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Monday, June 3, 2002

—

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Monday, June 3, 2002

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

• (1100)

[*English*]

FINANCIAL INFORMATION STRATEGY

Mr. Philip Mayfield (Cariboo—Chilcotin, Canadian Alliance) moved:

That, in the opinion of this House, the government should take immediate measures to ensure that the Financial Information Strategy is fully and completely implemented.

He said: Mr. Speaker, I am pleased to speak on behalf of the people of Cariboo—Chilcotin on Motion No. 437

What is the financial information strategy? This strategy consists of implementing accrual based accounting practices to the full cycle of financial accounting in our federal government. It would ensure that the accrual based accounting method is used in the three major stages of the financial operations of our federal government.

The first stage is the federal budget itself usually presented to the House in February. During the second stage appropriations are presented in the spring. Those are the estimates that tell us how the policies announced in the budget would be paid for. In the third stage the public accounts or the financial reports of the departments are presented in the fall. These figures detail the previous year's spending and are the accounting record.

The budget and estimates are forward looking. They are the spending plans that would be implemented by the government. The public accounts delivered in the fall detail exactly what was spent and on what it was spent. The aim of the financial information strategy is to ensure that the same accounting language is used in all three stages. As it is now it is difficult for parliamentarians to compare what they voted on in the spring with the actual results that are presented in the fall. There is a translation needed for the facts and figures presented in the public accounts in order to compare them to what was in the estimates.

Accrual basis is the revenue that is recognized when earned. Expenditures are recognized when they occur not when the cash changes hands. For example, revenues are recognized at the time of sale for the service or the merchandise, and expenses are usually

recognized at the time their benefits are received not when the cash is paid.

Cash basis on the other hand is when the revenue is recognized when it is received. Expenditures are recognized when they are actually paid. In other words, revenues are recognized and recorded only when the cash is received and expenses are recognized in the period when the cash payments are made. There is a major difference here. The cash basis does not amortize expenditures whereas the accrual basis does.

Problems arise when we compare these apples to the traditional oranges. While four important accountability documents, the budget, the public accounts, reports on plans and priorities and departmental performance reports, are all moving to a full accrual based accounting the government has not yet announced any plans to ask parliament to appropriate resources on the same basis. We are still speaking in accounting languages that do not always tell the same story.

This leaves out the fifth important accountability document, the main estimates and the associated appropriations. Departmental planning, managing and reporting on what resources are consumed to achieve desired results would significantly increase once the whole process moves to a full accrual basis with ministers, deputy ministers and government managers leading the way to this new basis of being accountable.

Appropriating funds on a full accrual basis is currently the missing link in the government's plan to move to full accrual accounting. Accrual based accounting practices would not only eliminate confusion but would help departmental managers on the frontline estimate the costs of what they must do and accurately judge how they fared once the work was done.

• (1110)

The financial information strategy will allow departmental managers to work with a whole new mindset. Instead of merely receiving a lump sum of money to accomplish a task, they will be able to more accurately predict how large a sum they will need. At the end of the task, they will be able to more clearly account for how much their efforts cost and thereby get a more accurate picture of what value they received for the money spent.

Private Members' Business

What is the history of the financial information strategy? Believe it or not, the FIS was initiated in 1989 and then relaunched in 1995. It needs to be fully and completely implemented. That is what is not happening.

It offers the following benefits. It gives government managers better financial information to use in making day to day decisions. It offers the advantage of modernizing federal government accounting by bringing it in line with the private sector and other public sector jurisdictions. Perhaps most important, it will link the cost of programs to the final results.

The weakest link in the traditional accounting chain of events is our limited ability to know what the government actually accomplishes with the money it spends. We need to measure outcomes realized from the inputs. We need to know what we get for the money that is spent.

All my motion asks for is that the financial information strategy be fully and completely implemented because that was the intent of the original plan. The word immediately is used because it has been 13 years since it was first decided that the strategy was desirable and it has been 7 years since the Liberal government deemed it to be desirable.

Progress is being made. The government has great expectations for the financial information strategy, as do taxpayers who are aware of this. The public has a significant interest in seeing this strategy embraced in all government departments and yet there is still a great deal of work to be done. The public wants this work done because it is our tax dollars for which we are seeking maximum value. The motion is easily supported by all sides of the House.

The FIS is not an easy thing to implement. I am not saying that this is something the government can say that it will do it today and that it will be done. It is not a simple thing to do. Looking at the totals of the estimates that each department has provided, the FIS is estimated to cost about \$635 million to implement. However the funding is petering out and yet the work is not completed.

My motion is a friendly reminder and a gesture of encouragement for the government to follow through on the completion of this project before further moneys need to be allotted to get the job done and that taxpayers can begin to reap the benefits promised by this strategy.

I want to encourage all members participating in the debate today to remain non-partisan, positive and encouraging in their remarks. The debate should be aimed at encouraging the government to go ahead with the completion of the financial information strategy. Completing the implementation of the FIS is a difficult task, as I have said, but there is much work to be done.

The Treasury Board Secretariat is faced with choosing a model for full accrual based appropriations and budgeting. For example, we do not know if this should be a big bang effort where everybody starts all at once when they are prepared to do that or whether this should be more gradually phased in. The government has not made that decision. The departments are ready and prepared but decisions need to be taken by the government for this process to go on to final completion.

I want to use my time here to encourage the government to go ahead and do this. Once the FIS is fully and completely implemented there may even be problems or fine tuning to complete the job then. We understand that and are prepared to be supportive at a later date of doing that as well.

As I said, there will be problems but even the Auditor General of Canada cannot predict the problems that may be encountered, the modifications her office may recommend or what the treasury board itself will want to consider. However the auditor general insists that the movement to full accrual appropriations is budgeting is worth this effort.

● (1115)

In his 1997 report, entitled "Accounting for Results", the President of the Treasury Board re-emphasized this call for improved financial information for management decision making by stating:

In general, however, existing sources of information do not answer questions about the cost associated with specific results. Although conclusive information linking costs and results is often difficult to obtain, improvements are being made through the government's Financial Information Strategy. The Strategy aims to enhance government decision making and accountability and to improve organizational performance by providing more complete information on the costs of programs and activities.

Parliament controls the public purse through the granting of supply, setting limits on the amount of money available to managers to acquire resources. It does this by approving the Appropriations Act which identifies, by spending a authority, the amount of money available to the government. As a result, departmental planning, managing and reporting are primarily concerned with spending money to acquire resources.

However governments do not exist to acquire resources. They exist to deliver programs and services. In doing so, they consume or use resources. For example, a government may acquire a building in a particular year to help deliver a program over many years. In doing so, a portion of the building's cost is consumed each year following.

How much does it cost to finance the purchase? How much does the maintenance cost? What are the benefits derived from the building once the government has purchased it? Does the capital value of the building appreciate or depreciate?

Those are all elements that would be recorded in the accrual based accounting to give a clear picture of the government's performance and the cost of that performance.

Accordingly, a far better basis to plan, manage and report departmental operations is to focus on the cost of resources consumed, not just the cost of resources that are acquired which requires full accrual accounting as envisioned by the financial information strategy.

Another example of the importance of using full accrual accounting is seen when we consider that the government makes no distinction between a \$25 million outlay, for example, to renovate a building that would provide benefits for perhaps 15 or 20 years and a yearly \$4 million outlay to lease equivalent space in a private building. Those are things that managers need to know and to understand when they are determining costs. Accrual accounting would encourage these kinds of distinctions to be made in decision making.

Private Members' Business

In 1995 the former minister of finance announced the government's intention to adopt full accrual accounting for the preparation of the annual budget and for reporting back to parliament on financial results in the Public Accounts of Canada.

In 2001 the Standing Committee on Public Accounts issued two reports urging the Treasury Board Secretariat to act on the issue of accrual based budgeting and appropriations.

In the departments, managers are prepared to present accrual based financial reporting but they are only part of the financial reporting process and not all parts of this process are ready for the financial information strategy. The government needs to implement accrual based budgeting and appropriations throughout the whole system and lead the way in doing this. There needs to be one set of books, not two sets of books as is necessary now.

Finally I want to speak to a unique situation that I am in, in presenting this financial information strategy to the House today. Last week, as a favour to a Liberal colleague in the House, I was asked to trade my time for this speech with his time which was to be presented this morning.

● (1120)

The problem is that even today I do not know whether or not my motion is votable. That is a unique situation. I would like two more hours to debate this and to have a vote on it but that is not to be.

Later I will be asking members to consider this unique situation and to give unanimous consent to the granting of further time to discuss this and then to vote on this important piece of business that the government needs to consider.

Mr. Alex Shepherd (Parliamentary Secretary to the President of the Treasury Board, Lib.): Mr. Speaker, I thank the member for Cariboo—Chilcotin for bringing this matter to the floor of the House of Commons this morning. I do not think he mentioned the fact that there is no need for divisiveness across the way. The government has been very supportive and has taken the initiative to implement the financial information strategy.

The member gave us a rough outline of the difference between accrual accounting and cash basis accounting. I am sure for all those who are watching today, it must be a big yawn when accountants get together.

I would like to briefly explain this, more or less building on what the member has stated. The government's accounting system is basically a cash basis of accounting. We record when the money comes in and when the money goes out. It is as simple as that. That is how most people's personal income tax returns are filed. It is based on income that they receive during a year and expenditures that they pay during the year is called a cash basis of accounting.

A lot of our farm community are still allowed to be on a cash basis of accounting. In my days as an accountant for many farmers it was always amazing to me that they had fields full of cattle but never had recorded these as inventory. They showed them as an expense when they bought them. We can see how it is sort of an absurd accounting system but it is a very simplistic one to use.

This is the one the government has used for countless years and most other countries in the world have started initially with cash basis or fund basis accounting.

In the private sector, although it has been on an accrual system for a long time, that means that they record their inventories at the end of the year. General Motors will record its inventory of car parts and so forth at the end of the year as an asset, whereas the government may have bought a destroyer and has recorded it as an expense, like it is off the books. This is a big difference of opinion. Even within the private sector accrual accounting is treated differently even within some industries.

I can well remember different airlines having different depreciation methods for their aircraft. Some felt they had a better maintenance program and so forth and therefore their aircraft declined in value slower than did some that maybe did not spend enough money on maintenance. Even within the private sector there are judgment calls as to what type of accrual methods to use.

When I first came to the House in 1993 there was a major concern about government deficits and the amount of debt this country had. With hindsight we have been able to deal with some of that. However, what is the government really worth? At the time the auditor general talked about the sustainability of Canada's debt. How long can governments continue building up huge debts and servicing them?

What is the House of Commons worth? If we look at the financial statements of the Government of Canada we will not see the assets of the House of Commons. Most of us would believe it must be worth something. The difficulty is how we apply a value to it. We could go back to its original cost, which was built after the fire of 1919, but that would not be a proper evaluation because that would be historic. We could go to replacement cost. What would it cost to replace it today? There are various methodologies of arriving at this. One of the major departments of government, the biggest issue is with defence. What is the value of a destroyer? The destroyer has a better value in wartime than it does in peacetime. If we do not maintain it properly, what is its real value today?

This has been an ongoing problem within government to find ways to value these assets. The concept of accrual accounting is not new but it certainly is new to government since governments have been very slow to react to this kind of accounting methodology.

● (1125)

Why do we want to implement it? It is because the people in control of the assets, the managerial class within government, have a responsibility to administer their portfolios effectively. We have all heard about the situation where come the end of March we need to spend a whole bunch of money to get money off the books because of the budget. People look at this as a ludicrous concept.

We want people to manage the resources they have effectively. It is not about spending money. It is about managing buildings, assets, people, human skills and so forth effectively. The motion would provide an impetus for better management of financial assets within government. We have been talking a lot about that recently. People want more accountability and transparency in government.

Private Members' Business

It is hoped this would lead to better management decisions. The hon. member touched on that. In other words, given the resources under one's command how does one measure the effectiveness with which one administers the assets? There should be a measurement tool.

The hon. member talked about outputs. That is where governments want to go today. Let us measure what we provide for citizens. Ultimately what governments do is transfer money from one set of taxpayers to another. These are all agreements we have among ourselves as people. As a people we want to know how programs are delivered, whether they are effective and whether they are efficiently provided. We need to do more than provide programs for the sake of providing them. We need a measurement tool to see if they are effectively achieving goals.

My minister, the President of the Treasury Board, has been forthcoming in providing a leadership role to ensure we find a way to measure this. In the area of health care, presumably we want to measure infant mortality. We want to measure all these things to be able to say our spending has a significant effect on the people to whom it is directed. Child care is another area. Are we improving the lives of younger citizens of the country?

As the hon. member has mentioned, the program was kicked off in 1995 by the former minister of finance. In March, 2000 the President of the Treasury Board issued a proposal called "Results for Canadians: A Management Framework for the Government of Canada". In the document she set out a framework for management and an agenda for change designed around commitments to focus on citizens, sound public service values, the achievement of results for Canadians, and responsible spending. An important element of the agenda for change was the initiative to modernize comptrollership across the system.

Once again this gets back to how managers manage. We have had a lot of problems with this in government. Sometimes we do not like managers to manage because we are afraid they will make mistakes. This is where the opposition often makes headway in the headlines. When a manager makes a mistake, all of a sudden it is the direct responsibility of a minister and so forth. For this reason governments have been slow to allow the managerial class to manage these assets.

We need to change our thinking as a people and as a country. People make mistakes. We need to take a bit of risk to get good management. Managers should be responsible for decisions within their control. This is the way we are trying to evolve but it has been a slow process. There has been a culture of change in the federal civil service where things take a long time to evolve.

We need to develop standards and practices to integrate financial and non-financial performance information to properly assess and manage risk and to ensure appropriate control systems. We need to improve procurement, real property asset management and other financial management policies. The Financial Information Strategy was implemented in this context to enable modern comptrollership to happen. It provides the technical infrastructure, business-like accounting policies, modern financial system and trained staff necessary to support modern comptrollership.

● (1130)

We are not opposed to the hon. member's motion per se. We are opposed to the aspect that talks about the immediacy of change. The reality is that the change in process. It is happening. We must let the evolutionary process take its natural course, but we are pretty close to being there.

[*Translation*]

Ms. Pauline Picard (Drummond, BQ): Mr. Speaker, I am pleased to speak to the motion by the hon. member for Cariboo—Chilcotin, which reads:

That, in the opinion of this House, the government should take immediate measures to ensure that the Financial Information Strategy is fully and completely implemented.

I will start by saying that we of the Bloc Québécois are in favour of this motion. This information strategy has been in the works for some years, and even had a whole chapter devoted to it in the auditor general's report in 2001.

Implementation of an information strategy has been discussed ever since 1989. It was to be fully implemented by April 2002, but we are far from that stage still. That is why the auditor general had a number of recommendations to make.

It is very important that this initiative be put into place so that accountability of the entire public administration will be more easily attainable. As well, this will enhance organizational performance through the strategic use of financial and other data.

As I have said, this modernization of accounting was first raised back in 1989 and again six years later, in 1995, before being addressed in this motion.

We believe that the implementation of the strategy will give government managers a better financial information tool for making decisions, as it will allow them to tie program costs to the results obtained.

There is one question we have on this matter. In the past, the former Minister of Finance missed the mark on more than one occasion with his estimates. He had the bad habit of underestimating the estimates, which resulted, by a principle of accounting, in the surplus being allocated to the debt when the provinces had great needs, particularly in the areas of education and social assistance. During this debate, I would like to hear from the member who moved this motion, to see if he thinks this strategy will help the new Minister of Finance with the estimates any better.

When it comes to how the strategy will work, it is made up of modern financial systems. It will allow for a more accurate snapshot of our financial situation, as soon as one is needed.

Essentially, the financial information strategy will encourage better management by providing managers with access to information not only on the cash flow required to carry out programs, but on all of the costs.

Managers will also have the opportunity to compare program costs with their results.

Private Members' Business

Another question that is raised is whether or not this strategy will allow for any readjustments or changes if the program does not meet its objectives.

In her 2001 report, the auditor general praised the financial information strategy, but did not mince her words when it came to her criticism of the government for being slow in implementing it.

She strongly recommended that the federal government finish the work that was started to improve the government's financial management and decision making process.

She said, and I quote:

The federal government achieved an important milestone on 1 April when the final 60 of the 95 departmental financial systems went on-line. Now it has to take the final critical step in implementing the strategy—getting the information to managers and motivating them to use it.

•(1135)

So, the strategy is a step in the right direction, but more must be done. The government cannot pat itself on the back until the financial reports of each department have improved and until they comply with the strategy. A lot remains to be done.

Another question that we must ask ourselves is: If the financial information strategy were already in effect, would it have saved us from having to dig up the scandals and the allegations that this government is facing?

How can this government explain the delay in the implementation of the strategy, after deciding itself that it would be implemented in April 2001?

What did the Treasury Board Secretariat do to ensure that the departments have adequate plans to complete the implementation of their system so as to comply with the requirements of the financial information strategy? These are questions that this government absolutely must answer.

The use of the new financial information should also allow managers to do a more effective job. They must have access to it and, more importantly, they must trust its accuracy. This is a major challenge for departments.

We must put an end to the use of black books by managers who cannot use the new financial systems and who continue to manage information by using the old manual methods.

It remains to be seen whether the government will have the courage to make good on its intentions. Considering the magnitude of the task and the rigour required by the strategy, we are concerned that the government may decide to shelve this initiative, as funding measures dry up and project offices reduce their activities.

Parliamentarians and taxpayers hope that all the moneys invested and the efforts made so far regarding this project will bear fruit. If the government wants to ensure transparency, it has a duty to complete this important modernization process of our financial systems.

The motion before us is a reminder to the government that it is too soon to celebrate and that, even though progress has been made, there is still a lot of work to do.

It is necessary that managers use the new financial information available and, more importantly, that they be encouraged to use it in the decision making process. The issue of estimates and supply must be settled once and for all.

This is why we support the motion that:

—the government should take immediate measures to ensure that the Financial Information Statement is fully and completely implemented.

A lot remains to be done before the strategy can be deemed to be completed.

•(1140)

[English]

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I too would like to thank the member for Cariboo—Chilcotin for bringing forward this very timely and very topical subject for debate in the House of Commons today.

I share his point of view in that I also hope that by the end of today the motion will be deemed votable. The hon. member has brought an issue to us that many Canadians care about very much, especially in light of recent information in regard to public spending, scandals to do with technology partnership loans, scandals to do with sponsorship contracts involving Groupaction, and information regarding the auditor general's comments on the way this government uses foundations to squirrel away money and keep it away from public scrutiny. The very issues of greater accountability, greater transparency and a more understandable method of accounting practices are things many Canadians are very much interested in. It is not too much of a leap to say it is an issue of natural justice that Canadians be able to understand the accounting methods that the government uses in managing billions and billions of dollars on our behalf on a daily basis.

The financial information strategy is simply one step in a comprehensive package that hopefully will lead us toward an era of greater understanding regarding the accounting and the spending practices of the government. As I understand it, the major issue of the financial information strategy has been generated from a comment in the auditor general's report that it has taken far too much time to implement what everyone here agrees is a better methodology for accounting practices.

One of the issues is that this was first introduced 13 years ago in 1989. It surfaced again in 1995 with an introduction date of April 2001. That date has passed. The public accounts committee, on which I sit as a member on behalf of our party, recommended that April 2003 perhaps would be a more realistic goal for the introduction of the whole financial information strategy. The auditor general has commented once again that to date only 60 of 95 government departments are operating under this new and better accounting methodology.

Private Members' Business

This almost would indicate that the government is dragging its feet in the implementation of the financial information strategy. One would wonder what the reason would be for delaying, stalling and putting roadblocks in the way of the introduction of such a common sense accounting practice. One can only think that there is some benefit for the ruling party to have methods of estimates and accounting after spending takes place that do not jive, that somehow contradict each other and make it easier to secret away facts and details. It is a strategy of—

An hon. member: Obfuscation.

Mr. Pat Martin: Obfuscation is the word, with the assistance of the member for Palliser.

It is worrisome to Canadians. There is a renewed cry across the land for a better accounting system, one that is more understandable and more up to date and modern, yet 13 years after the subject was first introduced we still have to put forward private members' bills to encourage the government to introduce these measures.

Our reading of this issue, and I think I speak on behalf of most Canadians, is that even though the government's financial statements are now being prepared under accrual accounting practices, government estimates are not being prepared in the same manner. There is a contradiction here. There is a yardstick by which spending practices and perhaps spending outcomes are estimated and these differ from the yardstick used to measure the spending that took place. Surely this is contradictory. Not being a CA, I think that is a pretty simple way of rendering it down to an understandable and capsulized sort of statement.

• (1145)

There are two different yardsticks and all the bill seeks to do is coerce the government into implementing a strategy, which it agrees is the right thing to do, but to do it with some haste, energy and enthusiasm. Frankly, I think that the ruling party and the government actually could look pretty good in the public's eyes were they to do this.

Under the previous regime, prior to introducing the idea of the financial information strategy, the purchase of capital assets was deemed to be an expenditure in the fiscal year in which they were acquired. That is pretty basic and we can follow that, but under the new rules the asset is depreciated over its useful life. Let us say that the capital asset has a useful life of 10 years. In the year the asset is acquired, only one-tenth of the total value can be recognized as a government cost for that year.

As members can see, one cannot be budgeting one way and reporting actual expenses another way. That is why I think the Standing Committee on Public Accounts would welcome this motion, because it is the Standing Committee on Public Accounts that has been pushing for a modernized, revised way of doing our accounting practices.

I would point out that were that to happen we would be falling in line with the way the whole private sector works. Why should the government be doing its books in a way that is different from that of the private sector business community? Businesses, through pressure from their shareholders, have implemented a more understandable and common sense approach to their accounting practices. Why then

should the government cling to what is viewed as an outdated practice? It is an incomplete way of viewing our national assets if we do not realize the whole depreciation factor.

