamentary Secretary to the Minister of Social Development (Social Economy), Lib.):** Mr. Speaker, it is not about knowing everything. We are the Government of Canada, we are a federation and we want to share the advantageous conditions of the Quebec child care system with the rest of Canada. We are in favour of sharing.

At this time, we are in negotiations with all the ministers in Canada with regard to our programs and promises. As I said, both levels of government are demonstrating the political will to resolve this problem.

\* \* \*

**SOFTWOOD LUMBER**

**Mr. Pierre Paquette (Joliette, BQ):** Mr. Speaker, because of the American refusal to respect the NAFTA rulings, the softwood lumber industry in Quebec and Canada has turned to the U.S. courts, a process that may take up to two years. In the meantime, businesses here will still have to come up with \$2 billion more in countervailing duties, bringing the total to \$7 billion.

Does the Prime Minister not think that such a situation fully justifies the creation of a loan guarantee program to help the industry and send a clear message to the Americans: there will be no cut-rate agreement in the softwood lumber sector?

[*English*]

**Hon. David Emerson (Minister of Industry, Lib.):** Mr. Speaker, I think the Prime Minister and the government has been tackling the softwood lumber industry issue with the U.S. with more vigour and more aggression than ever before in the history of this dispute.

We will work with the industry. We are developing a forest sector approach for Canadian companies. We will be assisting where appropriate, going forward.

[*Translation*]

**Mr. Pierre Paquette (Joliette, BQ):** Mr. Speaker, talking louder is not enough. Yesterday, Carl Grenier, vice-president of the Free Trade Lumber Council said in a speech in Toronto that the \$5 billion

in duties held up illegally at the border was more than three times the net income for the twelve largest forest companies in Canada for the last 3 years.

Can the Prime Minister explain to us why he does not allow Export Development Canada to treat these illegally collected U.S. countervailing fees as accounts receivable, and thus to provide loan guarantees to companies needing them on that basis?

• (1435)

[*English*]

**Hon. David Emerson (Minister of Industry, Lib.):** Mr. Speaker, the battle on softwood lumber does continue. We are working with the industry. We are looking at the recommendations that they are giving to us.

We will ensure that the Canadian softwood lumber industry is enabled to carry on the fight because we are going to win it. We are going to win it against the United States protectionists.

\* \* \*

**LOBBYISTS**

**Mr. Michael Chong (Wellington—Halton Hills, CPC):** Mr. Speaker, the Prime Minister upheld Canadian Satellite Radio's licence, despite recommendations from his heritage minister and his Quebec caucus that it be revoked.

It did not stand a chance when PMO insiders, like John Duffy and Richard Mahoney, stepped up to the plate at a Liberal cocktail party fundraiser for the Laurier Club in Regina. These two lobbied to ensure that the licence would not be revoked in complete violation of the rules that they register as lobbyists.

Why will the Prime Minister not honour his commitment to greater ethics and accountability and hold these two accountable for these violations?

**Hon. David Emerson (Minister of Industry, Lib.):** Mr. Speaker, I believe the hon. member knows that the Registrar of Lobbyists does look into these matters. It is completely within his domain of jurisdiction. I do not interfere. Those decisions were made on Canadian Satellite Radio on good, solid public policy grounds, full stop.

**Mr. Michael Chong (Wellington—Halton Hills, CPC):** Mr. Speaker, the Prime Minister continually refuses to answer questions in this House about ethics and accountability.

The Sun King started with grand promises to eliminate the democratic deficit by giving his backbench MPs a greater say and to eliminate the cronyism of "who do you know in the PMO".

His Quebec caucus did not stand a chance against unregistered lobbyists close to the PMO. To them, he now looks more like Marie Antoinette who said, "Let them eat cake". With friends like Richard Mahoney and John Duffy in the PMO, they have decided so tough luck.

Why is he allowing this conduct to continue, flying in the face of his promises?

**Hon. Tony Valeri (Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I would like to thank the hon. member because it allows me to continue from my list yesterday.

Fact: the government created new policy for proactive disclosure. Fact: the government has given committees a greater role in influencing legislation by referring legislation before second reading. I can point to the whistleblower legislation as an example of where this House improved that legislation to empower members of Parliament, contrary to what the hon. member opposite has said.

Fact: the government re-established the position of comptroller general, who oversees spending in every government department. That is the work of the Prime Minister.

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#### MINISTER OF CITIZENSHIP AND IMMIGRATION

**Mr. Rahim Jaffer (Edmonton—Strathcona, CPC):** Mr. Speaker, the Columbus Centre dining room in Toronto offers many culinary experiences. Their signature and most expensive dish is Red Deer venison with truffle-infused liver pâté for \$30. Add appetizers and all beverages and three people would pay about \$150. When the immigration minister took his two political hacks there on July 31 he spent a whopping \$225. Maybe Rudolph was not the only one leaving the restaurant with a red nose.

How can the minister continue to justify these outrageous restaurant expenses?

**Hon. Joseph Volpe (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, as I have indicated before, I conduct my business after hours, on weekends, et cetera, and I do it all according to the appropriate guidelines, as the member will know as he enjoys reading the Internet.

In fact, as I indicated before, I have invited him to come to some of these meetings and he has declined. I have had to go to Edmonton and speak with the mayor, speak with business and speak with labour to hear what they have to say about immigration because he does not ask any questions about them. I wonder why I should be doing his job.

**Mr. Rahim Jaffer (Edmonton—Strathcona, CPC):** Mr. Speaker, let us see about these consultations. The immigration minister has said that he does conduct meetings with stakeholders and other constituents over the course of hours that are beyond the normal working hours in the House.

According to the minister's own documents, he claimed 19 meals during the second quarter of 2005, but his only guests were Government of Canada employees. There were no outside consultations, no constituents and the only people with a steak were his staff.

Why did the minister invent these phony excuses?

**Hon. Joseph Volpe (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, the only phoniness is over on the other side. I consult widely with everybody and there are people who work for the Government of Canada who have important and valuable interventions.

I am not like the member and three of his buddies on that other side who spent \$1,000 on a return fare to Toronto to go have a couple of slices of pizza.

#### Oral Questions

● (1440)

#### HEALTH

**Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.):** Mr. Speaker, reports about avian flu findings in Asia and Europe have prompted concern in my constituency and across Canada. Our country's level of preparation for a possible pandemic was discussed earlier in this House. We heard the Minister of Health say that Canada will host an international conference next week on this issue.

Could the minister inform the House about the government's expectations for this conference on this critical issue for Canadians?

**Hon. Ujjal Dosanjh (Minister of Health, Lib.):** Mr. Speaker, WHO has said that we are relatively well prepared as a country. We need to be prepared internationally which is why this conference is taking place. Representatives from over 30 countries will be there. We will be talking about capacity building. We will be talking about vaccine manufacturing and sharing. We will be talking about communications during such disasters as pandemics.

These are the kinds of issues where we need to work together internationally so that we are not a risk to each other but in fact a help to each other across borders.

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#### DAVID DINGWALL

**Hon. Ed Broadbent (Ottawa Centre, NDP):** Mr. Speaker, my question is for the Prime Minister.

For two hours yesterday, David Dingwall, responding to questions from the Conservatives, from the Bloc and from ourselves, said time after time that he was after his entitlements. It became very clear for him that meant getting severance pay. He said that he would take the money and run if it were offered.

Considering Canadians do not believe he is owed one cent in severance, would the Prime Minister get up and make it clear that he will not get severance pay?

**Hon. John McCallum (Minister of National Revenue, Lib.):** Mr. Speaker, Mr. Dingwall resigned. I accepted his resignation. The reason he gave was that he thought it would be better for the Mint and I did not disagree with his point of view.

As for matters of legal obligation, as is normal under our system these are under discussion in the Privy Council Office by the lawyers and by the lawyers representing Mr. Dingwall.

**Hon. Ed Broadbent (Ottawa Centre, NDP):** Mr. Speaker, my question is again for the Prime Minister.

[Translation]

It is clear that Mr. Dingwall resigned. There is no moral obligation to give him a cent.

Do you agree with me or not, Mr. Prime Minister?

**The Speaker:** Given the long experience of the hon. member for Ottawa Centre in this House, he knows very well that questions must be put to the Chair, not to the Prime Minister or any other minister.

The hon. Minister of National Revenue.

*Oral Questions*

**Hon. John McCallum (Minister of National Revenue, Lib.):** Mr. Speaker, it is true that Mr. Dingwall told me on the morning of September 28 of his intention to resign. The reason he gave was that he thought it was best for the Mint that he do so. I felt the same way.

\* \* \*

[English]

**JUSTICE**

**Mr. Dave Batters (Palliser, CPC):** Mr. Speaker, last weekend we found out how the Liberals really feel about deadly drugs like crystal meth.

Larry Campbell, a Liberal patronage appointee, said, "This idea that there's a huge crystal meth disaster happening in this country is garbage". He also said that warnings that the crystal meth addiction is an epidemic are exaggerated and a knee-jerk reaction.

Does the Prime Minister agree with Mr. Campbell that the meth crisis is exaggerated? Is that the real reason his government dithered for months on tougher sentences for meth traffickers?

**Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, we did not dither. We acted immediately after a conference to that effect was held. This summer, on August 11, we moved to increase maximum penalties with regard to production and distribution to life imprisonment. We have also acted with regard to the regulation of precursors, so we have acted immediately.

**Mr. Dave Batters (Palliser, CPC):** Mr. Speaker, we pushed for that for months. Today the Supreme Court announced that it will not reconsider the case of a Saskatchewan man who sexually assaulted a 12 year old girl but was not sent to prison.

Dean Edmondson was convicted of sexual assault in 2001 after he and two other men intoxicated and attempted to rape their young victim, but because of the government's soft on crime justice system this vicious criminal got away with two years of house arrest.

How can this government continue to defend a justice system that gives house arrest instead of prison time to child rapists?

• (1445)

**Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, as the member opposite may not know, the matter is still before the courts because there are trials that have been ordered with regard to the co-accused.

With regard to conditional sentencing, we have said we will be introducing amendments so that no questions of sexual and violent offences will be liable for conditional sentencing.

**Mr. Gord Brown (Leeds—Grenville, CPC):** Mr. Speaker, yesterday Canadians heard more dithering when the justice minister dismissed calls for mandatory prison sentences from front line police groups by referring to evidence that such sentences do not work.

In the next breath, he also said that Canada already has mandatory minimums and that he has told police and victims groups that he will consider more of them.

Which is it? Is he for or against mandatory prison sentences? Will he admit that they are necessary in more crimes than is currently the case?

**Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, as I have said on a number of occasions, it almost is counterintuitive to think that mandatory minimum penalties will not work. When I took on this responsibility, I assumed that mandatory minimums would work. They were already in the Criminal Code with regard to gun related offences, among others.

The point is that the evidence that has emerged suggests, and not only suggests but has concluded, that they do not work, with adverse consequences for the criminal justice system, but we are open to taking any initiatives that will help promote public safety.

**Mr. Daryl Kramp (Prince Edward—Hastings, CPC):** Mr. Speaker, the justice minister is on the record as suggesting he is philosophically opposed to mandatory minimum sentences, but yesterday he stated that he has no aversion to these sentences.

Not only does the justice minister have to clarify this position, but he must explain to Canadians why legal counsel from his department stated in committee that extending mandatory prison terms to criminals would amount to cruel and unusual punishment.

I ask the minister, when Louise Russo is shot and confined to a wheelchair, when a four year old child is shot, or when a bus driver is shot in the face and blinded, is that not cruel and unusual punishment?

**Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, the member opposite is mischaracterizing the evidence given before that committee. What was said before that committee was that if we ask for a mandatory minimum of 10 years, then we are running the risk of it being declared unconstitutional, as the Supreme Court itself has indicated.

\* \* \*

[Translation]

**INTERNATIONAL TRADE**

**Mr. Guy André (Berthier—Maskinongé, BQ):** Mr. Speaker, in September, the Canadian International Trade Tribunal found that imports of bicycles under \$400 caused serious harm to the bicycle industry and even threatened its survival. This ruling recommends that the government apply safeguards, namely 30% duties the first year, 25% the second and 20% the third.

Does the Minister of International Trade intend to follow through on these recommendations and impose the safeguards suggested by the Canadian International Trade Tribunal?



*Oral Questions*

[English]

**Hon. Mark Eyking (Parliamentary Secretary to the Minister of International Trade (Emerging Markets), Lib.):** Mr. Speaker, we are well aware of the Canadian International Trade Tribunal's recommendation for safeguards on bicycles. We will take it into consideration and do what is best for Canadians. Meanwhile, the Minister of Industry will be working with all industries that are impacted by cheap imports.

\* \* \*

[Translation]

**CLOTHING AND TEXTILE INDUSTRIES**

**Mr. Guy André (Berthier—Maskinongé, BQ):** Mr. Speaker, the minister said he will apply safeguards.

Now that the minister has decided to take action on bicycles, does he intend to follow suit for the clothing and textile industries that are facing the same situations and are calling for the same safeguards?

[English]

**Hon. Ralph Goodale (Minister of Finance, Lib.):** Mr. Speaker, as I have indicated to the House on previous occasions with respect to textiles, first of all, we announced last Christmas a very significant assistance package. Since then, we have been proceeding to implement that package.

We are looking at various solutions on the re-importation of materials that hopefully both the apparel and the textile industry can agree upon. We have been working with both sides of the industry since March to arrive at that kind of amicable solution that they all can agree to.

\* \* \*

**HEALTH**

**Mr. Steven Fletcher (Charleswood—St. James—Assiniboia, CPC):** Mr. Speaker, the government does not understand the difference between a chronic disease and a deadly disease. Cancer is a killer.

The House voted for the full funding of the Canadian strategy for cancer control, a plan developed by the cancer community, yet again this government ignores the will of the House and ignores the health of Canadians.

Today the Canadian Cancer Society criticized the government's announcement and stated that more funding is needed to have a real impact on this disease. Why will the minister not listen to the cancer community and fully fund and implement the Canadian strategy for cancer control?

● (1450)

**Hon. Ujjal Dosanjh (Minister of Health, Lib.):** Mr. Speaker, the fact is that the government has spent over \$1 billion over the last number of years to combat cancer in Canada. As part of the integrated strategy, we have added \$56 million to several hundred million dollars that are currently being spent on combating cancer. This is just a down payment to make sure that we work further to enhance and strengthen our issues on cancer control.

**Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, CPC):** Mr. Speaker, Liberal MPs are reflecting the growing concern of

Canadians on avian flu by taking matters into their own hands. They are now issuing their own public health advisories to their constituents in the absence of information from the minister.

In fact, the website for public health has not been updated since early September. A political turf war between the health minister and the public health minister is causing confusion for all members of Parliament. Who speaks for the government on the avian flu file?

**Hon. Ujjal Dosanjh (Minister of Health, Lib.):** Mr. Speaker, that is absolute hogwash. The fact is that the pandemic preparedness plan is on the website of the Public Health Agency. It is being updated and there will be additions to it in the very near future.

The fact is that Dr. Butler-Jones has been meeting with his counterparts from across the country and internationally to deal with such issues. The fact is that we are relatively better prepared than most countries in the world, according to the World Health Organization.

Those people across the aisle are causing nothing but unnecessary panic and fear. That is absolutely irrational and disgraceful.

\* \* \*

**THE ENVIRONMENT**

**Mr. Derek Lee (Scarborough—Rouge River, Lib.):** Mr. Speaker, the Regional Municipality of York is constructing a massive sewer system across the Rouge River watershed, removing more than 25 million litres of groundwater each day, changing water levels in wells and in the river, and threatening fish habitat.

Authorities may have seriously underestimated the impact of this huge project, which has never had a comprehensive environmental assessment even though there have been millions spent by York region on mitigation measures.

Will the Minister of Fisheries and Oceans tell the House what his department is doing to protect the 55 species of fish in the Rouge River, even if that might mean stopping the project?

**Hon. Geoff Regan (Minister of Fisheries and Oceans, Lib.):** Mr. Speaker, I recognize the member's interest in this matter. That is why we recently organized a tour of the area for concerned members of Parliament.

In fact, this project was approved by the province under provincial legislation. My department is working with the province and municipality to ensure that any risks to fish habitat are mitigated. We are also investigating any possible violations under the Fisheries Act. If necessary, appropriate action will be taken.

\* \* \*

**FOREST INDUSTRY**

**Mr. Brian Fitzpatrick (Prince Albert, CPC):** Mr. Speaker, last week in Saskatoon the human resources minister said the announced closure of the Weyerhaeuser mill in Prince Albert was a provincial matter, yet this past Monday the government announced a plan to invest \$50 million to help forestry communities.

*Oral Questions*

I have two questions for the minister. Does the federal government have a responsibility toward forestry communities, yes or no? Second, will the city of Prince Albert be able to access this special \$50 million fund?

**Hon. Belinda Stronach (Minister of Human Resources and Skills Development and Minister responsible for Democratic Renewal, Lib.):** Mr. Speaker, let me be clear on what I said. First of all, I said that where there is a large layoff in a community, we cannot turn a blind eye as a federal government and we must always be concerned and sensitive. I also said that there is a devolved labour market agreement with that province, so therefore it has primary responsibility for the layoff.

However, I said we would work together with the employer and the employees to take a look at what we could do in the long term.

\* \* \*

**PUBLIC WORKS AND GOVERNMENT SERVICES**

**Mr. John Reynolds (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC):** Mr. Speaker, fully two months ago, Cascade Aerospace in British Columbia was informed that based on merit and price the company had been awarded a federal contract for maintenance work on Canada's fleet of Hercules C-130 aircraft.

Then, weeks later, Cascade was informed that the contract was being re-evaluated.

I would like to ask the government if it will guarantee to the House that the contract will go to the best bid, based on merit and price.

• (1455)

**Hon. Scott Brison (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, this has been a fair, open and transparent process. I can guarantee the hon. member that in this process of procurement and in all our procurement processes we will always deliver the best possible value for Canadian taxpayers while providing the best equipment and services to our Canadian armed forces.

We are operating an open, transparent and accountable process and we are investing to ensure that our Canadian armed forces have the equipment to do their jobs.

\* \* \*

[Translation]

**FOREIGN AFFAIRS**

**Ms. Diane Bourgeois (Terrebonne—Blainville, BQ):** Mr. Speaker, the government's response to the unanimous recommendations of the Subcommittee on Human Rights and International Development on the social and environmental liability of Canadian mining companies abroad is unacceptable.

Since the human rights violations and environmental looting by Canadian mining companies will only get worse, we want to understand why the government is refusing to change its approach, which consists of invoking voluntary codes of conduct, which do not work.

**Hon. Pierre Pettigrew (Minister of Foreign Affairs, Lib.):** Mr. Speaker, I greatly appreciate this question. It is quite pertinent.

We believe that it is extremely important to continue to work with companies operating in other countries. The Government of Canada knows that there are mining projects in 3,200 locations around the world. However, Canadian jurisdiction applies only to Canadian territory, to Canada. We invite Canadian companies to respect their social responsibilities. We intend to continue to work with these companies to make them aware of these responsibilities.

\* \* \*

**CANADIAN HERITAGE**

**Ms. Françoise Boivin (Gatineau, Lib.):** Mr. Speaker, the UNESCO General Assembly has just adopted the Convention on the Protection and Promotion of the Diversity of Cultural Expressions. In Canada, the Minister of Canadian Heritage, in conjunction with all the provinces and territories, made the Canadian position clear to the UNESCO member states. This culminated in an historical vote: 151 of the 155 members voted in favour of the convention.

The Minister of Canadian Heritage has made Canada the champion of respect for cultural diversity, and the concert of nations heeded us. How does the minister plan to implement the convention?

**Hon. Liza Frulla (Minister of Canadian Heritage and Minister responsible for Status of Women, Lib.):** Mr. Speaker, I thank my colleague for her question. This is indeed a great day for Canada, since the convention has been officially ratified by UNESCO, in an unprecedented consensus. This is why it is being termed an historic convention. This is a new international right.

The next step is for Canada to ratify the convention. We are aiming at being the first to do so. We will therefore try to move quickly in order to preserve the lead role we have played so far in this matter.

\* \* \*

[English]

**ABORIGINAL AFFAIRS**

**Mrs. Bev Desjarlais (Churchill, Ind.):** Mr. Speaker, education is critical to improving the social and economic strength of first nations people. The community of St. Theresa Point has over 700 nursery to grade eight students attending school in trailers and satellite rooms that were supposed to be temporary. They have no gym, no library and no playground. Indian Affairs says it will start design planning in 2009 for a new school. In the next five years 500 more children will reach school age.

Would the minister and the Liberal government accept their children receiving their education under these conditions?

*Business of the House***BUSINESS OF THE HOUSE**

**Hon. Ethel Blondin-Andrew (Minister of State (Northern Development), Lib.):** Mr. Speaker, the Government of Canada is very concerned about the quality of education for first nations children and all aboriginal children across Canada. We invest millions and millions of dollars across the country. The first ministers will be meeting in November to plan along with the government the results that are desired by the first nations on education for their children.

\* \* \*

[Translation]

**CITIZENSHIP AND IMMIGRATION**

**Ms. Meili Faille (Vaudreuil-Soulanges, BQ):** Mr. Speaker, last week the Minister of Citizenship and Immigration suggested that he would yet again postpone the creation of a special refugee appeal section, thereby going against legislation passed in this House four years ago now. The United Nations Inter-American Commission on Human Rights and the Office of the United Nations High Commissioner for Refugees have been calling for its implementation for a long time.

If the minister does not intend to create the refugee appeal section, then he should just say so instead of leaving refugees in uncertainty, as he has been doing for far too long with all his postponements.

● (1500)

**Hon. Joseph Volpe (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, people who work in this area all agree that the system works well. For example, last year we accepted 22% more refugees than in previous years.

Does the hon. member opposite want us to say no to more refugees or does she agree that the system works well since we are already welcoming more refugees?

\* \* \*

[English]

**FISHERIES AND OCEANS**

**Mr. Peter Stoffer (Sackville—Eastern Shore, NDP):** Mr. Speaker, earlier this year the Prime Minister of Canada said that it is time to stop the rape of our oceans. The fisheries minister said “no habitat, no fish”.

We know the Liberal government is very good at dealing with bottom feeders when it comes to pay and patronage.

Will the government now support a moratorium on dragging or bottom trawling within our economic zone and will it support the UN call to stop bottom trawling or dragging in the high seas throughout the world?

**Hon. Geoff Regan (Minister of Fisheries and Oceans, Lib.):** Mr. Speaker, in fact over the past three years in the NAFO regulatory area there were no Canadian vessels using the kind of gear that was displayed yesterday on the Hill by the group that was here. In fact, inside Canadian waters Canada is the only country in the world with toggle and chain regulations ensuring minimal contact between the ocean floor and the shrimp trawl.

**Mr. Jay Hill (Prince George—Peace River, CPC):** Mr. Speaker, I am sure that members of the House and indeed all Canadians would be interested to know what the Leader of the Government in the House of Commons has planned for his agenda for the remainder of this week and the next week.

In light of the fact that we have already sat 14 days in this fall session without an opposition day and there are only 35 days left, that works out to one opposition day every seven days. When will we get an opposition day?

**Hon. Tony Valeri (Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I find the last part of that question a little puzzling, given that the hon. member was at the meeting where I in fact outlined the opposition days. They will begin the week of November 14 and will go right to December 8. We are meeting our commitment and our obligation to provide seven opposition days during this supply period.

We will continue this afternoon with the second reading debate of Bill C-65, the street racing bill, followed by Bill C-64, the vehicle identification legislation, Bill S-37, respecting the Hague convention, Bill S-36, the rough diamonds bill, and reference to committee before second reading of Bill C-50, respecting cruelty to animals.

Tomorrow, we will start with any bills not completed today. As time permits, we will turn to second reading of Bill C-44, the transportation bill, and reference to committee before second reading of Bill C-46, the correctional services legislation. This will be followed by second reading of Bill C-52, respecting fisheries.

I expect that these bills will keep the House occupied into next week.

On Monday we will start with third reading of Bill C-37, the do not call legislation. I also hope to begin consideration of Bill C-66, the energy legislation, by midweek. We will follow this with Bill C-67, the surpluses bill.

Some time ago the House leaders agreed to hold a take note debate on the softwood lumber issue on the evening of Tuesday, October 25.

We also agreed on an urgent basis to have such a debate on the issue of the U.S. western hemisphere travel initiative on the evening of Monday, October 24.

Accordingly, pursuant to Standing Order 53.1(1), I move:

That debates pursuant to Standing Order 53.1 take place as follows:

(1) on Monday, October 24, 2005, on the impact on Canada of the United States western hemisphere travel initiative;

(2) on Tuesday, October 25, 2005, on softwood lumber.

● (1505)

**The Speaker:** Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

*Points of Order*

(Motion agreed to)

\* \* \*

**POINTS OF ORDER**

REFERENCE TO CONFLICT OF INTEREST CODE IN RULING ON ORAL QUESTION

**Mr. Jay Hill (Prince George—Peace River, CPC):** Mr. Speaker, yesterday in response to a question during question period the Leader of the Government in the House of Commons said:

—the hon. member for Pontiac denies any wrongdoing on his part, but has written to the Ethics Commissioner to ask him to look into this matter. I hope the member opposite waits for a response from the Ethics Commissioner before commenting on this issue in the House again.

Later in question period the member for Nepean—Carleton asked the following question:

*The Globe and Mail* is reporting today that KPMG had found irregularities in the activities of the firm run by the family of the MP for Pontiac.

The Speaker then ruled the question out of order, citing subsection 27(5) of Appendix 1 to the Standing Orders which reads:

Once a request for an inquiry has been made to the Ethics Commissioner, members should respect the process established by this Code and permit it to take place without commenting further on the matter.

Mr. Speaker, the subsection you cited is a subsection of section 27. Section 27 deals with the matter of a member who has reasonable grounds to believe that another member has not complied with his or her obligations under the code. Under section 27 the Ethics Commissioner would then conduct an inquiry into the matter.

In the case involving the member for Pontiac, it was not another member who initiated an investigation; it was the member himself who made an inquiry. Such inquiries are covered under section 26. Section 26 deals with seeking an opinion and has nothing to do with an investigation. Subsection 26(1) states:

In response to a request in writing from a Member on any matter respecting the Member's obligations under this Code, the Ethics Commissioner may provide the Member with a written opinion containing any recommendations that the Ethics Commissioner considers appropriate.

Therefore, there is no investigation under way. An opinion has been sought and under the rules there are no restrictions regarding the asking of questions in this House.

The remaining subsections of section 26 deal with the opinion being confidential, that the opinion is binding on the Ethics Commissioner and that the last subsection provides rules for the publication of said opinion.

Mr. Speaker, with respect, I contend that you applied the wrong section of the code. A member cannot initiate an investigation into himself. A member can seek an opinion and that is covered under section 26 and not section 27.

Mr. Speaker, in conclusion, I would submit that if your ruling were to stand, it would mean that at any point when government members' activities were called into question, all that would be required to avoid any further questions in this place would be to have those members request the Ethics Commissioner to look into the matter. Given the government's propensity toward questionable behaviour, at some point soon the Ethics Commissioner could be

looking into dozens of Liberal members and the opposition would be unable to ask any further questions.

**Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I understand and appreciate the comments made by the opposition House leader.

I am conscious, Mr. Speaker, that the rule was designed precisely to allow the Ethics Commissioner to complete his work obviously in a timely way but to complete that work free from increasingly nasty comments made about the work he has undertaken in this particular case.

If we want the Ethics Commissioner, who is an officer of the House, to be able to do his work, I think that the minimum respect for the institution of the Ethics Commissioner requires that he be able to do that work free from undue comment which can be publicly very harmful to members of the House before the Ethics Commissioner has in fact arrived at some conclusions.

Mr. Speaker, I want to tell you and members of the House that it was always the intention of the member for Pontiac that the Ethics Commissioner's report, once it is completed, be made public. I can assure you, Mr. Speaker, on behalf of the member for Pontiac that once the Ethics Commissioner completes his work and arrives at a conclusion, the member for Pontiac will be very happy to make that report public.

● (1510)

**The Speaker:** I thank the hon. House leader for the opposition and the Parliamentary Secretary to the Leader of the Government for their interventions on this matter. I was going to say something on the issue anyway before the issue was raised. I will say it now.

Yesterday during question period, this matter was alluded to in a question by the hon. member for Toronto—Danforth. The government House leader replied, as indicated in the comments earlier, that the hon. member had asked the Ethics Commissioner “to look into this matter” and asked for members to refrain from referring to the case until the work had been completed.

Later in question period, the Chair reminded members of section 27(5) of the Ethics Code in Appendix 1 of the Standing Orders that enjoins members from referring to an inquiry being conducted under that section.

I now understand that a request made by an hon. member to the Ethics Commissioner to clarify his obligations under the code is mandated under section 26 of the code, which governs opinions sought from the commissioner.

Accordingly, I wish to clarify that there is no specific rule proscribing members from raising this matter in the House. However, I urge them to be judicious in their language and the phrasing of any such reference.

I remind them that the questions that are asked about this must deal with government business and government responsibilities, and not the responsibilities of the hon. member under the code. He cannot be questioned on this matter in the House during question period because questions must be directed to ministers and must deal with matters of ministerial government responsibility.

I know that all hon. members would want to avoid a situation where, in the heat of the moment, they would find themselves contravening Standing Order 18 which specifically prohibits the use of offensive words and I quote:

—against either House, or against any Member thereof.

I think that will deal with the matter. We could now move on to orders of the day.

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## GOVERNMENT ORDERS

[English]

### CRIMINAL CODE

The House resumed consideration of the motion that Bill C-65, An Act to amend the Criminal Code (street racing) and to make a consequential amendment to another Act, be read the second time and referred to a committee.

**The Speaker:** Before the House had its break for question period and statements by members, the hon. member for Okanagan—Coquihalla had just finished his speech. There remain five minutes for questions and comments consequent on his address. Questions and comments.

Resuming debate, the hon. member for North Vancouver.

**Mr. Don Bell (North Vancouver, Lib.):** Mr. Speaker, street racing is a matter of serious concern in my riding of North Vancouver, as I am sure it is in all areas of Canada. This is why I gladly support Bill C-65 as a logical step by this government toward the goal of the much respected, late member of this House, Chuck Cadman, and his proposed private member' bill, Bill C-230.

Bill C-65 will now provide a clear, express direction for the courts to conclude that street racing, if found to be a factor in the commission of the offence, is to be an aggravating factor.

The Criminal Code does not have many factors listed as expressly being aggravating circumstances. Therefore, the addition of street racing will certainly be noted by the judiciary.

Bill C-65 also goes further than Mr. Cadman's proposed bill, by extending the possible maximum driving prohibition from three years to a possible maximum lifetime prohibition.

Street racing is an area that I know we have many examples of in my riding and in adjoining ridings where lives have been lost as a result of street racing. Therefore, it is important that this House shows its concern, through the passage of Bill C-65, to the people of Canada that this is an offence that must be dealt with seriously.

I know that this bill does not propose minimum mandatory sentencing. Minimum mandatory sentencing is something that I have supported in this House, both in my statements and in my votes on previous motions and bills. However, I believe that Bill C-65 is worthy of support at this time because it indicates the very serious nature of which this House holds street racing. As I have said earlier, it sends a very clear message to the judiciary to treat this as an aggravating factor and extends the maximum prohibition.

### Government Orders

Many families have suffered lost ones as a result of street racing. It is something that puts at risk the lives of people and communities, as it has in my riding. It is something that this House, I believe, needs to show support for as being not acceptable behaviour in Canada.

Therefore, I would ask the members of this House to support Bill C-65.

• (1515)

**Mr. Myron Thompson (Wild Rose, CPC):** Mr. Speaker, it has been quite a while since I had the opportunity to rise in the House and speak to certain issues. I am very pleased to do it in respect for one of the finest men that I have had the opportunity to meet in Canada since I came to this place, and that is Mr. Chuck Cadman whom I met in 1993 when I was first elected.

At that time, Mr. Cadman was very active with various victim groups throughout the country. The organization was called CRY at that time in the British Columbia area. I was very pleased to see him arrive in Ottawa as a member of the House to work on justice issues because I knew where he was coming from and it was on behalf of victims of crime.

I am also very pleased to have listened to various members of my party who have risen and spoken to this issue. In particular, I think of the member for Fundy—Royal, Regina—Qu'Appelle, Palliser, Pitt Meadows—Maple Ridge—Mission, and Kildonan—St. Paul. I believe the member for Kildonan—St. Paul is the mother of a police officer. I want to commend every one of these members because they are speaking from the heart and strongly in favour of victims' needs and rights. That is something that has been lacking from the federal Liberal government for a long time.

I recall talking to Mr. Cadman on first arriving here about the rights of victims and how they seemed to be so blatantly ignored, while the rights of criminals were exaggerated in so many ways. At that time, I shared with him the story of a death of a five year old girl in the Calgary region who was murdered by an individual whom was later captured. He kidnapped her out of her backyard, assaulted her, cut her throat, and threw her in the garbage. It is the sickest story one could ever hear.

It had a major impact on her family members, but the one who received all the attention and had all his legal process paid for was the criminal. He received all the psychology, all the treatments by psychiatrists, and all the benefits afforded to him by the taxpayers of Canada to ensure he was treated fairly. Yet the siblings and members of the family of the five year old girl never received a penny toward any kind of assistance. That entire family received a life sentence because of this tragedy, yet the individual who committed the crime will be eligible for parole in the very near future and be back on the streets.

*Government Orders*

This did not make sense and it was not making sense to Mr. Cadman. When we talked about various issues, and I know that street racing was one of the latest ones, he was trying to put an emphasis in the hearts of the people in this place on the importance of addressing the will of the victims, the need to go all out with all strength, to put a stop to a very dangerous activity, and in order to do that, it required severe penalties and serious deterrent sentencing. What has been proposed in Bill C-65 has dishonoured Mr. Cadman's memory, by moving forward with this watered down version of what I know Mr. Cadman was fighting so hard to achieve, not only on this bill but on a number of other bills.

● (1520)

We sat side by side in the justice committee for a long time on many issues. I remember the conversation we had one day regarding some individuals who were sent to jail. These individuals were handcuffed, put in leg irons, taken out of court in front of their families and went directly to jail. Does anyone know what the crime was? These were farmers who had taken a bit of grain across the border without a Wheat Board permit. They were going to be made an example of. This government and its legislation sent those vicious farmers to the penitentiary.

Mr. Cadman would ask, "Good grief, what is going on?". At the same time, this government, as we heard today in question period, was leaning toward sentencing people who abused, attacked or assaulted children to house arrest or community service. I think what Mr. Cadman wanted more than anything else was that the punishment of any kind of crime in this country should fit the crime that was committed. There should be a matchup.

To send farmers to jail at that time was mind-boggling to all of us, as to why this severe action had to be taken when we were putting other criminals who were violent and dangerous to society on the streets, under house arrest, or doing community service. Today we are still mind-boggled by this Liberal government when we constantly see in courts across the land, such as a person being convicted of 15 counts of fraud, virtually stealing \$1.5 million and being sentenced to house arrest, I think he has to be home by 9 o'clock, and having to teach business ethics in certain schools across the land.

Can anyone imagine? That is a very lenient sentence. Yet those farmers who took the dab of grain across the border, which they owned and should have a right to move and sell as they see fit, went directly to jail because they did not obey the law. Can anyone tell me where any of that makes one bit of sense?

In 1994 Mr. Cadman was involved with these victims groups very strongly. I remember a very strong lady. I cannot recall whether it was 1994 or early 1995, but it was in those early years. Priscilla de Villiers was the president of this victims association. The numbers were growing by the thousands and that organization under her directorship brought over 2.5 million signatures on a petition to this place. I know you, Mr. Speaker, will remember the day that petition was brought to this place demanding that the House and the government get serious about crime in this country and do something about it.

It is now 10 years or 11 years later. Let me assure everyone that all the victims who belonged to this and other organizations across this

country have worked very hard to achieve some good law and order, some good sense that would truly bring justice to this land. This government has ignored those 2.5 million signatures just as sure as the day is long and it continues to ignore the crime petitions from victims all across the country who send them to every member of the House as we table them.

For the life of me, I cannot understand why any Canadian would continue to have a group of people in charge of this government who do not recognize that victims mean a heck of a whole lot more than the criminals who perpetrate crime.

● (1525)

We have to start recognizing the seriousness of those crimes and the effect that they are having on our children. We have to start addressing them in the manner that Mr. Cadman wanted to do with the street racing bill. Instead the Liberals continue to water everything down, making everything so soft while the victims are growing in numbers.

Do members believe we would have victims' organizations if we were doing our job in this place? I think they would not be there. We have to start doing our job.

**Mr. Mark Warawa (Langley, CPC):** Mr. Speaker, I want to commend my colleague from Wild Rose, Alberta. He has been an example to all of us in the House of Commons. He has stood up for justice and victims' rights. I see the same passion in the member as we saw in Chuck Cadman, a passion to see justice and appropriate sentencing. That is what he is expressing this afternoon. I thank him for representing his constituents and for standing for the same values that Chuck stood for and speaking eloquently.

The previous speaker, representing the Liberal perspective, felt that the Liberals had made Chuck's bill even stronger. Chuck's bill had a very important component and that was to have increased sentencing for repeat offenders. I agree with that philosophy.

Does my colleague from Wild Rose believe that the watered down Liberal bill will make Chuck's bill even stronger by removing the consequences for repeat offenders? I believe it water it down and totally changes what Chuck wanted.

**Mr. Myron Thompson:** Mr. Speaker, the member is absolutely correct. This is one of the major components of the bill, which shows that it has been weakened and watered down. It is not what Chuck Cadman was after. We all know what he was trying to seek and that important part that has been left out.

There is something really strange about the justice minister and the ones before him. They put emphasis on certain things that never seem to have an impact on crime. The minister today constantly refers to minimum mandatory sentences as being something he favours, but his studies show it does not work. I do not understand that kind of comment. They can find all kinds of studies to show different effects of different decisions. What I would like to see is somebody in charge of the criminal justice system who not only has the fortitude but who has the heart to start doing what is right for our country. This place has been lacking the heart and the willingness to stand for victims and do what is right from that side of the House.

*Government Orders*

I virtually am sick and tired of hearing over and over again that they must ensure this passes the charter test, lest the criminal be offended. It is not about a charter test. It is about doing the right thing for the people in our country. Just for once, let us start doing the right thing.

• (1530)

**Mr. Loyola Hearn (St. John's South—Mount Pearl, CPC):** Mr. Speaker, anytime we listen to the member for Wild Rose and his concerns about the justice system, we learn a lot.

Yesterday, representatives from the organization Mothers Against Drunk Driving visited me. One of their major concerns, as the member expressed, is the lack of attention being paid to people who go on our streets under the influence, cause accidents, quite often resulting in death and there are absolutely no deterrents. Quite often the courts slap them on the wrists. Police chiefs have talked about the work that they do, the investigative time and effort and the paperwork to get people into court and they get a slap on the wrist.

Could the member tell us if our justice system is completely out of control? Are we turning over our cities to the criminals? If not, then something is wrong out there.

**Mr. Myron Thompson:** Mr. Speaker, the member's last statement was right on. There is something wrong out there.

The Liberal government soft peddles on crime and has a mushy attitude toward it. One guy committed 15 counts of fraud. His sentence involved teaching business ethics in college and being home by 9 o'clock at night. Those kinds of sentences reflect on the philosophy and the beliefs of the Liberal Party. Those members are in charge. The courts continue to reflect Liberal philosophy on dealing with crime.

That is not what the people of Canada desire. They want us to quit soft peddling around with criminal issues and start going after the real problem. The problem starts over on that side of the House. Those members do not have the courage to do what is right because they are afraid they might offend somebody under the Charter of Rights or whatever it might be. They have to start doing the right thing.

Training convicts in prisons to be good gang members is sick, and that goes on today. What kind of prison system is that? What kind of prison system would release convicts onto the streets, knowing they have been well trained by Hells Angels or other gangs in the penitentiaries? We allow that kind of thing to go on in our prisons. We have to stop this nonsense.

The member is absolutely right. There is something dreadfully wrong, and that is the wrong people are in charge of the country and that has to change.

**Mr. Bill Casey (Cumberland—Colchester—Musquodoboit Valley, CPC):** Mr. Speaker, it is a pleasure to rise to debate this issue today. It certainly is timely in my case.

The distinguished member for St. John's South—Mount Pearl a minute ago referred to the crime situation as a run away rampant situation in cities. I represent an entirely rural riding in Nova Scotia. We have seen an incredible increase in vandalism, minor crimes, repeat offences, issues that make people's lives miserable. It prevents

them from enjoying their own properties, and they feel insecure in their homes. I feel this.

I have been here for quite a while. I did not feel this until just within the last two years. It is coming to my riding and if it is there, it is everywhere.

However, I want to speak to Bill C-65 today and acknowledge the contribution that Chuck Cadman made on these issues. He had several issues of which he was a tireless supporter, always in the interest of other people's security and safety. He brought this concept to the House through two bills, Bill C-338 and Bill C-230. One was on misidentification of VIN numbers on vehicles a crime and the other was on street racing. At the time the Liberals opposed these bills, making all kinds of statements about them. They blew them away and said they were not appropriate.

I have a quote from the minister of justice at the time, Martin Cauchon, who in speaking to Mr. Cadman said:

Your proposed bill would result in a mandatory driving prohibition....As you are aware, the Canadian criminal justice system is premised on the notion that sentences should be individualized for each offender... Research indicates that mandatory minimum penalties do not work from the point of general deterrence and recidivism.

That is exactly what we need. The other part that has been watered down in Bill C-65, as compared to Chuck's bill, is the penalty for repeat offenders.

In a recent incident in Halifax, a young woman was killed and the driver of the car had something like 15 or 20 outstanding offences. Despite repeated offences, he still drove and he was the cause of a fatal accident. It has had a profound impact on the community. Bills like those proposed by Chuck Cadman, not like this one, would have helped prevent that.

I want to go into other issues that affect my riding in northern Nova Scotia. As I mentioned, we have seen an increase in criminal activity such as theft, vandalism, damage, cars stolen and break-ins. I want to go through three little communities in my riding that have experienced virtual crime waves for the first time in their history.

I went to a meeting in a community hall in Stewiacke, Nova Scotia about a month ago, and 80 people attended. I could not believe the stories of vandalism, theft and break-ins. I could not believe the number of people who now were scared to stay in their own homes. I also could not believe the fact that they would call the police and there was no response. Most of these people know many of the criminals and they are already on the list of offenders. However, because of the Youth Criminal Justice Act, they are repeat offenders and the police have very few tools to rein in these criminals.

*Government Orders*

Stewiacke has a lack of RCMP officers now, although they used to be present. I then found out their building had been shut down because of a mould problem and nobody had done anything to resurrect the building so Stewiacke lost its RCMP presence. I raised it in the House and as a result of that, a temporary building is under construction now. Now Stewiacke will have a building and hopefully an RCMP presence to deal with these issues.

● (1535)

The Liberals seem to be turning the other way on all these criminal justice issues. They do not seem to be interested. It is puzzling to us why they do not care and why they allow these issues to go on and on.

Earlier this year we had an issue in Truro. It was rumoured that the northeast drug section, the most successful drug enforcement operation in the region, was to be shut down. We raised the issue in the House and I think we slowed it down and perhaps stopped the elimination of the drug enforcement section. However because the RCMP officers have been moved around it is hard to tell whether they are there or not. However senior RCMP officials have told us that they do not have the number of officers they need to provide the minimum level of law enforcement in Nova Scotia.

The other thing that came out was that when they do have a number of officers and one goes on maternity leave or sick leave, there is no allowance for the replacement of those officers. Therefore, even though they can show an allotment of officers on duty and available, they are not really there. This is another issue we raised in the House and hopefully the Solicitor General or the Attorney General will deal with this.

Another small community in my riding is Debert. We have had all kinds of vandalism there. People are afraid to go out on the streets. They are afraid for their homes and businesses because of the buildings that have been burned. They are afraid of property damage. They are afraid of threats and intimidation. The RCMP came back and reported to us that they do not have enough manpower to have the RCMP presence there to deal with these issues. They tell us that they do not have the types of vehicles they need to apprehend the criminals. They tell us that they just do not have the equipment or the people.

This is not just about street racing. It is a whole attitude on behalf of the Liberals, and I do not understand it. They are looking the other way. They do not care about these issues which are going to grow and grow, as street racing is in my riding, and then soon, hopefully, they will deal with the issues. However if they do not, we will.

Street racing is a growing issue and it is right across the country but it is not just about street racing. It is the lack of RCMP officers and the support they have. The government does not give them the support or the resources they need to hire replacement officers and new officers when they are needed. They do not have the money for the proper facilities. Stewiacke has a perfectly good building but it is empty because it cannot be maintained. People in Stewiacke are demanding that the Youth Criminal Justice Act be strengthened and that stiffer sentences for repeat offenders be applied.

This is exactly where the bill falls flat. It does not allow for stiffer sentences for repeat offenders and that is the single biggest reason why I will not be supporting the bill.

Yesterday almost all of our questions were on justice issues. It was amazing to hear the number of issues that come up around the country. We represent the whole country and everybody is experiencing these problems. We heard no answers and there was no indication that the Liberals want to deal with these issues. They are turning a blind eye to this issue and it will come back to haunt us all if we do not address it.

The RCMP needs the tools to work with. The justice system needs the tools to work with. The youth justice system needs to be strengthened. Certain crimes need mandatory sentences, as we have advocated for years. This is not just about one or two little issues. This is a whole attitude toward justice and it must be increased and strengthened.

● (1540)

**Mr. Rob Moore (Fundy Royal, CPC):** Mr. Speaker, I was particularly interested in my hon. colleague's comments about his rural riding. I have a similar riding in Fundy Royal, New Brunswick, that has many small towns and villages. I hear a lot of the same complaints that he raised about a fear people have in their own homes, which is absolutely unacceptable. I also hear about RCMP detachments that have, for example, six members but only one is on duty because of one circumstance or another. However if that officer should run into, for example, a domestic dispute, he or she will need the next available officer for backup, who is over an hour away, before he or she will even enter a premise to help out if someone is in need.

We did talk a lot recently about justice issues. We are dealing with this bill right now. Who is being served by the Liberal approach to the criminal justice program? To me, there seems to be a distinct lack of compassion. Where is the compassion? My hon. colleague mentioned the young woman who was killed by someone who had 15 to 20 prior offences. Where is the compassion for the victims? Where is the compassion for the families of victims and the compassion for Canadians, in particular, seniors, who fear being alone in their homes?

I am wondering if my hon. colleague can comment on who is being served by this approach to crime.

**Mr. Bill Casey:** Mr. Speaker, the member for Fundy Royal and I do have similar type ridings. They are both rural ridings that are very involved with agriculture and dairy farming.

In the towns in my riding, most people leave the keys in their cars. They do not even lock their doors, or they did not until recently, but this is now changing. People are afraid for their lives, their security and their cars. They are especially afraid for their wharves.

I was first elected in 1988 and I have been here off and on since 1988. I was defeated in 1993 and I came back in 1997. However I have never seen the workload in our office as we have now with respect to criminal justice issues.



The member mentioned that the RCMP in one of his communities has six officers but only one is available. When they closed the RCMP office in Stewiacke and did not bother to open it, the people had to call Tim Horton's to get an RCMP officer because the RCMP office was closed.

**Some hon. members:** Oh, oh!

**Mr. Bill Casey:** It is a true story.

The question is, who is being served by the Liberals' attitude? Criminals are being served by the Liberals' attitude while the innocent are the victims of the Liberal attitude.

• (1545)

**Mr. Gerald Keddy (South Shore—St. Margaret's, CPC):** Mr. Speaker, my colleague from Cumberland—Colchester—Musquodoboit Valley raised a very important point.

We only have to look at the overall security of the country and the lack of willingness by the government to deal with it. We only have to look at the contracts that a lot of municipalities and small towns have signed with the federal government, or directly with the RCMP, for RCMP coverage. The RCMP puts 10 or 12 officers in a detachment but if two of those officers are sick or injured and not able to report for duty, the government does not see any reason to fulfil its contract by bringing two other officers in. Actually, the municipality or town pays for 12 officers but only receives the attention of 10 or 8 officers some of the time.