This is why this is an important issue. I think it speaks to a larger issue of some ulterior motive, that is, that the government does not really want to complete the implementation of these practices because under the current regime it is easier to be secretive and less than forthright, even though on paper, if one can plow through reams of paper currently produced in the public accounting system, it is not as understandable as it could be. Again I raise the point that it is an issue of natural justice. People deserve to know. As well, it is one of the commonly made points in the literacy community that we are all trying to simplify our language so that it is more comprehensible.

I raised one of the issues that is drawing the scrutiny of the public to public spending in a way that it never has in recent memory: the issue of the technology partnership loans. Were this new accounting practice put in place fully, and if we had the new government operations and estimates standing committee in place, the merit of those planned expenditures would be tested against a whole different yardstick. In other words, much as most provincial governments do, any kind of major program spending would have to meet the tests under this new set of accrual accounting practices. We would want to know the predictable outcomes, or at least the goals and objectives, and by what yardstick those goals and objectives shall be measured as to whether they are met or not.

Under such a system or regime of accounting, I do not believe that the technology partnership loans would ever have gotten off the ground. This was program spending that was introduced, we argue, on a political whim more than on any kind of an economic rationale, to give money to corporations that do not need it in exchange for large contributions to the ruling party.

I am not overstating things when I suggest that, because why else would the government give \$33 million to IBM to develop a technology research program? That is not a struggling, upstart young company and neither are Bombardier, Pratt & Whitney, Spar Aerospace or SNC-Lavalin. These companies did not need that investment, yet they dutifully kicked back large amounts of money to the Liberal Party to thank it for that investment.

If we had put in place the new government operations and estimates standing committee, whereby we could have reviewed the spending before it happened under a new accounting regime that measured outcomes in the same way we measure expenditures after the fact, the whistle would have been blown earlier on and we could have saved a lot of grief.

• (1150)

It is with regret that I note we have only 10 minutes to speak to this important subject. If the hon. member moves that the motion should be deemed votable, he would certainly have the support of the NDP caucus.

Private Members' Business

Mr. Scott Brison (Kings—Hants, PC): Mr. Speaker, it is with pleasure that I rise today to speak on Motion No. 437. Particularly given what has occurred in the private sector in recent months and years and the increased level of scrutiny and focus on some of the corporate governance issues, we should only expect that the public sector and legislatures, and in this case the House of Commons, try to achieve the same level of clarity and granularity in the types of accounting and bookkeeping methodologies we use in order to maintain some level of credibility.

This is a time when international markets are looking very seriously at the way governments maintain and handle their accounting and the fiscal governance that are issues that are so important. Transparency, consistency and ongoing accountability for these numbers and the methodology are important.

Further, I would support us restoring the debating of the estimates of the government on the floor of the House of Commons, which was the case until the late sixties. That of course would improve and increase the level of scrutiny of the estimates and would lead to far more rational government spending patterns.

It was no accident that the spending increased so significantly during the late sixties and throughout the seventies under Liberal governments after the House of Commons was denied the opportunity to have the estimates debated on the floor of the House of Commons. The hon. member's motion to improve the financial information systems for the government would go a long way to help strengthen the scrutiny for members of parliament and the House of Commons over government spending and would also help individual Canadians be better aware.

The issue is particularly important given the events of the weekend. Today international financial markets are looking very closely at Canada. Early indications on the European markets, prior to the Canadian markets opening, were that we would see a downward trend in the Canadian dollar today.

We are at a time when, because of a dispute between the former finance minister and the Prime Minister, the government has placed in great jeopardy that confidence we as a country are seeking to achieve in the international financial markets. At a time of tremendous tumult in international financial markets, at a time when we need to be presenting a strong and unified front on behalf of Canada in the form of the government, the government has been divided at the most senior levels. Therefore, while we could say this is about accrual accounting it could also be said that it has been a cruel weekend for the government. The fact is that the government, by not resolving internal issues, has placed the country in jeopardy and effectively has chosen to risk the well-being of the Canadian economy at a very critical time.

When international financial markets question the stability of a government, sometimes central banks within those countries will increase rates in order to maintain some strength of the currency. We see now that the Governor of the Bank of Canada has indicated that we will be seeing higher rates over the next period of time. The reason the Bank of Canada is strengthening rates at this time is to mask a lot of the structural weaknesses that exist within the government. The government has not embraced some of the aggressive and innovative fiscal policies that other countries have

utilized, like tax reform, to strengthen and improve productivity and improve the Canadian economy.

● (1155)

The Canadian dollar has suffered. We lost about 20% of the value of the Canadian dollar relative to the U.S. dollar since 1993. Now I think we will see the governor of the Bank of Canada and the Bank of Canada making a decision to maintain the Canadian dollar as much as possible at its current level by increasing rates. As such, when the government has an internal feud between the former finance minister and the current Prime Minister, which affects the degree to which international markets trust the government and have faith in its policies, I believe we will see a more aggressive interest rate policy from the Bank of Canada.

When Canadians buy their homes, sign their mortgage documents, buy and finance their cars, they will pay a higher price in part because of the fact that the government has not managed its internal issues as well as it should have. The fact is that when higher interest rates are used to try to put a band-aid over some of the structural weaknesses in a government or some of the dysfunctionality between personalities of some of the most senior ministers and members of cabinet, Canadians pay a price where it counts and that is every month when they pay their mortgage and car payments.

What does that do for Canadian productivity? Obviously it has a negative impact on productivity. What does it do for standard of living? It reduces standard of living because Canadians can afford less.

We have seen a dramatic drop in the Canadian standard of living relative to that of the U.S. since this government was elected. This type of internal warfare between cabinet ministers within the government adds to that policy malaise and that drift of government at a time when we have an agricultural crisis, a health care crisis and a productivity crisis where Canada has become less competitive in recent years compared with our trading partners. The dollar currency is in significant decline and has been in a secular decline since the government was elected in 1993.

The last thing we need at a time like this is some internal dispute between the former finance minister and the current Prime Minister. My belief is that the Prime Minister has demonstrated that in many ways he is out of control. We are trying to seek ways in the House today with this motion to try to improve control over the nation's finances.

We have a Prime Minister who is behaving almost as if he is out of control. The government has placed this parliament in an almost minority parliament situation. The whip of the Liberal government cannot depend on a large portion of that caucus to vote in the ways that the government would want them to vote. We are in a minority situation right now as a parliament.

As we talk about ways that we want to strengthen our credibility from a financial perspective as a country and improve governance issues over the finances of the country, we should consider and mourn in many respects the way that the government has risked our credibility in the international financial markets.

Private Members' Business

We have the fact that the Bank of Canada will have to use interest rate policies to try to compensate for that and strengthen the Canadian dollar in some ways artificially to fight the trend of traders betting against the Canadian dollar at a critical time. We have the fact that we have a new finance minister who as industry minister once said that high taxes were good for productivity because they would force Canadians to work harder. All these things cause me to be very concerned.

It is important that we consider with Motion No. 437 ways to improve transparency and governance over the nation's finances. However we would be remiss if we did not take some time to consider how the government has placed the international reputation of Canada in the financial community in great jeopardy.

The Prime Minister's ego has taken precedence over what is good for Canada at a very critical time. It is not simply that the former finance minister has been treated shabbily. I think the country has been treated shabbily by the Prime Minister.

• (1200)

Mr. Philip Mayfield (Cariboo—Chilcotin, Canadian Alliance): Mr. Speaker, I would like to begin by thanking each of my parliamentary colleagues for the support they have shown for my motion.

I would like to respond to a couple of comments. I would like to respond to my Liberal colleague's comments which objected to the immediacy. I have a bit of difficulty with that because we have been on the starting blocks of this for about seven years now. To talk about immediacy in terms of taking too long is probably the way it should be looked at. The difficulty is that when we are talking about immediacy, we are not talking about a full implementation happening tomorrow because I understand that would be an impossibility. However the government needs to make some decisions before the various departments can fully implement beyond where they have gone already. We need to know which model the government will have the departments follow.

When I talk about immediacy, we need the government to make the remaining decisions that are necessary for the completion of this process. Then we must go on from there and begin following that lead of the government by having a financial information strategy completed.

I would also like to thank the Bloc Quebecois member for the questions she asked. She asked if the FIS would help the finance minister. I would think that the kind of information demanded by the financial information strategy and accrual based accounting in the preparation of the budget would most certainly help the finance minister and his department focus on the most necessary aspects of how the money would be spent, where it would be spent and the outputs from that. I cannot see anything but help going to the finance minister on this.

The second question she asked was whether the FIS would allow a readjustment of our sights if we missed the target. Hopefully, to begin with, it would help us more accurately target in the money that would be spent and then give annual results of what our outputs would be, what we accomplished and allow a readjustment on a more timely basis should there be some inaccuracy in prejudging the results that we expected. I would like to thank the member for that.

The departments would like the government to make a decision on the model that can be adopted to implement accrual based budgeting appropriations. Unless the government provides the leadership and moves to accrual based budgeting and appropriations, managers will not focus on accrual based financial reporting. This makes sense because the departments can hardly be expected to prepare a set of financial reports that cannot be compared with the budget materials and the appropriation statements. Departments want financial information for all purposes to be produced on an accrual basis.

Furthermore, there are concerns about the interval of when they will have to prepare the information in their estimates on a different basis from the information of their financial statements. The risk that is being run is that the departments will be producing two views of the same data. They will have to prepare two sets of books, and we know the problems with having two sets of books. Resolving this issue will demand a major effort no matter what course of action the government decides to take.

The government says that choosing a model for accrual based budgeting appropriations is a complex issue that requires extensive study before a decision can be made and that meeting the public accounts suggested April 2003 target date to produce accrual budgeting and appropriations is unlikely.

The treasury board secretariat made little progress on the issue until August 2001 when it hired a manager to complete the study and make a recommendation on how to go with this by the spring of 2002. In fact, in the April report of the auditor general, the treasury board said that it had developed a plan to review alternative approaches to implementing accrual budgeting. Therefore, it is proceeding but slowly; some would say too slowly. We would like to have that process speeded up.

I do not want to hear from the other side of the House that the government has already implemented FIS. That would be inaccurate and would be a naive statement. It is not totally inaccurate, though. The important thing is that the treasury board needs to make a decision on moving to accrual appropriations in budgeting. It needs to decide whether to get ready and have everyone start using the whole process at once or whether to begin with everyone using a more gradual phased in approach.

• (1205)

This may sound simple but it is really a very complicated decision that has to be made and it needs to be made sooner rather than later. The government needs to ensure that the budget and the estimates use the same language that the departmental financial reports and the public accounts use.

To conclude, as I mentioned, this is an unusual situation because at this time I do not know whether the motion will be votable or not. I ask for unanimous consent that this motion be made votable—

The Speaker: Is there unanimous consent that the motion be votable?

Some hon. members: Agreed.

Some hon. members: No.

Privilege

The Speaker: The time provided for private members' business has now expired. As the motion has not been designated as a votable item, the order is dropped from the order paper.

Mr. Philip Mayfield: Mr. Speaker, I rise on a point of order. On that point I feel no decision has been made on this. I went to the committee. I very carefully constructed my motion to follow all five criteria. There has not been a decision given. I believe that issue needs to remain open until the committee has tabled its report at least.

The Speaker: I am afraid that whether or not I agree is not much help to the hon. member. The fact is the Chair is a servant of the House and is bound by the rules. The rules say that unless a matter has been designated votable by the House, because the committee has made a report to the House which may be deemed adopted upon presentation but has not yet been made, my hands are tied.

While I have great sympathy with the hon. member, the Chair can do nothing to assist him. I suggest that he go back to the committee and make further appeals. I think if he looks, he will probably find that he can reintroduce his motion and maybe win another draw and have another kick at the can, as they say. We wish him every success.

The Chair has a notice of a question of privilege from the hon. member for West Vancouver—Sunshine Coast.

* * *

PRIVILEGE

BILL C-15B—TIME ALLOCATION

Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance): Mr. Speaker, my question of privilege arises out of a motion that the government intends to move with respect to time allocation on Bill C-15B. As you are aware, Mr. Speaker, on Friday the government House leader gave notice of his intention to close off debate on this important bill.

I must report that if the motion were moved it would be the 76th time a motion to curtail debate has been moved by the government. The last time this issue was raised with you, Mr. Speaker, the government's record was 69 times. I am aware that you were not sympathetic at that time, nor were you sympathetic on the several other occasions the issue of time allocation was raised. However I believe and I will argue that a Speaker does indeed have the authority to intervene in these matters and prevent a time allocation motion from going forward. It is not a matter of a Speaker having authority, but under which circumstances should a Speaker feel it necessary to intervene.

The government House leader should not be allowed to move his motion because the circumstances that justify an intervention exist more today than at any other time. The right of the opposition to prolong debate has not been respected by the government and one of the last tools the opposition had to slow down a majority government has been taken away. I am referring to the procedure developed by the Reform Party in the last parliament involving the report stage of a bill. Because it was so successful, the government took it away.

The right of the opposition to prolong debate is essential. Without it the public is left without an opposing point of view. We had one successful filibuster in this parliament and it was successful, not

because of the opposition, but because the government allowed the filibuster to take place. Bill C-5 represents how essential it is to a democratic institution to have an opposition with the ability to prolong debate.

Let us consider the case of Bill C-5. The member for Red Deer made a good case for the virtues of a good, old fashioned filibuster that was published in a number of papers. He talked about the former Quebec Liberal Senator Philippe Gigantès, who filibustered the GST in the Senate for 17 hours and 45 minutes. Mr. Gigantès told the *Hill Times* that to delay legislation is the last great tool of democracy. Speaker Fraser put it this way in 1988 when he said:

It is essential to our democratic system that controversial issues should be debated at reasonable length so that every reasonable opportunity shall be available to hear the arguments pro and con, and that reasonable delaying tactics should be permissible to enable opponents of a measure to enlist public support for their point of view.

The member for Red Deer argued that if a filibuster is to be successful it must raise the profile of an issue and enlist enough public support to: put the necessary pressure on the government to back down, or make the government pay a price at the polls in the event it insists on passing the bill into law.

He described how the naval aid bill of 1913 represented the first time in Canadian parliamentary history that closure was ever used. The proposed legislation was introduced by the Conservative government of Sir Robert Borden and if adopted would have authorized the cash donation of \$35 million to Great Britain for the construction of the Dreadnought class warships for its navy. Sir Wilfrid Laurier strongly opposed the bill and the Liberals filibustered throughout second reading and committee of the whole. At one point in committee of the whole they kept the whole House virtually in continuous session for as long as two weeks: the House sat from 3 o'clock on Monday March 3 until Saturday at midnight and then again from 3 o'clock on Monday March 10 to Saturday late in the evening. The naval bill was eventually defeated in the Liberal dominated Senate.

Closure was used again to close off the famous pipeline debate in 1956. Well known academic C.E.S. Franks said the pipeline debate was perhaps the most important debate in parliament's history and it had inaugurated the modern parliamentary age of both obstruction and reform.

The debate on the omnibus Energy Security Act of 1982 was made famous because the opposition caused the division bells to ring from 4.20 p.m. on Tuesday March 2, until 2.28 p.m.—

• (1210)

The Speaker: Order, please. The hon. member for West Vancouver—Sunshine Coast is treating us to an interesting historical review of the whole notion of time allocation or closure as the case may be. Interesting as that may be I would like to hear the question of privilege he is raising because, while the historical background of the situation may be of interest to hon. members, we are hearing a question of privilege. It is not a chance for a speech. I would be glad to hear from the hon. member what is the question of privilege he is alleging.

Privilege

Mr. John Reynolds: Mr. Speaker, sometimes to get to that point it takes some basis of building up to the argument. I know the Speaker has been around a while but I wanted to ensure this was all put into the proper context.

In the last parliament the Reform Party offered a unique approach to filibuster. Since the government, under the current House leader, was in the habit of preventing filibusters by closing off debate early and often the Reform Party targeted voting instead of debate and introduced hundreds of motions causing the House to vote around the clock for 42 hours straight. The Bloc Quebecois used it for the clarity bill and so on.

The member for Red Deer argued that the species at risk debate was a successful classic textbook filibuster in that it raised the profile of a controversial issue in Bill C-5.

Why this story is so important is because the debate on Bill C-15B is just beginning to get the attention it needs. The Canadian Alliance has fought for stronger penalties for those who break the law, including individuals who abuse animals. We object to recent sentences for blatant animal abuse that were far below the maximum penalties. Clearly this is inadequate.

Unfortunately, because of the way Bill C-15B is currently worded many ranchers, hunters and medical researchers may be subjected to harassment. The Liberal cabinet states that the bill would protect farmers, ranchers and researchers but the argument has three fatal flaws. Farmers would have to hire lawyers.

The Speaker: Once again, the hon. member is heading off into the merits of the bill. I would like to know what his question of privilege is. He is saying that the privileges of the members of the House are at issue here. I need to hear what the question of privilege is. The merits of the bill, with all due respect to the hon. member, are not affecting the privileges of members of the House.

Mr. Vic Toews: Mr. Speaker, on a point of order.

The Speaker: We cannot interrupt a question of privilege on a point of order. We must hear what the question of privilege is and I know the hon. member for West Vancouver—Sunshine Coast is keen to assist the Chair.

Mr. John Reynolds: Mr. Speaker, citation 3 in Beaudesne's 6th edition outlines some elements of the Constitution Act and our system of government which I believe is relevant to this very point. It states:

More tentative are such traditional features as respect for the rights of the minority, which precludes a Government from using to excess the extensive powers that it has to limit debate or to proceed in what the public and the Opposition might interpret as unorthodox ways.

Earlier arguments regarding time allocation suggested that the Chair intervene on behalf of the collective rights of parliamentarians to ensure that traditional features, as outlined in citation 3, were upheld.

While the Speaker ruled not to intervene in the 69th time the government closed off debate or the 70th, 71st and 72nd time I would argue that since then, and since we are embarking on the 76th motion, considering that the last filibuster tool has been taken away, the moment has arrived to declare the measures imposed by the government today as excessive and unorthodox as described by

citation 3 in Beaudesne's. Since the Chair possesses discretionary authority to refuse to allow a motion of time allocation to be put, now is the time to do it.

On May 2, 2000, during a discussion of the time allocation rule at the Standing Committee on Procedure and House Affairs, the former clerk of the House of Commons, Robert Marleau, responded to a question regarding the Speaker's authority to protect the minority in the manner described earlier. He said:

...it exists intrinsically in the role of the Speakership all the time—where there could be the tyranny of either side. It could be the tyranny of the majority or the tyranny of the minority.

At a subsequent meeting on May 4 the former clerk suggested that with time allocation the Speaker was less likely to intervene. There is a reference to this in *House of Commons Procedure and Practice* on page 570. However, the clerk stopped short of suggesting that the Speaker would never intervene. He used an extreme example that if the government time allocated every bill at every stage the Speaker might intervene.

My interpretation of what the clerk said is that there exists a limit to what a majority government can do with respect to time allocation. My interpretation is supported by the citation I mentioned earlier from Beaudesne's which states that a government is precluded from using to excess the extensive powers it has to limit debate. The clerk used the extreme example in his response because he knew it was not up to him to establish the limit. We know that 69, 70 and 75 is likely not the limit. On Friday the government House leader gave notice of his intention to move the 76th motion.

Mr. Speaker, I would also like you to consider the matter of using Standing Order 56.1. In the last parliament the government used this procedure in all sorts of unorthodox ways that went way beyond its powers.

●(1215)

The Speaker: The hon. member said he was raising a question of privilege about the use of time allocation. Now we are into Standing Order 56.1. This is very interesting but we had better stick to the subject under discussion. Has the member any more points to make on time allocation with respect to this question of privilege or is he finished with that?

Mr. John Reynolds: No, Mr. Speaker, I have a few more.

On page 369 of Marleau and Montpetit there is a reference to an intervention by the Speaker on a time allocation related tactic used by the government. It describes how Speaker Fraser ruled on the government tactic of skipping over routine proceedings to go to orders of the day. As we are all aware this tactic, if allowed, would secure for the government the opportunity to move time allocation.

Privilege

While Speaker Fraser ruled such a motion in order on April 13, 1987, page 369 references another ruling where the Speaker ruled out of order a similar motion only a few months before. The Speaker was able to judge each situation and rule accordingly. Speaker Fraser demonstrated that a Speaker could and should intervene when a government abuses its powers and the rules of the House.

The rule governing time allocation can be found in Standing Order 78. It provides for more than one day of allocated debate yet the government never exercises this option. The government, by only allotting the minimum amount of time to debate each stage of a controversial bill, prevents the opposition from doing its job. It prevents the opposition from enlisting public support and getting its point of view across, thus affecting its privileges.

The right of the opposition to raise the profile of an issue in debate is one of the indispensable principles that make up parliamentary law. These principles, as described in Beauchesne's 6th edition, are:

To protect the minority and restrain the improvidence and tyranny of the majority, to secure the transaction of public business in a decent and orderly manner, to enable every member to express his opinions within those limits necessary to preserve decorum and prevent an unnecessary waste of time—

Mr. Speaker, you have never ruled in favour of these questions of privilege but there does come a time. The government is into record time allocations; the people have a right to hear this debate. This is an important debate especially for rural Canadians, something the government does not understand much about. I would ask you, Mr. Speaker—

An hon. member: I am a rural Canadian.

Mr. John Reynolds: Well, maybe the member is a rural Canadian, but his government does not understand much about rural Canadians or we would not have this bill now.

We implore you, Mr. Speaker, to use the powers that you have to allow this debate to continue so Canadians can really understand what is in the bill.

• (1220)

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, first, I would remind the House that the hon. member for Prince Albert, a member of the same party as the person who just spoke, said if the government intended to get the bill through it would need to use time allocation. The opposition told us the only way to get the legislative program through was to use time allocation. Opposition members are in a difficult position to say time allocation is an offensive instrument. They have already said it is the only way to get the legislation through.

Second, the hon. member who just spoke talked about a reasonable amount of time for debate. The bill was presented to the House March 14, 2001 as part of Bill C-15. The bill was then separated into two distinct bills—

An hon. member: It was a huge omnibus bill.

Hon. Don Boudria: No, it was not a huge omnibus bill. That is nonsense.

In any case, as a compromise to get the emergency part of it through the bill was separated in half on December 5, 2001. We then

had the commencement of Bill C-15B. The other part was passed on October 18, 2001. Let us remember it is now June 3, 2002.