Would the hon. member care to comment on that?

**Mr. Bill Casey:** Mr. Speaker, as luck would have it, I would care to comment on that. I have run into that exact problem, as I am sure the member and other members have. When the RCMP officers are out on maternity leave or sick leave, they are not replaced, so even though everybody thinks there are six officers, there may only be two. It is one of the biggest problems they have as far as maintaining a level of operations.

One thing the government should do right now to make it nice and simple is to change the policy. If an RCMP officer is out sick, he or she should be replaced. The level of service should be maintained.

I know that in Nova Scotia, officers are seconded. If there is a need somewhere else, an officer is pulled out of one branch and taken to another without the original community being advised. That community may not even have any protection while all the time everyone in the community thinks they do have RCMP protection.

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

**Some hon. members:** Question.

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

### *Government Orders*

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

**Some hon. members:** Nay.

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

*And more than five members having risen:*

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

*And the bells having rung:*

**The Deputy Speaker:** At the request of the deputy House leader, the vote will be deferred until the end of government orders on Monday, October 24.

**Hon. Dominic LeBlanc:** Mr. Speaker, in spite of that excellent deferral until Monday, there have been discussions among all the parties and there is an agreement pursuant to Standing Order 45(7) to further defer the recorded division just requested on Bill C-65 until 5:30 p.m. Tuesday, October 25.

• (1550)

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

**Some hon. members:** Agreed.

\* \* \*

[*Translation*]

### CRIMINAL CODE

The House resumed from October 17 consideration of the motion that Bill C-64, An Act to amend the Criminal Code (vehicle identification number), be read the second time and referred to a committee.

**Hon. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, it is a pleasure for me to speak about Bill C-64, an act to amend the Criminal Code (vehicle identification number).

In 2004, there were nearly 170,000 thefts of motor vehicles in Canada. Despite a slight decline in the last few years, the number of motor vehicle thefts in Canada remains high.

According to the law enforcement authorities and other justice system stakeholders, criminal organizations contribute substantially to the frequency of motor vehicle thefts. This is often the case because this sort of theft is a low-risk, high-return activity. It is an activity often used to raise funds for these organizations which are involved in various other criminal activities.

The government has tabled this important bill as a measure which specifically targets, on the one hand, the involvement of organized crime in the commission of this offence, and on the other, the way in which the commission of crimes is facilitated.

This targeted amendment would make it an offence to wholly or partially alter, remove or obliterate a vehicle identification number without lawful excuse and under circumstances that give rise to a reasonable inference that the person did so to conceal the identity of the motor vehicle.

*Government Orders*

The offender would be liable to imprisonment for a term not exceeding five years upon conviction by way of indictment. In a case of summary conviction, the offender would be liable to imprisonment for a term not exceeding six months and a fine of \$2,000, or either of the two.

[*English*]

A vehicle identification number is required on vehicles in Canada and is intended to distinguish one motor vehicle from another similar vehicle.

The VIN is made up of alphanumeric characters representing various information such as the vehicle model, the year, the manufacturer, and it is affixed to the vehicle at various locations. In a sense, the VIN gives the vehicle a distinct identity; it is a vehicle DNA.

The objective of organized car thieves immediately after a vehicle is stolen is to rid the vehicle of its stolen nature by providing it with a false or unknown identity. One of the steps in this process by which a stolen vehicle obtains a false identity is through the act of tampering with a vehicle identification number. Organized crime has certainly been noted as being involved in this type of criminal activity.

A survey conducted by Statistics Canada indicates that 60% of organized crime groups in Canada deal in the illicit theft and trafficking of stolen vehicles, while an additional report by Statistics Canada notes that approximately one in five vehicle thefts in Canada may be linked to organized crime groups or theft rings. Therefore, based on the most recent vehicle theft numbers in Canada organized crime may be involved in up to 34,000 motor vehicle thefts each year in this country.

In addition to research and statistics, law enforcement has also highlighted the involvement of organized crime in the cycle of theft, reidentification and resale of vehicles.

The 2004 annual report put out by the Criminal Intelligence Service Canada has specifically identified the involvement of a number of criminal organizations in organized vehicle theft in Canada. This report has noted that vehicles stolen by organized crime groups, like outlaw motorcycle gangs, tend not to be recovered as they are often exported overseas, transported for interprovincial resale, or stripped for the sale of parts.

The report goes on to recognize that organized crime has been involved in stealing luxury vehicles, changing the serial numbers and selling the vehicles in Canada, Europe and southeast Asia. Furthermore the Canadian Association of Chiefs of Police has recognized this criminal activity and has specifically called on the government to create an offence prohibiting the alteration, obliteration or removal of a VIN.

The chiefs of police have noted that “the illicit domestic and international trade in revinned vehicles and the impact of organized auto theft on private and corporate citizens in Canada clearly warrants this proposed amendment to the Criminal Code”.

Finally, the National Committee to Reduce Auto Theft has noted in a report on organized vehicle theft rings that over the past several years there has been a decline in the number of stolen vehicles being recovered. According to the report, this decline is the result of

increased involvement of organized crime in vehicle theft as large numbers of vehicles stolen in major centres are surgically stripped for parts for resale, or identified for resale, or exported to international markets.

In considering the addition of this new offence, it is important to reflect upon how the proposed VIN tampering offence will fit within the existing Criminal Code framework. In fact, this offence would complement the existing offences in the Criminal Code used to combat auto theft, including theft over \$5,000, which carries a 10 year maximum term of imprisonment on indictment; possession of property over \$5,000 obtained by crime, which also carries a maximum of 10 years' imprisonment on indictment; the taking of a motor vehicle without consent, which is a straight summary conviction offence; and finally, the offence of flight from a peace officer, which carries a five year maximum term of imprisonment on indictment, a 14 year term if bodily harm is caused and a lifetime term of imprisonment if death results.

•(1555)

Furthermore, a five year maximum term of imprisonment on indictment as this bill proposes qualifies this offence as a criminal organization offence. Therefore, if it is found to have been committed for the benefit of, at the direction of, or in association with a criminal organization, the courts are currently directed in the Criminal Code to consider this as an aggravating factor in sentencing.

Needless to say, a VIN tampering offence would add a unique tool to the already significant tool kit in the fight against motor vehicle theft. It is also important to recognize that the current Criminal Code offence of possession of property obtained by crime provides that evidence that a person has in his possession a motor vehicle with a wholly or partially removed or obliterated VIN is, in the absence of any evidence to the contrary, proof that the motor vehicle was obtained by crime.

This new VIN tampering offence would therefore build on the existing possession offence and specifically criminalize the intentional tampering. Currently, those who engage in VIN tampering are often charged with the related offence of possession of property obtained by crime. Although a significant period of incarceration is available for the commission of this offence, it does not fully describe the criminal activity these organized vehicle theft rings are involved in. It is not only the theft and possession of the stolen property which should be criminalized, but also the act of concealing the identity of the stolen vehicle. Therefore, there is a gap in the Criminal Code which this amendment would fill in a meaningful way.

*Government Orders*

A conviction registered under the Criminal Code for altering, obliterating or removing a vehicle identification number would also more clearly and accurately help to indicate a person's involvement in an organized vehicle theft ring. This information would be of value to the police and crown prosecutors in subsequent investigations and prosecutions.

Since this bill is not proposing to amend an existing offence, but instead is seeking to create an additional offence for the behaviour not currently captured under the Criminal Code, those who engage in VIN tampering, if the evidence is available, will likely now be facing numerous charges as opposed to the one offence of possession of property obtained by crime.

The existence of multiple convictions arising out of the same set of facts will result in a more severe global sentence. For example, currently under the Criminal Code, offenders are subject to a 10 year maximum sentence for possession of property obtained by crime. If this bill is passed, then the same offender, when the evidence is available, could face a 10 year maximum term of imprisonment for possessing stolen property in addition to a five year maximum term if convicted of VIN tampering. Those who are fighting auto crime on a daily basis would therefore welcome this addition.

Experience has shown that criminal law legislation is complemented by targeted law enforcement strategies, technological advancements and community education. In this regard I would like to compliment the successful bait car program being run in British Columbia. Enforcement and education will certainly continue to play a vital role in fully addressing motor vehicle theft in this country.

With regard to technological advancements, it is true that in many cases vehicles are stolen for the thrill of it or used to commit further crimes. In this regard a significant advancement was made by the government in March 2005 with the regulatory amendment regarding vehicle immobilization systems brought forward by my colleague the Minister of Transport.

This amendment requires that by September 1, 2007 all new vehicles weighing less than 4,536 kilograms, except emergency vehicles, must be equipped with an immobilization system. These immobilization systems will certainly prove to be effective in reducing vehicle theft in this country by making it a more difficult crime to commit.

• (1600)

It is also important to recognize that the broader issue of motor vehicle theft has recently been raised by our provincial partners. It is vital for the government to examine whether the existing Criminal Code offences are being applied to their fullest potential and whether there are other viable ways in which vehicle theft could be addressed.

That is why in January of this year at the suggestion of the province of Nova Scotia, federal, provincial and territorial ministers of justice agreed to refer the matter of the Criminal Code amendments affecting the categorization of theft of motor vehicles and increased penalties for those who steal vehicles and drive recklessly to a coordinating body of the senior FPT officials for

study. Provincial and federal officials are working collaboratively on this review.

In conclusion, this proposed amendment fills an existing gap in the Criminal Code. It targets the role of organized crime in the theft, disguise and resale process and provides appropriate punishments. This new offence, in combination with other existing Criminal Code tools, technological advancements, and law enforcement strategies and community education will work together to combat the underworld of organized vehicle theft in Canada. Therefore, I certainly encourage all members of the House to support Bill C-64.

• (1605)

**Mr. Mark Warawa (Langley, CPC):** Mr. Speaker, the Parliamentary Secretary to the Minister of Justice outlined the issue of auto crime. It is a very serious problem in Canada. He said that 60% of organized crime members are involved in auto crime. It is a huge problem that is connected with organized crime. We need to appropriately deal with this as a government because it is our responsibility to provide appropriate sentencing and appropriate legislation.

The parliamentary secretary believes that Bill C-64 has appropriate sentencing. He also said that it provides a more severe global sentence and that Bill C-64 will be used to combat auto crime. I am concerned. The announcement sounded good and his speech sounded good, but when we scratch the surface or maybe even look at the track record of the government, does the bill provide what he says it does, or is the government misleading Parliament?

The government is telling us that Bill C-64 has an amendment that makes it even better than what Chuck Cadman's bill proposed. Chuck had dealt with ICBC and his knowledge on auto theft was from an insurance perspective. The issue was very important to him. He knew what changing VIN numbers was all about. He was very concerned about the issue because he represented Surrey, the auto theft capital.

The government has added to Chuck's bill the phrase "and under circumstances that give rise to a reasonable inference that the person did so to conceal the identity of the motor vehicle". That makes it the responsibility of the Crown to prove that the indicted person changed the VIN number with the purpose to conceal. How is the Crown going to do that? How can the Crown say that the person deliberately changed the number to conceal it? It is only God who can read someone's mind.

The Liberals are creating a piece of legislation that is not enforceable. It sounds good, but in reality it is a watered down, phony Liberal bill created to mislead Canadians.

Why would the Liberals put the onus on the Crown to prove the intent of the offender? What is the track record? The parliamentary secretary indicated that the maximum sentences are six months to life. What is the typical sentence? It is conditional sentencing. People are given probation or they serve their sentences at home. No one gets maximum sentences. What is the track record and why would he mislead—

*Government Orders*

**The Deputy Speaker:** The hon. Parliamentary Secretary to the Minister of Justice.

**Hon. Paul Harold Macklin:** Mr. Speaker, of course as an individual who has practised some law in my life I know that the onus always falls upon the Crown to make the case. In this case it would be the same. There is the onus on the Crown. I do not think that onus is undue.

I think this is a situation where in fact if a person is found in a wrecking yard dealing in ordinary parts as part of their business, the inference generated would clearly be that they were in that business, that it was a common occurrence, whereas if a person went into what is called a chop shop operation, where in fact there are no identifying characteristics of that property as being related to an ordinary type of business, I think the inference is rather obvious.

The crown prosecutors are very skilled at doing this work. We give a great deal of support to the provincial crown attorneys who have to prosecute these cases. I believe they do an excellent job. I am certain that they will have the capacity to do that within this bill.

To deal with the member's second question about the types of penalties, obviously we cannot talk about the types of penalties that will be ultimately received under this bill because the bill is just coming into force as and when this Parliament decides that it is appropriate. At that time, of course, we will see what the ultimate outcome is.

What we are doing is adding one more tool to the broad toolbox of opportunity for prosecutors and those in law enforcement to take forward and use in ultimately achieving successful prosecutions against those who are engaged in this type of business. We will certainly leave it to them. I believe that our law enforcement officials are capable, as well as our provincial prosecutors, and I am sure they will do the best they can with us having this extra tool for them to use in going after those who would steal cars.

• (1610)

**Mr. Vic Toews (Provencher, CPC):** Mr. Speaker, I am pleased to stand to address Bill C-64 as the justice critic for the official opposition.

Before I deal specifically with this bill, let me say that I made a note of the parliamentary secretary's comments about the weight category and the immobilizing system that we will be required to put into a motor vehicle.

I noted that there does not seem to be any difficulty with the Liberals weighing a motor vehicle and then determining whether or not there should be an immobilizer, but they had the audacity to stand up the other day and say it would be too difficult to prove whether somebody could traffic drugs within 500 metres of a school. They said that would be too difficult for prosecutors to figure out, yet to get the weight of a motor vehicle in order for there to be an immobilizer did not seem to be any problem.

I think this again basically points out that this government is not particularly serious about addressing certain key problems. It will go after certain pet projects regardless of the difficulties that might be involved, but when it comes to taking forceful, effective steps against criminals, this government will bend over for the criminals every time.

Bill C-64 is professed to be an embodiment of Chuck Cadman's Bill C-287, which he tried to bring forward in the House in November 2004, asking for the support of the government. Of course the government turned Mr. Cadman down.

Looking at this from a purely political perspective, the government is saying that it should get something that looks like what Mr. Cadman wanted, but it also wants to make sure that nobody is actually effectively prosecuted or actually goes to jail for doing this, so it will make this look like Mr. Cadman's bill although it has some very serious deficiencies.

The government and the parliamentary secretary have said that this bill is going to address a gap in the law. That is clear. There is a gap in the law. Mr. Cadman understood that perfectly, coming from the motor vehicle theft capital of Canada. He understood that there was a serious gap in the law.

So what have the Liberals done? The Liberals have taken Mr. Cadman's bill in an attempt to address the gap and then created a loophole in order for criminals presently escaping through the gap to simply escape through a loophole that has been created in the legislation itself.

Speaking as a former prosecutor myself, I know that prosecutors do the best they can with the tools they are given, but why we do not give them the right tools? Why do we not give them the proper tools when they are asking for them? I can tell members what prosecutors are saying: that this bill creates the loophole that Chuck Cadman's bill was supposed to address, both substantively in terms of addressing the gap, and now the loophole.

Motor vehicle theft is a significant concern for Canadians and it is clear that nothing has been done about it over the last decade. For my home province of Manitoba, recent Statistics Canada figures from 2003 indicate that it has the highest rate of auto theft in the country, at 1,148 per 100,000 people, totalling 13,206 auto thefts that year.

Throughout the 1990s under this government, auto theft in Manitoba increased by over 250%. That was despite the fact that provincial governments attempted to do what they could in terms of prosecuting. Special units were brought forward to apprehend these individuals. More resources were brought forward, everything, but the main thing they could not do was change the Criminal Code. That was the problem.

We know that very few individuals commit most of the motor vehicle thefts, yet the issue of repeat offenders receiving mandatory jail sentences has never been addressed. One individual steals hundreds of cars in the course of a year and simply continues to receive probation, house arrest or some other kind of nebulous disposition under the Youth Criminal Justice Act.

• (1615)

I do not have to make up those kinds of statistics. We can all look at what is happening in the courts every single day. The courts keep saying that we should speak to our parliamentarians about the reason they are giving such meaningless dispositions because, they say, that is what Parliament has told them to do.

*Government Orders*

So what I am saying to the government is that as we are taking steps to fix the law, why do we not actually fix it rather than pretend to fix it? What interest is there in our society to keep on seeing motor vehicle thefts increase at the rate at which they are presently increasing?

One of the biggest problems is inadequate sentences. I know that the Liberal justice minister says mandatory prison sentences do not work, but one thing that we do know about mandatory prison sentences is that when these individuals are in jail, they are actually not stealing cars. They are actually being stopped from stealing cars. So for those who are responsible for stealing cars—and some of these young kids are stealing cars every day of the year—if we actually put them in jail, there would probably be one less auto theft per day. Some of these young individuals steal literally hundreds of cars in the course of a year.

There are many innocent victims of auto theft. The vehicle owner, the insurance company and subsequent owners who unknowingly purchase stolen vehicles or stolen auto parts all experience a loss. The 2003 study for the Insurance Bureau of Canada estimated that the direct dollar losses from motor vehicle theft in Canada are estimated at about \$600 million per year. Local organized crime organizations are drawn to the industry because of the enormous profit potential and the relatively low risk of detection. The parliamentary secretary pointed that out. Increasingly, motor vehicles are not recovered when stolen.

It is not just kids doing this anymore, although they are dangerous enough in terms of using these motor vehicles. It is not just organized crime individuals who use these cars for break-ins all over the place. I know that in my province and in the city of Winnipeg this happens all the time. We also know now that organized crime groups are actually taking the cars for resale elsewhere. These cars never show up again. It is a booming industry that this government needs to shut down.

Motor vehicle theft does not only involve property loss, and I have talked about the property loss, but it has a significant impact on injury statistics. From 1999 through 2000, 56 people died as a result of auto theft. Studies indicate that vehicle theft is a serious road safety issue, resulting in a number of fatalities per year.

In fact, one police officer told me of a particular meth addict who is always stealing cars. His way of avoiding the police is taking the stolen car and driving it headlong into oncoming traffic on a freeway knowing that the police will not chase him because of the danger to innocent lives. However, even those few minutes in which this individual is racing down a freeway the wrong way are, I would suggest, a significant issue.

These kinds of occurrences are no longer exceptional. People are doing this because they know the police are restrained from high-speed chases. They know that the police act in a responsible manner.

What police expect of us as parliamentarians is that when they catch these individuals there should be appropriate penalties put in place so that they will not put other people's property and lives at risk.

The government refused to support Mr. Cadman's legislation. It did not come to him at that time and say, "Let us amend this. Let us

make this work". It simply said no. This really indicates that the government had no intention of ever following through on the real legislation that Mr. Cadman proposed. So while the government dithered on real legislation, hundreds of thousands of cars were stolen, millions of dollars were lost and, indeed, innocent lives were lost.

● (1620)

The government has finally taken notice of this bill for purely political reasons. Currently, the action of obliterating, altering and removing a VIN is not a specified criminal act. Section 354(2) of the Criminal Code treats tampering with a VIN in an evidentiary context, establishing that in the absence of evidence to the contrary a tampered VIN is proof of property obtained by crime. There is no law for the direct prosecution of a person engaging in the physical act of VIN tampering. This was the gap that I think the parliamentary secretary pointed out. It is a gap that needs to be addressed. Bill C-64 attempts to address this gap by creating this new criminal offence.

If the government brought forward the bill that Mr. Cadman wanted, I do not think we would have any problem supporting that bill. We would have to examine it again, but generally speaking we have always been supportive of Mr. Cadman's efforts in that respect, but we are concerned about this bill.

The new offence would be punishable for up to 5 years imprisonment. This is the same old story. We provide a substantive offence. Even in this case, I do not know if 5 years is a substantive enough offence when it usually is organized crime that deals with this kind of VIN tampering. The fact that we are limiting it to 5 years indicates that the government does not take this crime seriously enough. The other point is the government has not excluded house arrest for this type of offence. Criminals can still get house arrest for this offence, and that is not acceptable.

I would like to quote Mr. Cadman's explanation of his bill's purpose. He stated:

A conviction under the proposed law would clearly separate persons involved in auto theft rings from auto thieves who steal for destination driving or the short term use of the vehicle in the commission of a crime. The criminal record of the person convicted would set out that the person was involved in VIN tampering and this information would assist in future investigations of repeat offenders. The use of progressive sentencing for repeat offenders would be facilitated because the information concerning past actions would be readily available.

We do not see the idea of progressive sentencing to punish those who are repeat offenders. There is no acknowledgement here that Parliament needs to send a message to those few individuals who are constantly stealing vehicles on a daily basis.

Mr. Cadman was right to legislate a bill which clearly criminalized the tampering of VIN. Currently, the charge does not reflect the actual actions of the suspects and it is impossible to use progressive sentencing on repeat offenders, which Mr. Cadman advocated. Again, the government has left this matter out of the bill.

*Government Orders*

Today, investigators must arrest and charge suspects who engage in VIN tampering with possession of property obtained by crime. Clearly, that is not adequate. VIN tampering is not the same auto crime category as a 16 year old caught stealing a motor vehicle. We have the potential to differentiate crucial elements involved in auto theft and we should empower our peace officers with the powers they need to clamp down on auto theft.

Not only are we missing the boat in terms of sending a clear message to the more serious organized crime elements in this bill, there is another substantive problem and that is what the government has added to Mr. Cadman's original Bill C-284. This addition adds to the difficulty of the crown prosecutors job of proving the offence. The phrase that the government has added is "and under circumstances that give rise to a reasonable inference that the person did so to conceal the identity of the motor vehicle".

•(1625)

This makes it an offence for somebody who alters or removes the VIN on a motor vehicle without lawful excuse. It already has given the individual the opportunity to demonstrate that he or she had a lawful excuse. They the government adds a superfluous element that now it becomes incumbent upon the Crown to prove that. That is the additional element "under circumstances that give rise to a reasonable inference that the person did so to conceal the identity of the motor vehicle".

As a former prosecutor, I know that the government's bill, if passed, will put an onus on the Crown that is far too high and is not constitutionally required. When the police catch someone and prove beyond a reasonable doubt every element of the crime, there was nothing in Mr. Cadman's original bill that did not say the Crown did not have to prove every element of the crime. It has to prove every element of the crime.

Once the Crown proves every element of the crime, then it falls upon the individual to demonstrate that he or she had no lawful excuse. That is a standard practice in Canadian criminal law. There is nothing unconstitutional about that nor is there anything wrong with that. As long as the Crown is required to prove every essential element of the crime, then it is open for the government in its legislation to require on a balance of probabilities that the individual must demonstrate that he or she had some lawful excuse.

The government has added this, quite frankly, to the detriment of an effective prosecution.

I want to state for the record that if this bill should pass or if the government wants our party or my vote in order to pass this bill, let us take out that superfluous clause which does nothing to advance the interests of law enforcement. Indeed it only hinders law enforcement and is not constitutionally required.

The Conservatives will stand up for Mr. Cadman's original proposal, which called for the onus of proof to fall on the accused on a balance of probabilities once the Crown had proven all essential elements of the crime. That is what Mr. Cadman wanted. That is reasonable in Canadian law. Why then has this added phrase been put in there? Essentially, it is because the government has absolutely no desire to crack down on the problem of organized crime

tampering with VIN. If the government were serious about, it would drop that phrase.

The Conservatives will continue to stand up for the rights of victims over the rights of criminals. While Mr. Cadman's original bill addressed the gap, I can only repeat again that this bill attempts to pay lip service to the gap and creates a loophole which will leave the law in exactly the same state as it is today.

Why are we going through this entire effort, if there is no advancement in this fight against what is such a scourge in our country today?

•(1630)

[*Translation*]

**The Deputy Speaker:** It is my duty pursuant to Standing Order 38 to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Lotbinière—Chutes-de-la-Chaudière, the Royal Canadian Mint.

[*English*]

**Hon. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, it is a pleasure to have the hon. member agree with me at least on a couple of occasions with respect to my speech. That is somewhat encouraging. However, what really troubled me in this whole process is when the hon. member indicated that Bill C-64 was not tough enough.

I took the occasion to look at Bill C-287 and its penalty provisions. I then looked at the penalty provisions of Bill C-64. Unless I am mistaken, they are identical.

When we are dealing with sentencing, could the hon. member tell me what he means when he says it is not tough enough?

**Mr. Vic Toews:** Mr. Speaker, in my opinion there are two issues that need to be addressed.

First, the issue of conditional sentences is still present here. Even if it is only on summary conviction, conditional sentences should not exist. If the parliamentary secretary is correct that this bill is intended to deal with organized crime and not simply the crimes committed by a 16 year old kid going on a joy ride, why then are we tackling the most serious types of crime by organized crime with a sentence that is punishable by less than five years of imprisonment? That is my particular concern.

I would suggest a more appropriate response in this case. If we are targeting organized crime, there has to be two elements. The first element is to recognize that on repeat offences there needs to be increased penalties, including certain mandatory minimums and a greater maximum than five years.

If my colleague is saying that he is agreeable to that type of progressive sentencing for repeat offenders and is looking at the issue of moving the limit from five years to ten years, I would suggest that we may even have more in common than my colleague indicates.

*Government Orders*

However, the primary concern I have about the entire bill, aside from the issue of sentencing, and I will review Mr. Cadman's bill with respect to sentencing, is the creation of the loophole which renders the original intent of Mr. Cadman's bill ineffective.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, the member referred to, under clause 1 and under section 377.1 of the Criminal Code, what he considered a superfluous clause, which states, "and under circumstances that give rise to a reasonable inference that the person did so to conceal the identity of the motor vehicle".

I have not consulted a lawyer on this one, but I will take a wild guess that if we eliminate that last clause from the "and" on, it basically then says that everyone commits an offence who wholly or partially damages, removes or alters part of the VIN.

**An hon. member:** A lawful excuse.

**Mr. Paul Szabo:** The member says that it is a matter of lawful excuse, but if I do that inadvertently, there still is of an argument of whether there is a lawful excuse. The idea of the bill is to protect the identity. If I did not like the optics of that number on the dash of my car or something like that and did this, I would violate the spirit of the bill.

Would it be sufficient simply to eliminate the last clause or would there have to be something in the bill that would deal with a case where the lawful owner did something for a purpose which may not in itself have been the intent to conceal the identity of the vehicle, but rather to do it for some other reason?

• (1635)

**Mr. Vic Toews:** Mr. Speaker, the original bill does in fact address that and provides the owner with the lawful excuse. If we are talking about, for example, someone working in the autobody business, taking parts apart and discarding a VIN, that owner has the right to do that. He has a lawful excuse.

The issue then is what does the added phrase do. The added phrase now puts it in addition to proving beyond a reasonable doubt that the individual did in fact alter the VIN, and the Crown has to prove that. Then the Crown has to bring evidence that the circumstances give rise to a reasonable inference that the person did so to conceal the identity of the motor vehicle and that is always the problems.

That is the kind of nebulous situation that we get into, when an accused can then simply sit and say that under these circumstances, there is a reasonable inference. Not once do the accused then have to, after the Crown has proven every essential element of the case, actually get up and say that they had a lawful excuse; they owned that motor vehicle and they could do that.

The original bill did provide that kind of defence to a lawful owner, but in this particular case, it creates an additional element that will be very difficult for a Crown attorney to demonstrate.

I am prepared to listen to a possible amendment by the Parliamentary Secretary to the Minister of Justice which would address that problem, but it is not necessary at this point to put the onus on the Crown to prove the subjective mental intent, essentially, of the accused. That is what I am concerned about in this case. We

will find in these kinds of cases that the judges will say that it is reasonable to infer in these kinds of circumstances and acquit.

We need to ensure that once the Crown has proven the case beyond a reasonable doubt, if the accused wants to be acquitted, then he or she must take the stand and provide that lawful excuse. That is not unconstitutional. That is not inappropriate. We do it in many circumstances.

If the wording were to be altered in some way in order to satisfy the parliamentary secretary, I would be willing to consider that, but the phrase that has been added here, in my experience, would just create a large loophole that would effectively render the bill powerless.

**Mr. David Tilson (Dufferin—Caledon, CPC):** Mr. Speaker, the member for Provencher has indicated that he is not pleased with the sentence of up to five years and that perhaps it should be as high as 10 years. Every member from all sides of the House who talked about how serious this type of offence is said that it goes beyond just joy riding, that it is organized crime.

The member for Provencher gave examples of fatalities. There has been talk about how much it costs Canadians with respect to auto theft. As many as 170,000 vehicles are stolen annually. All of these things describe very serious crimes. I might also add that the member for Provencher has expressed concern that there does not seem to be any real minimum type of offence. One could conceivably go for house arrest.

I ask the member for Provencher to comment on the provision which says that not only is there an indictable offence but there could be a summary conviction offence. This was mentioned in the previous exchange. Can the member for Provencher think of any examples where someone would be charged with a summary conviction offence?

• (1640)

**Mr. Vic Toews:** Mr. Speaker, the member raises a very good point and this contributes to my confusion over the bill. Maybe it is in the drafting. If the intent of this bill is to address not simply joyriding by 16-year-old kids but really address organized crime, and if it is organized crime that is essentially altering VINs, why would there be any summary conviction offence in this context?

The member makes a very good point. It begs the question of why this exists? Most of the kids who steal a car and send it barreling down a back lane with a brick on the gas pedal and without a driver are not worried about taking the VIN off. They are out to cause vandalism. They are out for a joyride. They are out to cause destruction. That is a very different thing than what this bill is supposed to be addressing.

That is perhaps my point. Why is there not some kind of progressive sentencing in terms of dealing with repeat offenders, if what we are trying to do is tackle organized crime? Quite frankly, if it is organized crime we are trying to tackle, let us raise the maximum and ensure that for repeat offenders there are mandatory minimum prison sentences.

*Government Orders*

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Mr. Speaker, Bill C-64 addresses a gap that we have in the Criminal Code which is clear why our former colleague, Chuck Cadman, raised the issue. It deals with the issue of tampering or altering in some fashion the vehicle identification numbers of motor vehicles. The approach he took is somewhat similar to what is in the government bill before us today, and would go toward making the alteration of the VIN number a crime under the Criminal Code and that definitely is something that we need to address.

We have heard from other members that 170,000 vehicles were stolen in Canada in 2004. We all know that there are different types of people who steal vehicles. The bill addresses the theft of motor vehicles by organized crime more than the other two groups which would be the person stealing for what I euphemistically describe as joyriding, or the person who steals it for the use in the commission of another vehicle.

In the vast majority of both of those cases, there will be no attention paid to changing the number since the purpose of the theft is for other reasons. We are told by our police forces that approximately 60% of all vehicles stolen are stolen by organized crime gangs. They are the ones we are really after with regard to this amendment to the Criminal Code.

There is a term in the bill which says how the alterations can occur, but the key word is alters rather than removes or obliterates because the purpose for the resale of the vehicle, once it is stolen, is that a VIN has to be there in most cases. A good number of these vehicles are moved out of province and in a large number of cases, out of country, but when those resales occur, there has to be a VIN on them in most cases in order to have a purchaser accept the vehicle.

There can be a number of times when the purchasers themselves are involved in criminal activity, but in most cases these resales are to people who are innocent third parties and have no idea that the vehicle has been stolen. The reason they know that it has not been stolen is because the VIN has been altered and appears to be accurate reflecting the ownership.

Assuming the bill gets through second reading of the House, it will go to the justice committee. Our party will support the bill for that purpose, but I want to signal to the government at this point, as we have heard already from the Conservative Party and its justice critic, concerns about the first subsection. I share with the member for Provencher concern over why it is necessary to add the additional wording after “without lawful excuse”. It appears to be placing an unnecessary burden on the Crown of another element of the offence that would have to be proven in the court and proven beyond a reasonable doubt in spite of the type of wording.

I look forward to some explanation from the justice department lawyers as to why they felt it necessary to put this in because as I see it right now, and again this is from my experience in the criminal courts, that does not appear to be necessary. We have other offences within the Criminal Code where the terminology “without lawful excuse” exists without additional wording and those Criminal Code charges are of long standing, going back probably to the start of the Criminal Code and have certainly been used repeatedly in any number of criminal charges that have been successful.

•(1645)

The second point I would make with regard to my reservation about the bill addresses the sentencing component. Like my colleagues from the Conservative Party, I am not a believer in the use of minimum mandatory sentences, just the opposite, in fact. I am not promoting that in this case but we need to look at what we are really trying to do here.

We are trying to get at organized crime stealing vehicles. In the course of that activity they need to alter the VIN number in order for their resales to be carried out. If that is the target group of this amendment to the Criminal Code, it seems to me that we should be putting in clauses, as we have done in a number of other sections of the Criminal Code, to address to the courts a mandatory direction that if the individual who is convicted of this crime is identified as being a member of an organized crime gang, that would be an aggravating factor in the sentencing.

We have to recognize as well that in the vast majority of cases if people are going to be convicted of this charge, they are also going to be convicted of theft but they may also be convicted of being a member of an organized crime gang, which is a separate offence. If those convictions are before the court, then I suggest to the justice department that it would be appropriate that their involvement in an organized crime gang would be a fact that the court should be made aware of and that the court should be mandated to take that into account as an aggravating factor in the sentencing process so that the conviction would result in a sentence that would be closer to the top end of the maximum that can be apportioned in the circumstances rather than at the lower end.

On the other hand, there are 16-year-olds who take vehicles and alter them. We have to appreciate that a lot of people think of the VIN number as being a number that is buried somewhere inside the engine component of a vehicle. That is not the reality. The VIN number is oftentimes on or under the dashboard. It is easily accessible and so there may be very unsophisticated, first time criminals altering it, maybe for the purpose of resale. Our courts would look at that fact and then maybe decide there is a potential for rehabilitation and would not want a mandatory minimum because the person was not involved in organized crime and therefore it would not be an aggravating factor.

We are at a stage where the NDP will be supporting this at second reading and referred to committee where the two areas I have expressed concern over can be addressed with perhaps amendments from the government or the opposition parties.



## ROUTINE PROCEEDINGS

•(1650)

[English]

### COMMITTEES OF THE HOUSE

#### TRANSPORT

**Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I do not mean to interrupt the debate on a point of order but there have been discussions among all the parties and if you seek it I believe you would find unanimous consent for the following motion. I move:

That in relation to its study on Air Liberalization and Airports System, 6 members of the Standing Committee on Transport be authorized to travel to Washington, D.C. from Monday, October 31 to Wednesday, November 2, 2005, and that the necessary staff do accompany the Committee.

**The Deputy Speaker:** The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

(Motion agreed to)

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## GOVERNMENT ORDERS

[English]

### CRIMINAL CODE

The House resumed consideration of the motion that Bill C-64, An Act to amend the Criminal Code (vehicle identification number), be read the second time and referred to a committee.

**Mr. Paul Szabo (Mississauga South, Lib.):** Mr. Speaker, I am pleased to speak to Bill C-64. I very much have enjoyed the commentary of the previous speakers. It raises that even a bill that is only one clause long and refers to amending the Criminal Code can raise some very important issues, such as sentencing, the unintended consequences and the like

However, on balance I think members will find, as we have in the speeches already, that there is all party support for this, not just because it happens to be coming from one of our former colleagues, Chuck Cadman, but because this fits in with the demands of Canadians to ensure that we fill some of these loopholes.

Bill C-64 would make it an offence to wholly or partially obliterate or remove a vehicle identification number. Canadians will understand that VINs are very unique to all cars and are there for identity purposes, but that car theft in whole or in part is a very serious problem.

In this bill, the punishment for the offence, if it proceeds with indictment, is a five year maximum term of imprisonment, or if proceeded with by summary conviction, a six month term of imprisonment and/or a fine of \$2,000. This is not a matter to be taken lightly.

Just for the interest of the House, the term motor vehicle is defined in the Criminal Code and therefore would mean a vehicle that is drawn, propelled or driven by any means other than by muscular

### Government Orders

power and does not include railway equipment, so we are talking about basically motorized vehicles.

Motor vehicle theft is certainly not a victimless crime and I think that probably all members in the House have had experience in their own ridings and communities. When we talk about the theft of personal property, whether it be from outside or within the home, this is an invasive activity that tends to undermine the safety and security of our communities and creates a lot of consternation. Obviously, we should not consider this to be a victimless crime.

In addition, it has considerable impact on the vehicle owners. There are insurance matters, law enforcement, health care and correctional issues. The consequences and the ripple effect when this kind of thing occurs is staggering.

A report put out in 2000 indicated that the cost to the insurance industry alone from motor vehicle theft claims was in the range of \$600 million in the year 1998. We do not have any more recent figures but when we consider the magnitude of that we understand that just because there is insurance and it may be covered, we do not get something for nothing. Obviously, through the insurance premiums we pay, they are geared to the lost records that are incurred with regard to the areas being covered. In this regard this is a major component of the cost of premiums for insuring vehicles.

Vehicle theft can take many forms. It can be a crime of opportunity, thrill, addiction or it can be even more sophisticated, requiring distinct roles and responsibilities, networks and combinations of criminal offences. We have certainly seen many movies on this subject matter itself. I can recall seeing one very recently where the big idea was to steal 60 cars in one night. To see the tools, they obviously did a lot of research, but it is amazing how efficient organized crime can be when it comes to vehicle theft.

One of the ways in which organized vehicle theft is facilitated is through the act of removing a vehicle's existing identity, and that is what this bill is all about, the vehicle identification number.

The first stage of this process involves criminals who work the streets seeking specific models or luxury vehicles. The next stage of the process involves intermediaries, or so-called chop shops, who will take the cars and modify them, disguise them or chop them up for parts. The process requires the vehicle be stripped of all existing labels and plates. It is the kind of thing that is so efficient it is absolutely amazing that it could happen so often without being noticed in communities.

•(1655)

I guess it should not be a surprise to us when we consider the situation of grow houses and the prevalence of grow houses in communities across Canada that seem to be able to operate without detection for very long periods of time, all for the benefit of organized crime.

The primary focus of the bill is to give some of the tools that are necessary to address the situation where the unique identify of a vehicle is disrupted.

*Government Orders*

Organized vehicle theft is lucrative and comparatively low risk. It also is increasingly international in scope. We have seen many stories where ship containers are being filled with certain cars that are very attractive to international destinations. If we were to look at some of these shipping yards, we would understand why it has been so difficult to detect this. This bill would be extremely important for the law enforcement side.

An example of this elaborate criminal activity was provided in a 1998 report where it was explained how a Vancouver area organized crime group operated by stealing vehicle identification numbers from salvage yards in Vancouver. It would then travel to Toronto, steal the cars that fit the make of the stolen vehicles and then apply the stolen vehicle identification number from the Vancouver vehicle onto the Toronto vehicle.

As we can see, there is some sophistication here, which makes this particular offence quite serious because it is facilitating major activity with regard to organized crime.

One report notes that theft rings need only put out money to pay for the theft of a vehicle and the cost of shipping, which together generally costs less than 10% of the value of the vehicle itself. Obviously, it is an extremely lucrative business and there is a lot of incentive for those who would participate in this criminal activity.

There are a few limited situations where some people may legitimately alter the vehicle identification number in the execution of their lawful work, and the intent of the bill is not to deal with that. We have had discussions through the debate today about the possibility of having an amendment where we are dealing with whether or not there is a need to identify the motivation, whether the motivation for alteration was with regard to taking away the identity of the car.

We also must ensure that those persons who have a legitimate reason, which is part of the bill in terms of requirement for having a lawful excuse, to incidentally tamper with a vehicle identification number, will be protected from criminal prosecution.

The offence, as designed in Bill C-64, accounts for these legitimate behaviours, such as inadvertency, by requiring that the tampering be committed under circumstances that give rise to a reasonable inference that the person did not so conceal the identity of the motor vehicle. The member for Provencher raised some concern about this aspect .

I suspect, being where we are in the legislative process, that work will be done to consider whether or not an amendment or some language amendments may be required to make absolutely sure that the bill is functional in the way that it was contemplated.

The particular circumstances that give rise to a reasonable inference are not spelled out in the legislation, nor should they be. They are open-ended to allow for crown prosecutors to lead evidence of intent, such as the application of a replacement vehicle identification number, altered vehicle documents, or fraudulent resale to an innocent buyer. Ultimately, this is a finding the court would make based on the evidence presented by the Crown.

● (1700)

Ultimately, motor vehicle theft is occurring at a very significant rate. I am pleased, however, to note that the rates have decreased slightly in the last year according to the latest reports. This is due in part to the numerous successful law enforcement strategies which are being employed across the country. For example, targeted law enforcement has been extremely successful in the bait car program operated throughout Vancouver, which is run by the Integrated Municipal Provincial Auto Crime Team, also known as IMPACT.

Essentially, bait cars are vehicles that are equipped with GPS tracking technology, as well as visual and audio recording devices. When an offender attempts to steal a car, an alarm is triggered at the monitoring station. Police are notified and are able to safely disable the vehicle, make an arrest and use the recorded evidence of the theft in the prosecution.

The fight against auto theft, organized or otherwise, will require similar creative law enforcement techniques if it is to be ultimately successful.

The situation is clear. Members of criminal organizations are reaping large profits on the backs of legitimate motor vehicle owners.

Therefore, I certainly hope that all members will support the bill, and to the extent that there are any concerns whatsoever, we take the time necessary to make whatever amendments are necessary so that we can pass this bill in honour of our late colleague, Chuck Cadman.

**Mr. Dave MacKenzie (Oxford, CPC):** Mr. Speaker, I have listened to a number of the speakers today with respect to this bill. I have a little bit of background in law enforcement.

The issue is about the addition to what Mr. Cadman originally proposed. Has the member opposite given consideration as to whether this particular bill is not also useful in other criminal activity besides the theft of a motor vehicle?

I ask that question with the understanding that certain models of the same year of vehicle are worth considerably more money if they are purported to be a model different from a base model. We could be talking in terms of \$50,000 to \$100,000 for the vehicle.

By adding what we have here “to conceal the identity of the motor vehicle”, is only applicable if one is trying to steal the vehicle and put it off as another vehicle of similar value. I am wondering if the hon. member would give me his opinion. What it does is it allows the individual to make that change. If we take it out, the individual has no lawful excuse to change the number other than to enhance the value.

That is not a victimless crime. Certainly there is organized crime and there is crime that is organized. There are people out there altering VINs for the purpose of enhancing the value of the vehicle.

● (1705)

**Mr. Paul Szabo:** Mr. Speaker, I will be brief. I gave an example in my speech where it was found that some people were taking a VIN off a Toronto car and putting it on the same make of car in Vancouver.

*Government Orders*

As the member described, it could have some unique characteristic which gives it a different value. Clearly, the bill does apply in that case. I suspect that the point the member raised is in fact covered by the bill in its present form.

**Mr. Mark Warawa (Langley, CPC):** Mr. Speaker, it is an honour to rise again in the House and speak to what is being touted as the government's bill to honour our former colleague, Chuck Cadman.

I remember a few months back being at the funeral honouring Chuck. The Prime Minister was there along with many of us to honour and remember Chuck. There was a promise made at his funeral that the Prime Minister would bring Chuck's bills before the House to honour him. That made many of us very happy because Chuck had introduced numerous bills over the years. Of course his wife, Dona Cadman, and his family were there, so it was wonderful to hear that the Prime Minister was going to do that in Chuck's memory.

Chuck in dealing with auto crime had presented some bills in the House. Bill C-413 was introduced in March 2003 and then was reintroduced in February 2004 and Bill C-287 was introduced in November 2004. Unfortunately the government never did support those bills of Chuck's regarding VIN altering.

Today we have been dealing with Bill C-65 on street racing and Bill C-64 on vehicle identification altering. However, our excitement that the Prime Minister was going to do the right thing was short-lived. There was a comment made by the justice minister that these bills were invoked in the name of Mr. Cadman saying that they were intended as an appropriate tribute to his legacy.

Chuck Cadman worked very hard to make Canada a safer place and to fight for victims' rights. He did an incredible job. Some of us here still have that passion to work for Chuck. It is unfortunate that Chuck did not see those bills passed while he was with us.

On October 1 a local newspaper, *Now*, ran an article titled "Chuck's bill likely to be law". The community was excited that Chuck's bills were going to become law, that the Prime Minister was going to keep his promise. People were excited. Then we looked at the bills and found that they were not Chuck's bills at all. The government was using Chuck's name and had altered and watered down his bills. We became very disappointed.

Dane Minor was Chuck's campaign manager and worked for years with Chuck. He wrote a letter to the editor about Chuck's bills becoming law. It stated:

I read this article with a growing sense of disgust. Several weeks ago the prime minister announced on the front pages of national and local papers that his government would pass Chuck's private member bill into legislation as an honour to Chuck. My immediate reaction was a positive one. It would be a fitting memorial to Chuck. Then the justice minister announced his watered down version. This isn't Chuck's bill in either intent or design. It is a cynical attempt by the Liberals to use Chuck's good name while doing little or nothing to change the existing laws.

One of the things that drew Chuck into the political arena in the first place was a visit by a former justice minister to supposedly discuss the Young Offenders Act with Chuck. The man blew into town, spent five minutes getting his picture taken shaking Chuck's hand and went back to Ottawa saying meetings with victims showed his government cared about victims and the faults of the YOA. Chuck was disgusted and it was incidents like these that led him to become a MP to truly change things.

This "new" legislation from the Liberals is the same type of political stunt. [The] Justice Minister...said his government tweaked both bills to comply with the Charter of Rights and Freedoms and address "operational deficiencies".

●(1710)

There is a word here I will not repeat.

Chuck had one of the best legal advisors in Ottawa on his staff and his bills were well within the Charter. The ultimate ridiculousness of [the justice minister's] version was the reason for removing penalties for repeat offences: "because the police across this country don't have tracing or tracking records so we would know if it was a first, second or third tracking offence."

If the Liberals truly want to honour Chuck Cadman I suggest they pass his laws as written and actually give the police the resources to find out how many previous offences there were. If they don't have the courage to do that, at least have the decency to stop using his name in a self serving bid to gain political points.

That was from Dane Minor's letter. I phoned Dona shortly after that. I asked Dane if it was okay to read the letter in the House and he said yes. I asked Dona if she was okay with that and she said yes too. She asked the House not to present Mickey Mouse watered down bills but to pass Chuck's bills the way Chuck had written them. They were good bills. If we pass the Liberal bill, all it does is protects the criminals. That is what I heard from Dane and Dona.

For years I was involved with dealing with auto theft. Like Chuck, I spent a number of years working for ICBC and I dealt with crashes and auto crime.

I found some very interesting statistics on auto crime. The typical auto thief is a 27-year-old male. He is addicted to crystal meth. He has 13 prior criminal convictions and he is stealing the vehicle to commit another offence.

There are auto thieves who are stealing the car for a joyride. Some steal cars for transportation to get from point A to point B, some to their court hearing. There are some kids who steal vehicles. There are vehicles being stolen by organized crime. Primarily the number one offender is the typical thief who is addicted to crystal meth and is stealing it to commit another crime.

The bill presented by the government as a bill to honour Chuck, this watered down version which I do not support because of why the Liberals have done it, is to deal with the changing of the vehicle identification number. That can be done in a number of different ways and it is connected with auto crime, with organized crime.

It is a small minority of the vehicles that are being stolen. Last year there were 170,000 vehicles stolen. The Insurance Bureau of Canada says that it is costing Canadians over \$1 billion a year. When we include the police costs and the loss to Canadians it is \$1 billion a year for auto theft. A portion of those are vehicles that are being stolen to change the VIN. What kind of theft is that? What do they do with the vehicles? Why are they changing the vehicle identification numbers?

*Government Orders*

Some of them steal the car to sell it for parts. We have heard that. That is a percentage of them. They will take the car apart and sell the pieces. A lot of the new vehicles, in fact most of them, have a VIN attached to every panel and every fender. Every component in the car will have the VIN hidden on it. That is something we may want to consider.

If we are talking about amending the bill to make it a bill that would work, we are talking about altering on a vehicle but it could be a vehicle or components of a vehicle. That is a big problem. The car is stolen and then parted out because the thief thinks that the parts are not traceable. Another way that organized crime operates is to steal an expensive vehicle, alter the VIN and then sell it.