Mr. Speaker, in case you thought any of the opposition's points about the amount of time used were valid, which is highly unlikely in my opinion, I will remind the House of the bill's history. Not counting second reading debate or the countless hours in committee, report stage alone was debated on December 6, 2001 and on March 20 and April 8 of this year. The bill was finally concurred in at report stage on April 9. Third reading debate started on April 10. On April 11 there were something like 16 speakers. How could one forget the famous speeches made by those wanting to filibuster the bill on April 22 and the debate on April 30, not to mention the gems of wisdom on May 10? Some members say they were fine debates. No doubt they were. They were so fine that the House has heard them all. Having heard them all it is now time to legislate.

Mr. Speaker, before you deem it appropriate for me to move the motion, which in my view you will agree it is, I would point out that the hon. House leader for the official opposition invoked page 369 of Marleau and Montpetit as justification for why he feels the Speaker should allow debate to continue. He prefaced his remarks by referring to the testimony before the parliamentary committee of our former clerk who wrote this excellent procedural manual. The hon. member reminded us that the former clerk had used as an example a minute amount of time to describe his point. Two years cannot be considered a minute amount of time for debate in most reasonable people's minds.

Mr. Speaker, the use of the Speaker's prerogative on April 13, 1987 is no doubt familiar to you. The Speaker refused to dispense with routine proceedings on that day as a way for the opposition to prevent a time allocation motion from being used. Routine proceedings are not before the House at this point. They will be before the House later this day, as Mr. Speaker well knows. Invoking that procedural argument is of no value because it would not do what the hon. member has said.

• (1225)

Mr. Speaker, for all these reasons you will recognize that this is not a question of privilege at all. In the unlikely event someone tries to put a point of order making similar or other arguments I think you will be able to dismiss both the question of privilege and the point of order in a similar way. We can then proceed with the business of Canada: passing this important legislation.

The hon. Minister of Justice is here to give all the arguments and answer the questions of opposition members as to why time allocation is necessary. We will then proceed with third reading debate where we can hear from other hon. members or even the same ones if they have not already spoken at the stage we are in.

Speaker's Ruling

I am not making any presumptions. It could well be that the hon. member across the way has an excellent speech to give. We will be more than pleased to listen to it and perhaps even applaud. The point is that there is no question of privilege before the House at all. Perhaps those who invoked the point knew it perfectly well. It is a valiant effort. I would not say they are good points, but perhaps they are efforts of some sort to slow down the legislation. They are not questions of privilege at all.

The Speaker: I do not know how much more I need to hear on this point, but I do of course want to hear the words of wisdom of the hon. member for Winnipeg—Transcona.

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, I will make a few brief comments on this point.

As members may know, in the past I have risen on a number of occasions to argue that the Speaker does have and should exercise from time to time the power to prevent governments from moving to end debate when sufficient debate has not taken place. There have been many occasions in this parliament and previous parliaments when I felt that was the case and I felt the Speaker should have intervened. I want to reiterate the point today, without prejudice, as to whether or not this bill in this context is a context in which the Speaker should exercise the power he has.

BILL C-15B—TIME ALLOCATION—SPEAKER'S RULING

The Speaker: We all heard what he said. It is not for the Chair to interpret what hon. members say, but it is for the Chair to make a ruling on the question of privilege that the hon. member for West Vancouver—Sunshine Coast in his usual succinct and direct way has put to the House.

I thank the hon. member, the hon. minister of state and government House leader, and other members besides the hon. member for Winnipeg—Transcona who from their seats have contributed to the discussion.

I can perhaps best deal with this matter by referring to the decision I made on March 1, 2001 on a similar point, a decision to which the hon. member for West Vancouver—Sunshine Coast referred when he made his argument. He said it was the 69th time the government had used time allocation and he felt that he should raise the issue then. He did and I made a ruling. I want to quote again from the ruling if I may. I stated:

—under our current standing orders, it would be highly inappropriate for the Chair to take unilateral action on issues already provided for in the standing orders. Where the standing orders gives the Speaker some discretion, then it is the Speaker's responsibility to be guided accordingly; where no such guidance is provided, no such action can be taken. It is certainly not up to the Chair to establish a timetable for the business of the House.

I quoted it then and will quote again today from the ruling of Mr. Speaker Lamoureux on July 24, 1969 where he said:

The Speaker is the servant of the House. Honourable Members may want me to be the master of the House today but tomorrow, when, perhaps in other circumstances I might claim this privilege, they might have a different opinion—I am not prepared at this time to take this responsibility on my shoulders. I think it is my duty to rule on such matters in accordance with the rules, regulations and standing orders which honourable Members themselves have turned over to the Speaker to administer.

In the standing orders before us there is no discretion given to the Speaker to determine when the government may use time allocation or indeed closure in the House. There have been days before I

became Speaker when I used to urge that the Speaker be given this kind of discretion, but we have had the revisions to the standing orders since I became Speaker and no such provision was included in those revisions. I am sure this is a matter perhaps much lamented by members on every side, but given the circumstances I feel there is little I can do today. I cite also Marleau & Montpetit page 570 which states:

As with closure, the Speaker has ruled that the Chair possesses no discretionary authority to refuse to put a motion of time allocation if all the procedural exigencies have been observed.

We have not yet gotten to a motion to be put to the House today. It might happen in a few minutes but I can only say that at the moment I have not seen any exigencies unobserved that would lead me to believe that in this case the motion is not one that could be put to the House were it to happen some time later this day in accordance with the notice we have received.

With respect to this bill, given the fact that we have had something like 40 speakers at third reading it would be difficult to persuade the Chair that the motion for time allocation was being used prematurely, whereas I might be hearing that argument had there only been one speaker or something like that.

I think hon. members can appreciate the difficulty in which the Chair finds itself and can sympathize with the Chair when I say that in my view there is no question of privilege before the House at this time.

* * *

POINTS OF ORDER

BILL S-7

● (1230)

Mr. Jim Abbott (Kootenay—Columbia, CPC): Mr. Speaker, I rise on a point of order on a totally different topic. As vice-chair of the Standing Committee on Canadian Heritage I bring to House's attention an issue that has risen in committee with respect to Bill S-7.

Bill S-7 passed this House and has been taken by up the committee. We are going through a process where amendments have been proposed. The committee chair has advised that the amendments are out of order but the committee continues to consider them. I draw to the attention of the Speaker a quote from page 661-662 of *House of Commons Procedure and Practice* which states:

Since a committee may appeal the decision of its Chair and reverse that decision, it may happen that a committee will report a bill with amendments that were initially ruled by the Chairman to be out of order. The admissibility of those amendments, and of any other amendments made by a committee, may therefore be challenged on procedural grounds when the House resumes its consideration of the bill at report stage. The admissibility of the amendments is then considered by the Speaker of the House, whether in response to a point of order or on his or her own initiative.

Considering that this process has taken place and that amendments ruled by the committee chair to be beyond the scope of the bill are being considered, I would ask that the amendments not be allowed to go forward.

The Speaker: I think the hon. member for Kootenay—Columbia, who is very knowledgeable in this matter, is aware that the Chair would not be ruling on matters that are proceeding in committee until such time as the committee has reported to the House.

Government Orders

Indeed, the citation he cited from Marleau and Montpetit is very clear, that the admissibility of amendments may therefore be challenged on procedural grounds when the House resumes its consideration of the bill at report stage. The bill is not yet at stage. If and when the bill is reported to the House and when get to report stage, I know the hon. member will be on his feet making this argument forcefully and vigorously if there is some procedural question about the admissibility of any amendments that the committee adopts and sends back to the House to be considered at report stage.

However until that time the point of order is premature.

GOVERNMENT ORDERS

• (1235)

[English]

AN ACT TO AMEND THE CRIMINAL CODE (CRUELTY TO ANIMALS AND FIREARMS) AND THE FIREARMS ACT

BILL C-15B—TIME ALLOCATION MOTION

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.) moved:

That in relation to Bill C-15B, an act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act, not more than one further sitting day shall be allotted to the consideration of the third reading stage of the said bill and, fifteen minutes before the expiry of the time provided for government business on the day allotted to that stage of the said bill, any proceedings before the House shall be interrupted, if required for the purpose of this order, and in turn every question necessary for the disposal of the third reading stage of the bill shall be put forthwith and successively without further debate or amendment.

Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance): Mr. Speaker, I rise on a point of order regarding Bill C-15B. I needed to make this point of order before the minister moved the motion because I will be arguing that not only should he not be allowed to close off debate but also that Bill C-15B should not even be allowed to remain on the order paper because the bill lacks the procedural necessity to qualify it to exist let alone proceed to the next stage.

Mr. Speaker, you might remember that in the government House leader's argument he even admitted that Bill C-15B was a distinct bill from Bill C-15. Bill C-15B has not been read a first time nor has it been read a second time and therefore is not legitimately before the House.

On September 26, 2001, a motion was moved regarding Bill C-15. It read:

That Bill C-15, an act to amend the Criminal Code and to amend other acts, be deemed to have been read a second time and referred to the Standing Committee on Justice and Human Rights;

That it be an instruction to the committee that it divide the bill into two bills, the first containing the provisions of the bill respecting protection of children from sexual exploitation, criminal harassment, disarming or attempting to disarm a peace officer, home invasions, allegations of miscarriage of justice and reform and modernization of criminal procedure; and the second containing the provisions respecting cruelty to animals and amendments to the Firearms Act;

The motion instructed the committee to bring in two new bills. While the old bill, Bill C-15, was deemed to have been read a second time, Bill C-15B had not.

If the House had deemed the bill to have been read a second time then there would be no problem but since that was overlooked I would conclude that Bill C-15B should be withdrawn.

As a result the strictest standards must apply to its application. It would be wrong to carry the second reading achievement from Bill C-15, the mother bill, to Bill C-15B, its legislative offspring.

The argument that this bill received second reading would be a stretch. Members' speeches during the second reading debate on Bill C-15B would have been significantly and dramatically different than the debate on Bill C-15.

The official opposition supported Bill C-15A, the other half of Bill C-15, and opposes Bill C-15B. Bill C-15A passed through the House without the time allocation and Bill C-15B, according to the government, appears to require time allocation.

According to the government and since Bill C-15A is no longer before the House I am not sure of its fate. If it were in jeopardy I would give the consent of the official opposition to deem Bill C-15A to have received first and second reading. Getting back to Bill C-15B, which is still before the House, I would argue that if there is doubt as to the procedural correctness of advancing Bill C-15B through the system then, Mr. Speaker, you must rule on the side of caution.

A hasty call would not be in the interest of good governance in the House. The history of Bill C-15B warrants caution.

As I argued during the question of privilege on that matter, I pointed out that the member's right to vote and to be heard properly are well established rights that indisputably make up the powers enjoyed by members of parliament. In a constitutional democracy the right of members to vote is fundamental and goes to the very heart of our parliamentary system.

The 1993 Supreme Court of Canada decision in *New Brunswick Broadcasting Company v Nova Scotia* confirmed the constitutional nature of parliamentary privilege on this very basis.

Most of the powers and privileges of members of the House are the result of centuries of practice and convention. The courts have clearly recognized that conventions are part of our Constitution. Our legislative procedures, including voting, are part of our historical heritage, our parliamentary traditions and indeed of the privileges collectively of the House and individually of its members.

The legislative process requires that bill be read three times. On page 607 of Marleau and Montpetit it states:

Some of the rules concerning the legislative process that were in effect at Confederation are still in effect today. Some examples are: the Standing Orders prohibiting the introduction of bills in blank or in an imperfect form, and stipulating that all bills be read three times on different days...

Government Orders

Page 625 describes how the standing orders of the House require that every bill receive three readings, on different days, before passed. The practice of giving every bill three separate readings derives from an ancient parliamentary practice, which originated in the United Kingdom. At that time when the technology was not yet available to reproduce large numbers of copies at low cost, bills were introduced in handwritten form, one copy at a time. In order for members to know the contents of the bill, the Clerk read the document to them. The idea of reading the bill was taken literally.

• (1240)

Marleau and Montpetit goes on to explain that today a bill is no longer read aloud but the formality of holding a reading is still preserved. When the Speaker declares that the motion for first reading has passed, a clerk at the table rises and announces “first reading of this bill”, thus signifying that the order of the House has been obeyed. The scenario is repeated when the House has ordered a second and then third reading of the bill.

Marleau and Montpetit describe that bills must go through the same stages of the legislative process but do not necessarily follow the same route. It describes on page 626 three avenues for the adoption of legislation. The path of Bill C-15B does not match any of the three avenues described on page 626 and fails to meet the requirements to be legitimately before the House. The three avenues are:

After appropriate notice, a Minister or a private Member may introduce a bill, which will be given first reading immediately. The bill is then debated generally at second reading stage. It is then sent to a committee for clause-by-clause study.

A Minister or a private Member may propose a motion that a committee be instructed to prepare a bill. A bill will be presented by the committee and carried through the second reading stage without debate or amendment.

A Minister may move that a bill be referred to a committee for study before second reading.

Regardless of the avenue that the House decides to take, the bill will then have to be carried through report stage, to be read a third time and be sent to the Senate...

Page 627 of Marleau and Montpetit outlines in detail the stages a bill must go through when it is introduced in the House of Commons:

- Notice of motion for leave to introduce and place on the Order Paper;
- Preparation of a bill by a committee (where applicable);
- Introduction and first reading;
- Reference to a committee before second reading (where applicable);
- Second reading and reference to a committee;
- Consideration in committee;
- Report stage;
- Third reading (and passage);
- Consideration and passage by the Senate—

And on it goes. I point out that Bill C-15B missed a few things, like notice for leave to introduce, introduction and first reading and second reading.

I reviewed the other examples of bills being divided and what I discovered was that normally the bills are divided and presented to the House at first reading and all the constitutional and procedural hoops and loops necessary to advance the bills through the House were met. For example, at page 618 of Marleau and Montpetit there is a reference to Bill C-93 that, at the insistence of the opposition in 1982, the government withdrew the bill and introduced two separate

pieces of legislation. The two new bills did not appear on the order paper at report stage, as did Bill C-15A and Bill C-15B.

In the case of Bill C-94, the energy bill that led to the famous bell ringing incident, the bill was divided into eight separate pieces of legislation. Once again there was no Bill C-94A, Bill C-94B, Bill C-94C, Bill C-94D, Bill C-94E, Bill C-94F or Bill C-94G. Bill C-94 emerged from a committee without having gone through first and second reading.

There is a major flaw here with Bill C-15B that has been overlooked.

On page 619 of Marleau and Montpetit it suggests that historically disputes over omnibus bills are brought about by political interaction. While the division of Bill C-15 was brought about by political interaction, the path the government took was different and flawed.

If you like, Mr. Speaker, we can look at other jurisdictions. In the U.K. the process is the same. Page 464 of Erskine May's twenty-second edition states that public bills have five stages: introduction and first reading; second reading; committee; report stage and third reading. The U.K. also has the restriction that successive stages of a bill must be taken up on different days.

There are no shortcuts when it comes to the legislative process. The integrity of the House is at stake here. If there is any doubt I would urge you to rule on the side of caution and withdraw Bill C-15B from the order paper. If the government has to start all over again and proceed legitimately, then so be it.

It is our responsibility to ensure that procedural requirements are observed before a bill leaves this place to become law since the courts have the legal power to inquire into the procedural history of a bill before it has been assented to.

On page 186 of Joseph Maingot's second edition of *Parliamentary Privilege in Canada*, it states:

—the courts might be effective in ensuring the observance of procedural requirements imposed by the constitution with respect to the enactment of legislation.

It would be irresponsible to knowingly cast doubt upon the legitimacy of our proceedings. Bill C-15B must be withdrawn and put back on the order paper.

• (1245)

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, some of these arguments were a bit convoluted, if I can say so respectfully.

Mr. Vic Toews: A little above your head, Don.

Hon. Don Boudria: Perhaps that too.

First, the hon. member said in the previous argument that he put before the House that the bill had been dealt with too expeditiously and that we were not justified in moving time allocation. Yet one of his first points on this one was that the bill had been so long before the House that its status was now being questioned. That is the reverse of the same argument.

Government Orders

I want to draw this to the attention of the House. It has been so long that perhaps some of us have forgotten. To tell everyone the truth, I hardly remembered it myself.

I draw this to the attention of the Speaker. I am reading from the Journals of the House of September 26, 2001, which states:

By unanimous consent, it was ordered that Bill C-15, an act to amend the Criminal Code and an act to amend other acts, be deemed to have been read a second time and referred to the Standing Committee on Justice and Human Rights.

If it was ordered by the House unanimously, presumably all of us were here.

Mr. Leon Benoit: Yes, but not the first reading.

Hon. Don Boudria: We will get that in a minute.

This is the important part. There was an instruction to the committee that it divide the bill into two bills. The first contained the provisions of the bill respecting: the protection of children from sexual exploitation; criminal harassment; disarming or attempting to disarm a peace officer; home invasions; allegations of miscarriage of justice; and, reform and modernization of criminal procedures.

The second contained the provisions respecting cruelty to animals and amendments to the Firearms Act. In other words, what the House unanimously agreed to was to send the bill to committee and from that point on divide them into two distinct bills.

If some people are arguing that all of this is incorrect procedurally, then it would have been equally incorrect for Bill C-15A. What is the difference? Bill C-15A has now been accepted by the House for third reading and sent to the other place. Therefore the House decided that procedure was correct, otherwise it would not have put up with it.

In addition it states that the committee report the first bill no later than Wednesday, October 31 and report the second bill no later than Friday, November 30, 2001. Obviously then if the House unanimously agreed to report both of them, the House must have assumed that both of them existed, otherwise it could hardly have done so.

We have accepted as a principle that the first one was reported. Therefore, it follows logically that the same would apply to the second. Any other conclusion I suggest would be totally illogical and inconsistent with that which we did on the first part of that bill.

[*Translation*]

The Speaker: Once again, I have considered the points raised by the hon. member for West Vancouver—Sunshine Coast and by the government House leader.

The government House leader referred to the *Journals* of September 26, 2001, on which date the House passed a motion referring this bill to a committee of the House after it was deemed to have been read a second time.

It is difficult for the Speaker to intervene on this matter at this time, when the House decided to divide this bill in committee. The committee received an instruction to divide it and report two bills to the House which had already received second reading. They came back to the House for consideration at report stage, after consideration in committee.

● (1250)

[*English*]

The bills came back to the House as required by order by a specified date, were considered at report stage by the House, in both cases, and this one now before the House has been considered at third reading on a number of days: May 10, April 29, April 22, April 11, and April 10, and this question has not come before the House before.

Mr. Leon Benoit: It just occurred to us.

The Speaker: The hon. member said that it just occurred to us. I am delighted for that reason which the hon. member raised, because we would hate to miss something that might invalidate anything that this House does.

However in the circumstances, given the House's explicit instructions to the committee to divide the bill and report it in two parts, like dividing things like the Red Sea, we do have to follow the instructions that the House gave. In my view the procedure adopted by the committee was the exact instruction the House gave, which was to divide the bill into two parts and report it accordingly.

Mr. Vic Toews: We made a mistake.

The Speaker: The hon. member said we made a mistake. We may have, but we did it unanimously. In the circumstances, it is tough to argue that it is a mistake given that the House agreed unanimously to divide this bill and is now dealing with the fallout from that, and that is the second part of the two parts of the bill. I realize that one part may have been more popular than the other but the fact is we do have two parts.

We are now dealing with the second part of the bill, and therefore I believe that the point of order is not well taken. We will have to proceed with the 30 minutes of questions and comments that follow a motion such as that proposed by the hon. government House leader. I intend to put that motion now to the House.

Pursuant to Standing Order 67.1 there will now be a 30 minute question period.

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, closure is not just about the jackboot of the Liberal majority coming down on the neck of parliament, it means that the Liberals are bringing forward legislation that destroys the explicit defences available previously in the property sections.

The former minister said that the explicit defences that were now being destroyed by this legislation were in fact implicit in the legislation. We are talking about the civil and property rights of Canadian citizens. Interpretation is not enough; they need explicit protection.

Why will the minister not make explicit the defences that the former minister said were implicit? It is not good enough for the people of Canada to rely on the empty hollow assurances of this Minister of Justice. Why will he not do the right thing? Why will he not make the defences explicit so as to protect the people of Canada?

Government Orders

•(1255)

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, with regard to the question of time allocation, this bill has been long overdue. It started back on December 1, 1999, in a different form with amendments as well. The Standing Committee on Justice and Human Rights held a hearing. The bill has been discussed for five days at third reading stage. In fact, the Chair has said that 40 speakers have been heard with regard to Bill C-15B. In my mind we have to proceed with the bill which started back in 1999 as Bill C-15 and has now been divided into two parts.

With regard to the defence, the hon. member is referring to section 429, which is the defence for all property offences within the criminal code. It is a general defence. We explained at committee hearings and said many times that section 8 of the criminal code provides a common law defence. I do believe that the common law—

The Deputy Speaker: I can appreciate the situation we find ourselves in. It is through no one's fault, and certainly not the Speaker, so please do not misinterpret my intervention at this time. However, usually when we begin this process, because it is still relatively new but on the short history we have with this procedure, a considerable number of members seek the floor. Because we have a very limited time frame of 30 minutes, we normally try to guide ourselves in such a way that we accommodate as many interventions as possible. That requires on the part of both sides of the House, as much for those asking the questions as for the minister responding, to be succinct and brief.

Therefore I will be guided by the parameters of approximately one minute per question and one minute for response.

[*Translation*]

Mr. Robert Lanctôt (Châteauguay, BQ): Mr. Speaker, I am going to give the Minister of Justice an opportunity to really answer the question asked earlier by the Canadian Alliance, because I am going to ask him the same question. Furthermore, I asked him this question when he appeared before the committee and I did not get an answer.

We are talking about the defence available to the animal, hunting and medical industry. These people had the defence provided for in section 429 of the criminal code.

He is telling us that this defence will implicitly be part of the bill. That is not so. When we asked for these amendments, they introduced an amendment which specifically provided clause 8. Yet it is a common law defence; there was no requirement to be specific.

However, we explicitly requested that the defences in section 429 be included. Can he give me an answer today? Why not specifically include the defences provided for in section 429?

Hon. Martin Cauchon: Mr. Speaker, the answer is very simple, and I have already just given it. When reference is made to the means of defence under the common law, essentially one is referring to section 8(3) of the criminal code.

A motion has been introduced to have this included specifically in this bill. Thus all common law defences that were available remain so. I would also like to point out that the criminal lawyers

association has expressed its consent indicating that section 8(3) is totally sufficient defence under the circumstances.

[*English*]

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, I would like to begin by saying we in the NDP support Bill C-15B. However I also want to use this opportunity, as it is intended, to raise a matter with the minister of justice with respect to firearms registry.

He knows that there is a lot of concern, and indeed I have written to him to this effect, about the plans the government has to contract out. I say contract out but when I write the minister, he writes back and says that the government is not contracting out it is outsourcing. I have not taken a whole lot of comfort in the distinction between contracting out and outsourcing. Whatever we call it, some private company will have charge of all the information that will be gathered as a result of registration.

This is a needless provocation on the part of the government. The idea is that this information be secret, that it be held in confidentiality and I do not know why the government is proceeding to further aggravate an already aggravated situation by pursuing this policy. Would the government reconsider that policy?

•(1300)

Hon. Martin Cauchon: Mr. Speaker, the member raises a very good point. Bill C-15B deals with the question of cruelty to animals. As well, it deals with the firearms registration system.

Bill C-15B would streamline the administration process of the whole firearms registry. As the hon. member just said, we are looking at the possibility of proceeding with some outsourcing, which we are doing in all departments across government. We will still keep the responsibility of managing the whole program but to be more efficient and effective, to keep providing the population with very good services and to keep improving the system, we will proceed with some outsourcing to be more precise with regard to technology.

Of course, needless to mention, we will ensure we protect privacy which is a very important part of our duty.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I want to indicate at the outset that the Progressive Conservative Party supports many elements of the bill, particularly those which put in place a more severe sentencing scheme and raise the bar as far as prosecution of those who deliberately choose to abuse animals is concerned, but the problem, as has been pointed out by previous speakers and throughout the debate, is that it takes the animal sections out of the property sections of the criminal code, thus removing some of the protections for the very legitimate and commonly accepted practices for animal husbandry and for scientific experiments.

My question directly to the Minister of Justice is: What assurances are there for those involved in scientific experimentation with animals, those in the fishing and agriculture communities, the dairy farmers, the fur industry, those who are currently afforded these protections of colour of right excuse and justification?

Government Orders

Is it not fair to say that all the objectives with respect to the prosecution and the deterrence elements of the legislation, and it is uncommon for the Liberal government to put emphasis on deterrence, could be achieved by leaving the property section intact and giving those protections to those individuals who are not the target of the bill?

Hon. Martin Cauchon: Mr. Speaker, I welcome the question raised by the hon. member. Let me repeat that in regard to the available defences we are talking about the very same defences recognized, as I have said, by the Criminal Lawyers' Association. We are talking about subsection 8(3) of the criminal code.

With regard to the question of property, to qualify a good or something as property essentially does not belong to our jurisdiction. It is a provincial matter. Creating a specific section within the criminal code with regard to cruelty to animals puts us as a country basically in line with many other administrations in the world.

Bill C-15B, as I said, has been due for a long time. We have to proceed with it to modernize our legislation. As well, we are creating a definition of animal, therefore leaving to the court the obligation to define this on a case by case basis.

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, the government has no business invoking time allocation on this piece of legislation. It has said we have had 40 speakers. That is only 13% of speakers if everyone spoke only once on the bill.

This is an extremely important piece of legislation that could have an incredibly large impact on farmers, ranchers and other people who make a living dealing with animals. When asked about this, the former minister of justice, the member for Edmonton West, said not to worry about it, that nothing in the legislation would really change anything, which was a very odd response to that kind of question. If there is nothing in the legislation that would change anything in terms of the ways in which people deal with livestock and animals, then why is the legislation even before the House?

• (1305)

Hon. Martin Cauchon: Mr. Speaker, with regard to the question of time allocation, I think I was clear at the beginning of my involvement in the sense that we are talking about third reading, five days and 40 speakers, but it is 40 speakers at just this stage in the process. We can imagine how many people have talked about the bill in the past at the various stages that a bill has to go through.

The question is interesting because it gives me the opportunity to talk about the bill. As I said, we have to modernize the section within the criminal code. We also have to make sure that we put an end to the distinctions with regard to different types of animals within the criminal code. We are creating a definition of animal. We are raising the penalties with regard to sentencing, which is important. As well, we are creating a brand new offence, which is the one of viciously killing an animal.

We really need the bill and we have to proceed with it.

[*Translation*]

Mr. Robert Lanctôt: Mr. Speaker, I would like the minister to be clear. The criminal code already had section 8.

I would like to ask the minister why there was a section 459 dealing with property specifically. It is not because the section 8 defence was in place—and still is—that the provisions of section 429 were specifically introduced in the section on property. The section on animals was changed and a new one was created, with which the Bloc Québécois agrees. All that we are asking is for the defences set out in section 429 under property be included in the new one.

He, as a fisherman, and his friends in the advertising business both know the value of fishing and want this protection. He tells us there is implicit protection. What difference does it make to make it explicit, if the minister thinks that these defences are in place? I would like him to explain the reason for this.

Hon. Martin Cauchon: Mr. Speaker, section 429 of the criminal code was in place to provide general coverage for the various elements concerned by the category of property offences.

Essentially, what has to be understood is that section 429 did not provide an automatic defence and protection where cruelty to animals is concerned. What is important to understand now is that section 8(3) of the criminal code covers all defences. Thus all the defences available are therefore now in place within Bill C-15B.

I would, moreover, like to point out that the criminal lawyers association find this totally acceptable.

[*English*]

Mr. Loyola Hearn (St. John's West, PC): Mr. Speaker, I wonder if the Minister of Fisheries and Oceans is going to support the bill. The minister just returned from a meeting of the ministers of fisheries of the North Atlantic. Countries like Norway, Iceland, Greenland, the Faroe Islands and Russia all state that one of the biggest concerns they have about fish stocks is the increasing, ballooning mammal population in their respective domains. Already here in Canada we know the problems we are going through with the seal hunt off Newfoundland and Labrador.

I just wonder how the minister is going to explain, first, how this piece of legislation is going to give protection to the people who have to prosecute the seal hunt, and second, if the seal hunt is wiped out because of such legislation and in regard to the support this will give groups that are against seal hunts, what is going to happen to, number one, the imbalance in our oceans, and number two, to the fish stocks around our shores and those of similar countries?

• (1310)

Hon. Martin Cauchon: Mr. Speaker, with regard to the question on fish stocks, it is not part of my mandate and I therefore refer the hon. member to the minister responsible.

We all know that the bill before the House offers a balanced approach that respects existing activities and makes sure that we will keep protecting the animals. In the bill we essentially modernize the existing provisions of the criminal code. We make sure we have a definition of animal, which did not exist before. As I said, we also are creating a brand new offence of viciously killing.

Government Orders

Let me also repeat that the common law defences that exist in subsection 8(3) of the criminal code are there. Those defences existed before and they still exist.

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance): Mr. Speaker, the Liberal government has stated that it is not its intention to change existing farming or research practices, yet it has refused to write into the bill any protection for farmers, ranchers or medical researchers. Given the Liberal record of abuses of property rights, many do not believe the Liberal statement that the bill will change nothing.

Why has the Minister of Justice refused to write into the legislation explicit protections for existing practices for farmers and medical researchers?

Hon. Martin Cauchon: Mr. Speaker, to put it quite simply, it is implicit in the bill. As we have said and as I have said many times, those who are carrying on lawful activities with regard to animals, respecting the framework of the bill, will not have any problem.

I would like to repeat what I said before. One of the aims and goals of Bill C-15B is to modernize the offences in the criminal code sections to make sure that we will be in line with much of the legislation that exists all over the world. The bill will make sure that we will be able to compare ourselves with some other countries. Honestly, another good point is that we are creating the definition of animal, which did not exist before.

I do believe that subsection 8(3) of the criminal code will give them all the defences they need. As to whether the defences that exist now will still be there with this brand new bill, the question has been raised many times, and the answer is yes.

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance): Mr. Speaker, animal rights groups were recently quite busy in my constituency, once at a circus sponsored by a service group and also at an auction ring, where auctions are held every week. The animal rights people warned the people who sponsored the circus and the manager of the auction ring that their practices were considered to be cruel and that if they were to continue they would be reported.

My question to the minister is this: To whom will these people report and who will be the judge of what constitutes animal cruelty?

Hon. Martin Cauchon: Mr. Speaker, if we know the justice system in Canada and the way it works, with regard to criminal law it is quite simple. We know that normally there is a police investigation with regard to criminal code offences. An attorney general has to make a decision in each and every case. We know that those people are experts. We do not foresee any abuse of the bill. The way Bill C-15B is drafted it offers all the protection for the industry. To be more precise, if we look at criminal code subsection 8(3), the bill offers the same defences that previously existed.

[*Translation*]

Mr. Robert Lanctôt: Mr. Speaker, the purpose of the bill is not simply to modernize the criminal code. Instead, it is to provide greater protection for animals.

This is the primary objective, to add provisions to provide protection, rather than removing rights of defence. These rights of defence that the minister has given with section 429 of the criminal

code, by describing them as general as regards the property section, well I am sorry, but these have been added.

Section 429 of the criminal code contains three things. It refers to legal justification, excuse and colour of right. Therefore, when it comes to section 8 of the criminal code, which has been around for a long time, pertaining to the general rights of defence in common law, specific rights have been added to this subsection of section 429 of the criminal code.

Does the minister understand this? We are not simply talking about protecting the rights of fishermen alone. I think that this example will speak to him; he likes fishing. There is also the animal industry, trapping, hunting, the whole scientific research industry. Is he interested in the rights of all of these people?

•(1315)

Hon. Martin Cauchon: Mr. Speaker, I fail to see why the question is being asked again.

I mentioned earlier that the criminal lawyers association approves of the government's approach.

Incidentally, there was—

An hon. member: No, no.

Hon. Martin Cauchon: Listen, I will read the following:

[*English*]

The committee heard from a wide variety of groups with diverse views on the issue of animal cruelty.

At the committee hearing the Criminal Lawyers' Association confirmed that removal of the animal cruelty provisions out of the property section would not cause accused persons to lose any available defences.

[*Translation*]

I think that this is clear enough. However, once again, to answer the various concerns, a provision to allow specific references to section 8(3) of the criminal code was added to the bill. I am referring to section 182.5 of Bill C-15B, which reads that:

For greater certainty, subsection 8(3) applies in respect of proceedings for an offence under this Part.

This seems clear enough.

[*English*]

Mr. Rick Casson (Lethbridge, Canadian Alliance): Mr. Speaker, Bill C-15B is just part of a long list of threats facing our agriculture community right now, a lot of which has been brought on by the government. We have the species at risk act, the Kyoto protocol, the combat we are having in the international trade industry and the use of pesticides in Canada. The list goes on and on.

The minister of agriculture and his colleagues have been quick to say they want to avoid crisis management in agriculture. Do they not realize that implementing the bill will bring our farmers, our ranchers and our animal researchers into court day after day to fend off the attacks by the extreme animal rights groups?

Government Orders

Hon. Martin Cauchon: Mr. Speaker, there is nothing to fear in regard to what has been raised. Let me refer to a previous question with regard to the system that exists in Canada. I do believe that with the system we have there is no way we will have abuse of the legislation. To be more precise, the hon. member should have a look at the legislation per se. I think it will offer to the industry a much more interesting protection in the sense that Bill C-15B is there in order to simplify the existing provisions within the criminal code so that parameters in the framework of the legislation will be clearer and easier to understand.

Once more, it is not there to go against the industry in any way, not at all. It is there in order to make sure that all people will better understand the legislation. As well, I would like to repeat for the industry that the defences that existed before are still there. To be more precise, we have been sure to add a clause within Bill C-15B in order to make a specific reference to subsection 8(3) of the criminal code in regard to criminal defences.

Mr. Gerald Keddy (South Shore, PC): Mr. Speaker, the minister just stated that he does not expect there would be any abuse of the legislation.

The minister may or may not be aware that the sport of horse pulling and ox pulling is well instilled in the culture of Nova Scotia particularly on the south shore. Literally hundreds of teams of oxen and hundreds of teams of horses are hooked to drags to see which can actually pull the most weight. It is reminiscent of the days when we had domestic animals for draft horses, beasts of burden.

Can the minister guarantee that particular sport activity will not be shut down by the legislation? It has been challenged in the past and will be challenged in the future. There is nothing in the bill to prevent it from being shut down.

Hon. Martin Cauchon: Mr. Speaker, what a strange question.

With the legal framework we have in place and the existing legal process, I can guarantee that the bill will be applied in the normal way. The legislation will be applied to ensure that we achieve the aims and goals of Bill C-15B. At the same time we will make sure the industry will be kept involved through its normal activities regarding the use of animals.

It is important to mention once again that the Criminal Lawyers' Association was involved in the process regarding the question of subsection 8(3) to make sure that those defences that already exist will be taken into consideration under Bill C-15B. We made sure that a provision was created within the bill specifically referring to subsection 8(3) of the criminal code.

We are talking about common law defences which were there before. They are still there.

• (1320)

Mr. Jim Abbott (Kootenay—Columbia, Canadian Alliance): Mr. Speaker, in order for the legislation to go through, the minister and the government whip must have the full co-operation of the backbenchers of the Liberal Party. I have it on good authority that the minister has been advising backbench Liberal members that whatever necessary amendments may have to be done in order to make the legislation proper will be done in the Senate after the bill passes third reading in the House.

I would like to have a simple answer. Has the minister or anyone on his behalf made those assurances in order to get people in his party on side? The answer is either yes or no.

Hon. Martin Cauchon: Mr. Speaker, we have to be careful and respect the Senate process. There are different stages. The bill is in the House of Commons at this point in time after which it will be referred to the Senate. The Senate will have to look at the bill. We will see what takes place at that time.

Bill C-15B is a good bill. It modernizes the existing sections of the criminal code and creates a definition of animals to increase penalties. As well it creates the new offence of viciously killing animals.

Let us proceed in the House of Commons and respect as well the process on the Senate side.

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Mr. Speaker, my riding of Wild Rose probably has one of the largest cattle ranching areas in the country. It is a very successful operation.

Cattlemen go through their herds on a fairly regular basis to find animals that have defects. It could be lump jaw caused by some weed. It could be a cancerous eye, a hoof disease or any reason at all that would cause the animal to be culled and sent to auction.

I can tell the minister that when the animals arrive at the auction there is always an investigation regarding farmers and ranchers keeping a cow in distress. That is a common charge brought forward by the SPCA. They do what they can with the animals when they are sold at the auction but inevitably there will be a charge brought forward and the farmers will be charged for keeping animals in distress. In every case the farmers went ahead and paid the fine.

The Deputy Speaker: Order. I regret but the time has expired. I am trying to manage as best I can in the best interests of the entire House. The hon. Minister of Justice.

Hon. Martin Cauchon: Mr. Speaker, in English that is what we call fearmongering. I am talking about Bill C-15B, the bill which is in the House at this point in time. As I said, the defences that exist today will still exist under Bill C-15B. We have created a new provision within the bill in order to make sure that we do refer to the common law defence.

I refer to what has been said by the Criminal Lawyers' Association. It is time we proceeded with the bill. It is long overdue. We have very good support to proceed with modernizing those sections of the criminal code in order to ensure that we will be in line with other administrations. It is long overdue.

Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance): Mr. Speaker, the minister said there is nothing to fear in regard to this legislation. My direct question to the minister is, will he commit funding to legally defend farmers, ranchers, hunters, trappers and others that are charged for practices they have used traditionally in pursuit of their normal occupation? The minister needs to publicly state that he will commit to that funding and protect normal traditional practices.

Government Orders

● (1325)

Hon. Martin Cauchon: Mr. Speaker, I referred two or three times in my previous answers to the justice system with regard to the process that exists, how it works as regards the criminal code and how we proceed in court with criminal code infractions or offences. I referred to it many times in previous answers and I do not intend to refer to it again.

The Deputy Speaker: The 30 minute time period for questions to the minister on the subject matter has elapsed. I will now put the question.

The question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Deputy Speaker: Call in the members.

● (1405)

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

(Division No. 290)

YEAS

Members

Alcock	Anderson (Victoria)
Assad	Assadourian
Augustine	Bagnell
Barnes (London West)	Bennett
Bertrand	Bevilacqua
Binet	Blondin-Andrew
Boudria	Bradshaw
Brown	Bryden
Bulte	Caccia
Calder	Caplan
Carignan	Carroll
Castonguay	Catterall
Cauchon	Charbonneau
Coderre	Collenette
Copps	Cotler
Cullen	Cuzner
DeVillers	Dhaliwal
Dion	Dromisky
Drouin	Duplain
Easter	Efford
Farrah	Finlay
Folco	Frulla
Galloway	Godfrey
Goodale	Grose
Harb	Harvard
Harvey	Hubbard
Jackson	Jennings
Jordan	Karetak-Lindell
Keys	Kilgour (Edmonton Southeast)
Knutson	Lastewka
LeBlanc	Leung

Lincoln
Macklin
Maloney
Marcil
McGuire
Minna
Murphy
Nault
O'Brien (London—Fanshawe)
Owen
Pagtakhan
Patry
Phinney
Pillitteri
Price
Redman
Regan
Robillard
Saada
Scott
Shepherd
Speller
St-Julien
Steckle
Szabo
Thibeault (Saint-Lambert)
Tonks
Vanclief
Wilfert

MacAulay
Mahoney
Manley
McCallum
McLellan
Mitchell
Myers
Neville
O'Reilly
Pacetti
Paradis
Peschisolido
Pickard (Chatham—Kent Essex)
Pratt
Proulx
Reed (Halton)
Richardson
Rock
Scherrer
Sgro
Simard
St-Jacques
St. Denis
Stewart
Thibault (West Nova)
Tirabassi
Valeri
Whelan
Wood— 120

NAYS

Members

Abbott
Bachand (Richmond—Arthabaska)
Bailey
Bélangier
Blaikie
Bourgeois
Brien
Burton
Clark
Duceppe
Elley
Forseth
Gallant
Girard-Bujold
Goldring
Grey
Harper
Hill (Macleod)
Jaffer
Kenney (Calgary Southeast)
Lalonde
Lebel
Marceau
Martin (Winnipeg Centre)
Mayfield
Merrifield
Moore
Picard (Drummond)
Rajotte
Reynolds
Sauvageau
Solberg
Stinson
Thompson (Wild Rose)
Wasylycia-Leis
Yelich— 71

Ablonczy
Bachand (Saint-Jean)
Barnes (Gander—Grand Falls)
Benoit
Borotsik
Breitkreuz
Brison
Casson
Crête
Duncan
Epp
Gagnon (Québec)
Gauthier
Godin
Grewal
Guimond
Hearn
Hill (Prince George—Peace River)
Keddy (South Shore)
Laframboise
Lanctôt
MacKay (Pictou—Antigonish—Guysborough)
Martin (Esquimalt—Juan de Fuca)
Masse
Meredith
Mills (Red Deer)
Pallister
Proctor
Reid (Lanark—Carleton)
Roy
Skelton
Spencer
Stoffer
Toews
White (North Vancouver)

PAIRED

Members

Adams	Allard
Asselin	Bergeron
Bigras	Bonwick
Cannis	Cardin
Chamberlain	Dalphond-Guiral
Desrochers	Eggleton
Fournier	Fry
Gagnon (Champlain)	Graham
Guay	Lee

Loubier
McCormick
Normand
Perron
Pettigrew
Rocheleau
St-Hilaire
Tremblay

Martin (LaSalle—Émard)
Ménard
Paquette
Peterson
Plamondon
Serré
Torsney
Wappel— 34

The Deputy Speaker: I declare the motion carried.

STATEMENTS BY MEMBERS

[*Translation*]

NEW INDUSTRIAL PARK IN LAVAL

Ms. Raymonde Folco (Laval West, Lib.): Mr. Speaker, Laval has a new, private, six million square foot industrial park.

Located with full access to the metropolitan road system, between highways 13 and 15, “Impact 440” augurs well for the people of Laval.

The president of the industrial park, Pierre Grothé, and his associate, Valmont Nadon, estimate that over the next three years the park will attract 75 businesses and generate investments approaching \$150 million. When fully developed, the park's businesses are expected to provide employment for 3,000.

Already, four companies have acquired a total of one million square feet and confirmed an investment of \$25 million. The industrial park also expects to offer a diversified inventory of buildings.

The new industrial park is a fine example of the innovative spirit which characterizes the economy of the entire Laval area.

* * *

• (1410)

[*English*]

GOVERNMENT OF CANADA

Mrs. Diane Ablonczy (Calgary—Nose Hill, Canadian Alliance): Mr. Speaker, the scope of Liberal greed and selfishness has shocked Canadians. Day after day they have watched a growing series of Liberal ministers caught with their hands in the cookie jar. They were outraged as the Prime Minister, the highest official in the land, shrugged off the theft of millions of public dollars.

Yesterday Canadians felt fresh alarm as the Prime Minister and the former finance minister caused yet another crisis because of their personal vanity and ambition. Canadians simply do not believe that the Deputy Prime Minister, already responsible for critical security issues, can also be expected to attend to Canada's financial interests in his spare time.

Once again Canadians will be forced to pay the price for Liberal power politics. Until the Liberals are voted out we will continue to be caught in more scandals and more conflicts that threaten peace, order and good government in our country.

[*Translation*]

OFFICIAL LANGUAGES

Ms. Yolande Thibeault (Saint-Lambert, Lib.): Mr. Speaker, a number of students from my riding will be taking part in the Summer Work Student Exchange Program.