• (1715)

I have constituents in my riding of Langley who bought a motor home. It was their dream to buy a motor home. They bought it from a reputable dealer, or so they thought, and it turned out to be a stolen vehicle, a vehicle that had an altered VIN. My constituents had taken out a mortgage. They were going to sell their house. The motor home was going to be their home. It was a beautiful \$140,000 motor home. It turned out to be stolen. It was taken from them.

The province of B.C. refunded the PST because of the fraudulent VIN. My constituents had done the due diligence. They did a check on the vehicle and everything was fine. They had it checked out, but it turned out to be a stolen vehicle. The VIN had been changed to the legitimate VIN of a vehicle that was not stolen.

This is all too common. Thieves will steal the registration from another vehicle. The registration has a VIN. The thieves will put that legitimate VIN from a vehicle that is not stolen onto the stolen vehicle so the buyer does not realize it is a stolen vehicle. My constituents bought the vehicle. Unfortunately, it was taken back. The police found it.

I wonder if I am going over my time, Mr. Speaker, because I am getting some heckling from my honoured colleagues across the way. I would ask them to be patient.

**An hon. member:** Take your time.

**Mr. Mark Warawa:** Thank you. I will take my time. I will ask my hon. colleagues to pay attention because we are talking about a very serious matter.

These constituents of mine lost \$140,000. The province of B.C. gave back the PST they had paid. If we do the math, that is 7% of \$140,000, which is about \$10,000. That is a lot of money. They got back the PST from the province of British Columbia and they asked the federal government to give back the GST.

Unfortunately, the government is refusing to give back the GST to this wonderful couple in the latter years of their life. The province did the right thing, but the federal government loves to overtax Canadians.

My constituents are victims of auto theft. It is a huge problem. Vehicles are broken up for parts or sent overseas or the VIN will be changed deliberately.

As I said, there is an obvious VIN. It is usually on the front left-hand corner of a vehicle, right where the windshield meets. It is out

of the way. It cannot be seen from inside. A person must look at it from the outside. There is also a hidden VIN on each vehicle. Sometimes there are a number of them, but primarily there is one on each vehicle. The police can find out from the VIN on a suspicious vehicle if it has been changed.

It is very important to check. It is very important to me. In my former life as a city councillor and working for ICBC as a loss prevention officer, I had to tackle problems, whether they were crashes or crime. We always looked at the three Es: education, engineering and enforcement.

For education, we would tell people that auto crime is a problem in the Vancouver area. We would teach them how to protect themselves from being victims of auto crime. Vehicle owners should not leave their registration in their vehicles. They should leave it at home or keep it on their person, because if somebody breaks into their vehicle and steals their registration, they can actually sell that vehicle without the vehicle owner even knowing it because they have the VIN. They can make a fake VIN and put it on another stolen vehicle. The vehicle owners would not realize that their vehicle has been stolen. It is still in their possession, but thieves have stolen their VIN.

We told people to use a steering lock on their steering wheel. We told people that if they did not have an immobilizer, they should get one. We told them that if they did have one, they should make sure it was a good one that was approved and that worked. A lot of new vehicles have an immobilizer that does not work. People must have a good one.

The Insurance Bureau of Canada and the Insurance Corporation of British Columbia have information pages to educate people on what works and what does not work in protecting their vehicle. We told people not to leave valuables in their vehicle because that can attract thieves. We did everything we could through education. In engineering, we had those steering locks and immobilizers. We also had the bait car program through engineering, to try to go after auto thieves.

• (1720)

The very frustrating part was enforcement. The police would try to catch these people, but the courts kept letting them go. I asked the parliamentary secretary what the sentencing was and he said this legislation will be used to combat auto crime.

What is the track record? This is going to be added to other forms of legislation. Bill C-64 is supposed to help combat auto crime. What is the typical sentence?

Right now if someone steals a car and gets caught that person typically says he did not realize the vehicle was stolen. People will claim it was given to them by a friend. That is the excuse they have. In court it is tough to prove that they knew the vehicle was stolen and it is tough to prove that they stole it.

*Government Orders*

If they are convicted, they get the typical sentence, which is probation. If they get caught again, they receive probation for breaching their probation. These people are repeat offenders. It is a small group of people who are stealing these vehicles. These are high risk people. The typical person stealing vehicles is addicted to drugs and is a high risk individual. Yet these people keep on getting probation for breaching their probation.

There is a sense of frustration within our communities across Canada with the fact that sentencing is not being done appropriately, that the courts are not taking this problem seriously. We are asking for mandatory minimum sentences.

My private member's bill asked for mandatory minimum sentences. I did research. I consulted with my colleagues. I found that the average cost in terms of damage to a stolen vehicle is \$4,600. There should be a minimum fine of at least \$1,000 if the average cost is \$4,600. That seems very conservative to me. The other option was to have the individual serve three months in jail, or both, but of course the Liberals do not support sentencing with consequences. They would prefer to have these people released back into the community with probation.

Chuck wanted to see some consequences. He wanted to see some good legislation and he provided good legislation. His bill would have made it an offence for anyone "who, wholly or partially, alters, removes or obliterates a vehicle identification number on a motor vehicle without lawful excuse". That would be a good piece of legislation. Right now it is not illegal to do that. It should be. Chuck knew that. As Conservatives we know that and we would support that.

What did the Liberals do? They added this clause: "and under circumstances that give rise to a reasonable inference that the person did so to conceal the identity of the motor vehicle". That puts the onus on the Crown to prove the intent of the offender. Why did the person do it? Did the person do it to conceal the identity of the vehicle?

I believe that taking the VIN off a vehicle should be an offence unless there is a lawful excuse. A lawful excuse would be if the vehicle had been damaged severely or was totalled, and if, for example, the front half was going to be taken off another vehicle and those two vehicles put together. That would be a lawful excuse to change the VIN to match the hidden VIN. That can be done.

However, thieves also now have the technology to create a false VIN. If the VIN is taken off because the car is stolen, that is not a lawful excuse. That should be an offence. It seems too obvious. I am not certain why the Liberals do not agree with that. Taking the VIN off without a lawful excuse should be an offence. If someone changes those numbers, or if those numbers are removed or obliterated, that is an offence unless there is a lawful excuse.

I support Chuck's intent. To add that extra watered down onus on the Crown to prove that the offender had the intent to conceal makes it very difficult. I ask the House to support Chuck Cadman's bill, not this one.

● (1725)

This is a watered down version of Chuck's bill. Dona Cadman and Dane Minor are both asking the House not to support this bill because it is using Chuck's name and we should not do that.

We should honour Chuck. If we are going to pass Chuck's bill, let us pass Chuck's bill as written, not a Liberal bill.

**Mr. Randy Kamp (Pitt Meadows—Maple Ridge—Mission, CPC):** Mr. Speaker, I would like to thank my hon. colleague from Langley for his very informative speech. I learned a lot. We do not always learn a lot from some of the speeches we hear, especially those from the other side.

Quite apart from the details of the bill, I think we all agree that there is a problem with auto theft and particularly with organized rings of auto thieves, which this bill is going to try to address. I think that was Chuck's intent in all of this.

There is something that I am curious about. We looked at Bill C-65 earlier today and now we are looking at Bill C-64. Both were intended to be tributes to the legacy of a great parliamentarian and we are going to miss him around here. What puzzles me, and perhaps the member could comment on this, is that both of these initiatives were pretty significantly opposed by the Liberals. The government was not going to allow these things to get through committee or to even be amended or anything like that.

I am curious about why there has been the change of heart. Not that long ago, just a couple of years ago, the government did not like these things. Now it brings this legislation here. I wonder why.

**Mr. Mark Warawa:** Mr. Speaker, as I said earlier, I was at Chuck's funeral. I believe these bills were brought forth to honour him. I know that promise was made. That is why we have these bills before us.

A month ago for the first time I experienced having a private member's bill voted on. Everybody on this side in the Conservative Party supported my bill to have auto crime dealt with as it is a serious problem. My bill would give a sentencing guideline to the courts so that there would be increased penalties for repeat offenders, so that there would be consequences. Each time a person steals a car, the sentence would become a little more severe. It is a concept that we believe in. We believe in accountability, honesty and truth in sentencing.

Unfortunately, the justice minister gave direction to the Liberal caucus that it was not to support my bill. Chuck experienced that. I had a taste of what it felt like. Now we are presented with bills from the government to honour Chuck, yet his family and his campaign manager are saying that these watered down versions dishonour Chuck, they do not represent what Chuck wanted, and his family and his campaign manager do not support them.

*Private Members' Business*

I would ask the government to do the right thing: to amend and reintroduce these bills in the House the way Chuck wrote them. That was the promise that was made. In presenting Bill C-64 and Bill C-65 as the government has, it has watered down Chuck's bills. Actually, Dona Cadman said it best when she said they protect the criminals. That is not what we are here for. We want to see justice. Let us honour Chuck Cadman and allow his bills to be here, not these Liberal bills.

\* \* \*

• (1730)

[Translation]

**MESSAGE FROM THE SENATE**

**The Acting Speaker (Mr. Marcel Proulx):** I have the honour to inform the House that a message has been received from the Senate informing this House that the Senate has passed certain bills, to which the concurrence of this House is desired.

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**

[Translation]

**INTERGENERATIONAL TRANSFER OF FARMS**

**Ms. Denise Poirier-Rivard (Châteauguay—Saint-Constant, BQ)** moved:

That, in the opinion of the House, the government should take action to promote the intergenerational transfer of farms by implementing the following measures: (a) increasing the allowable capital gains deduction for agricultural property from \$500,000 to \$1 million, exclusively for transactions as a result of which a farm remains in operation; (b) extending application of the rules governing rollovers to all members of the immediate family under 40 years of age; (c) setting up a farm transfer savings plan that would enable farmers to accumulate a tax-sheltered retirement fund; (d) make the rules governing property ownership more flexible so that young farmers can obtain a larger share of a residence held by a company and use their registered retirement savings plan to acquire an agricultural enterprise; and (e) transfer a recurring envelope to the government of Quebec and the other provinces for encouraging young people to go into farming

She said: Mr. Speaker, as hon. members are no doubt aware, the population of Quebec, like that of Canada and the rest of the western world, is rapidly aging. The generation that built modern Quebec, from the Quiet Revolution until the present day, is fast approaching retirement age. It is therefore our collective duty, and I am sure we agree on this, to pass the torch to those come after us, so that Quebec may continue to develop its potential at least as much as it has over the past 40 years, if not more.

If that philosophy of passing the torch to future generations is valid for all spheres of economic, social, cultural and intellectual activity in modern Quebec, it is all the more so for agriculture.

In 2005 do we still need to prove how important agriculture and feeding the country's people are to all of the countries of the world? There is a close connection between the regions of Quebec and its major urban centres; while the latter represent industrial, commercial and cultural productivity, the former represent food self-sufficiency and the source of life. Most human beings today lead materialistic

and urban lives, but they still need to eat three times a day, and always will.

It is in that perspective of continuity of working the land that we must look today at the question of the future of agriculture in Quebec and Canada.

I myself am a farmer. I have worked in this field for the last 25 years, apart from the last two which I have had the privilege of spending in the company of my colleagues here. It is primarily as a person involved in the field of agriculture that I decided to actively enter politics under the banner of the Bloc Québécois. Our 2004 election platform was and still is relevant to the major challenges that Quebec will have to face in agriculture. It is this important challenge and this questioning concerning the next generation of farmers that I come to present in the House of Commons, in the hope that we can find some solutions and societal choices that demonstrate inter-generational solidarity, for the love of our farming community.

When the economy is bad, the first to be discouraged are the job seekers just starting their careers. They are what is commonly called "the next generation". This phenomenon is even more pronounced in agriculture. Whereas the economic cycles of recession and expansion follow each other almost naturally, farming has had difficult times for too long. Market globalization has enabled farms on the other side of the planet to compete directly with our local producers. Of course, this globalization trend has had certain advantages. It must be acknowledged, however, that the world of agriculture is not as flexible as the electronics or automobile industries. You need land and heavy machinery to produce a harvest. Furthermore, there is no question that this is the only field of production that is dependent with such uncertainty on climatic conditions. With one thing affecting another, the next generation of farmers is not knocking down the door.

The key word has been uttered: "uncertainty". Our ancestors saw farming as a safe investment marked by stability, but can the same be seriously said today? Unfortunately, the vocation of agriculture is demanding more and more financial, physical and human resources in order to face growing uncertainty. It is our duty as elected representatives of the people to find solutions that will permit the farming industry of Quebec and Canada to continue to work for the years to come.

The next generation, these young people to whom we have handed down a love of agriculture, needs help. In order for their ambitions to become tangible reality, they need some clear proposals and real solutions to real problems. I shall start, therefore, by drawing as accurate a picture as possible of the agricultural realities.

First, a general comment: there are fewer and fewer farms in Quebec. Between 1996 and 2001, which was a time of economic growth, the number of farms in Quebec fell by 10% to 32,000. In some traditionally agricultural regions, such as the Lower St. Lawrence, the number of farms decreased by as much as 50%. At its annual convention in 2004, the Union des producteurs agricoles adopted the objective of not falling below this historic floor of 32,000 farms in Quebec.

In addition, farmers' incomes are far from increasing at the same rate as the size and value of their farms. According to some studies, the value of one acre of arable land rose from \$606 in 1981 to \$1,600 in 2001.

• (1735)

The average assets of Quebec farms rose from just under \$700,000 in 1997 to \$1.12 million in 2002. But net average income of farmers rose only from \$34,000 to \$39,000 in this same period. That is a considerable concern to the generation that will replace them over the next few years.

In view of the fact that the average age of Canadian farmers is 50, that 35% of Quebec farmers are over 55, and that about 12% of farmers intend to retire next year but 26% of those have no one to take over, there is an urgent need to take action in order to ensure the survival of the agricultural way of life in Quebec and Canada.

As we know, youth is not necessarily synonymous with wealth. One of the basic problems highlighted by the three facts I just outlined is that it is difficult if not impossible for our young people with agricultural ambitions to acquire the basic tools of the modern farmer unless substantial help is forthcoming. Government inaction, reinforced by market forces, will have no other effect than to concentrate agricultural wealth in just a few hands, that is to say, to create “mega-businesses” and “super-farms” that will only discourage small farmers and lock them into a vicious circle leading to the loss of their agricultural heritage and the inevitable end of any possibility of renewal.

That would be the end of a middle class of farmers, the end of family-owned farms on a human scale. That is what we have to avoid for the sake of the future of farming in Quebec and Canada. In order to increase the chances that farmers will be successful, we have to prevent extreme market forces from encouraging only the mammoth operations with their tendency to monoculture at the expense of small farmers and the healthy diversity of their crops.

The Government of Quebec understands the problem. La Financière agricole du Québec has a financial support program for aspiring farmers that provides several different kinds of assistance, including establishment capital grants between \$30,000 and \$40,000 for students with a degree in agriculture, secure rate establishment loans, in which La Financière caps the interest rates on the first \$500,000 that a start-up farming operation borrows, and many advisory services.

For its part, the federal government provides preferential loans, advisory services and a few tax measures that can facilitate the transfer of the family farm from one generation to the next through Farm Credit Canada. But this is not enough. In contrast to the United States, Great Britain and even Quebec, the federal government does not provide any direct, unconditional grants, such as the establishment grants for example.

It is mainly in regard to the federal measures that my party and I wish to elaborate and further enrich the discussion today in order to analyze how we could contribute to the objective established by Quebec farmers, namely preserving 32,000 farms on all the agricultural land. The federal government must do its fair share.

### *Private Members' Business*

In order for this ambitious objective to be achieved, an additional 400 young people will have to set themselves up in agriculture in order to create 900 to 1,100 new farms a year, according to figures provided by the UPA. In order to do this, there are three critical areas on which we will have to focus: taxation, savings and cooperation.

The tax problem is related to the problem of selling and buying a farm. When farmers are ready to retire, the financial problem is not as much that taxes are due on the sale of their property as the difficulty of finding a purchaser whose offer is close to the market value of the farm. Since the market value of farms has increased substantially—as we just pointed out—and there are not very many purchasers in the next generation because of a lack of resources and financial supports, farmers have to dismantle their farms, more often than not, which forces them to pay more taxes and does nothing to help transfer the farm to future generations.

In order to increase the benefit of transferring a farm as opposed to dismantling it, would it not be advisable—and this is the Bloc Québécois's first proposal regarding taxation—to increase the allowable capital gains deduction for agricultural property from \$500,000 to \$1 million for the sale of a farm operation to another farmer?

• (1740)

This would allow farmers who sell their property to avoid having to pay too much in taxes because of a lack of potential buyers, and it would also encourage hesitant young people to go into farming.

In other words, since taxes paid on transactions would decrease, this measure would allow the seller to dispose of his assets at a lower price while guaranteeing him the same amount of money and encouraging young people to go into farming. Basically, if we want to encourage, from a taxation point of view, the transferring rather than the dismantling of agricultural property, we have to increase the gap between the rates that apply to transfers and dismantling respectively. Some conditions could be set. For example, the proposal in the case of a farm that remains in operation could be set at 75%. This would have the effect of preventing speculators from taking advantage of the system.

Moreover, as we know, unlike other taxpayers, a person who operates a farm can, without paying taxes, transfer directly to his children and to the children of his children some of his agricultural property. In order to encourage a larger number of young people to go into farming, why not extend the application of the rules governing rollovers to other members of the immediate family under 40 years of age? If we did that, some brother, sister, niece, nephew or cousin would very likely be interested in taking over the family heritage.

Two simple measures that could provide a win-win situation for both the purchaser and the vendor.

*Private Members' Business*

The second problem, as we see it, after taxation, is savings for farmers. If we want to attract newcomers to farming, we have to be able to encourage them to plan for their retirement, despite the numerous investments and expenses they will run into for starting up and running their business. Since a farmer's income fluctuates and they are not all able to contribute to an RRSP, why not set up a farm transfer savings plan to allow farmers to build up a tax-sheltered retirement fund? The governments could make a contribution, like they do for registered education savings plans. Such contributions could be conditional on maintaining the farm.

In that same vein, we could also amend the rules of the Home Buyer's Plan so that a young farmer could use his existing RRSP to acquire the farm, which would usually come with a home. This fourth measure would be feasible only if the maximum HBP withdrawal were increased.

Finally, after the taxation and savings that will help young farmers socially and economically, we feel that it is important to set an objective right away in regard to cooperation between farm organizations and government stakeholders. The effect would be to channel their activities in a more coherent way toward the renewal of the farming generations.

Since Quebec and the provinces are the levels of government closest to the farming world in regard to funding and services that promote the renewal of agriculture, it seems reasonable to suggest that the federal government should transfer a recurring envelope to the Government of Quebec and the other provinces to help the next generation of farmers.

The Government of Quebec could use this envelope for a number of next-generation-related purposes: extending the availability of the start-up subsidy; improving interest rate protection and increasing eligibility ceilings; providing more generous grants for young people who are starting up a farm; and setting up some sort of structure such as a single window providing information on farms without a next generation and young farmers without a farm.

It is possible to have a voice, to ensure that there will a next generation of farmers. But to ensure a future for farming and our youth, it is imperative for government to take action. We cannot just let things slide. The people have given us not just a mandate to represent them but also the power. And the power means the opportunity to use the means at our disposal to take action and influence the course of events. It is up to us, as the political stakeholders, to do what is necessary to ensure that the path from the farm to the fork is not closed to future generations.

• (1745)

[English]

**Mr. David Tilson (Dufferin—Caledon, CPC):** Mr. Speaker, I would like to congratulate the member for bringing this important issue before the House. Certainly, anyone who represents a community that has farming in it is finding it more and more difficult. Young people are reluctant to go into farming. The farmers who are there are indeed getting older and are not able to continue on with farming.

I have two questions for the member. The first deals with part (b) of her motion. She mentioned that it would include nephews and

nieces. I would like to know exactly what she means by immediate family. How far does that go? I would like her to elaborate.

The second question is regarding part (e). I would like her to indicate how much should be earmarked for the provinces? This section may require an amendment to the agricultural policy framework and if that were the case, the amendments would require agreement of two-thirds of the provinces representing 50% of Canadian agricultural production. I support the philosophy in general as to what she is trying to do, but there are obviously some questions that need further elaboration.

• (1750)

[Translation]

**Ms. Denise Poirier-Rivard:** Mr. Speaker, I thank the hon. member for his very relevant question in the context of this debate on agriculture. For us Quebeckers, this is an asset and a legacy that we do not want to lose.

I will now answer the hon. member's question. I referred to nephews and nieces. Quite often, those who are around us are not necessarily the family's children, that is the children of the mother and father. Therefore, we could extend the application of the rule governing rollovers to include nephews, nieces and cousins, because they are not included right now. That is an option which could help young people who want to go into farming.

As we know, the issue of young people in agriculture is a very important one right now. I will not go back to the problems experienced by agricultural producers in recent years, including with the mad cow crisis and so forth. This situation has had somewhat of a deterring effect on our young people. For all these reasons, we could extend the application of the rule governing rollovers to include nephews and nieces, as I mentioned earlier.

Let us also not forget that our young people in the farming industry have extraordinary ideas. They have a love, a passion for agriculture that is similar to ours, but also different. Indeed, our future producers are involved in a different and diversified type of agriculture. They have added values. These values make their farms accessible for ordinary people to come and visit. This creates jobs and generates economic spinoffs.

In Quebec, we have an open house day organized by the UPA, the farmers' union organization. There is extraordinary interest. So, this is one example. There is room for young people who want to go into farming, but we must take action and we must provide money to help these passionate future farmers.

**Ms. Françoise Boivin (Gatineau, Lib.):** Mr. Speaker, I find that extremely interesting. I represent a very urban riding, so I am no specialist, but I am very interested in the farming issue. In urban centres, we are quite grateful to all those who put food on our table.

I find this motion interesting, even if my research shows that there are already many federal initiatives on this. When I debate this motion, I will have an opportunity to come back to this.



*Private Members' Business*

I have a question. When the Bloc moves motions, I often feel like the figures need to be exact. The intention may be good, but I would be curious to know how many farmers could benefit from an increased lifetime capital gains exemption, as proposed by the hon. member for Châteauguay—Saint-Constant.

**Ms. Denise Poirier-Rivard:** Mr. Speaker, I thank the hon. member for her question.

Earlier, we were talking about not decreasing by 32,000 the number of farms in Quebec. If there currently are 32,000 farms in Quebec, there could be enough people to take them over and continue operating them. We see the relevance of such a measure.

There is no need to think our farms will stop operations and be bought and turned into big businesses, like Wal-Mart style farms. It is truly very important to pay particular attention to the next generation of farmers.

To answer the hon. member's question, again, there are 32,000 farms in Quebec and they all could be taken over by the next generation.

[*English*]

**Hon. John McKay (Parliamentary Secretary to the Minister of Finance, Lib.):** Mr. Speaker, I appreciate the opportunity to participate in this debate. I would assume that all members would agree with the objective underlying the motion which is to support young Canadians who decide to work on the family farm and to take on that generational challenge.

In fact, I too come from a line of farmers. I am the first generation that has not gone into farming. To his dying day, my father thought I was a failure for going to law school instead of the family farm. Fortunately, he died before I entered politics because that would have confirmed his opinion that I was in fact the family failure.

The motion as it is worded is just simply not supportable. To put the motion in context, I would like to outline first of all what the Government of Canada is already doing and then talk about why we think that there are individual problems with the motion itself.

Currently, the Government of Canada provides considerable support for intergenerational transfers of family farms through both existing agricultural programs as well as through income tax measures. Intergenerational transfers of family farms are facilitated through the comprehensive agricultural policy framework. My friend across the way raised the issue that it would be difficult to negotiate that if we were to pursue the latter part of the motion.

These transfers are delivered by Agriculture and Agri-Food Canada in partnership with the provinces and territories. One would have to presume we would have to get the cooperation of all of the other provinces and territories or the formula that my friend referred to in order to accommodate the particular wording in the motion. There is also Farm Credit Canada which provides access to affordable financing options for farmers to buy farms and equipment that they need to make a living.

However, today I would like to focus on the tax measures that support farmers with particular reference to tax matters that facilitate intergenerational transfer of farms.

In the area of income tax, the current rules already allow family farms to be transferred on a tax deferred basis to members of the immediate family and that is, a farmer's spouse, children, grandchildren, or great-grandchildren. That is the wording of the legislation. By deferring the taxation of capital gains on the farm until such time as the farm is actually transferred out of the family, this measure greatly facilitates the intergenerational transfer of farms. This is the major concern of the mover of this motion, that it is difficult to move the farm from one generation to the next.

I would submit however, that paragraph (b) of her motion is more restrictive than what is currently in the Income Tax Act of Canada insofar as there is no restriction with respect to age. I would reference members to paragraph (b) which says: "extending application of the rules governing rollovers to all members of the immediate family under 40 years of age". Under 40 years of age is not a restriction that is put into the Income Tax Act of Canada as it currently reads. On one interpretation of her motion, she would actually restrict the intergenerational transfer of farms. I am not sure that she intended to do that.

I would add that the current tax deferral mechanism applies regardless of the value of the farm being gifted and the number of children benefiting from the gift. As all members may appreciate, that is an extremely generous measure not available to any other sector, not to fishermen, not available to people in the forestry sector, not available to construction, and not available to people in manufacturing. We have as a point of public policy tried to facilitate the intergenerational transfer of family farms because of their unique value to our society.

In addition to tax rules that accommodate farms that are given to children or are left to them in their wills, tax rules exist to address the needs of farmers who may be unable, for financial or other reasons, to give a farm outright to their children. In these situations, selling the farm to his or her children could provide needed funds for a farmer's retirement. In cases such as these, the farmer already has a \$500,000 lifetime capital gains exemption applicable to the sale or other disposition of the farm property.

● (1755)

However, because most farms, certainly if it is a family farm, are owned by more than one person, usually a husband and a wife, the \$500,000 lifetime capital exemption is in fact more like \$1 million capital gains exemption. In any situation where a farm is jointly owned, whether by a farming couple or two siblings, each owner has, individually and uniquely unto that owner, a \$500,000 lifetime capital gains exemption.

So, for example, if a farming couple purchased a farm jointly in 1975 for \$300,000, the proceeds on a sale of up to \$1.3 million would be exempt from tax if both the husband and wife apply their lifetime capital gains exemption to the sale proceeds. In fact, by the time we adjusted cost base, the gross up on expenses and things of that nature, \$1.3 million would probably work up to \$1.5 million without a great deal of work on the part of the accountant. That, by any standard, is a very generous tax relief measure.

*Private Members' Business*

This motion proposes to raise the \$500,000 per person limit to \$1 million. However it is important to note that increasing the limit from \$500,000 to \$1 million would mean increasing the exemption to \$2 million for jointly owned farms and would benefit only about 5% of farm sales in each and every year. Effectively, although I am not sure that is the intention on the part of the mover, the bill would benefit the upper 5% of farm sales while effectively having no impact on the other 95%, probably the more vulnerable farms. That is, the existing limits already accommodate 95% of the farmers who already sell their farms. I am not quite sure what would be accomplished by supporting this motion.

I would ask hon. members to consider whether a new tax measure that provides additional preferences to the richest 5% of farmers in Canada is really warranted, considering that such a measure would represent a cost to the average Canadian taxpayer. There is no free lunch in the tax business.

I would like to highlight another tax rule that relates to the taxation of capital gains that may benefit children who cannot afford to pay their parents the entire sale price agreed to for the family right away. In such circumstances, each parent is entitled to defer taxation in respect of the capital gain when the amount is not payable until after the end of the year. The effect of the measure is to allow for the payment of any tax on the capital gain on the farm over a period of 10 taxation years, if that is how long it takes for the child to pay for the farm. This is twice as long as the period of deferral allowed to any other taxpayer. So, again, we are preferencing farmers over all others.

This motion also proposes that the government set up a farm transfer tax savings plan that would enable farmers to accumulate a tax sheltered retirement fund. The lifetime capital gains exemption that I discussed earlier already facilitates retirement planning for farmers, as does the existing registered retirement savings plan system. In this regard, RRSP limits have been increased substantially.

We have the lifetime capital gains exemption, we have a tax deferral arrangement, which pushes it off for 10 years, and they can shelter their money into RRSPs, up to \$22,000 a year, by the year 2010. Farmers can take advantage of RRSP arrangements just like any other taxpayer and defer their tax on their capital gains.

Providing farmers and not other Canadians with additional retirement savings opportunities would be unfair, considering that virtually all workers face the challenges of planning for their retirement.

I have outlined the major tax measures that relate most directly to the motion put forward by the hon. member. However there are many tax measures and others that assist with managing their cashflow, including cash based accounting, deferral of income, full deductibility of costs for land, as well as flexibility inventory accounting. All these measures favour farms.

● (1800)

I submit to the House that this motion cannot be supported and that it is, in some respects, a regressive motion rather than a progressive motion. While there are certain attractive elements to the motion I would submit that the preferences that are already enjoyed

by the farmers by virtue of the public policy of the government are quite considerable and I urge hon. members not to support the motion.

**Mr. Brian Pallister (Portage—Lisgar, CPC):** Mr. Speaker, I thank the member for Châteauguay—Saint-Constant for the thoughtful resolution that he has brought forward today.

I cannot help but refer of course, as members tend to do in this chamber, to my own family's background, which is, with my brother now in place on the farm, a fifth generation farm family. I have some very strong feelings emotionally about this resolution and believe at its heart it is good. It certainly has some technical aspects, which the minister's back-up over there has alluded to, but despite that fact I think there is more good in it than bad.

I would like to begin with my own personal experience on the issue of transferring farm assets. As the oldest in our family, when I graduated from high school my parents gave me a watch as a gift. When my sister graduated she was given a car. When my brother graduated he was given the farm. That is farm estate planning. That is how some families divide farm assets.

It works if the farm can be kept in the family and if there can be balance for other farm heirs and keep children loving one another and provide for the parents or the family members who are retiring. If a family can do those three things it has a good farm estate plan. If the family cannot, it does not.

Unfortunately, for many farm families cash is a big issue. As is the way of Liberal members who are in their ivory towers, most of them, unfortunately, are out of touch with rural situations. As the member alluded to in his comments, if farmers want a proper retirement income they should just buy RRSPs like everyone else. He does not understand the nature of farming or of farmers very well.

The principal investment that farmers make of course is back into their farms. It has been that way for years and, unfortunately, it has been increasingly necessary for it to be that way as the return on investment in the farming community over recent years has lessened. I could quote the statistics but I will not.

However there is less cash available. Many farmers are land rich, implement rich, seed rich or whatever but they are cash poor. Before I came to this place I was a chartered financial consultant by profession and I worked with farm families on establishing plans for the transference of their assets. I can speak with a little authority on the fact that this is a motion which will assist. It is not perfect and it does not pretend to be perfect, I am sure, but it does address a number of important issues. I think it is important that we appreciate that and support the resolution for that reason.

A 1994 study by StatsCan revealed that farmers invest a higher proportion of their savings back into farm assets than they do into RRSPs. That is no surprise to any of us who come from rural backgrounds. Therefore for many farm families their farm capital represents the bulk of their retirement funds.

*Private Members' Business*

There are a couple of aspects to this proposal that I would like to address. The first is the issue of capital gains.

The Liberal member, as is the tendency, unfortunately, defended the status quo rather firmly. However the status quo when it comes to the issue of the \$500,000 capital gains exemption is not a status quo that deserves to be defended. That level has not changed for over a quarter of a century but farm assets have and farm values in terms of fixed assets, such as land, not uniformly but in general across the country, have appreciated in value so that now with regard to the capital gains exemption what once was exempt is not.

Therefore we need to address that change. The way to do that is to increase the capital gains exemption. I think that is an excellent idea and one that deserves support.

In doing a little research I always concern myself with what these proposals cost as does the Conservative Party. We want to make sure these are achievable measures that will work. However we also want to make sure that they fit into the context of our overall finances. I should mention the actual cost that this motion would incur if this measure were adopted.

● (1805)

We know that the Department of Finance estimates say the fiscal cost currently of the \$500,000 lifetime capital gains exemption for farm property is about \$220 million for 2004. It follows then that if we increase the exemption to \$1 million, the maximum fiscal cost would be approximately that same amount of \$220 million.

The member opposite said in his comments that this would only impact on a very few and used the class warfare thing, the rich farmers out there. The reality is quite clear to us from rural communities. We understand that farmland values have increased significantly in many areas across the last quarter century and that this is really catch-up is it not? This is really restoring the original measure and restoring the intent of the original measure.

I know this because the member very often speaks more for the Department of Finance than he does for the people of Canada. He certainly does not speak for the farm people of Canada. I know that he has raised the issue of preferential treatment for farmers. I know that the finance department would dearly love to do away with the \$500,000 capital gains exemption entirely. I know, as a member of the finance committee, that we have been privy to some indications that is the attitude of members of the finance department and, I am afraid, given the increasingly urban nature of the diminishing number of Liberal members in this chamber, quite appreciably increasing in their ranks as well, the attitude that farmers should just pay like everyone else.

I will tell them this in a straightforward manner. I think they need to realize that the number of farms is diminishing and it is increasingly so across the country. It is in no one's best interest to have no one living in the communities between Montreal and Quebec City. It is in no one's best interests to have a half a dozen farmers living along the highway between Portage la Prairie, Manitoba and Regina, Saskatchewan. It is in no one's best interests to depopulate the rural parts of our country. It is in everyone's best interests to keep family farms in the hands of people who love the land, have an attachment to it and have a sincere desire and an

appreciation for the quality of life and rural communities and a rural environment. That is in everyone's best interest.

Unfortunately, with the government we see too often a disrespect and a disregard for that reality. I think that is a shame.

I say by way of illustration that right now in this country there are fewer farmers under the age of 35 than there have ever been. Right now most farmers are over 50 years of age. In the next 15 years that number will appreciate considerably and over a third of farmers will be beyond retirement age in just a very short time.

How are they going to retire? Because they depend on the land and the farm assets that they manage, they are going to retire by selling those assets. Unfortunately, what that means is a further consolidation of farms and a further depopulation of the rural communities.

If we can take some steps today in supporting this resolution to support families staying in a place they love, that they appreciate and where they will invest and provide the prudent stewardship we need, I think that is a wonderful thing to do. I think it is a good and healthy thing for us to do for this country.

I want to share a couple of anecdotes because I think these are illustrative of the challenges that farm families face. I knew a family in a small community called Rathwell, which is in my riding. It is about a half an hour south of Portage la Prairie, which is my hometown where our farm is. When I came across this circumstance it was touching. What happened here was that a farmer in his late sixties suffered a heart attack and passed away. The family went together to read the will and the will read that everything was to be divided equally among three. His wife had predeceased him and so his three children shared that estate equally.

What was the estate? It was what he had spent his life doing, his farm. It went three ways: to his daughter who was married to a dentist in Victoria; to his son who lived in Toronto and is a computer executive; and the other third, I think members have guessed it, to his son the farmer. His son was a farmer. When his dad passed away this man, a friend of mine, lost not only his part, his best friend, his mentor but he lost his farm.

● (1810)

Today, we can take steps to ensure that this does not happen again. Rollover provisions and retirement savings programs that are available to farmers who do not have the income to qualify, in many cases to contribute to RRSPs, are a positive step.

I congratulate the Bloc member. Although the Bloc's separatism is abhorrent to me, I congratulate it on this positive step. This is a worthwhile motion to support and I thank him for bringing it forward.

● (1815)

**Mr. Joe Comartin (Windsor—Tecumseh, NDP):** Mr. Speaker, I consider it a privilege to speak in favour of the motion.

[*Translation*]

I would like to thank the Bloc member for Châteauguay—Saint-Constant for her work on this motion. It is a very important motion.

*Private Members' Business*

It is very important for the people here who do not come from a farming background to know this. We must keep our farms for our family members.

I come from the village of Stoney Point in Ontario. I look at my family, the Comartins. They are trying very hard to keep the farm in the family. But every year, it gets harder. There are problems with other people, especially syndicates that want to buy up these farms and have more money to do that.

[*English*]

In addition, there has been constant incursion by urban and suburban pressures to sell the farms. I have heard several speakers talk about the love that people have for the land and the importance of that attachment. That is personal. One might ask if we as legislators have to be concerned about that. For the cynical, we may say no.

There is a much more important reason why we have to protect the family farm. We simply cannot allow the production of our food supply to be more concentrated in fewer hands. That is the pattern in Canada and across the globe. We have to fight against this pattern. The government needs policies to prevent this from happening.

It was interesting to listen to the Parliamentary Secretary to the Minister of Finance arguing that the capital gains provisions protected family farms. We had those same capital gains provisions back when I started practising law in 1973. Those provisions have been around unaltered for over 30 years. Land values have increased. The cost of living has increased dramatically in that period of time, but those capital gains provisions have not been changed at all for more than 30 years.

I acknowledge the work that has been done by the member for Châteauguay—Saint-Constant in drawing this to our attention. It is one of the reasons why I believe all members should support the motion, a motion that the government should look very closely at implementing.

Similarly, with regard to extending the provisions beyond the limited number of people who can benefit from inter-family and intergenerational exchanges of the property, it is important that be broadened.

I come back to my family. I look at those members of the family who are committed to the farm and are willing to stay around. They are not always children, but oftentimes they are nephews and nieces, sometimes grandnephews and grandnieces who are committed to the family farm. They want to farm, but they need financial assistance and policies to make that possible. The pressure of the competition is quite phenomenal. That is true not just in my home area but right across the country.

Another point on the capital gains issue is this. The parliamentary secretary made the point that it was not \$500,000 but \$1 million because both spouses were entitled to the farm. This shows a real lack of knowledge on his part. In the vast majority of cases intergenerational transfer occurs after one of the parents has passed away. Therefore, we are only talking about one capital gain, not two. In most cases the first parent who dies is the male. The spouse may stay on the farm for a few years after his death. The double capital

gains provision is of no help in protecting the surviving spouse from those implications.

● (1820)

I know there are only a few words in the motion with regard to this, but the provisions that would expand the ability of owners to use the land provisions to protect themselves, which would not affect their RRSPs but it would their transfers, is a good idea. It is creative and it is one that the government could easily follow.

The parliamentary secretary made the comment that nothing is free. The government is quite prepared to make substantial tax benefits flow to oftentimes major corporations and multinational corporations. Many times that tax benefit does not even stay in Canada. That money flows out of the country, mostly to the United States but also to Europe and the far east.

If we are looking at having to pay something for this, we will have to give something up. If we look across the whole spectrum, the family farm should be at the top of the list, not as we saw from the government and its willingness to give a billion to two billion dollars in tax breaks to the multinational corporations and the large profitable corporations in the country. It is not needed there. It is needed in the family farm. The provision that the member suggested is a very positive one.

I have some reservations with regard to a transfer of money to the provinces. I always worry when that is not quantified. The need for further assistance to the family farm for the transfer of ownership from this generation to the next and the one after that is so obvious. Even though I have some reservations about it the transfers to the province, it will not limit the support that I have expressed for the motion overall.

I want to finish with a couple of experiences I had as a member.

A about a year or two years ago, a delegation of farmers, mostly from the western provinces, met with our caucus. It was intergenerational. They made the point that has been made this evening about the age of the average farmer in Canada being in the mid to late 50s. It is probably approaching 60 now. Their fear was being unable to put in place the proper economic circumstances that would allow the next generation to acquire the family farm. There were probably 15 or 20 different families around the table. Every one of them had children and in some cases even grandchildren who were old enough to take on the farming responsibilities. Every one of them said that it would not happen. The economic circumstances were such that they were unable to do that. It was really sad.

The other one happened this summer. Our leader was in the riding and we met with farm groups. We heard exactly the same story from the county of Essex. About 10 different families were represented. It was a small meeting of some of the leadership. In every case there were serious reservations and outright expressions of impossibility of being able to transfer. For that reason, every member in the House should support the motion.

● (1825)

[*Translation*]

**Mr. Réal Lapierre (Lévis—Bellechasse, BQ):** Mr. Speaker, I very much appreciate this opportunity to speak on the subject of this Bloc Québécois motion on the next generation of farmers.

Is there an area that affects the daily lives of people more than agriculture? Not only is it necessary for human survival, but it is one of most important sectors in our modern economies. How many of us realize that ultimately we are talking here about our food security, which is certainly the envy of many other countries.

The Bloc Québécois motion proposing measures to facilitate the transfer of farms within families is crucial at this time when we see a steep decrease in the number of farms, especially in Quebec. As representatives of the people of Quebec in this Parliament, we are anxious to defend the interests of our farmers. I am concerned first and foremost because I am the member for a major agricultural area, the riding of Lévis—Bellechasse. The motion that we are moving today is therefore all the more important to me.

For the last 15 years, the agricultural heritage of Quebec has been slipping away. There are only 32,000 farms left in Quebec, or 10% fewer than in 1996. It is a disaster. The Matapédia Valley and the Témiscouata, Rivière-du-Loup and Trois-Pistoles areas have lost around 50% of their farmers, while one dairy farm a week disappears from the Lower St. Lawrence. If this is not a catastrophe, there is no word for such a disturbing situation.

According to Statistics Canada, the average assets of Quebec farms rose from \$700,000 to \$1.1 billion between 1997 and 2002. We might think that this is quite a respectable performance. But we also learn that the net cash income of farmers has remained the same. Knowing that it generally takes \$5 in assets to generate \$1 of income, we can see that farms have become less profitable.

And yet, there has been a respectable increase in the value of farmland. Indeed, it has more than doubled, from \$606 an acre in 1981 to \$1,598 in 2001. On the surface that looks fine. But, on the other hand, one also needs twice the money to buy back the farm, something which is not automatic. As a result, purchase offers based on the market value of the farm are few and far between. Add to this the fact that today 35% of farmers are over age 55 and 26% of those who want to retire still have no successors. Closing down the farm looms inexorably on the horizon.

This is a major problem. That is why the first two elements of the motion tabled in the House are more than appropriate.

Indeed, is it not time to increase the capital gains deduction on farm property in order to restore the balance with the increase in land values? We suggest that this deduction be doubled, bringing it to \$1 million. It should be noted that we accompany this proposal with an obligation to maintain the farm.

I have many more arguments to raise. What I am saying, then, is that one simple motion contains a set of incentives and facilitating measures that can encourage young people and families to become more involved in the keeping family farms alive, in Quebec and in Canada. At stake is not only the survival of an important sector of our economy, but the maintenance of an essential service to the public, a service that guarantees its daily food supply and long-term security.

Given the importance of the issue and the precariousness of the situation, I implore all my colleagues here present to vote in favour of the motion, in a concerted effort to resolve a major problem in our

### *Private Members' Business*

society, and so put an end to the undesirable fluctuations in the future of the Quebec and Canadian agricultural sector.

● (1830)

All of us know, in spite of our political differences, that this is of the highest importance.

**The Acting Speaker (Mr. Marcel Proulx):** The time provided for the consideration of private members' business has now expired, and the order is dropped to the bottom of the order of precedence on the Order Paper.

The House will now proceed to consideration of private members' business as listed on today's Order Paper.

\* \* \*

[English]

### **FIREFIGHTERS**

The House resumed from June 10 consideration of the motion.

**Mr. Randy Kamp (Pitt Meadows—Maple Ridge—Mission, CPC):** Mr. Speaker, it is an honour to stand today to speak to Motion No. 153 that reads in part:

That, in the opinion of this House, the government should: (a) recognize all firefighters who have fallen in the line of duty in Canada; (b) support the proposed Canadian Fallen Firefighters Foundation mandate for the construction of a monument in the Parliamentary precinct containing the names of all Canadian firefighters who have died in the line of duty,—

The Conservative Party recognizes the significant contribution that firefighters make to our country and our communities. They are often the first responders, first on the scene of a motor vehicle accident, a chemical fire or a burning home or business. They are also called upon to assist in search and rescue operations. Firefighters, along with our police and corrections officers, put themselves at risk every day, perhaps like no other profession in Canada.

Recently, my community recognized fire safety week. Community newspapers and local fire halls promoted a number of initiatives and procedures that all Canadians should plan for in the case of an emergency involving a fire. We were told to check our smoke detectors. That would be my advice if anyone has not done that yet. We were told to ensure they are working properly. We were encouraged to have an escape route and meeting place planned in the case of a fire in our homes. We were told to be careful in the way that we dealt with hazardous materials and we were reminded of the age old phrase “stop, drop and roll”. All of this was good advice.

I remember reading a pamphlet about what we should do when encountering a fire in our home or perhaps what we should not do. It said to do the following: tell everyone in the house or building; get out, do not try to grab the things that matter to people; do not investigate the fire; call 911; and do not go back in for anything.

If we were to sum up all this good advice, it would be that if there is a fire or the potential for a major disaster like a fire, people are to get out, escape and run away from it. In other words, we should put as much distance as possible between ourselves and the danger. We do not need to be taught this. I think it is human nature.

*Private Members' Business*

What do firefighters do when they encounter a fire? They do exactly the opposite. Instead of running away from the danger, they run toward it. They fight it head on. They save lives and property through their daily heroism.

I remember seeing a photo after 9/11. Maybe other members saw it too. It was of hundreds of office workers with fear in their eyes, making their way down the stairs after the hijacked airliners hit the World Trade Center towers. In that same photo, if people remember, there is a firefighter looking resolute, packing a fire hose and making his way up those same stairs. He knew the danger. He knew he could lose his life, but he knew that others needed his help and that it was his job to help them. In spite of the clear and present danger, he went up.

We all know that Canada's firefighters are highly trained men and women who each day protect our lives and property, saving us and our families from the tragedy of fire. In fact, in British Columbia many firefighters are trained at the Justice Institute of BC's Maple Ridge campus located in my riding of Pitt Meadows—Maple Ridge—Mission.

I have toured this facility and met with some of the firefighting recruits who train there. If people look at my website, they will see a not so flattering picture of me in the big hat and jacket. It is an internationally renowned centre that provides expert, hands-on training. I can say that only the finest and bravest recruits will meet the requirements to receive their firefighting designation.

In spite of their expert training and fierce dedication, there are times when our firefighters pay the ultimate price to protect Canadians. All too often, firefighters are killed in the line of duty. This motion would go a long way toward recognizing their sacrifice and that is why I support it.

Recently, I received a letter from a constituent, Mechthild von Hardenberg. Her son Ben was a helicopter pilot who crashed and died while fighting fires near Bonaparte Lake in B.C. in the summer of 2003. As I read her letter, I could sense the pain that she was still feeling at losing her son. I do not know if anyone ever gets over that. However, I could also feel her pride in her son who had given his life in service for others. She wanted to personally convey her wishes to me and the House that Motion No. 153 be passed in order to provide recognition to her son and others like him who have died while putting their lives on the line for us. I would urge all members to support it.

● (1835)

Firefighters are some of our greatest citizens. I know in every community in my riding and probably in every riding in Canada they are at community events, raising funds for local charities, serving at pancake breakfasts or serving hamburgers at barbecues. The fire hall youth centres and youth activities enrich the lives of our teens and young people. They are Canadians who have a strong commitment to working for their neighbours, communities and country. In my experience they are men and women who take very seriously their positions as role models for our youth. They are to be thanked and respected for their professionalism and their dedication to others.

In 1998 the federal government officially proclaimed the last Sunday of each September as Police and Peace Officers' National

Memorial Day. A few weeks ago I attended the ceremonies on Parliament Hill which recognized the contribution that Canada's police and peace officers make to our country and honoured those nine who had lost their lives in the line of duty during the last year. Their names were added to the memorial honour roll, which includes the names of 715 fallen officers. More than once I heard, "They are our heroes. We shall not forget them".

The dedication and sacrifice of our firefighters must also be recognized at a national level. The Canadian Fallen Firefighters Foundation has asked this House and this Parliament, through their support of Motion No. 153, to recognize all Canadian firefighters and those who have lost their lives. A Canadian firefighters memorial in the capital region would be a tribute honouring all firefighters of Canada. It would be a national memorial to fallen firefighters from every community large and small.