This program, funded by the federal government as one of its youth initiatives and sponsored by VIA Rail Canada, often constitutes a first paying job for our young people, along with an opportunity to learn a second language in an immersion setting and to learn about and appreciate the other culture, while visiting another region of their country. In short, it is an outstanding life experience in their second language.

I am particularly pleased about our government's firm and reaffirmed commitment to linguistic duality, a value that is fundamental to our Canadian identity.

Our government firmly believes that the official languages policy is a matter of mutual respect and that it shows our willingness to use our diversity as a driving force.

Let us work together to ensure that thousands more students are able to experience the marvellous challenge of the Summer Work Student Exchange program.

* * *

[*English*]

DISTINGUISHED SERVICE AWARD

Mr. John Finlay (Oxford, Lib.): Mr. Speaker, this morning I was present in the Chamber for a memorial service in honour of 24 former parliamentarians who have passed away within the last year. This ceremony, organized on an annual basis, offers an opportunity to remember those who in many cases devoted a significant portion of their lives to public service either as senators or members of parliament.

As part of the memorial service the Canadian Association of Former Parliamentarians presented its annual award for distinguished service. This award is given to a former parliamentarian in recognition of his or her contribution to public life while in office as well as his or her continued interest and involvement in the preservation and promotion of parliamentary democracy in Canada and elsewhere.

I know all my colleagues here in the House of Commons will join me in congratulating this year's winner, the hon. John Reid, former member of parliament for Kenora—Rainy River.

* * *

[*Translation*]

RITA DIONNE-MARSOLAIS

Mr. Guy St-Julien (Abitibi—Baie-James—Nunavik, Lib.): Mr. Speaker, Rita Dionne-Marsolais, the PQ government minister, made a comment on a radio station in Trois-Rivières. Speaking about young Quebecers, she said that they “are the reflection of a very individualistic generation that is only concerned about itself”.

S. O. 31

With her statement, this minister in the government of Premier Designate Bernard Landry is showing all the contempt that she has for young Quebecers.

* * *

[English]

GOVERNMENT OF CANADA

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Mr. Speaker, Canadian farmers are suffering through a drought crisis and are about to be hit with massive U.S. subsidies that will make it even harder to compete. Canadian softwood lumber workers and the communities they live in have been devastated by the trade dispute with the U.S. Canadian soldiers are underfunded, under-equipped and under-appreciated by the Liberal government. The Canadian justice system is in dire need of an overhaul so that the safety and security of Canadian families is its number one priority. The health care system in Canada has sustainability problems that must be addressed.

The federal government would have a great deal on its agenda if its priorities were in the right place. As it stands right now the agenda looks pretty thin, but then again a lack of direction from this government is nothing new. The Liberal government has completely lost touch with Canadians. Instead of dealing with issues that affect Canadians in their everyday lives the Liberal government has descended into chaos and disarray. It has done this by its own choosing.

Canadians will continue to come out on the losing end until this government is replaced.

• (1415)

Mr. John Reynolds: Mr. Speaker, I rise on a point of order. In view of the delay because of the vote I think we might find agreement among the other parties to extend the statements until 2.25 so members can present their statements.

The Speaker: Is there agreement to extend S. O. 31s?

Some hon. members: Agreed.

* * *

HAMILTON PROFESSIONAL FIREFIGHTERS ASSOCIATION

Ms. Beth Phinney (Hamilton Mountain, Lib.): Mr. Speaker, I wish to congratulate the Hamilton Professional Firefighters Association. It has raised \$7,000 toward the education of an eight year old girl in India, Soni Alam.

The firefighters first met Soni a year ago when she came from India for surgery and physiotherapy at Hamilton's St. Joseph's Hospital. Suffering from severe burns on her arms, chest and face, Soni had spent several months suffering from the effects of her injuries as there was no treatment available to her in her home village in India.

The firefighters association raised enough money to pay for her education at a private boarding school when she returned. She has completed seven months of her education and is doing very well.

I extend my thanks to our firefighters.

[Translation]

LIBERAL GOVERNMENT

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Speaker, the long list of scandals, misappropriations of funds and allegations of corruption that have been associated with the Liberal government over the past weeks is becoming very disturbing.

The public is beginning to understand the true nature of the Liberal vision, which consists in being very generous with friends of the party, by using public money, in violation of the most basic rules of sound governance.

The Liberal government, and particularly the Prime Minister, can no longer avoid the issue by downplaying the situation, and it must now account for its actions.

Public opinion polls are condemning the government for its lack of integrity, and this undermines its legitimacy to govern. The media are reporting new scandals every day. The fact that the public is fed up is apparent on the streets and particularly when listening to radio stations.

For example, last week, the Bolo award of the Bande à Gilet, on FM 93, in Quebec City, was given to the whole Liberal government for, shall we say, its achievements.

There is nothing to be proud of when receiving such a mention and, sooner or later, the government will have to listen to reason and appoint an independent public inquiry commission to look into these scandals.

* * *

[English]

CHILDREN'S GROUNDWATER FESTIVAL

Mrs. Karen Redman (Kitchener Centre, Lib.): Mr. Speaker, I ask the House to join me today in recognizing the excellent work of the Waterloo Wellington Children's Groundwater Festival. This festival promotes awareness that water, our most precious resource, is the basis of all life.

Last week over 4,000 Waterloo students in grade three through six participated in a hands on, interactive activity at 40 different centres.

Maintaining groundwater quality and quantity in the year's ahead is extremely important for the economic growth and the stability of the Waterloo Wellington area. Through this children's festival, the next generation will become better educated and more environmentally aware by participating in a fun, innovative program.

This is how we meet the environmental challenges of the 21st century. We all need to protect our lakes and rivers from pollution, and work to conserve this precious natural resource for the generations that will follow.

* * *

LIBERAL PARTY OF CANADA

Mr. Peter Goldring (Edmonton Centre-East, Canadian Alliance): Mr. Speaker, Liberals are in a free fall or is it that they are in a free for all?

More ministerial heads rolling than in a maritime fish cannery.

The minister of finance, axed for ambition. The minister of national defence, banished for billing. The minister of public works, deported to Denmark. The second minister of public works, returned to sender. The minister on the status of women, canned for crosses. The minister of industry, turbot Tobin turfed. The deputy prime minister, Gray given the gate. The second Deputy Prime Minister, given ministerial role after role to cover the last minister's mess.

Soon the minister of all might be a lonely cabinet of one.

It is a true Liberal meltdown before our very eyes. A long lapse in ethics in character, now a collapse in ability to govern.

The Liberal way in complete disarray, from corruption crisis to catastrophic chaos, spelling the beginning of the end for the Liberals.

* * *

•(1420)

NUNAVUT

Ms. Nancy Karetak-Lindell (Nunavut, Lib.): Mr. Speaker, I would like to pay tribute today to a great Canadian, Graham Rowley and his wife, Diana.

Graham Rowley has dedicated his life to Nunavut and Nunavummiut from mapping unchartered land in the 1930s by dog team to excavating archaeological sites in the Igloolik area. He has contributed greatly to the knowledge of Nunavut while working with the Inuit respectfully sharing and learning with them.

Graham has received both the Order of Canada and the Northern Science Research Medal and has written an exciting book about his adventures in Nunavut.

My son, Keenan, and I have had the honour of spending time with both Graham and his wife Diana, and I ask my colleagues to join with me to pay tribute to this great explorer and his wife.

* * *

HOLY GHOST FRATERNAL AID SOCIETY

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, I bring exciting news from Winnipeg's famous northend community.

This weekend marked the 100th anniversary of the oldest remaining Polish organization in Canada, an occasion worthy of parliament's special attention and our highest words of praise.

On June 1, 1902, the Holy Ghost Fraternal Aid Society, located in the heart of Winnipeg North Centre, was established by the first Polish immigrants to Canada and to this day continues in the service of others promoting Polish culture, welcoming new immigrants and strengthening the community.

This is an anniversary of monumental significance, not only for my own community but also for the whole country. Imagine 100 years of service to Canada and still going strong.

From its earliest days, the society helped settlers adjust to life in a new land, was key to the preservation of Polish culture and played a role that is vital to our nation today.

S. O. 31

Today let us honour the pioneering spirit of Polish Canadians who contribute so much to life in this country and let us express heartfelt thanks to the Holy Ghost Fraternal Aid Society.

* * *

[*Translation*]

HELL'S ANGELS

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, last week we learned that members of the Hell's Angels criminal organization would be taking part in the parade celebrating the golden jubilee of Queen Elizabeth II.

How can this decision be explained to the parents and friends of the innocent victims who died at the hands of this organization in recent years in Quebec? How can we remain silent about the mockery that this makes of the countless efforts made by police and communities to put a stop to this group's deadly activities? How can this decision be explained when only a few weeks ago, in Queen v Maurice Boucher, she sent him to prison for murder?

Let it be known that in Quebec, we jubilate for different reasons. We jubilate when justice is done and when the murder of two prison guards does not go unpunished.

How can we not comment on the submission shown by the members of the House who rejected the Bloc Québécois motion condemning this royal parade? This is not cause for jubilation. Under these conditions, it is royally inappropriate.

* * *

[*English*]

EDUCATION

Mr. John Maloney (Erie—Lincoln, Lib.): Mr. Speaker, U.S. immigration and naturalization service has decided that education is not a valid reason for Canadians to cross the U.S. border.

Beginning May 22, part time Canadian students were delayed at the border or denied entrance. Students who began classes prior to May 22 will be allowed to finish their current course but only after stopping at the border to fill out an I-94 application each and every time they cross. What is more troublesome is that part time students enrolled after May 22 will not be allowed to cross the border for this purpose.

In light of September 11, we appreciate that stricter U.S. policies are being implemented in relation to student visas. However an absolute prohibition of border crossing for part time students is simply overkill. This INS policy has the potential to undo a beneficial arrangement enjoyed by hundreds of Canadian students and American schools for decades.

I urge the United States to allow an exemption for part time Canadian students. Education is a precious resource. George Bush must not deny Canadians this opportunity.

*Oral Questions***GOVERNMENT OF CANADA**

Mr. Rick Borotsik (Brandon—Souris, PC): Mr. Speaker, this brouhaha between the Prime Minister and his ex-minister of finance has distracted from the government's policy issues and focused instead on Liberal infighting.

How surprised I was this morning when I heard the Prime Minister's senior policy advisor tell us that this government was focused on a policy agenda. Eddie Goldenburg said:

I think the agenda of this government on health care, the agenda on agriculture, the agenda on a whole host of issues, is a very important one. The government has a terrific record, every government goes through a rocky period.

The government has done nothing to forward this agenda or in fact any agenda. The government has left it up to the provinces to deal with the crisis in health care. The government turned down a motion that would have worked toward reducing student debt. The government has ignored the dangers of U.S. protectionism, ignored the dangers of yet another drought and ignored the falling farm income.

Where is the agenda that the Prime Minister's staff is referring to? This government of broken promises has—

The Speaker: Order, please. The House will now proceed to oral question period which will continue until 3.10 p.m.

ORAL QUESTION PERIOD

• (1425)

[*English*]

MEMBER FOR LASALLE—ÉMARD

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, yesterday, in an unprecedented move, the Prime Minister dismissed his most senior cabinet colleague, the former minister of finance, and he provided absolutely no comprehensible reason for doing so.

We know the former minister of finance had some ethical difficulties. We know about the \$75,000 contract that went from the finance department to one of his fundraisers. Was the dismissal of the former minister of finance due to any ethical misconduct on his part?

Right Hon. Jean Chrétien (Prime Minister, Lib.): No, Mr. Speaker, absolutely not. They are still throwing mud.

The former minister of finance was an excellent minister of finance for nine years. I am very sorry, as I explained in the letter I sent to him, but after the discussion I had with him, he and I agreed that we had to move on. This had nothing to do with the economic policies or the honesty of the former minister of finance.

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, he speaks about mud slinging. Last week it was the Prime Minister who not so subtly, publicly and privately, accused the former minister of finance of leaking information and double-crossing him in running an unauthorized leadership campaign.

Since the Prime Minister still has not given a reason for the dismissal of the former minister of finance, was the dismissal due to any violations of cabinet, caucus or party rules?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I never referred to the former minister of finance because he did not do that. The press told me that there was information coming from my caucus. I asked them to give me names because I could not work just on rumours. I told them to give me the facts and then I would take action. They did not give me any names.

The former minister of finance decided it was time to move on. He gave an indication on Friday that he was not comfortable any more to stand as minister of finance and a conclusion was reached on—

The Speaker: The hon. Leader of the Opposition.

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, that certainly is not the former minister's story.

On Friday of last week the former minister of finance spoke to the Federation of Canadian Municipalities on a new deal for municipal governments. Over the weekend there were reports that the Prime Minister did not agree with the proposal by the former minister of finance.

Was the dismissal due to policy difference? Does the Prime Minister stand behind the positions the former minister of finance took in that policy statement on Friday?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the former minister of finance made comments on the question of finding ways to help the municipalities, and I agree with that. We are doing that at this time with the infrastructure program. We are looking to see if there will be a more imaginative prospect to do that. However there is no new program. There was no discussion about it in the cabinet and no disagreement because there was no concrete proposition.

* * *

ETHICS

Mr. Grant Hill (MacLeod, Canadian Alliance): Mr. Speaker, the Prime Minister says that he likes a good fight. I thought he meant that he would fight against ethical misconduct by his ministers in cabinet.

Could he explain why he instead chose to fire a senior finance minister? Another leadership candidate gone.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I am not an Alliance person. I will not run to replace myself. There are no members of cabinet and no former ministers running against me because I am the leader. One day when I am not the leader I know a very good Liberal leader will be there to replace me.

• (1430)

Mr. Grant Hill (MacLeod, Canadian Alliance): Mr. Speaker, ethics in cabinet are far more important than these petty leadership battles. In recognizing the ethical problems, last Friday one of the parliamentary secretaries said "The government wants to get to the bottom of this mess".

Oral Questions

Why did the Prime Minister not get to the bottom of the ethical mess instead of going through another leadership rival? Tobin was first. The finance minister was second. Who is next?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I want to have a bit of fun. I have here an ad paid for by an unknown subscriber to defeat Jim Hawkes. The citizens coalition gave money to the Leader of the Opposition to defeat a very good member of the House at that time, who is in the gallery today and who I want to salute, Jim Hawkes.

The Speaker: I know the right hon. Prime Minister will not want to breach the rules by referring to the presence in the gallery of anyone. We know that is not the thing to do.

The hon. member for Laurier—Sainte-Marie

* * *

[Translation]

GOVERNMENT CONTRACTS

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, instead of launching a public inquiry to get to the bottom of the scandals that reflect upon his government and making this a priority, the Prime Minister tells us that Canadian unity is justification for the theft of millions of dollars in public funds, and then he sacks his Minister of Finance.

With such actions, is the Prime Minister not confirming that, for him, it is more important to solve his leadership problems than to attack the credibility crisis that is shaking his government relating to the scandals about awarding contracts to his party's cronies?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I made a speech on this in the House of Commons two weeks ago. I intend to present the eight point program this week, or early next week. I note, for example, that the Alliance Party is already indicating that it does not want to participate in having a code of conduct for MPs, senators and ministers approved by the House of Commons.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, I imagine that the first rule has already been announced in Winnipeg: it is OK to steal millions, provided the purpose is to fight sovereignty.

The Prime Minister's priorities are very much out of order. By making his first priority the leadership race within his party, he is putting his personal interests before his responsibilities as a head of government.

Will the Prime Minister admit that, instead of putting a political rival out of cabinet as he did, he ought to have seen it as urgent to call a real public inquiry into all the scandals that are undermining public confidence in this government, particularly when they are being told that stealing is no big deal?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the intellectual dishonesty of this party leader is unbelievable.

What I said was "If money has been stolen, even millions of dollars, the guilty parties will have to go to court and face the consequences". This is what I have always said, and the RCMP is doing its job at this time, as is the auditor general, in order to ensure that, if money has been lost, the guilty will be punished.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the Prime Minister expelled the Minister of Finance from cabinet because, in his opinion, the minister was responsible for the leaks concerning what the Prime Minister himself called a "theft of a few million dollars".

Could the Prime Minister tell us why, instead of expelling those members of his government who are up to their neck in scandals, he chose instead to shoot the one whom he thinks is the messenger?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I never believed that he could be the messenger.

The letter that I sent to him on Sunday afternoon reflects the discussions that we had, he himself, people in my office and myself, during the previous 48 hours.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, by downplaying the numerous scandals in which his ministers are involved, by acting as he is doing with the Minister of Finance and by answering us the way he is doing in the House of Commons, is the Prime Minister not showing that he is a head of government with few scruples?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I have been the head of this government for nine years and all of us on this side of the House are proud of its performance.

On Friday, the newspapers mentioned that economic indicators for the first quarter of this financial year show a 6% growth in Canada.

* * *

● (1435)

[English]

GOVERNMENT OF CANADA

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, the Prime Minister will be aware that there are a number of votes on Thursday night. These are supply votes. They are confidence votes by their very nature.

Could the Prime Minister tell the House whether, should the government lose any such votes on Thursday, he will respect the obvious and ask the Governor General to ask some other Liberal to form a government, one that enjoys the support of the Liberal caucus and therefore, in the present context, of parliament.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, that is purely a hypothetical question and nobody wants to have an election at this time.

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): That is precisely my point, Mr. Speaker. There would not be a need for an election in that context if the Prime Minister was willing to respect the judgment of his caucus should it be that judgment.

Given that the Prime Minister has answered the question, could he tell the House whether he will be reversing many of the damaging policies inflicted on the country by the member for LaSalle—Émard with respect to cuts in health care, housing, EI and all the other things that have been done to Canada by the former finance minister?

Oral Questions

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, if the opposition party wants to dare us and wants to have a campaign arguing against the minister of finance, who quit on Sunday afternoon, and the policy of our government with this minister, we will never be afraid to face the NDP across the land.

* * *

MEMBER FOR LASALLE—ÉMARD

Right Hon. Joe Clark (Calgary Centre, PC): The Prime Minister should quit saying that, Mr. Speaker.

The former minister of finance did not submit a letter of resignation. He refused to sign a joint letter drafted by the Prime Minister. The Prime Minister said: "We mutually agreed he was to leave", yet the former minister of finance said he learned about the cabinet shuffle on the radio.

Why does the Prime Minister not just admit that he fired the former minister of finance and tell this House of Commons and the Canadian public why?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, after the letter had been read and some lines in it corrected by the former minister of finance, he knew that he was not the minister of finance any more. No, I did not tell him that I would have a ceremony right after that because it was irrelevant. He was no longer the minister of finance. I had already talked with the Deputy Prime Minister, who will be, as his predecessor, an excellent Minister of Finance.

[*Translation*]

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, the government is too preoccupied with its internal strife to govern. Yesterday, in his own special way, the Prime Minister dismissed his former Minister of Finance.

Did the Prime Minister ask the ministers of finance, industry, Canadian heritage, health, human resources development and justice personally and directly to stop their campaigns? Did the Prime Minister receive assurances from these ministers that their campaigns were indeed shut down?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I asked all members of cabinet who legitimately want to become Prime Minister one day to stop campaigning at this time for various reasons and to focus strictly on government business.

Everyone fully understood. At this time, everyone has accepted this decision, including the former Minister of Finance.

[*English*]

Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance): Mr. Speaker, we have to wonder if the government would not be on a more even keel if the Prime Minister had accepted that invitation and gone to Kabul himself on Saturday night.

The words quit and fired have been used. The Prime Minister just used the word quit. The former minister of finance said that he heard about his dismissal listening to CBC radio while driving his car from Montreal back to Ottawa.

Will the Prime Minister tell Canadians this because they have a right to know. Was the former minister of finance fired or did he quit?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I wrote a letter to the member for LaSalle—Émard on Sunday afternoon. This letter was read to him Sunday afternoon. A couple of hours later we had a new Minister of Finance. The facts are clear. The letter is on the record.

* * *

● (1440)

GOVERNMENT CONTRACTS

Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance): Mr. Speaker, when we look across the aisle at the other side, we are reminded of the Glen Clark government in British Columbia: aloof, arrogant, indifferent and chaotic. The Prime Minister's choices have put the government in chaos.

The Prime Minister said in Winnipeg that it was okay that millions and millions may have been stolen through an advertising and sponsorship program.

If the Prime Minister is willing to fire his finance minister for "matters unrelated to government", why is he not fired up about this theft of tax dollars from his government?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, at the request of the opposition, we have asked the auditor general to look at these files. The auditor general referred some cases and the department referred some cases to the police for inquiries. If money was taken and a crime was committed, they will have to face the system of justice in Canada.

[*Translation*]

Mr. Ghislain Lebel (Chambly, BQ): Mr. Speaker, the Prime Minister has candidly admitted that a few millions may have been stolen here and there in the course of the sponsorship program. His reaction was to remove from cabinet the person he believes to be an informer.

Does not such unacceptable behaviour on the part of the Prime Minister only make a public inquiry even more essential so that we can finally get to the bottom of the misappropriation of funds represented by the sponsorship program?

[*English*]

Hon. Ralph Goodale (Minister of Public Works and Government Services, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, let us be very clear, a departmental review of the sponsorship program is underway. There is an examination government-wide by the auditor general. There are police references if and when that is required.

Where there are administrative problems, they will be corrected. Where there are overpayments, they will be recovered. Where offences have been committed, they will be investigated and prosecuted.

Oral Questions

[Translation]

Mr. Ghislain Lebel (Chambly, BQ): Mr. Speaker, when the minister responsible for enforcing the law, the Minister of Justice himself, says that the hypocrisy must stop and tries to explain after the fact that it is normal for ministers to be directly involved in granting contracts to cronies, is this not a sign that the problem is widespread in the Prime Minister's cabinet and that a public inquiry is needed, and fast, to clean up this whole mess?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the most ironic of all is that the minister of public works decided to suspend the sponsorship program for a while.

Only a few days ago, the leader of the Bloc Québécois wrote the minister of public works to recommend sponsorships, probably for some of his friends.

* * *

[English]

NATIONAL REVENUE

Mr. Rahim Jaffer (Edmonton—Strathcona, Canadian Alliance): Mr. Speaker, we have learned that one of the reasons for the falling out between the Prime Minister and the finance minister was what to do about the \$3.3 billion the government has overpaid to the provinces. Against the finance minister's advice, it seems that the Prime Minister wants all the money back and he wants it now.