I want to conclude by reading the firefighters creed for all of us, because I know of no better way to ask this House to support Motion No. 153:

When I'm called to duty god  
wherever flames may rage  
give me strength to save a life  
whatever be its age

Help me to embrace a little child  
before it is too late  
or save an older person from  
the horror of that fate

Enable me to be alert  
to hear the weakest shout  
and quickly and efficiently  
to put the fire out

I want to fill my calling and  
to give the best in me  
to guard my neighbour and  
protect his property

And if according to your will  
I have to lose my life  
bless with your protecting hand  
my children and my wife

Let us do our part to honour those who serve to protect Canadians. Let us honour those who have paid the ultimate price. Let us support Motion No. 153.

● (1840)

[*Translation*]

**Mr. Guy Côté (Portneuf—Jacques-Cartier, BQ):** Mr. Speaker, when I first read the motion, two very specific memories came back to me. The first is from my childhood.

*Private Members' Business*

Quebec City has erected a floral memorial in the Saint-Pascal neighbourhood, to honour Quebec City's firefighters who have fallen in the line of duty. I remember as a child walking by this memorial. I was both filled with wonder at the flowers and moved by the fact that some people would knowingly agree to put their lives in danger to go into a burning building to save another person's life. At the time, I was moved very much by this.

I also had another memory, not as happy, unfortunately, but where everything ended well. A number of years ago, a building next to my home caught fire. Around 3 a.m. the Quebec City fire department knocked on our door and told us to get out, or we would burn.

I am not sure that I had the opportunity at that time to really thank the fire department and the Red Cross, which provided us with a place to stay for the rest of the night. Today I want to recognize the work that they did.

Thank God, no doubt on account of their excellent work, the next day I was able to go back home, where there was nothing more than a smell of smoke. All ended well. But had it not been for the work of those people, I could have lost everything that day. They did an excellent job.

To return specifically to the motion, at the moment there are close to 200,000 firefighters in Canada, if we include the volunteer firefighters. The work that they do is colossal.

Of course, when we think of firefighters, we think of the most extreme situations, when there are major fires. It should not be forgotten that in many places firefighters also respond to numerous calls and frequently intervene in the event of road accidents. Their expertise is sought when the jaws of life are needed, for example. Firefighters also participate in rescue operations. They assist police officers and ambulance personnel in their work on accident sites.

To be a firefighter is not only to sometimes risk your life, but also to lend a hand to other aid organizations when necessary. Also I have yet to speak of all the charitable activities they can organize. I am sure that everyone here is aware that once a year they organize the firefighters' Christmas. Thanks to fundraising, they deliver toys to children whose parents are living in poverty. For this too they are owed our congratulations.

It has been said many times: this profession they have, this vocation of theirs, is not without danger. Unfortunately, some of them fall in the line of duty.

According to the Canadian Fallen Firefighters Foundation, since 1848 nearly 800 firefighters have died while on duty. Of that number, 225 have died in Quebec. Over the last decade, 91 firefighters met their deaths on the job, 9 of them in Quebec.

Earlier, my colleague was recalling some sad events. It will be remembered, for example, that in 2005 James Ratcliffe, a volunteer firefighter only 20 years of age, died while participating in rescue manoeuvres on Lac des Deux Montagnes. He had his whole life ahead of him, and he died to protect his fellow citizens. Truly, the least that we can do is to honour the memory of persons like him.

● (1845)

I talked earlier about Quebec City, where there is a permanent fire department.

However, as we know, in most towns and villages of Quebec and Canada, we use voluntary firefighters. They are even more deserving. Of course, for some people, voluntary firefighters may not have the same prestige as what I will call regular firefighters. Nevertheless, they always have to be ready, even though they are voluntary firefighters who work part time. They must be available 24 hours a day, because, unfortunately, there is no warning before a disaster. We never know when it will happen.

Quebec, among other provinces, has a national school for firefighters to ensure that their training is up to par.

In 2000, Quebec established a national firefighter school. Its mandate is to increase and harmonize personnel skills, working across Quebec to ensure safety during fires. Specifically, the school devises training programs, oversees theory and practical examinations and delivers certificates of qualification.

This initiative was taken to avoid, to the extent possible, the dramatic situations in which firefighters can find themselves when carrying out their duties. Unfortunately, it is not possible to eliminate all the risks. Still, better training for everyone remains the best solution.

Earlier, I talked about the various activities organized by fire departments. Last Saturday, in Pont-Rouge—where I live—the fire department held an open door session to promote prevention and to encourage my fellow citizens to take proactive measures, including having an evacuation plan in their homes, so as to avoid unfortunate accidents.

This is something simple. Yet, we do not think about it. We would probably rather not think about it. We tell ourselves that if there is a fire in our home, we simply have to get out. However, it is not that simple. In an emergency, if we do not know exactly what we are going to do, Heaven only knows how we will react.

Of course, children were welcome. Various activities of a more recreational nature were organized. It was an extraordinary day. This event helped bring the public and the Pont-Rouge fire department closer. It also gave firefighters an opportunity to explain the nature of their work and to provide my fellow citizens with prevention ideas and tricks to avoid the worst.

So, it is important that the government recognize all firefighters who have fallen in the line of duty in Canada. This is the least we can do. These people put their lives on the line time and again for their fellow citizens and some have paid the ultimate price.

As I mentioned earlier, some municipalities have already recognized, in one way or another, those who have died in the line of duty. The Parliament of Canada should do the same.

I also referred to Quebec City's floral arrangement. Why not build a monument dedicated to all these firefighters? It seems to me that this would be an excellent idea.

In conclusion, I hope this motion is passed by the House.

*Private Members' Business*

[English]

**Hon. Ed Broadbent (Ottawa Centre, NDP):** Mr. Speaker, I rise with a great deal of pleasure to support the motion. I want to indicate at the outset that at the end of my brief comments I will be moving an amendment. The amendment is strongly supported by the MP for Burnaby—New Westminster who moved the original motion.

The motion and the proposed amendment would help to ensure recognition and financial security for the families of firefighters when their loved one is killed or disabled in the line of duty.

The motion and the proposed amendment would also establish a national public safety officer benefit for the families of fallen or disabled firefighters and would mandate the construction of a monument in Ottawa, the nation's capital, to recognize fallen or disabled firefighters. We think that is the appropriate location.

The motion and the amendment are supported by the International Association of Firefighters, the Canadian Fallen Firefighters Foundation and I am sure every one of the 180,000 full time, part time and volunteer firefighters in the country. I am sure if most Canadians followed this debate they too would be strongly supporting not only the motion, but the amendment that I will come to in just a moment.

In the past century and a half approximately 800 Canadian firefighters have lost their lives in the line of duty. That is approximately 10 every year who die on the job while protecting our lives and our property.

As everyone knows, there are today risks for firefighters that did not exist not that long ago. There are new risks, including chemical, biological, radiological and/or nuclear exposure which have the potential result of serious illness or death.

The purpose of the public safety officer benefit amendment that I will move is to address the financial security of the families of disabled or fallen firefighters. These families are often saddled with major financial burdens when their loved one dies or is disabled in the line of duty. The amendment would also ensure that the monument to firefighters who have fallen in the line of duty would be placed in a prominent place, as I said a minute ago, here in the national capital.

I note that the American government already has created a similar benefit which is available to the families of all fallen or disabled firefighters, regardless of whether they were employed municipally or federally. I add, and not for the first time, that we in Canada, notwithstanding a certain mythology about ourselves in this regard, will be playing catch-up to the United States.

I want to emphasize that the national jurisdiction is important to a public safety officer benefit for firefighters. A national benefit, as opposed to the existing patchwork of municipal or provincial survivor benefit provisions, would ensure a consistent national standard for recognizing the sacrifice of all firefighters.

I therefore move:

That Motion No. 153 be amended:

- 1) by adding the following after the word "Canada":
- by establishing a benefit that would be awarded to the families of the fallen or permanently disabled firefighters;

2) by replacing the words "in the Parliamentary precinct" in paragraph (b), with the words "in a prominent position in the National Capital".

• (1850)

**Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):**

Mr. Speaker, I regret to interrupt the debate, but I rise on a point of order with respect to the amendment.

[Translation]

I rise on a point of order. In my opinion, the amendment put forward by the member for Ottawa Centre to Motion M-153 is out of order.

I have a lot of respect for the work of firefighters and for the sacrifices that their families must make. It is important that my colleagues and Canadians understand that my point of order deals strictly with a procedural matter.

I believe that the part of the amendment calling for the payment of a benefit is out of order.

First, it is clearly not acceptable for an amendment to a substantive motion—such as motions presented by private members—to expand the scope of the motion to deal with a new question or proposition.

Erskine May states at page 343 in the 22nd edition that:

The effect of moving an amendment is to restrict the field of debate which would otherwise be open on a question.

Marleau and Montpetit states at page 453 that:

An amendment is out of order procedurally if:

it is not relevant to the main motion (i.e. it deals with a matter foreign to the main motion or exceeds the scope of the motion, or introduces a new proposition which should properly be the subject of a substantive motion with notice).

• (1855)

[English]

Beauchesne's at paragraph 579 further clarifies:

(1) An amendment setting forth a proposition dealing with a matter which is foreign to the proposition involved in the main motion is not relevant and cannot be moved.

(2) An amendment may not raise a new question which can only be considered as a distinct motion after proper notice.

Private members' motions are substantive motions and the precedents on substantive motions are clear. Speaker Fraser ruled on December 17, 1987 that an amendment to an opposition day motion, which put a new proposition to the House, should have been put forward as an independent motion on notice.

Similarly, on March 26, 1992, the Speaker ruled out of order an amendment to another opposition day motion on health care since the intention of the amendment was clearly to expand the scope of the debate. Mr. Speaker, you ruled that an amendment which introduces a new proposition could not be in order.

There is nothing in the original motion before the House regarding compensation. It deals solely with the issues of appropriately recognizing and providing a memorial for firefighters. What is proposed here is to add a new clause to the motion to the effect that the government should establish a national public safety officer compensation benefit. This is clearly a new proposition and a new question. As such, I believe it is out of order.



*Private Members' Business*

The other reason why this proposition should be found to be out of order is that it violates one of the basic principles of financial procedure. Marleau and Montpetit at page 709 states:

Under the Canadian system of government, the Crown alone initiates all public expenditure and Parliament may only authorize spending which has been recommended by the Governor General. This prerogative, referred to as the "financial initiative of the Crown", is the basis essential to the system of responsible government...

I acknowledge that while motions are not the same as legislation, Marleau and Montpetit are equally clear about how to handle private members' motions with financial considerations and they do so at pages 900 and 901. It states:

No motion sponsored by a Member who is not a Minister can contain provisions for either raising revenue or spending funds, unless it is worded in terms which only suggest that course of action to the government. As an alternative to a bill which might require a royal recommendation obtained only by a Minister, a private Member may choose to move a motion proposing the expenditure of public funds, provided that the terms of the motion only suggest this course of action to the government without ordering or requiring it to do so. Such a motion is normally phrased so as to ask the government to "consider the advisability of..."

Beauchesne's provides further clarity at page 186 on the subject of such motions which should be "abstract motions". Citation 616 states:

Motions purporting to give the Government a direct order to do a thing which requires the expenditure of money are out of order.

Citation 617 states:

(1) Abstract motions should use the words, "that the Government consider the advisability of..."

The wording of this amendment, if it were adopted by the House, would result in a motion that does not follow these rules, but which would purport to give the government an order requiring the expenditure of public money. The motion would then require the government to establish a national public safety officer compensation benefit which would compensate the families of fallen or permanently disabled firefighters.

The authorities on this matter are clear and unfortunately it is not permissible in procedural terms. Since the proposal is for compensation and the amendment expands the scope of the motion and does not follow the rules of financial procedure, I believe it should be found to be out of order.

Let me clarify that the government has no objection whatsoever to amending the motion with respect to the location of the monument being in a prominent position in the National Capital and such an amendment would clearly be supported.

● (1900)

To conclude, I think it is important because this is a very difficult issue and in terms of substance I have an enormous amount of sympathy personally for what the member for Ottawa Centre is doing, what the mover of the motion is seeking to do, and what other members have addressed in their comments.

My comments are strictly with respect to the procedure, not the substance of the matter, and I hope that all understand the importance of respecting certain procedures. If at a later time a new motion could be brought forward to cover some of the issues raised in the amendment, we would see that as a positive development.

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, I rise on the same point of order. If I may, I will briefly address the two points that my colleague, the parliamentary secretary, raised in regard to the amendment, but I would like to do so in reverse order.

First of all, on the matter of the royal recommendation or whether this in fact constitutes a money matter, I think my colleague almost made the argument for us in pointing out in his early remarks that this motion is not a bill. In fact, if it is passed it has no statutory effect. It actually causes no money to be spent and it does not infringe, therefore, on the spending authority of the Crown.

The House has passed motions from a private member which call for spending on a regular basis. One of the most notable was put forward by my colleague from Ottawa Centre, who moved an amendment in 1989 when the House unanimously voted in favour of a very costly measure, by a motion, in fact, which was to eradicate child poverty by the year 2000. That motion, by its tone and content, clearly called for spending to eradicate child poverty.

In this case, again some of the references my colleague made are useful to our argument at the same time, because we should point out that Marleau and Montpetit, on page 900, when read in view of the light that we are viewing it in, states:

Motions attempting to make a declaration of opinion or purpose, without ordering or requiring a particular course of action, are considered resolutions. Hence, such motions which simply suggest that the government initiate a certain measure are generally phrased as follows: "That, in the opinion of this House, the government should..."

This motion in fact reads: "That, in the opinion of this House, the government should: (a) recognize all firefighters..." et cetera. So in actual fact the reference that my colleague made to page 900 is useful to the arguments that we are making as well.

Also, the reference in Marleau and Montpetit goes on to state:

No motion sponsored by a Member who is not a Minister can contain provisions for either raising revenue or spending funds, unless it is worded in terms which only suggest that course of action to the government.

We would point out as well that our motion only suggests a certain course of action.

On the second point my colleague made, in the argument that this amendment is outside the purview of the original motion, I would like to point out, Mr. Speaker, for your consideration, that the proposed amendments are only minor modifications to the principles of the main motion. The principle of the main motion is to recognize all firefighters who have fallen in the line of duty. Ultimately, that is what the main point is, of course.

If I may, Mr. Speaker, I ask you to consider page 453 of Marleau and Montpetit on the main principles of an amendment to a privileged motion. I should point out that this is a privileged motion, not a subsidiary motion.

*Private Members' Business*

The main principles of an amendment to a privileged motion are listed on page 453. It is stated, "An amendment must be relevant to the main motion". I do not think anyone is arguing that it is not relative to the main motion. "It must not stray from the main motion but aim to further refine its meaning...". That is exactly what my colleague from Ottawa Centre was hoping to do by his amendment. "An amendment should take the form of a motion to: leave out certain words in order to add other words...". That is one possibility. Or it can "leave out certain words; or insert or add other words to the main motion".

Marleau and Montpetit then goes on to state, "An amendment should be framed so that, if agreed to, it will leave the main motion... consistent with itself".

If we could look at what the main motion says and how the amendment changes the motion, I would ask you to consider that the main component of the motion is that the motion is a reflection of the opinion of the House of Commons, and second, that the government is not directed to but requested to recognize all firefighters who have fallen in the line of duty, support the firefighters' foundation to construct a monument, that the monument should be in the Parliamentary precinct, and that we then inform the Senate of what we chose to do.

● (1905)

The amendment modifies the form of the recognition which the House is requesting from the government for fallen firefighters by including a benefit for the families of the firefighters. Therefore, it is modifying a key provision already in the motion. It is not introducing a new component. I submit that the recognition is what is being changed in the amendment and that a benefit is relevant to that recognition.

A second part of the amendment modifies the location of the monument to include the national capital, not simply the precinct of Parliament. This change allows for more flexibility in what the main motion already asks for, which is a monument. There is no new idea. It is simply a modification of where the monument should be.

The final part of the amendment simply clarifies the placement of the monument—that it be prominent—and is therefore just another relevant clarification of the motion.

I therefore submit that the amendment is relevant. It does not stray from the purpose of the motion and therefore it is in proper form.

If you check with the Table, Mr. Speaker, you will also find that there is no similar subject before the House, which is one of the necessary prerequisites. You will also find that the amendment does not anticipate a notice of motion; therefore, it is not in any conflict. Also, you will find that it is internally coherent, with all parts in order, therefore meeting the requirements set out under the amendment section of the privileged motions reference in chapter 12 of the *House of Commons Procedure and Practice*.

I submit that if my hon. friend does not like the amendment, he should have the opportunity to stand and debate it, but I hope that no one hides under procedural cover on this important matter.

**The Acting Speaker (Mr. Marcel Proulx):** Is the hon. member for Burnaby—New Westminster rising on the same point of order?

● (1910)

**Mr. Peter Julian:** Mr. Speaker, I am rising to state unequivocally that as the mover of the main motion I support the amendment. This amendment was drafted in consultation with the Table.

**The Acting Speaker (Mr. Marcel Proulx):** Exactly. We have heard the arguments with regard to the point of order from your colleague. The hon. member for Ottawa Centre told us that you were in agreement with the amendment. That is fine.

First, considering that we are getting close to the end of the second hour of debate, I will make the decision that the time we have just spent listening to the representations on this point of order will not be included in the second hour of debate. Second, I will take this under advisement for now, but as we are in the second hour I will come back with a decision prior to the end of this second hour.

Therefore, we will now resume debate.

The hon. Parliamentary Secretary to the Minister of Canadian Heritage and Minister responsible for the Status of Women.

**Hon. Sarmite Bulte (Parliamentary Secretary to the Minister of Canadian Heritage and Minister responsible for Status of Women, Lib.):** Mr. Speaker, I rise in the House today to give support in principle to the motion proposed by the hon. member for Burnaby—New Westminster to recognize all firefighters who have died in the line of duty in Canada.

To all of us, firefighters are indeed a symbol of noble self-sacrifice, courage and service to the community. Thousands of Canadians owe their lives, their limbs, their families, their homes, their businesses and livelihoods to the efforts of firefighters who have stepped in to save them.

I know that my family and I are personally greatly indebted to the Toronto firefighters who stepped in to save our home when it was set afire in May of this year.

Whenever and wherever there is a call for help, firefighters respond. They run toward situations most of us instinctively run away from. In their efforts to help, sometimes firefighters are injured and sometimes they make the ultimate sacrifice in the line of duty.

It is time for this country to recognize these great individuals who gave their lives. There should be no objection to formalizing this recognition in terms of reserving space in a prominent location in the national capital for a memorial to fallen firefighters.

In fact, I am happy to note that this step has already taken place. The National Capital Commission has already reserved a location at LeBreton Flats, close to the new Canadian War Museum, for the placement of this important new memorial.

This brings me to the one point in the motion on which the government must convey its reservations: the specified location of the memorial. The motion presently notes a location in the parliamentary precinct.

*Private Members' Business*

Public Works and Government Services Canada has developed a policy to carefully restrict commemorations on Parliament Hill to “groups and individuals of significance to our constitutional and parliamentary institutions”, in other words, nation builders and heads of state.

The area covered by this policy extends north of Wellington, from the Rideau Canal to Kent Street. These boundaries are defined in the Parliament of Canada Act of 1985 and subsequent amendments.

We need to recognize the sacrifice of firefighters who have fallen in the line of duty. At the same time, for all the generations of Canadians to come, we need to leave some of the small precious space left in the parliamentary precinct to those groups and individuals, past, present and future, who must be recognized for their contributions to shaping the democratic foundations of our nation.

The National Capital Commission and the Canadian Fallen Firefighters Foundation have agreed on a much more appropriate location outside the parliamentary precinct. LeBreton Flats, near the new Canadian War Museum, is indeed a high profile location which will be highly visible to and easily visited by all Canadians and other visitors.

Furthermore, in the LeBreton Flats location, there will be fewer restrictions on the size of the monument, what type of materials can be used and what style the monument must reflect than there would be if it were located on Parliament Hill.

The website of the Canadian Fallen Firefighters Foundation itself advocates the LeBreton Flats location, stating:

The space is large enough and will have an infrastructure which can accommodate large groups for both the annual memorial ceremony as well as any major event which could draw many thousands of firefighters and citizens.

The foundation states further:

The site is historic in that it lies on the ground involved in the great Hull-Ottawa fire of 1900.

The website goes on to extol some of the other advantages of the LeBreton Flats site with regard to space, future development and security restrictions other than Parliament Hill, but erroneously states that the LeBreton Flats site lies within the parliamentary precinct.

The confusion over whether or not LeBreton Flats lies in the parliamentary precinct aside, there should be no disagreement over the appropriateness of a monument to fallen firefighters being placed in the national capital.

Across this country every day, firefighters are called upon to teach fire safety and fire prevention, to check out false alarms, to pull accident victims out of their vehicles, and to put out fires, big and small, in homes and businesses, fields and forests. Every day they show up for work knowing that they may be called upon to put themselves in situations where, in spite of their training and in spite of their protective equipment, they are at risk. Most of them, most of the time, go home to their families at the end of their shifts.

•(1915)

As the stories of the fallen show, however, sometimes these quiet heroes do not get to return to their families. Volunteer firefighter William Thornton was killed by a piece of falling stonework at a fire

in Toronto in 1848. Vancouver's Captain Richard Frost, Lieutenant Colin McKenzie and firefighters Otis Fulton and Donald Anderson were killed when a streetcar struck their fire truck as they responded to an alarm in 1918. Alex Davidson and Paddy Moore of Flying Fireman Ltd. were killed when their water bomber crashed on Mount Finlayson north of Victoria in 1967. Firefighter Kevin Brent Olson and Lieutenant Cyril R. Fyfe were killed when a roof collapsed during a fire in Yellowknife, just three months ago. The Canadian firefighters memorial will honour all those who have paid the ultimate price in serving their communities.

It is wonderful to know that in spite of the danger, there are thousands of Canadian men and women who remain committed to serving their communities as firefighters. It is terrible to contemplate that as long as there is a need for firefighters, there will continue to be dangers and the list of the fallen will likely grow.

Let us not compound these tragedies by forgetting them. The proposed memorial for Canadian firefighters will honour these brave souls. It will help all Canadians to remember the vital work of all firefighters, past, present and future.

I hope that the House will give unanimous consent to support in principle the creation of a monument to Canadian firefighters in the national capital region.

**Mr. Bill Siksay (Burnaby—Douglas, NDP):** Mr. Speaker, I am very happy to have the unexpected opportunity to speak to Motion No. 153 which states:

That, in the opinion of this House, the government should: (a) recognize all firefighters who have fallen in the line of duty in Canada; (b) support the proposed Canadian Fallen Firefighters Foundation mandate for the construction of a monument in the Parliamentary precinct containing the names of all Canadian firefighters who have died in the line of duty; and (c) send a message to the Senate acquainting the Upper House of the decision of this House.

I am very proud of the member for Burnaby—New Westminster for moving this important motion. It makes a significant contribution and fills a gap in the way that we recognize people who serve our communities.

We heard today that there are 180,000 full time, part time and volunteer firefighters in Canada from coast to coast to coast. All of those men and women provide a crucial service to all of our communities.

This evening we have heard from other members about their personal experiences. They told stories of the heroic service of so many firefighters. We have also heard of the important role of firefighters in training and teaching others about the importance of fire safety in our communities. I think we all know of the important work of Canadian firefighters in that area.

The sad truth is that 800 firefighters in Canada have died on the job. They died running back into buildings when the rest of us were running out to save our necks. Those firefighters made the ultimate sacrifice. It is high time that here in Ottawa, in our national capital, we recognized their service and their deaths in the line of duty.

*Private Members' Business*

A high school friend of mine had a summer job working as a forest firefighter. Unfortunately and tragically she lost her life in a fire in northern Ontario in the mid-1970s. Her name was Jane Spurgeon. Like many others, she rose to the challenge of protecting our forests from fire and succumbed to the dangers of that position. I want to remember her contribution to our community and hope that she would be one of the people remembered by such a monument.

Earlier the parliamentary secretary mentioned the guidelines for monuments in the parliamentary precinct on Parliament Hill. He mentioned that there are some specific categories, but there are exceptions. One of my favourites is the Sir Galahad monument on Wellington Street just between Parliament Hill and the Prime Minister's Office. It also is an award for bravery and marks the death of someone while performing a heroic act. Back at the turn of the last century a young man sought to rescue a woman who had fallen through the ice while skating on the Ottawa River and he lost his life rescuing her.