Will the Prime Minister tell Canadians if he is asking their provincial governments to cut spending on hospitals, schools and policing in order to pay back his government's \$3.3 billion mistake?

Hon. Elinor Caplan (Minister of National Revenue, Lib.): Mr. Speaker, we have been very clear. The issue was identified. We called the provincial auditors together. The provincial ministers and so forth are working with them to ensure that we have all the information and that an appropriate solution is found.

Mr. Rahim Jaffer (Edmonton—Strathcona, Canadian Alliance): Mr. Speaker, perhaps the Prime Minister will confiscate his competitors' campaign accounts to pay back some of this debt.

We have learned that the previous finance minister wanted to offset any repayments from the provinces with increases in health transfers.

How does the government expect provinces to pay back this \$3.3 billion that the government has lost? Do they want the provinces to mail back the hospitals and schools they have built brick by brick?

Hon. John Manley (Deputy Prime Minister, Minister of Finance and Minister of Infrastructure, Lib.): Mr. Speaker, I think the hon. member will recognize that where there is an overpayment it is normal not just for the federal government but also for provincial governments, whether it is workers' compensation, welfare or other payments, to usually endeavour to recollect it.

No decisions on this have been taken. The auditor general is reviewing some of the years in question and when her reports are ready, we will review them very carefully.

● (1445)

[Translation]

GOVERNMENT CONTRACTS

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, the Prime Minister fired his Minister of Finance, explaining that he was not doing so for administrative reasons. Everyone knows perfectly well that it was because his leadership was being challenged.

How can the Prime Minister justify being so much more tolerant of those involved in the theft of millions of dollars, which was how he described it, in the sponsorship programs than of those who challenge his leadership?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I never said that ministers or members of the House were involved in the theft of money. I said that if money was stolen, those who stole it would be prosecuted.

This is very clear. The Minister of Public Works and Government Services suspended the sponsorship program. Together with the auditor general, public works has immediately referred any questionable cases to the RCMP for any necessary investigations.

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, is it not a bit easier to understand the Prime Minister's refusal to authorize a public inquiry into the awarding of government contracts now that we know that the Prime Minister considers the theft of a few million dollars as trivial, as long as it serves his cause?

Right Hon. Jean Chrétien (Prime Minister, Lib.): I never said that, Mr. Speaker. However, I did say that now that there is political stability in Quebec, the country is benefiting greatly. This is why Moody's in New York has given us the highest credit rating we have had in years, because of our very strong economic performance, they said. As well, there is now political stability in Quebec, like in Canada.

* * *

[English]

THE ECONOMY

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, by firing the finance minister, the Prime Minister has thrown his government into ever deeper disarray and thrown into uncertainty the direction of the government's fiscal policy. Today leading economists are predicting that the new finance minister will not table an economic update this spring.

My question for the new finance minister is this. Will he present the government's economic update on June 11 as planned or will he let the Prime Minister's game of musical chairs in the cabinet mean that Canadians will not get an update on their nation's finances until this fall?

Oral Questions

Hon. John Manley (Deputy Prime Minister, Minister of Finance and Minister of Infrastructure, Lib.): Mr. Speaker, I have observed very carefully the pattern over the last number of years that my predecessor followed. I am sure the member will recall that he presented his annual update in the fall. I can assure him that he will have it by that time.

I am sure he is also happy, as I am, that today the markets are very stable. As of 1 o'clock the dollar was up somewhat. The response of the marketplace generally has been very stable.

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, there has been no regular pattern but there was an update scheduled for June 11, which now sounds like it is off.

The new finance minister said yesterday that he has been closely associated with the government's fiscal policies. Does that mean that he agrees with the 10% increase in spending in last year's budget? Does he agree with the former finance minister's decision not to reallocate one penny from low priority areas like corporate welfare to high priority areas like national defence and health care?

Will this finance minister commit to controlling spending and to restoring fiscal responsibility to the government's fiscal plans?

Hon. John Manley (Deputy Prime Minister, Minister of Finance and Minister of Infrastructure, Lib.): Mr. Speaker, first I was very pleased to point out to the international conference of bankers today that Canada was leading the G-7 in its financial performance and its fiscal performance.

The member asked if I am pleased to be associated with the policies of the government on the economic side, the policies that gave us a 6% growth rate in the first quarter of the year, the policies that have seen unemployment fall continuously, the policies that have seen us generate surpluses. Yes, I am very pleased to be associated with those policies and they will continue.

* * *

VETERANS AFFAIRS

Mr. Bob Wood (Nipissing, Lib.): Mr. Speaker, this Thursday we commemorate D-Day, the day that the Canadian forces landed on Juno Beach as part of the allied force during the second world war.

Will the Minister of Veterans Affairs tell the House this afternoon how the government is ensuring that future generations learn about Canada's sacrifices in the second world war?

• (1450)

Hon. Rey Pagtakhan (Minister of Veterans Affairs and Secretary of State (Science, Research and Development), Lib.): Mr. Speaker, the Government of Canada is very proud of and will continue to perpetuate our memory of this war, particularly the landing on D-Day.

I applaud the member who posed the question on this subject. We can all be proud that our government has been able to announce funding of \$1 million toward this project making a total of \$1.25 million. Youth will be involved.

IMMIGRATION

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, I have a question about refugees who are often forced into hiding for their own safety. Now that the immigration minister has had some experience of his own in hiding, perhaps he is prepared to reconsider a very serious matter.

The minister has dropped the refugee appeal procedure from the new Immigration and Refugee Act and says he might put it back in a year. Will the minister rethink the wisdom of this decision and at least give parliament a definite date when the appeal process will be implemented? When exactly will refugees be able to access the protections guaranteed by parliament under the new act?

Hon. Denis Coderre (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, I thank the hon. member for her serious question.

I reiterate that the implementation of the refugee appeal division is an important task. We will implement the new legislation by June 28. I made the decision, based on resources, to speak to the Canadian Council for Refugees to say that we would take the proper steps to make it happen.

I want to make the system work. It is a living paper, it is an ongoing issue and is important for Canadians.

* * *

INFRASTRUCTURE

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, cities in Canada have been abandoned by the federal government and left to themselves to deal with affordable housing, transportation and infrastructure challenges. The former minister of finance, the current transport minister and the industry minister have all finally acknowledged that there is a crisis in our cities.

My question is for the Minister of Finance. Talk is cheap. When will we see actual allocated resources in the hands of all municipal governments for infrastructure, housing and urban transit?

Hon. John Manley (Deputy Prime Minister, Minister of Finance and Minister of Infrastructure, Lib.): Mr. Speaker, I think the new member should recognize the important contributions we have made in many of those areas very recently. These include the over \$2 billion we have put into infrastructure programs, much of which will flow to municipalities, plus \$600 million flowing to border locations for infrastructure, and \$680 million into housing. The Prime Minister's task force on urban issues has made a useful set of recommendations to the government which we will follow up on.

The concerns of our cities are important to all of us and we are acting on them.

*Oral Questions***THE ECONOMY**

Mr. Scott Brison (Kings—Hants, PC): Mr. Speaker, the Prime Minister's selection of the new finance minister was obviously based on their shared economic expertise. The new finance minister when industry minister said:

High taxes, if anything, should increase productivity because it would drive innovation in order to lower other costs.

Does the new finance minister still believe that high taxes help improve productivity by making Canadians work harder and will this be the official government policy now?

Hon. John Manley (Deputy Prime Minister, Minister of Finance and Minister of Infrastructure, Lib.): Mr. Speaker, I have never believed that. What I can say is that we do know that tax rates have been sharply decreased in Canada. Again, I was very happy in the speech today to be able to underline the comparative advantage that our tax rates give us in relation to those rates that exist in the United States, both capital gains rates and corporate tax rates, as well as personal tax rates.

We now have a competitive advantage in Canada. That will continue.

* * *

[Translation]

GOVERNMENT CONTRACTS

Mr. André Bachand (Richmond—Arthabaska, PC): Yesterday, Mr. Speaker, we learned that contracts for the Francophonie Games had been negotiated directly between the former minister of public works, the leader of the government in the House, and Everest and other firms.

It has also been confirmed that not one of these contracts went through the tenders process. Yet on Friday the present minister of public works was questioned about the method used by the government to negotiate its Francophonie Games contracts. His response was:

I have been advised that all appropriate administrative processes with respect to that matter were fully respected.

Can the minister explain to us why the contracts did not follow the set administrative process to which he referred on Friday?

• (1455)

[English]

Hon. Ralph Goodale (Minister of Public Works and Government Services, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, there is nothing in the information before me at the present time that would substantiate the allegation made by the hon. gentleman. Obviously I will make what inquiries may be appropriate in the circumstances, but at the present time there is nothing to support the allegation he is making.

* * *

GOVERNMENT LOANS

Mr. James Rajotte (Edmonton Southwest, Canadian Alliance): Mr. Speaker, on December 8, 2000 Cascade Data Service was incorporated, yet only three months later on March 9, 2001 in a

shroud of secrecy Technology Partnerships Canada awarded it an \$87 million loan. No announcement was made; no press release was issued.

On February 22 the official opposition requested information about this project from the Minister of Industry. The government did not have any information but promised an answer within the week. After more than three months we are still waiting.

I ask the Minister of Industry again, what is Cascade Data Service and on what basis was the company awarded an \$87 million loan after only three months in existence?

Hon. Allan Rock (Minister of Industry, Lib.): Mr. Speaker, Cascade Data Service is a subsidiary of MacDonald Dettwiler and Associates, which is one of Canada's best known innovative aerospace and communications companies. Cascade Data Services is developing a first in the world technology to transmit data by satellite in large volume.

This investment by the Government of Canada in this leading edge, world first technology offers one of our great corporations a chance to truly lead world markets in this new approach to communicating information.

Mr. James Rajotte (Edmonton Southwest, Canadian Alliance): Mr. Speaker, it is rather interesting that the three board directors of Cascade Data Service are the president, chief financial officer and comptroller of MacDonald Dettwiler and Associates, and the minister did not mention the fact that the company has contributed more than \$50,000 to the Liberal Party over the last three years.

Let me tell members more about Cascade Data Service. It has no public telephone number, no website and the property manager has no record of ever having leased property to this company at the address to which it was registered.

We have waited over three months for an answer. When will the minister come clean on this \$87 million loan?

Hon. Allan Rock (Minister of Industry, Lib.): Mr. Speaker, first, it is not a loan, it is an investment. Second, the fact is that this company—

Some hon. members: Oh, oh.

The Speaker: Order. Even though the minister is sitting very close to the Chair, there are so many questions being sent to him at once that I cannot hear. We have to be able to hear the answers as well as the questions. Since the Minister of Industry has the floor and only he has the floor, perhaps we could hear the answer.

Hon. Allan Rock: Mr. Speaker, it is an investment which the Government of Canada expects will be returned with the success of this venture.

Let me also say that although the TPC investment was approved some time ago, no money was to flow until all of the conditions were satisfied, including establishing the subsidiary and complying with all the other requirements that were imposed by the officials who approved this investment.

Oral Questions

[Translation]

GOVERNMENT CONTRACTS

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, the Prime Minister thinks he will silence criticism by proposing an eight point plan to restore ethics within his government.

This is the same Prime Minister who finds it normal that millions of dollars may have been stolen. He is not even concerned about it. Talk about an ethical standard.

How can we expect a higher level of ethics within the government when the Prime Minister himself believes that the theft of millions of dollars is justifiable for what he feels is a just cause?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, frankly, I have said about 20 times that if money was stolen by those who got money, the guilty will have to face the courts. Can we ask for more than that? If people stole money, they will be taken to court. They will pay fines or go to jail.

It is very clear. The auditor general is working on this, and so is the police. If money was stolen, the guilty parties will pay for what they have done.

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, this means that they allowed money to be stolen and sometimes condoned what was going on.

The G-8 summit to be held in Canada will be chaired by the Prime Minister. Does he realize what message he is sending to the international community by firing his Minister of Finance because he challenged his leadership, and condoning the theft of millions of dollars because, supposedly, it was good for the cause, for his cause?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, neither part of the question is true I have nothing to add.

* * *

● (1500)

[English]

GOVERNMENT GRANTS

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance): Mr. Speaker, unlike the Prime Minister's spin on the former finance minister, the solicitor general's problems are related to governing. The solicitor general is a serial lobbyist who continues to press his departments to fund projects spearheaded by his brother.

Will the Prime Minister tell us if his next Sunday shuffle will include his ethically challenged solicitor general?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I would like to quote someone who is not a member of my party, Premier Binns, who said:

I don't see a conflict here... The Justice Institute at Holland College has been recognized as a justice training centre for Atlantic Canada for over 20 years, long before Alex MacAulay was president—

He went on to say it was long before the solicitor general was a member of parliament or a minister. When I quote the Conservative premier of P.E.I., I feel very comfortable.

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance): Mr. Speaker, it is a shame that the Prime Minister

did not take the opportunity in his Sunday shuffle to remove the ethically challenged solicitor general.

The solicitor general lobbied the RCMP after it rejected his brother's proposal. He also lobbied Correctional Service of Canada on behalf of his brother.

Will the solicitor general tell us if he lobbied CSIS and any other agency or branch of his department on behalf of his brother?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, as I indicated many times in the House last week, when I receive a proposal it is given to the appropriate department or agency. That is in fact what took place in this case and it is what will take place in any other case that I deal with.

* * *

[Translation]

OLDER WORKERS

Ms. Diane St-Jacques (Shefford, Lib.): Mr. Speaker, when older workers lose their job we know they have a hard time getting back into the workforce. Former employees at the Fruit of the Loom plant are in this situation. These older workers, most of them women, were unable to find another job after the plant was closed.

Could the minister tell us what the government is doing to help them get back into the workforce?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, the Government of Canada realizes that some older workers who lose their job need additional help finding work. This is why the government is investing over \$30 million in pilot projects for older workers, \$11 million of that in Quebec. This money is being put to good use.

We have a \$900,000 pilot project to help 95 former employees of Fruit of the Loom find and keep new jobs. With our assistance, these employees will be able to acquire new skills and get back into—

The Speaker: The hon. member for Medicine Hat.

* * *

[English]

ETHICS

Mr. Monte Solberg (Medicine Hat, Canadian Alliance): Mr. Speaker, it is a terrible thing to be in opposition without a government. So far the Prime Minister has not told us why he fired the finance minister but the message for ministers seems to be not to become too influential or too powerful or they will be called to come for Sunday dinner and by the way, they will be the main course.

Does the Prime Minister not see that the problem is not that some ministers are rivals? The real problem is that some of the ministers are guided by his own questionable ethics.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, all the facts are well known. I made the letter following the exchanges between myself and the former Minister of Finance. We came to that conclusion.

He gave an indication Friday that he wanted to leave. He concluded that he was not comfortable in his position and by Sunday he concluded—

Oral Questions

Mr. Stephen Harper: His indication was that you wanted him to leave.

Right Hon. Jean Chrétien: Yes, we did proceed fast on Sunday because we were advised that it was very important that the decision be made before the market opened. It was handled in such a way that it was today rather—

The Speaker: The hon. member for Medicine Hat.

Mr. Monte Solberg (Medicine Hat, Canadian Alliance): Yes, Mr. Speaker, the firings will continue until morale improves, I am sure.

On one front the Prime Minister is bitter at the media and at opposition parties about being questioned over his ethics. On the other hand, he is bitter at leadership rivals because they are becoming too influential in challenging his divine right to rule.

Instead of bullying his rivals and fixing the blame, when will the Prime Minister start fixing the ethical problems that he has created?

• (1505)

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we have questions from a party that does not want to have a committee of this House of Commons to look into conflict of interest for everybody in the House of Commons, including members and ministers and Senators.

They do not want that. The Leader of the Opposition does not want to reveal anything of his last campaign. He has argued time and time again that nothing should ever be revealed of political contributions.

* * *

[Translation]

GOVERNMENT CONTRACTS

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Speaker, last week, the Prime Minister said that millions of dollars might have been stolen. If he can say something like this, he must surely have information.

My question is a very simple one: Who was it stolen by?

[English]

Hon. Ralph Goodale (Minister of Public Works and Government Services, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, again let us be very clear about this. The files with respect to the sponsorship program between 1997 and 2000 are under active review by the department of public works. The auditor general has announced a government-wide examination. Police references are being made if and when required.

The administrative problems that may have existed will be fixed, any overpayments that may have been made will be fully recovered, and if there were offences committed they will be fully investigated and fully prosecuted under the law.

Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance): Mr. Speaker, before Sunday, Saturday was not going very well for the Prime Minister either.

The Ottawa *Citizen* ran a four page exposé by Graham Green, providing a blow by blow account of the Shawinigate file under a banner headline “Double Standard”.

The *Citizen* editorial said of the Prime Minister that it was “Time To Go”.

The only question for the Prime Minister is, is he going to sue the Ottawa *Citizen* or was the article correct in its conclusion? Again I quote: “He lied”.

The Speaker: The hon. member will want to withdraw those words. He cannot say indirectly what he cannot say directly. I invite him to withdraw the words at once.

Mr. Garry Breitkreuz: Mr. Speaker, I was quoting the Ottawa *Citizen*.

Some hon. members: Withdraw.

The Speaker: I do not care. The hon. member cannot do indirectly what he cannot do directly. He must withdraw the words. I invite him to do so immediately.

Mr. Garry Breitkreuz: I am sorry, Mr. Speaker. I withdraw.

The Speaker: Does the right hon. Prime Minister wish to respond to the question?

Right Hon. Jean Chrétien (Prime Minister, Lib.): With pleasure, Mr. Speaker, because this file is extremely well known. The reality is that 20 jobs were created in my riding where we had 18% unemployment. The loan was made six years ago and the loan is still in operation, so it is a sign that the risk was pretty good if the payments are still made after six years.

[Translation]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, in a reply a little while ago, the Prime Minister deliberately stated that I was asking for the sponsorship program to be continued, whereas the letter stated “We are calling for the sponsorship program to be ended and converted immediately into a true support program in order to put an end to these commissions to cronies of the regime”.

Does the Prime Minister realize that, with dishonest replies such as this, he is making it all the more necessary to—

The Speaker: This is exactly the type of question that is causing problems at this time. I would invite the hon. member for Laurier—Sainte-Marie to withdraw the word dishonest. He knows that such a word cannot be used to describe government actions in the House.

Mr. Gilles Duceppe: Mr. Speaker, I was repeating the exact language used by the Prime Minister about myself last week, when he spoke of a dishonest question. If he can get away with it, so can I. Make up your mind.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I am reading the letter sent to the minister of public works on May 30. It states “A number of organizations anticipating funding from the sponsorship program have already included this considerable amount in their budgeting. Depriving them of this source of funds in the short term would, without a doubt, be disastrous for a number of them”. These are his words, not mine.

Routine Proceedings

● (1510)

[English]

PRESENCE IN GALLERY

The Speaker: I wish to draw to the attention of hon. members the presence in the gallery of Mr. Halldor Blöndal, the President of the Althingi of the Parliament of Iceland.

Some hon. members: Hear, hear.

[Translation]

The Speaker: I wish to inform the House that, because of the debate on the time allocation motion, government orders will be extended by 30 minutes.

ROUTINE PROCEEDINGS

[English]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, pursuant to Standing Order 36(8) I have the honour to table, in both official languages, the government's response to two petitions.

* * *

[Translation]

NATIONAL CHILD BENEFIT

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, pursuant to Standing Order 32(2), I am pleased to submit two copies, in both official languages, of the national child benefit progress report for 2001.

* * *

[English]

EMPLOYABILITY ASSISTANCE

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, the second report that I am pleased to submit two copies of herewith, in both official languages, is the Employability Assistance for People with Disabilities National Report for the years 1999-2000 and 2000-01.

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COMMITTEES OF THE HOUSE

CANADIAN HERITAGE

Mr. John Harvard (Charleswood St. James—Assiniboia, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the fourth report of the Standing Committee on Canadian Heritage.

Pursuant to Standing Order 97.1, your committee requests an extension of 30 sitting days to allow it to complete its consideration of Bill S-7, an act to amend the Broadcasting Act, referred to the committee on February 5, 2002.

SCRUTINY OF REGULATIONS

Mr. Gurmant Grewal (Surrey Central, Canadian Alliance): Mr. Speaker, I have the honour to present in both official languages the sixth report of the Standing Joint Committee on Scrutiny of Regulations.

Notwithstanding Standing Order 109 of the House of Commons, your committee requests the government to table a comprehensive response to this report on the four regulations relating to the aboriginal communal fishing licences within 90 days.

As you probably know, Mr. Speaker, this sixth report was tabled in the other House last Thursday by my colleague and joint chairman, Senator Hervieux-Payette.

In light of some of the media reports over the weekend, I would like to clarify to the members in the House, as well as to the public, that this report requests the tabling of a comprehensive government response. Because these regulations impact the livelihood of many, I would urge the government to treat this matter as urgent.

● (1515)

[Translation]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the 21th report of the Standing Committee on Foreign Affairs and International Trade.

Pursuant to Standing Order 108(2), the committee held hearings across Canada and is tabling this report to convey the opinions of Canadians and its own recommendations on the agenda for the 2002 G-8 summit.

Pursuant to Standing Order 109, your committee requests that the government provide a comprehensive response within 150 days of the tabling of this report in the House of Commons.

[English]

HEALTH

Ms. Bonnie Brown (Oakville, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the third report of the Standing Committee on Health.

In accordance with its order of reference of Monday, April 15, 2002, your committee has considered Bill C-53, an act to protect human health and safety and the environment by regulating products used for the control of pests, and the committee agreed on Wednesday, May 29, 2002, to report it with amendment.

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CANADA LABOUR CODE

Ms. Beth Phinney (Hamilton Mountain, Lib.) moved for leave to introduce Bill C-471, an act to amend the Canada Labour Code (defibrillators in the work place).

Routine proceedings

She said: Mr. Speaker, it is my pleasure to present my private member's bill, an act to amend the Canada Labour Code (defibrillators in the work place) to the House today, seconded by the hon. member for Pierrefonds—Dollard. The bill complements my private member's bill introduced last year, Bill C-215, dealing with defibrillators on airplanes.

A person suffering from sudden cardiac arrest has a 70% chance of survival if he or she can be treated within four minutes. The bill would ensure that all major public buildings would have defibrillators installed in them and staff trained in using them in the unfortunate case of someone suffering from a heart attack. I am pleased to state that the Greater Toronto Airports Authority has just announced the installation of 75 automated external defibrillators throughout the airport's three terminals.

Installation of defibrillators in all major public buildings has the potential of saving thousands of lives a year. I hope all members will support the bill when it comes to the House.

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

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BUSINESS OF THE HOUSE

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, there have been consultations earlier this day and last Friday, and at the request of one of the opposition parties, and pursuant to unanimous consent that was given, I would like to move the following motion for which I ask for unanimous consent:

That, notwithstanding any Standing Order or usual practice, when debate concludes this day on Bill C-15B, divisions on all questions necessary to dispose of the said stage shall be deemed to have been requested and deferred to 3 p.m. on Tuesday, June 4.

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

Some hon. members: Agreed.

(Motion agreed to)

Mr. John Harvard: Mr. Speaker, I think if you seek it you would find that there is unanimous consent of the House that the fourth report of the Standing Committee on Canadian Heritage, presented to the House earlier today, be concurred in.

The Speaker: Does the hon. member for Charleswood St. James—Assiniboia have the unanimous consent of the House to propose this motion?

Some hon. members: Agreed.

Some hon. members: No.

* * *

• (1520)

PETITIONS

CANPASS

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance): Mr. Speaker, following September 11, the Department of Citizenship and Immigration ceased the use of what is called a CANPASS. This was a card allowing selected people to move back and forth across the border at any time.

I have in my hand a petition signed by individuals from the port of Coronach, Saskatchewan, the first such port in my constituency to have such cards. The petitioners are asking for the reinstatement of these cards. If that is not possible, they are asking that the port be open from 6 a.m. to 10 p.m. so that they can properly move back and forth, as they did prior to September 11.

[Translation]

GOVERNMENT CONTRACTS

Mr. Ghislain Lebel (Chambly, BQ): Mr. Speaker, I am pleased to table in the House a petition signed by 135 people calling for a public inquiry into all the government's actions right now, the misappropriation of funds, and the contracts to cronies and others involving the minister of immigration, Canada Lands Company, and several ministers in the Prime Minister's entourage. People have had enough and are calling for a public inquiry.

This petition will be circulating Canada-wide. In just one morning, 135 people have signed this petition which I am tabling, calling on the government to hold a public inquiry, which is needed anyway.

[English]

ANIMAL RIGHTS

Ms. Beth Phinney (Hamilton Mountain, Lib.): Mr. Speaker, I have a petition signed by many hundreds of Canadians who are calling upon parliament to enact legislation that would allow the federal government to work in tandem with provincial and municipal governments to ensure that the ongoing needs and potential for growth of each and every Canadian humane society, SPCA and registered wildlife sanctuary shelter are met without infringing upon the operational philosophy of any of the above mentioned animal facilities.

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QUESTIONS ON THE ORDER PAPER

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, Question No. 143 will be answered today.

[Text]

Question No. 143—**Mrs. Elsie Wayne:**

Concerning the Canadian Mortgage and Housing Corporation programs to assist handicapped persons make modifications to a residence, does the government have plans to raise the income threshold for assistance and is there a process of automatic review of the threshold?

Mr. Steve Mahoney (Parliamentary Secretary to the Deputy Prime Minister and Minister of Infrastructure and Crown Corporations): The residential rehabilitation assistance program for persons with disabilities, RRAP-D, provides financial assistance to improve the accessibility of existing properties occupied or intended to be occupied by low-income persons with disabilities. To operationalize this objective, income thresholds for various unit sizes have been developed in all areas of the country to income test clients under the CMHC renovation programs, including RRAP-D.

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The income thresholds are based on the median market rent, MMR, for units of different sizes. Given these MMRs, it is possible to compute the minimum annual income required for a household to afford adequate and suitable rental units in a geographic area without spending more than 30% of income. In areas where rental options are non-existent or severely lacking, the annual income required to afford the cost of financing and servicing various sized modest single detached units is utilized. This approach assumes that where there are no rental units, an appropriate housing solution involves the construction of a dwelling.

Depending on the jurisdiction and the applicable federal-provincial-territorial agreements in place, the income thresholds are reviewed on an annual basis or, at a minimum, once every five years. Increases are implemented if they are warranted.

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[English]

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, if Question No. 149 could be made an order for return, the return would be tabled immediately.

The Speaker: Is that agreed?

Some hon. members: Agreed.

[Text]

Question No. 149—**Mr. Garry Breitkreuz:**

With regard to the Canadian Firearms Program: (a) what is the total amount of money spent on the program since 1995; (b) how many employees are working in and for the program; (c) how many police officers and police personnel are working in the program; (d) how many employees in the program are paid for by the federal government; (e) what is the total number of firearms registered; (f) what is the total number of firearms still to be registered; (g) how many firearms transfers have there been since December 1, 1998; (h) what is the total number of valid firearms licence holders; (i) what is the total number of gun owners that still don't have a firearms licence; (j) what is the error rate in the firearms licencing and registration system; (k) in what percentage of all violent crimes are firearms actually used in the commission of the offence; (l) what percentage of all homicides are committed with handguns and prohibited firearms; (m) what percentage of firearms homicides are committed with registered firearms; (n) what percentage of firearms homicides are committed with firearms that should have been registered but were not; (o) what percentage of all homicides are committed with long guns; (p) what percentage of all robberies are committed with handguns and prohibited firearms; (q) what percentage of all robberies are committed with long guns; (r) how many times are firearms used by citizens for self-defence every year; (s) how many individuals have a record in the Firearms Interest Police data base; (t) how many people are prohibited from owning firearms; (u) how many violations of these firearms prohibition orders have there been; (v) how many guns have been seized from these prohibited firearms owners; (w) how many times have these prohibited firearms owners been checked to make sure they have not acquired firearms illegally; (x) how many people have had their firearms licences refused or revoked; (y) how many guns have been seized from these refused and revoked licencees; and (z) how many times have these refused and revoked licencees been checked to make sure they have not acquired firearms illegally?

Return tabled.

[English]

Mr. Geoff Regan: Mr. Speaker, I ask that the remaining questions be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[English]

AN ACT TO AMEND THE CRIMINAL CODE (CRUELTY TO ANIMALS AND FIREARMS) AND THE FIREARMS ACT

The House resumed from May 10 consideration of the motion that Bill C-15B, an act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act, be read the third time and passed; and of the amendment and of the amendment to the amendment.

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance): Mr. Speaker, I rise this afternoon with a heavy heart to speak to Bill C-15B, the cruelty to animals act.

Farmers and ranchers in Canada are facing hardships like we have not seen in recent years. The old timers in our area are saying that it is worse than the 1930s. The economy is bad, the weather conditions are bad and we are facing a severe drought.

The future of agriculture in Saskatchewan is uncertain. The stress and worry that our farm families are facing is hard to grasp. Over the last two weeks we have sent letters out to all the rural municipalities in my riding. By next Wednesday at least, the RMs in my whole riding will have been declared disaster RMs.

We look at farm families and what they have to live on. I heard last fall that the average income for a farm family in Saskatchewan was \$7,000. I look at the bill as another impediment for those farm families to make a living and to succeed. The livestock industry in our province has been one success. The bill is just another nail in the coffin of profitable business.

Also of great concern to the province of Saskatchewan and right across Canada is the recent U.S. farm bill. The huge subsidies that the American government are offering American producers will have a definite negative effect on Canadian agriculture as a whole. Input costs continue to rise while income to farm families continues to fall. Faced with this crisis situation the Liberal government chooses to turn a blind eye to agriculture programs in Canada because it continues to inadequately fund them and inefficiently run them. These are programs that the government sponsors and says are so good for our farm families.

While the neglect shown by the government has been passive, the bill that is before us today is an open, aggressive attack on agriculture. This is not fearmongering, as the government would like Canadians to believe. It is a simple fact. The legislation before us would have a negative effect on farmers and ranchers throughout the country. When we talk to chicken farmers—

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•(1525)

The Speaker: I hesitate to interrupt the hon. member, but I made a mistake in recognizing her. The hon. member has already spoken on this subamendment so she is not eligible to speak again unless there is unanimous consent to permit her to make this speech. Is there unanimous consent for the hon. member to speak a second time?

Some hon. members: Agreed.

Some hon. members: No.

The Speaker: I am afraid I must move on to another speaker. I am sorry to interrupt the hon. member. It was my mistake for recognizing her in the first place.

[*Translation*]

Mr. Robert Lanctôt (Châteauguay, BQ): Mr. Speaker, I am pleased to rise again today and tell the House about the Bloc Québécois' position on the proposed amendment to the amendment with respect to the date the Standing Committee on Justice and Human Rights is to submit its report.

I wish to reiterate that the Bloc Québécois is in favour of tangible and appropriate measures to fight the scourge of cruelty to animals. This is a serious problem which merits all our attention and all our energy. This problem has gone on for too long and it is high time that we face up to it and take the appropriate corrective action.

Again, what we are talking about are acts of unheard-of violence deliberately committed against creatures unable to defend themselves and win recognition of their rights.

Despite all Bill C-15B's good intentions, the Bloc Québécois still opposes it for two main reasons: the lack of protection for legitimate activities involving animals, and the fact that important powers are taken away from the chief firearms officer, who reports to the government of Quebec.

An amendment to the bill was put forward requiring that the bill be referred back to committee for detailed consideration of clause 8, which sets out how the bill will be applied.

We are in favour of this amendment because it specifically addresses one of our main objections to Bill C-15B, which is the defence for legitimate activities relating to animal husbandry.

It is noteworthy that the section addressing firearms would benefit from a thorough revision as well. The Bloc Québécois maintains its position on this camouflaged decrease of powers in favour of the chief firearms officer.

We are in favour of the creation of a new section in the criminal code which would institute an innovative concept, the object of which would be to completely change the concept of what an animal is. A animal would no longer be perceived as property, but rather as a specific named entity in the code.

We want to make it clear that we are opposed to this, if it is going to have significant negative repercussions on all those who are involved in a totally legitimate way with animal husbandry, hunting or scientific and medical research.

This is a very important amendment, because it will mean a definitive change to the application. Such a change must not be done in such a way as to have a detrimental effect on what is already in place. And that is exactly what the present wording of Bill C-15B is going to do.

By changing the description of what constitutes an animal, we will no longer look at animals as before and will no longer treat them as before. Yet this innovation must not result in a radical and definitive change in the lives of those who are currently involved in animal husbandry or scientific research in particular, and have been for many years.

With this amendment to the amendment, we recognize that it is essential to look at clause 8. We also acknowledge the urgency of the tragic situation that occurs daily. By introducing this amendment to the amendment, parliamentarians are clearly establishing the limits of a very tight deadline within which the Standing Committee on Justice and Human Rights must report back to the House on its indepth study of clause 8 of this bill.

The Bloc Québécois is in favour of this amendment to the amendment in that it establishes a reasonable opportunity to carefully, meticulously, review clause 8 of this bill, a clause which may be considered the very cornerstone of the criteria for protecting legitimate activities involving animals, including animal husbandry, hunting and scientific and medical research.

Bill C-15B is very controversial, and has been from the very beginning. We all receive mail from our fellow citizens asking us to support this legislation. I had the opportunity to discuss the Bloc Québécois' position with a number of these people, and they support our position, which is to protect animals while recognizing the legitimate activities related to the whole animal industry.

•(1530)

We, like the stakeholders, want increased protection for animals. However, we also support specific protection for people in the animal industry. The problem is that, in Bill C-15B as it is currently worded, there is a blatant lack of protection for these legitimate activities in the animal industry.

Again, the Bloc Québécois cannot support the bill in its present form, because of this unacceptable and deplorable flaw.

There are currently specific defences for activities relating to the animal industry. These defences are provided for in section 429 of the criminal code, which explicitly protects those who raise livestock, hunters, the animal industry and researchers. These protections are not included in the new part V.1 of the criminal code.

As we said before, the primary purpose of this bill should have been to increase penalties for any reprehensible and violent activity involving animals. The penalty for a cruel offence should be serious enough to deter anyone contemplating it. But this is not the case with Bill C-15B, because it lumps all violent actions together, whether or not cruelty is involved. This is unacceptable.

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Officials from the Department of Justice told us in committee that the government's intent was not to deprive those who take part in legitimate breeding activities of the protection to which they are entitled. How can this be the case when the current protection that is specifically laid out in section 429 of the criminal code is not included in clause 8 of the bill? This begs the question. We have reason to seriously question the statements made by the representatives of the Department of Justice.

We have been told that they are legal experts who have anticipated everything. Yet, if this is the case, why were the protections found in the current legislation not included in the new bill? It makes no sense. Why not include the specific protections found in section 429 of the criminal code? These protections are not repeated in the new part V.1 of the criminal code, even implicitly. According to the wording in section 429, these protections only apply to sections 430 to 446 of the criminal code. All we want is to apply the general rights of defence to clause 8. However, at the request of the Bloc Québécois, clause 8 was explicitly included in the bill, but the government did not want to include explicitly the defences set out in section 429. It makes no sense.

How can we interpret these protections as applying to the entire criminal code? It is simply not logical. Why not include that which has existed for such a long time? The legislator is not deemed to speak in vain. This is a legal principle known to all experts. If legislators have taken care to specify that protections only apply to certain specific sections and not the entire code, that is their intention.

We introduced amendments to this effect, but they were all rejected in committee. The Bloc Québécois believes that it is essential to take the appropriate measures to satisfy all of the stakeholders. It is possible and perfectly feasible.

As I said before, the Bloc Québécois supports the creation of a new part of the criminal code for a completely new definition of animal, thereby granting a new designation and legal value.

● (1535)

However, we cannot accept it if the current protections are not respected. The fact that the means of defence that currently exist are not included concerns us.

Unfortunately, I am out of time. I only had a page and a half left to read. I wonder if it is possible for the House to give its unanimous consent for me to finish my speech.

The Acting Speaker (Mr. Bélair): A page and a half is the equivalent of approximately two minutes. Is there unanimous consent to allow the hon. member to conclude his speech?

Some hon. members: Agreed.

Mr. Robert Lanctôt: Mr. Speaker, we now possess all the tools necessary to create an approach that would punish true offenders while protecting farmers, hunters and researchers. But this is not what the government wants to see.

We are of the view that not including the defences found in subsection 429(2) of the criminal code in the new part V.1 will have the effect of depriving those who legally kill or cause pain to animals of the protection they are currently afforded.

Section 429 of the criminal code is clear. It says that legal justification or excuse and colour of right constitute specific protection to whomever takes part in a legitimate and legal activity. It is therefore essential to include these specific safeguards in the provisions of new part V.1 of the criminal code.

According to Department of Justice officials, subsection 8(3) of the criminal code should apply. They say that defences of legal justification or excuse or colour of right are implicit in section 8. Why not include them explicitly in the bill as the entire animal industry is requesting? It is completely illogical to refuse to do so. These protections are not implicit because they are explicit only for certain sections of the criminal code, specifically section 430 and those which follow.

The Bloc Québécois is adamant about this. The means of defence now provided for in section 429 of the criminal code must be included in new part V.1 of the criminal code.

In addition, we are of the view that going back to committee for consideration of this point is more than necessary. It is vital to ensure that the bill truly meets the needs of all parties.

The committee proceedings must be entirely democratic in order to consider all the effects of this problem of cruelty to animals. In addition, it is our role in committee to ensure that there will be no possible conflict in interpretation of the new provisions.

Unfortunately, today the government has brought in a motion for closure. Unfortunately, we know what is going to become of this amendment to the amendment.

● (1540)

[English]

Mr. Mac Harb (Ottawa Centre, Lib.): Mr. Speaker, I am pleased to speak in support of the bill. It is my hope that this legislation will go through the House and move on to the next stage so that it becomes law.

This legislation deals with two elements, first, the harmonization of what we already have in a place, and second, to introduce new penalties and increase some of the other penalties.

The first element of the legislation would harmonize some of the definitions and issues that we have in the bill. That is a timely matter. As we know this legislation has not been touched for quite some time. I commend the minister who has brought this legislation before the House. It has gone through a substantial amount of consultation with various parties and interest groups, the community as a whole, and people at the provincial level. This has all been done with one thing in mind, and that is to bring to parliament legislation that reflects the needs of the communities, deals with the substantive issues that the government is trying to address and to harmonize some of the definitions and issues and bring them up to date.

On the second issue it is important for the government to take the action it is taking on the issue of enforcement. It is important for us to create a high level of awareness in our communities that cruelty to animals is not acceptable. We must put measures in place to protect animals.

Along with outreach, information and education there must be a level of enforcement. Individuals must be told what needs to be done but at the same time they must be shown the consequences if that does not take place. The introduction of the measure for protection came as a result of a number of studies that have shown over and over again that those who have tendencies to abuse animals would have tendencies to abuse human beings. That correlation does exist. Simply put, to introduce and strengthen those measures is the right thing to do.

Earlier my colleague raised a number of concerns. I have also heard from some of my constituents who have also raised some concerns. For example, one of the issues that has been raised in the House deals with certain provisions in Bill C-15B against the killing or poisoning of animals without lawful excuse that, in their views, would make industry more vulnerable to prosecution.

It is important to know that offences which prohibit the killing or poisoning of animals without lawful excuse are set out in parts of the legislation, mainly subsections 182.2(1)(c) and 182.2(1)(d) respectively. The words lawful excuse are expressly mentioned in the offence provisions because they form an integral part of the definition. The activity itself, the killing or poisoning of an animal may be a lawful activity, for example, slaughter, pest control, defence of persons or other animals, protection of property, legal authorization such as hunting, fishing or trapping, and euthanasia. Lawful excuse is a flexible concept designed to provide access to an unlimited variety of excuses or justifications.

● (1545)

Depending on the nature of the offence and the circumstances in which it was committed it is impossible and unwise to envisage every situation that could amount to a lawful excuse for a particular offence. Whether or not there was a lawful excuse for an offence is a determination that must be made on the basis of all circumstances as presented by the evidence.

Another issue that had been raised concerning a certain element of Bill C-15B was whether or not the criminal code had the effect of criminalizing activities in various regulated sectors or setting standards of behaviour. The answer to this is quite clear. The criminal law in relation to cruelty to animals does not at all prohibit legitimate socially accepted or regulated activities that do not inflict unnecessary suffering on the animal. A vast body of jurisprudence on animal law supports this particular position.

If we look back over the past 100 years, since animal cruelty laws have been in place, there is no evidence whatsoever to suggest that the criminal law is being misused to target legitimate hunters, fishers or people working on the farm. On the contrary there is every indication that the only acts that result in a criminal offence are of sheer or senseless brutality taken against an animal, or they come as a result of criminal neglect in the feeding or care of animals. The criminal law is applied generally and sets a minimum standard of behaviour which must be adhered to by everyone.

There have been other questions raised by my colleagues dealing with the possibility of a third party alleging that someone has committed a cruel act against an animal. This deals with the whole issue of frivolous or vexatious prosecutions. This particular issue would be dealt with by the courts. In other words, one would have to

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go through a lot of hoops before being able to establish a legitimate complaint against a third party.

Individuals would have to put their name on the line by making the allegation. The court would have to look at the allegation and assess whether or not there was reason to believe a particular offence had taken place. Before a procedure would move to the next step a judge would have to be fully satisfied that there was ample evidence that supported the claim of the third party that someone may have committed a cruelty to animal offence. Once it moves to the next step there are ample numbers of protective measures in place to prevent those kinds of frivolous actions from taking place. The criminal code also deals specifically with false allegations. An individual who makes a false allegation against a third party is subject to prosecution.

Having listened to some of the comments of my colleagues in the opposition as well as hearing from some of the special interest groups in the communities and looking at the legislation itself I can say in all fairness that it strikes a strong and good balance between the needs of those who are legitimate hunters or trappers and the protection for our animals. It is my hope that this legislation would go through the House smoothly and become law as soon as possible.

● (1550)

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, I have a few comments to add as well. The first issue I want to address is the issue of Bill C-68, the long gun registry.

As we know, that registry is now an \$800 million boondoggle. It spends about \$100 million a year of taxpayer money. We are very concerned. What the bill is doing is stripping more resources out of the health care and frontline policing.

These amendments are being introduced on the basis that this will introduce administrative efficiency. Administrative efficiency is important if someone is going somewhere. In this case we are placing into effect laws that provide efficiency on a road to nowhere. We are not going anywhere with this legislation. In fact, all we are doing is flushing taxpayer money down the toilet.

If people want to persist in being efficient in doing that, then the House has fallen a long way from the aim of providing good government to the people of Canada.

The second issue is, of course, the contentious issue regarding the animal cruelty sections. Members of the Alliance caucus have stated over and over again that we support tougher legislation in terms of penalties. We see that even with the existing legislation rarely does the crown ask for sentences that reflect the maximums permissible now. Nor do the courts impose anywhere near the maximum.

If this is what the bill would do, it will not accomplish anything in terms of creating tougher penalties.

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What has caused me some concern today is an announcement by the member of parliament for Dufferin—Peel—Wellington—Grey, in which he says he is now of the opinion that the bill is a good bill, on the basis that the Minister of Justice has promised him that we will see amendments not in this House, but in the other House. The Minister of Justice does not want to see the amendment that he is proposing scrutinized here. He is promising the rural members of the Liberal caucus that there will be an amendment produced in the other House.

If that amendment is worthy of consideration, why does the Minister of Justice not have the courage to put it before the elected representatives of the people to determine whether in fact this does ease some of our concerns?

I have had the opportunity to speak to the Minister of Justice about the bill. I said that there were a few minor amendments in terms of legislative work that could be put in place to make the bill satisfactory. One of these was simply giving substance to the assurances that were brought forward by the former minister of justice.