We have already established a precedent of recognizing that kind of heroic activity with a monument on Parliament Hill. I think a monument would be only fitting. The amendment on which we are awaiting the Speaker's ruling suggests that the monument could be located anywhere in the national capital region, but there is a precedent for recognizing heroic activity with a monument even here in the parliamentary precinct. I think that the monument to that man in the form of Sir Galahad is an important and instructive one for us here in the House as we consider this motion.

I also want to pay tribute to the Burnaby firefighters and the Burnaby Professional Fire Fighters Association. The people of Burnaby—Douglas know the important contribution they make to our community and the security they offer to people knowing that they are there, on the job and ready to be of assistance whenever necessary, day or night, any time of the year.

We place an incredible responsibility on the shoulders of firefighters. We know that in any kind of trouble the firefighter is someone we can go to for assistance, who will have specific training and be able to help out no matter what the situation is. We see them act in all kinds of situations and not just fires.

● (1920)

Recently I was honoured to participate in the presentation of the long service awards to Burnaby firefighters who had served our community for 25 years, 30 years and I believe even 35 years. They have remarkable records of service to our community. I know there are hundreds, if not thousands of firefighters across the country who have also made that kind of commitment both to their profession and their communities.

The men and women of the Burnaby Fire Department participate in probably hundreds of community events where they perform voluntary services. I attended two of them recently. One was the Burnaby library summer reading club where the firefighters held one of their locally famous pancake breakfasts. People often see folks from the fire department helping out at community events.

I remember being at the platform when the opening ceremonies began and the firefighters were asked to do the honour of drawing some of the prizes out of one of their large rubber boots. As they

were doing that, a call came in and they all had to depart in a big hurry to go to a fire. We were all reminded of the importance of the fast response of our firefighters, even at that kind of an occasion.

Recently, firefighters were present at the Burnaby Heights on the Run, a long distance run that is held in the neighbourhood around the area of my constituency office. I know all of the merchants from the Heights Merchants Association and the neighbourhood activists very much appreciated the firefighters' participation in that specific event. We almost take them for granted. We know when there is a big community event that Burnaby firefighters are going to be there to assist and make it a fabulous occasion for everyone who comes out. Firefighters in communities all across the country have a high understanding of public service.

I think that Canadians can afford to be generous when it comes to the pension and training needs of firefighters. Often firefighters have had to fight for the best kind of training when it comes to dealing with hazardous materials, hazardous situations, or specialized kinds of fires. They have often had to work extra hard to have the training made available to them consistently across the country.

I do not believe there is any excuse for withholding that kind of training for the men and women who put themselves on the line and in danger to assist communities when those sorts of risks arise. I would urge us to always take that kind of request for professional development very seriously. There is no excuse for not offering that kind of assistance and training.

We also need to recognize the special pension needs of firefighters because of the risks they put themselves in on the job and the special dangers and hazards in the kind of work they do. We need to recognize that firefighters are often subject to specific health conditions because of their work. We need to go out of our way to recognize their service to the community by ensuring that they have the best possible pensions and disability arrangements.

In this regard, the amendment is also very important because certainly the people of Burnaby—Douglas and I think all Canadians want to ensure that the families of firefighters who die or are disabled on the job are taken care of. That is why the other part of the amendment is very important. It would establish a benefit that would be awarded to the families of fallen or permanently disabled firefighters. That puts real meaning into our commitment to recognize firefighters who have fallen in the line of duty in Canada. It is an important contribution to the debate this evening.

I want to conclude with another tribute to the men and women of the Burnaby Fire Department for the incredible work and service they offer to our community. I look forward to seeing them in the near future at yet another community event.

● (1925)

[*Translation*]

**Ms. Françoise Boivin (Gatineau, Lib.):** Mr. Speaker, it is an honour and a pleasure to take part in this debate. I want to thank the hon. member for Burnaby—New Westminster for introducing Motion No 153.

*Private Members' Business*

[English]

This is exactly the kind of timely, positive initiative Canadians expect from their elected representatives. I congratulate the member on what he has achieved in the pursuit of this very deserving cause. I say very deserving cause and I certainly mean it. I think hon. members would be hard pressed to find an issue that would be more clear cut than this one.

[Translation]

We are all lucky to live in a society where reliable and efficient firefighting services are part of our daily life. Everywhere in our country, in rural areas as well as in towns and cities, firefighters are always ready to protect our lives and our houses from fires.

Firefighters have been present at memorable events in our national history. We have two very good examples here, in our national capital. First, in 1916, the Centre Block of the Parliament buildings was completely destroyed by fire.

[English]

Then there is the great fire of 1900 which ravaged almost all of downtown Hull before jumping across the Ottawa River and laying waste to neighbourhoods in Ottawa. A quote from a newspaper story at the time captured the spirit of the valiant individuals we pay tribute to today. The *Ottawa Evening Journal* reported:

A lone fireman with a single line of hose stood on the roof of a kitchen on Victoria Avenue, while a pile of sheds and rookeries in the rear were a mass of flames. That line of hose cut off the fire at that point and saved several houses.

[Translation]

This is but one example and I am sure that there are thousands of others.

It is a fact that by the very nature of their work, firefighters live with danger, and the character of these courageous and noble individuals often pushes them to risk their own life.

Despite all that, the achievements of our firefighters often remain unnoticed.

[English]

With the motion now before the House, we have an opportunity today to give our firefighters the recognition they are due, first by paying tribute to their fallen comrades, but also by honouring all firefighters for the enormous and indispensable contribution they make to our society.

As many members know, the idea of a memorial to Canada's fallen fighters is one that is being actively pursued by the Canadian Fallen Firefighters Foundation, also referred to as the CFFF. I particularly want to salute Dr. Will Brooks, president, and Gary Barnes.

● (1930)

[Translation]

The latter is the foundation's vice-president, as well as head of fire safety service operations for Gatineau. This may be the reason I share this cause with my colleague from Burnaby—New Westminster. I have met the people from the foundation on several occasions.

They put a lot of effort into gaining recognition for the fine contributions of their fallen comrades.

I am thinking in particular of its directors, Robert Kirkpatrick and Aaron Feldman, as well as George Potvin, who has set up an extraordinary museum on Maloney Blvd in Gatineau with exhibits of firefighting equipment through the years. I would encourage hon. members to visit it.

It should come as no surprise to anyone that the primary objective of this foundation is to collect funds for the monument.

Canadians can consult the foundation's web site at [www.cff.ca](http://www.cff.ca) to find out how they can contribute to the erection of this important and long-awaited memorial.

As well, I and others including the colleague introducing this motion attended a ceremony here on the Hill this past September 11. There were a few thousand in attendance, but I would have loved to have seen it really packed. Firefighters devote themselves to our service and risk their lives daily for us. A memorial site as proposed in this motion is richly deserved.

[English]

The CFFF is currently working in collaboration with the National Capital Commission in the development of this monument and has accepted a wonderful location near the beautiful new War Museum. While the CFFF had previously expressed the wish that the memorial be located in the Parliamentary precinct, earlier this year it received the good news that the NCC was proposing an excellent location for the memorial on historic LeBreton Flats.

[Translation]

As the firefighters themselves have said, there are a number of advantages to having LeBreton Flats as the site. First of all, it is a large expanse with the infrastructure necessary for accommodating large crowds. This would be a great advantage when the annual memorial service is held, as well as at other times when thousands of people might attend a ceremony.

[English]

The LeBreton Flats site is more accessible than Parliament Hill, which attracts large crowds of tourists, where new security regulations make vehicular traffic very difficult, and where construction is always a factor. It should also be noted that this site is historically relevant for firefighters since this is the area that was devastated by the fire of 1900, where so many of their brethren distinguished themselves beating back the conflagration. The partners are ready to move forward with LeBreton Flats.

I believe the motion we are debating today can be seen as an important symbolic step. By amending it to endorse the construction of a memorial in a prominent location in the National Capital Region and passing such an amendment, we would be signalling our official support for this very worthy idea.

*Private Members' Business*

[Translation]

I remember how long it took to collect the funds for the War Museum. Those of us who supported the project sometimes felt it would be an eternity before it ever saw the light of day. But now it is in place to celebrate the lives of those who fought and died in the defence of our country and the values on which it is built.

[English]

Now it is time to build another monument honouring the selfless and courageous men and women who save lives and save homes as members of our nation's fire services. It is time to honour the many Canadian firefighters who have fallen in the line of duty throughout our history.

[Translation]

One had to have been there on the Hill to see how moving—

## SPEAKER'S RULING

**The Acting Speaker (Mr. Marcel Proulx):** I am sorry to interrupt the hon. member for Gatineau, but I will now rule on the admissibility of the amendment. Then I will give the floor back to the hon. member so that she can continue her speech.

• (1935)

[English]

I thank the hon. parliamentary secretary for his intervention and the hon. member for Winnipeg Centre for his very helpful response.

I trust they, and the House, will understand if, in the interests of time and given that this is the last hour of debate for this item, I do not exhaustively review the precedents they cited but rather summarize the situation as I see it.

The hon. parliamentary secretary raised two basic objections to the procedural acceptability of the amendment. First, he argued, citing various authorities and precedents that I will not review here, that it went beyond the scope of the original motion to introduce a new substantive concept that had to be the subject of a separate motion, presented with due notice. Second, he contended that the form of the motion is defective in that its wording offends the principle of the Crown's prerogative in spending since it would force the government to expend funds.

Let me, like the hon. member for Winnipeg Centre, deal with the second argument first. I agree with the hon. member's reading of Motion No. 153, namely that the motion suggests a course of action to the government and in no way obligates it to that action. Therefore, I see no grounds to refuse the amendment because it offends the spending prerogative.

Let me turn to the matter of the scope of Motion No. 153. First, let me quote from the *House of Commons Procedure and Practice* at pages 452 and 453:

A motion in amendment arises out of debate and is proposed either to modify the original motion in order to make it more acceptable to the House—

It continues:

An amendment must be relevant to the main motion. It must not stray from the main motion but aim to further refine its meaning and intent.

The question the Chair must ask itself is: does the proposed amendment refine the original motion while remaining within its scope?

In the present circumstance, I confess that there appears to be compelling grounds for and against the acceptability of the amendment.

If one considers the motion as a whole, one can argue that it deals with recognition of the contribution of firefighters in a symbolic manner, specifically a monument. Looking at Motion No. 153 that way, one might well conclude that because the amendment goes beyond the symbolic and introduces the idea of a benefit to survivors, it should be ruled out of order.

Alternatively, though, one can look at Motion No. 153, and see a motion with three distinct sections, (a), (b) and (c). Reading the motion this way, it can be argued that the proposed amendment takes the notion of recognition in section (a) and explains it further by specifying that such recognition will be in the form of a benefit. Section (b), respecting the monument, states support for a separate proposal by the Canadian Fallen Firefighters. Section (c) informs the other place of the House's decision.

I have carefully considered the question and I have made my decision against the backdrop of the efforts that the House has been making, notably through recent amendments to the rules on private members' business, to allow every private member to bring an idea before the House and have the House pronounce itself for or against the idea.

Accordingly, I am inclined to conclude that the amendment further defines the idea of recognition of the effort made by fallen firefighters. Consequently, the amendment is receivable.

We will now return to the debate. The hon. member for Gatineau still has five minutes.

• (1940)

[Translation]

**Ms. Françoise Boivin:** Mr. Speaker, given your ruling, which I respect, I might add a small aside.

I was in favour of the idea of having a monument, which is the idea behind the motion presented by the hon. member for Burnaby—New Westminster. Nonetheless, as far as the amendment presented by the hon. member for Ottawa Centre is concerned, I have some serious questions. I find this a bit unfortunate.

This amendment raises the question of compensation. Such a motion was presented on the foundation that I work with every day and that is not necessarily in favour of the amount mentioned. That is the first point.

I have some difficulty rising in this House to speak to this amendment. I had some discussion with foundation representatives. They had asked for something else. They still were not certain what form this should take.

Furthermore, there is the entire judicial matter. I would suggest that my colleagues in this House give this some serious thought. What type of compensation are we talking about? From what I understand from this amendment, we are talking about compensation for a firefighter who dies on the job. To use the expression in the amendment, we might also be talking about a firefighter who is permanently handicapped.

Given my experience in labour relations, that brings workplace accidents to mind. Those things are already covered in our provincial and territorial jurisdictions.

I think that the amendment is much more important than we may realize. I have serious reservations concerning the proposed amendment, and it saddens me.

I am talking to those Canadians who are watching us and, above all, to all those who showed up on Parliament Hill on September 11, for the commemorative ceremony honouring those who have fallen in combat. We wanted to give even more visibility to those people going through difficult times. I think about people working on this foundation, giving their hearts and souls to it.

Some colleagues in this House might have wanted to support this motion. Unfortunately, they will not be able to do so any more. Indeed, in my opinion, rules were broken in a blatant way. Therefore, we will not have had an opportunity to debate the amendment. I feel the context in which that was done and the way it occurred are sad. One must truly look at the ins and outs of the amendment on compensation which, I feel, does not concern the federal government, but rather the provincial and territorial levels.

I think we are opening up Pandora's box, and we should not do that. Given the circumstances and the people we are trying to honour, we could have taken a little bit more time to think about it. It is unfortunate that things are happening this way.

I have to admit that I was supporting this project, the construction of this memorial, ostensibly on Le Breton Flats. We had made plans to that effect in conjunction with the NCC. We were ready to go ahead with this. It is an unfortunate amendment. However, this will not prevent us from continuing our work toward the erection of this monument.

As I have said to husbands and wives, mothers and fathers, brothers and sisters of fallen firefighters who were on the Hill on September 11, next year we will make sure that even more people gather to honour the extremely dangerous work done by all firefighters in Canada.

I support, in principle, having a monument built and trying to find a way to honour these people. However, I am not ready to accept this \$300,000 benefit that is not anywhere near what the Foundation itself has asked for. They come here in the House and they say that this is what the Foundation is asking for. I find that the Foundation can bear quite a lot.

I am running out of time. It is unfortunate because I had prepared such a positive speech in favour of the motion. However, in the last five or ten minutes, the whole context has changed and I cannot support this motion anymore.

*Private Members' Business*

This is all I had to say. I find this situation quite unfortunate given all the work that has already been done on this.

● (1945)

[English]

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** Mr. Speaker, I am proud to stand and urge all members of Parliament to support Motion No. 153 as amended, which would recognize fallen firefighters across the country.

Since Confederation hundreds of firefighters have died in the line of duty and yet we have not to this date fully recognized those firefighters or their families. For 12 long years firefighters have been coming to Parliament 1 out of 365 days to ask for that recognition. Three hundred and sixty-four days of the year those firefighters put their lives on the line to protect members of the community. Since Confederation we have not as a Parliament recognized firefighters nor their families.

One day a year for 12 years they have come to this place and have asked members of Parliament to recognize their families. For 12 years there have been photo ops but there has not been any recognition.

With Motion No. 153 as amended, all members of Parliament, presumably next Wednesday, will have the ability to stand in the House and show the country that they recognize Canadian firefighters. Every member of the House will have a choice to make. They will either be voting for the recognition of firefighters who have fallen in the line of duty or they will be voting against the recognition of firefighters who have fallen in the line of duty. The choice is very clear and I hope all members of the House will vote to recognize firefighters.

When I stood to speak in the House on June 10 in the first hour of debate on Motion No. 153, I recognized at that time the family of James Peter Ratcliffe, a firefighter in Hudson, Quebec, who died in the line of duty four days before that first hour of debate.

Since then, over the course of the summer I and other members of Parliament have urged the government to act in this regard and recognize firefighters. I participated, as did the member for Gatineau, on September 11 here on Parliament Hill in the annual memorial service for fallen firefighters. At that time we recognized a number of firefighters who died in the previous year.

I would now like to read the names of the fallen firefighters into *Hansard*: Captain Ernest Paul Wyndham, Edmonton Fire Department; Firefighter Chad Jerry Schapansky, Clearwater Fire Department; Platoon Chief Gerald McNally, Sault Ste. Marie Fire Department; District Chief Dale F. Long, London Fire Department; Firefighter Dustin Douglas William Engel, Sahtlam Fire Department; Captain/Pilot Kerry J. Walchuk, Clearwater, British Columbia; Captain Robert Campbell, Toronto Fire Services; Firefighter Brent Hugh Dempsey, Youngstown Fire Department; Captain John L. MacFarlane, Scarborough Fire Department; and Firefighter Walter Drake, Toronto Fire Services.

The list of names that I have just read is the names of firefighters who have fallen in the past year. Hundreds have fallen since Confederation.

*Adjournment Proceedings*

● (1950)

Tonight we have had an historic debate. Next week we will have an historic vote to recognize Canadian firefighters and to recognize their families.

I urge all members of the House to vote to support our firefighters, to support their recognition and to support the recognition of their families.

**The Acting Speaker (Mr. Marcel Proulx):** Is the House ready for the question?

**Some hon. members:** Question.

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And more than five members having risen:*

**The Acting Speaker (Mr. Marcel Proulx):** Pursuant to Standing Order 93, the division stands deferred until Wednesday, October 26, immediately before the time provided for private members' business.

## ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*Translation*]

ROYAL CANADIAN MINT

**Mr. Odina Desrochers (Lotbinière—Chutes-de-la-Chaudière, BQ):** Mr. Speaker, on behalf of the Bloc Québécois, myself and the people of Quebec and Canada, I rise in this House to ask questions concerning what has been called the David Dingwall case.

Since the publication in the media of Mr. Dingwall's famous expense account that prompted his resignation, we are trying to get at the truth.

Yesterday, Mr. Dingwall was in front of a Commons committee. In his opening statement, he was quick to point out that he managed the crown corporation like a business enterprise. He said that the profits of his business enterprise justified all the money he spent.

Through the questions we asked here in the House, we tried to find out what the crown corporation's internal rules are. Because it is

a crown corporation, even though Mr. Dingwall considers it to be a business enterprise. We tried to find out who could authorize the spending of so much money over such a short period. We also asked questions to find out what were Mr. Dingwall's powers under the delegation of financial signing authorities chart.

We are still waiting for answers. Legal opinions and an accounting firm report due next week are being used as excuses to keep us in the dark.

In the meantime, people are filled with dismay. The public is outraged. Mr. Dingwall was blamed during the Gomery inquiry and when he appeared before the Standing Committee on Public Accounts. He was considered the one who allegedly authorized the program that became the sponsorship scandal. This same individual, publicly and before committees, continues to say that he was justified in spending the \$300,000 for his personal expenses.

Moreover, in the summary that he provided us yesterday, Mr. Dingwall tells us that, contrary to the statements that were made in the House of Commons, all expenses were covered by the economic returns of the corporation, and not paid by taxpayers.

I do not know where Mr. Dingwall gets his money. To my knowledge, all government corporations are governed by Treasury Board. Consequently, public funds have to be invested. I understand that, afterwards, depending on the corporations' success, this money generates what we call economic returns. At that time, we can say that a president gets money from these economic returns. However, he cannot say that this money does not come from taxpayers.

Parliamentarians' credibility is at stake when people such as Mr. Dingwall or other presidents of government corporations appear before the Gomery commission and the Standing Committee on Public Accounts. It seems that these people, after having rendered services to the Liberal Party and held major positions, believe that they can do anything when they find themselves at the helm of government corporations or foundations.

I would like to ask the parliamentary secretary, who is here tonight, if she can give us more clarification on the measures that we are taking to know exactly where this money came from and the powers that were given to Mr. Dingwall.

● (1955)

[*English*]

**Hon. Sarmite Bulte (Parliamentary Secretary to the Minister of Canadian Heritage and Minister responsible for Status of Women, Lib.):** Mr. Speaker, I am glad to have this opportunity to remind the House of Commons that our crown corporations serve an important role and act with the interests of Canadians in mind.

As public institutions, crown corporations strengthen the economic, social and cultural fabric of Canada. I would also like to remind the member opposite that it was this government that just this year launched the most comprehensive review of crown corporation governance in the last 20 years. The review went far beyond addressing the issues raised by the Auditor General. Since then the government has made significant progress toward implementing the 31 measures announced in the governance review.



*Adjournment Proceedings*

In fact, seven of the measures are now completed and the rest are well advanced. For example, the Auditor General is now the external auditor for all crown corporations. An additional 10 crown corporations now fall under the Access to Information Act. This has strengthened the governance accountability and transparency of crown corporations and it will continue to do so until the review is fully implemented, which is anticipated by mid-2006.

As for the Royal Canadian Mint, it has already implemented at least 16 of the 31 measures identified in the crown corporation governance review. This past June the Office of the Auditor General conducted a mandatory five year review of the Mint's financial and management control and information systems, as well as management practices. The Auditor General concluded that based on the criteria established for the examination, there was reasonable assurance that there was no significant deficiencies in the systems and practices that she examined.

Furthermore, the Mint already has made progress on a number of other fronts, including the development of a charter to clearly define the roles and responsibilities of the board. Work has begun on a framework so that partners distribute circulation coins and expanding the application of the lean enterprise methodology is ongoing.

All this has led to a quick turnaround in the Mint's fortunes. In 2004 the Mint turned a profit of \$16 million before taxes and for the first time in a decade, the Mint issued a dividend of \$1 million to its shareholder, the Government of Canada.

I also would like to mention to my hon. colleague that at the end of September the corporation posted its 23rd consecutive month of profit. In 2004 the Mint hired 198 new employees to support a substantial growth. Most of these jobs are based in Winnipeg.

I am also pleased to speak here today as it will give me an opportunity to address some erroneous information that has been put forward by the opposition.

Some of the recent allegations on the spending of the former president of the Royal Canadian Mint were falsely taken out of context. The majority of the reported expenses were not personal expenses but expenditures allocated to the cost centre of the office of the president. This needs to be recognized. The overall cost centre of the office of president for the year 2004 was \$747,597, with 72% of that total being for salaries and benefits of four staff, including the president.

We anxiously await the independent review of the expenses of the office of the president of the Mint. PricewaterhouseCoopers has been engaged by the board to review all expenditures incurred by the Hon. David Dingwall during his tenure as president. We also are awaiting a review of the approval process of expenses by the former president and CEO. However, the facts cannot be denied that the Mint is a thriving crown corporation that has made a remarkable recovery in the past two and a half years, giving it a stellar reputation, both at home and abroad.

● (2000)

[*Translation*]

**Mr. Odina Desrochers:** Mr. Speaker, I always stand in awe when I hear my friends opposite defending Mr. David Dingwall. If he was such a good president and if he was so effective, why then has he quit his job? On this issue, we are not really able to know the truth.

At certain times, he says he contacted the national revenue minister. At other times, he says he handed his resignation to the board or, yet another version, he tells us that he personally talked to the Prime Minister. One thing is sure: he resigned.

They would have us believe that this man, who has spent enormously, was justified in doing so because his crown corporation was making money. I do not know a president of a single public or private corporation who tenders their resignation when their corporation is doing very well.

I would like the parliamentary secretary to tell us what her understanding is of the fact that Mr. Dingwall has tendered his resignation when the public corporation he was running was doing so well.

[*English*]

**Ms. Sarmite Bulte:** Mr. Speaker, I am surprised at my hon. colleague. Having listened to Mr. Dingwall's testimony yesterday and to the Minister of National Revenue who responded today, it was quite clear that Mr. Dingwall resigned for the sake of the Mint.

We have to remember that crown corporations are integral to the government's delivery of programs and services to Canadians, day in and day out. Because of this, it is of the utmost importance that they be managed as effectively and efficiently as possible with the needs of Canadians in mind. That is why the President of the Treasury Board has taken such tremendous steps to ensure that crown corporations operate effectively, transparently and are accountable to the government and Canadian taxpayers.

I believe we are succeeding. We have made the appointment process for crown corporate presidents and CEOs more transparent. We have strengthened the audit regimes of our crowns. We have made 10 more crowns subject to the access to information.

We have seen the government take action on this file and our crown corporations today are stronger and more accountable than ever.

[*Translation*]

**The Acting Speaker (Mr. Marcel Proulx):** 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 8:03 p.m.)



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