As we know, the sections are being moved out of the property sections of the criminal code and there will be a new shrine to animals in a particular part of the criminal code. Unfortunately, what the former minister of justice and now this Minister of Justice have failed to do is take those defences from section 429 applicable to property offences and also transfer them to this new area of the law.

The Minister of Justice has raised a very unique argument. The Minister of Justice says that not only are they implicit in the criminal code, but those same defences are available under subsection 8(3). This really does damage to the minister's credibility and indeed to his legal powers of observation.

• (1555)

If those defences in subsection 8(3) which relate to common law defences were exactly the same as those in section 429, which are now being destroyed, why did earlier parliaments see fit to have specific defences put into place in section 429 with respect to the animal cruelty sections? How could it be that by removing those specific guarantees made in respect of animal cruelty, we can say now that they were always there, that they were duplicated in subsection 8(3)? That is absolute nonsense. It does not stand the test of legal analysis.

What the minister is doing is honouring a political commitment that was made to radical, urban based animal rights groups, which was, if they were to help the former minister of justice in her riding in the last federal election, she would introduce this bill. We know that the agenda of these radical, urban based animal rights organizations is to destroy the animal production and husbandry business in Canada. That is simply their agenda.

What really bothers me is that the humane societies are all on board with these radical animal rights organizations. Of course they have been bought off. There are specific amendments that provide certain financial incentives for the humane societies to participate in the destruction of a rural way of life and animal production in Canada. That is really shameful. Unfortunately what the humane societies will learn is that once this legislation is passed, these animal

rights organizations will turn on them in the same way that happened in the American experience.

I do not think we need to wait to allow history to repeat itself here. Aside from the very good work that humane societies have done in investigating and enforcing not only criminal code provisions but provincial statutes, we have to be mindful of the concerns that have been raised with this bill.

It is not just in respect of the livelihood of farmers, ranchers and long established practices that are indeed humane, but with scientific researchers. We had the eminent Canadian, Mr. Pierre Berton, indicate in a letter to the committee, a letter which has been distributed in the House, that he was concerned that this legislation would put a chill into health research, research that helps Canadians in respect to so many issues.

I find it interesting that the Liberal majority would support legislation that permits scientific experimentation on human embryos, yet allow full protection to animals, so that animals are protected from research. Animals receive a higher priority from the government than human embryos do. Where is the rationale?

The Liberals can correct this by bringing the amendment they are talking about into the House, if they have the courage to face the members who are elected by the people of Canada rather than doing a shuffle with a back door deal with rural Liberal caucus members.

• (1600)

[*Translation*]

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):

Mr. Speaker, I wish to congratulate the member who preceded me as well as my colleague from Châteauguay for his participation and work during consideration of this bill. I know he also works very hard on the justice committee.

[*English*]

In my view, the bill boils down to the simple issue of whether we can accomplish all that we set out to do in the protection of animals and still leave the bill in such a way that it protects and provides assurances to legitimate animals users, and by that I mean farmers, hunters, furriers and researchers?

Can we leave all these new protections within the property sections, within the existing sections of the criminal code that provide those colour of right excuses that have long been held very dearly by those individuals in the group I described? The answer to that is yes.

It was interesting that the member for Provencher pointed out that there may be some assurances that were given that might explain the voting that took place here today by rural members of the Liberal caucus. Previously they expressed outrage and seemed quite prepared to vote against their government if the bill was to remain in its current configuration.

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That may very well be and we may see some of the discussion that took place on the floor of the House repeated on the floor of the other place. I suspect that may be the case but the behaviour here today was bizarre. I do not say this lightly, but members of the Liberal caucus today who were so adamant before in standing against the government on the legislation did appear a bit like hand shy, whipped puppies when it came to the vote today. There is real concern that the cave-in, which took place, may be the result of a behind the scenes deal.

It goes without saying that Bill C-15B does have some legitimate and positive changes that would bring about a greater sentencing range for those convicted of cruelty to animal offences. In my view and the view of members of the Progressive Conservative Party, there is a need in legislation currently to up the ante and punish those who intentionally abuse or neglect animals.

Cruelty to animals is an issue that has received significant publicity in recent years and months. Psychologists are drawing parallels between children's cruelty to animals and their subsequent cruelty and behaviour toward other humans.

While I am supportive of many elements of the legislation dealing with crimes against animals, there are still legitimate concerns that stem from the decision to remove the current criminal code provisions dealing with animal cruelty from the property sections of the criminal code and create, in essence, a new section.

It was suggested that a new section could also have brought with it the existing protections found in part XI of the criminal code. Those sections permit acts to be done with legal justification, excuse or with colour of right. They go back to the very origins of the drafting of the sections pertaining to animals that were contained in those property definitions.

There is still an opportunity to get it right and to get it right in the first instance. The importance of having those protections is clear. There is a real and legitimate fear on the part of animal users and participants in businesses that require the use of animals and practices that might be perceived by many from an ivory tower perspective to be cruel. I am talking about legitimate practices such as branding, castration, methods of slaughter and methods of medical and scientific research that have a very legitimate practice. Those of the feint of heart and those who may be a bit squeamish about this often sit down and enjoy a nice steak or sport their leather belts and boots. That is the reality.

Providing those protections under the property sections of the code permit acts to be done legitimately within certain parameters that have long been respected, respecting the need to be using safe and fair practices when it comes to animals.

I share the concerns of many Canadians and many members when it comes to definition of animal, involving any animal that has the capacity to feel pain. There was some concession made by the previous minister of justice. There was a spirit I suppose of co-operation and perhaps reasonableness when the current minister's predecessor heard from many stakeholders on this issue.

The previous bill was careful to insert the words "wilful cruelty" and "unnecessary pain and suffering" in the drafting of the bill, yet

there was an intransigence when it came to the changing of the issue of property.

● (1605)

Members have expressed concern on behalf of stakeholders and their constituents over the lengthy, protracted and costly litigation that could result in both the criminal and civil courts. The potential private prosecutions could be costly and paralyzing. We all know that when a dispute disintegrates into this type of litigation it can literally bankrupt the participants. It can bankrupt the individual who stands accused. Regardless of the outcome the end result might well be that many farmers, fishers, and those involved in the fur industry and privately funded scientific research face bankruptcy by the time the issue is resolved.

Protection is being denied. Neither the Minister of Justice nor anyone on the government side of the House to date has made a legitimate case as to why we cannot achieve all the protections and necessary elements. No one has explained why we cannot up the ante when it comes to sentencing and give prosecutorial teams or individuals greater ability to hold to task and bring to justice persons who deliberately or recklessly cause harm to animals. All that could be accomplished by leaving these offences in the property section of the criminal code.

The fears people have with respect to the firearms registry are apropos to what has happened because similar guarantees were given at the time of the passing of Bill C-68. The government claimed it would only cost \$85 million. That has gone out the window. The cost has ballooned to over \$800 million and is climbing. Yet the registry is still not up and running.

Was the gun registry a legitimate expenditure? Was it good value for the dollar? Are the Hells Angels lining up at kiosks at the mall to participate in the gun registry? Absolutely not. Will criminals give their fingerprints before robbing houses? No, they will not. Will they register their guns before using them for illegitimate purposes? Absolutely not. It is based on a completely false premise.

That is why members of the Progressive Conservative Party of Canada do not support changing or tinkering with the gun registry. Making changes to the gun registry at this point would be like rearranging deck chairs on the *Titanic*. The ill-founded, ill-conceived, overblown, expensive and bureaucratic gun registry system will eventually collapse under its own weight. The police cannot rely on it. It will not achieve the public purpose for which it was sold to Canadians in a time of heightened awareness and fear about firearms. The assurances given to Canadians including the Canadian Police Association among other groups have been completely abrogated.

Why should we trust the government on this one? The government says legitimate animal stakeholders should not be concerned because protections would be there. I will make the point clear: There would be no compensation for individuals who wound up before the courts for legitimate practices concerning their animals, just as there is no compensation for gun owners who have their property seized. We are opening a door that is unnecessary and that may result in costly and protracted litigation. For what reason are we doing it? We are doing it for reasons that cannot be enunciated, explained or articulated by the government.

Government Orders

I regret that the Progressive Conservative Party will not be supporting the legislation. We had an opportunity to get it right. Perhaps those in the other place will have more success in convincing the government that we have an obligation to recognize that Canadians, particularly those in rural Canada, have needs that must be recognized and supported by the government.

• (1610)

Mr. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I will talk about a couple of the points members of the opposition party, the Alliance, made recently.

First, they suggested we propose an amendment in the House instead of in the Senate that would help rural Canada. The member should understand legislative procedure better. We cannot propose an amendment here because an amendment and a sub-amendment have already been proposed. It is not possible procedurally. He should be aware of that. He should also be aware that when an amendment goes before the Senate it must come back here to be approved anyway. Amendments must be debated and approved by parliament before they are agreed to.

Second, the same member tried to create a myth that we would not be able to do research on animals after the bill was passed. The case law with respect to the issue is obvious. The Ménard case says the application of the law would be the same under Bill C-15B as it is now and that research would be quite appropriate.

The purpose of Bill C-15B is to consolidate, simplify and modernize the existing provisions to increase maximum penalties for cruelty to animals and take care of injured animals. I do not think anyone in the opposition would disagree with increasing penalties for people who abuse animals so the issue is taken more seriously. I think they would have a hard time with their consciences if they voted against increasing penalties for those who are cruel to animals.

I have had a lot of input from those in my riding who work in the humane society and others who strongly support the bill. It has been a large percentage of the input I have had on the issue.

Mr. Peter MacKay: What do the hunters say in your riding?

Mr. Larry Bagnell: I am glad the hon. member has raised the issue because it is the next part of my speech. Not only the hunters but the trappers, fishermen and even the farmers in my riding are very happy that the rural caucus has done a lot of work to make sure the bill would not harm any practices that have been allowed in the past. I compliment the hon. member for Huron—Bruce for making these points and bringing them forward to ensure Bill C-15B is totally acceptable and would not harm the ways of life that are so important to the trappers, fishers, hunters and even the farmers of the Yukon.

Although the debate has gone on so long it is disappointing because no new points have been brought up. However I will again refute the two or three points brought up in criticism of the bill. First, some argue that under Bill C-15B a whole bunch of frivolous lawsuits might be undertaken against innocent people who could not afford the time or effort. This is not true. Cases would need to go to a hearing. Cases brought forward by private individuals trying to do something vexatious or frivolous would be screened out at that stage. Almost every offence would be a hybrid offence which means it

would fall under this category. The only exception would be if someone broke the law by owning an animal when he or she was not supposed to.

Second, an unfounded complaint is that the bill would expand the definition of animals too far. I am sure some members of the opposition support preventing cruelty to animals, but some are arguing Bill C-15B would catch all sorts of animals that were not included before. However there was no definition before so anything was eligible. Bill C-15B would limit the number of animals the law would apply to.

Mr. Leon Benoit: It is a wide open definition now. That really helps.

Mr. Larry Bagnell: The opposition is very animated this afternoon.

Mr. Brian Pallister: Justifiably so.

• (1615)

Mr. Leon Benoit: Make your own speech instead of these departmental speeches they give you.

Mr. Larry Bagnell: Once I have finished my speech I will give members a departmental speech if I have time so they can enjoy them both.

The last item suggested by the opposition is not true. Opposition members are suggesting that taking the offences out of the property section would remove the defences people could use if charged. However all the defences would be available under section 8.3 of the criminal code. That would not change. People would have all the same defences they had before through case law. They could still embark on the types of activities they were allowed to before.

The opposition's arguments have been refuted. As long as the debate has been going on I have not heard any others.

Mr. Leon Benoit: Mr. Speaker, I rise on a point of order. A little earlier today we heard the government House leader saying all the speeches that needed to be given regarding the legislation had already been given. Why then are government members are still giving speeches and denying us the opportunity to give ours?

The Acting Speaker (Mr. Bélair): That is not really a point of order.

Mr. Larry Bagnell: Mr. Speaker, this speech has not been given by anyone else. I have been making it up to refute some of the invalid points the opposition has made with respect to the bill.

I will speak to an aspect of Bill C-15B which has not been the subject of recent discussion and has not been given enough emphasis in terms of the importance of the legislation. While taking animal cruelty offences more seriously would be entirely consistent with society's moral condemnation of the abuse and neglect of animals, an even greater societal interest would be served by the provisions of Bill C-15B. There is increasing scientific evidence of a link between animal cruelty and subsequent violent offences against humans, particularly in the context of domestic violence. A number of studies in the United States have clearly shown the link. Recent Canadian studies have also put out interesting findings.

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Last year a study was conducted of 100 women entering two shelters for abused women and children in Calgary. Some 65% of the participants were either pet owners or had been pet owners in the last 12 months. More than half who owned pets said their abusers had threatened to kill or hurt or had killed or hurt their pets. More than 25% of the pet owning participants said they delayed their decision to seek shelter from violence for themselves and their children because they feared for the safety of the animals they left behind.

One American study has noted that while most animal abusers will not commit sensational murders, serial killers almost invariably have histories of animal abuse earlier in their lives. Many notorious serial killers including Albert DeSalvo, the Boston strangler, have had histories of animal abuse that started in their youth. There is increasing evidence of a link between animal abuse early in life and subsequent violence against humans. As one report noted, the literature suggests an association between a pattern of cruelty to animals in childhood or adolescence and a pattern of dangerous and recurrent aggression against people at a later age.

One of the first formal studies in this area examined the life histories of 84 prison inmates in the United States. The research found that 75% of those charged with violent crimes had an early record of cruelty to animals, fire setting and bedwetting. A later study of psychiatric patients who repeatedly tortured dogs and cats found that all of them had high levels of aggression toward people and had also been victims of brutal parental punishment as children.

The link between animal cruelty and the abuse or neglect of children has been examined in other studies as well. In one study of 57 families being treated by local child welfare authorities because of incidents of child abuse, pets had been abused in 88% of the families in which children had been physically abused. In two-thirds of the cases the abusive parent had injured or killed the family pet. In the remaining one-third of cases it was the children who had abused the pet. In describing animal abuse as symptomatic of family dysfunction, one study notes that the research strongly suggests animal abuse is not the result of some personality flaw in the abuser but a symptom of a deeply disturbed family.

Insight into the dynamics of animal cruelty offences can be gained from research that examines the reasons given by offenders for their actions. In examining violent offenders with a history of animal abuse, researchers have found that some offenders resort to cruelty to control the animal's behaviour. Others have hurt or killed an animal to retaliate for an action by the animal such as barking. A third motivation is prejudice toward specific types of animals, most commonly cats.

I hope people understand that there are ramifications of the bill in terms of determining that cruelty to animals is an offence of violence. It would be of benefit to our society to realize the seriousness of it in that respect.

• (1620)

Mr. Reed Elley (Nanaimo—Cowichan, Canadian Alliance): Mr. Speaker, I want to say to my hon. colleague for Yukon that I respect him greatly as a person. I want him to know that the points I will make in my speech are valid points, and they are not being made just by me. They represent much of the opposition to the bill as it presently stands.

The bill before us today was introduced and discussed by the Liberal spin masters on many different occasions but I still do not think the government has it right. Bill C-15B reintroduces the proposed amendments to the cruelty to animals provision of the criminal code that were introduced in Bill C-17 during the last parliament with certain changes.

However, despite the minor improvements to the legislation, many people who are dependent on the harvesting and husbandry of animals for their livelihood still have a number of concerns with the bill.

One concern with the bill is that the definition of animal is too broad. The proposed definition of "animal" in Bill C-15B includes non-human vertebrates and "all animals having the capacity to feel pain". This new definition extends legal protection to a number of living organisms which have never before been provided that kind of protection.

Another key concern is that the criminal code would no longer provide the same level of legal protection presently afforded to those who use animals for legitimate, lawful and justified practices. The phrase "legal justification, excuse or colour of right" in section 429 (2) of the criminal code currently provides protection to those who commit any kind of property offence.

However, in the new bill the fact that the animal cruelty provisions would be moved out of the general classification of property offences and into a section of their own would remove these provisions outside of the scope of that very protection.

Moving the animal cruelty section out of the range of property offences to a new section in its own right, emphasizes animal rights as opposed to animal welfare. I think that is the big difference that we need to be clear on here. This is a significant alteration in the underlying principles of the legislation and could elevate the status of animals in the eyes of the courts.

This legislation could open up, for instance, the possibility that farmers, sporting groups and scientific researchers will be unjustly prosecuted. Animal rights groups in Canada will certainly use this new legislation as the basis for such prosecution and in fact have already stated their intentions to do exactly that.

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Liz White, the director of legislative revision of the Animal Alliance of Canada, has been quoted as saying:

My worry is that people think that this is the means to the end, but this is just the beginning. It doesn't matter what the legislation says if no one uses it, if no one takes it to court, if nobody tests it. The onus is on humane societies and other groups on the front lines to push this legislation to the limit, to test the parameters of this law and have the courage and conviction to lay charges. That's what this is all about. Make no mistake about it.

Those are not my words. Those are the words of one of the directors of the Animal Alliance of Canada, an animal rights group. Animal rights groups are already gearing up to test this law. We hear reports of them harassing feedlot owners, cattle sales ring owners, rodeo workers and even veterinarians about possible cruelty to animals. Those are ordinary Canadians who make their livelihood working with animals. The bill opens up this legal Pandora's box which will cost Canadians much down the road.

The former federal justice minister has offered assurances that what is lawful today in the course of legitimate activities will be lawful when the bill receives royal assent. However the problem is that these new provisions arguably narrow the scope of what constitutes legitimate activities.

We have all been witness to time after time when we were told by the government "don't worry, it will never happen that way, just trust us". In the present climate of the government in this country today, that is a statement that just will not wash with the Canadian public.

The long and the short of it is, unless it is clearly spelled out in the legislation, I do not trust the legislation. I believe the government has passed legislation before that will have devastating effects on the future of this country and yet may not be seen for years to come. This legislation is just one more example of that.

•(1625)

As I turn to the second part of the bill I note that the government has failed dramatically in its efforts to curb violence through its ill-fated gun policy. In spite of the overwhelming evidence that the Liberal gun registry has failed miserably both administratively and financially, the government blithely carries. The emperor has no clothes and yet no one on that side of the House is prepared to state the facts as they really are.

The Hells Angels think that the gun laws are just fine. Just ask one of their leaders who was recently convicted of a number of crimes and was known to be directly associated with the most elite division of this infamous motorcycle gang and yet successfully applied for a firearm acquisition certificate. Yet the minister stands before the House expecting to be believed when he states that the registration program is working just fine.

My colleagues in the Canadian Alliance have stated before and I will state again that we support increasing penalties for cruelty to animal offences but we do not support widening the scope of what currently constitutes a criminal offence. New animal cruelty legislation may cause the courts to interpret such offences in a different light. This could have significant and detrimental implications for farmers, hunters and other agricultural producers who are dependent on animals for their livelihood. If it is not the minister's

intention to change what is lawful today, he should simply raise the penalties for existing animal cruelty offences.

The Canadian Alliance in no way condones intentional acts of cruelty toward animals and supports increasing the penalties for offences relating to such acts. However new animal cruelty legislation may cause the courts to interpret such offences in a different light. This could have significant implication on all those who are dependent on animals for their livelihoods.

With regard to firearms, we believe that there should be severe mandatory penalties for the criminal use of any weapon. We are committed to keeping guns out of the hands of violent criminals as a necessary part of making our communities safer.

Certainly if we ever become government, and it may not be long, we will replace the current firearms law with a practical firearms control system that is cost effective and respects the rights of Canadians to own and use firearms responsibly.

In closing, I believe we need to have a strong dose of reality injected into both this debate and this bill. Let us not get caught up in the hyperbole that can elevate any debate beyond the realistic to the surreal. All Canadians would agree that cruelty to animals is wrong and that realistic gun control should enhance the safety of Canadians. However, if we do not define the limits of the legislation in a careful and reasoned manner, keeping in mind the need to have realistic applications of these changes, then we are only making life more difficult for everyone and unhelpful to anyone.

For those reasons and the lack of reasoned ability to apply these new changes to the laws of the land, I will be opposing, on behalf of my constituents, Bill C-15B.

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance): Mr. Speaker, I know some may expect that I will be talking again about gophers but I will not do that. I only want to congratulate the two winners of the gopher derby across the west. The two young lads live in Assiniboia, about 50 miles over from where I am. They received a lot of praise and thanks for trying to eliminate these pests.

Being a little bit older, I have seen a lot of cruelty to animals, such as horses in the field and so on. I am all for heavy penalties for mistreating animals. Having said that, I want to assure the government that the people from lobby groups who have lobbied the government are not giving the straight facts.

Government Orders

One only has to listen carefully to some of the slogans being used by members of the PETA organization. These are people who have lobbied the government. Their definition for rodeo is "cruelty for a buck". These people will not stop. They will tell us that their ultimate goal is to shut down the Calgary stampede. These are the same people who have influenced this legislation. Dog racing is "death in the fast lane". All zoos, such as Vancouver and Toronto, are to be shut down. These are called "pitiful prisons".

I just had a circus in my constituency and every year I give it \$50 and sometimes more. That money pays for a whole bunch of kids to see animals which they normally would never see. PETA calls circuses "three rings of abuse". Its ultimate goal is to shut them down. We are even getting into royalty. PETA has labelled horse racing as "a losing bet". Travelling animal acts are "shameful shows". Marine mammal parks, and we have some of those in Canada, are "chlorinated prisons".

People in those lobby groups who do not own animals and who have never worked with animals are the ones who have pushed and pushed for this legislation. However it is even more serious than that. PETA has even gone so far as to bring God into this argument. PETA goes so far as to say that Jesus was a vegetarian and that if we want to be good Christians, we must be vegetarians too, therefore, we must not have Kentucky fried chicken or anything else. That is who the government has been listening to.

We have a lot of humane societies around the country but some of its volunteers, including those in Vancouver, are challenging the animal care practices. They are now lobbying Burger King, McDonalds and others because of inhumane farm and slaughter methods practised by the suppliers of meat to these institutions. They get away with this.

By the way, when a rodeo event was held in conjunction with the Salt Lake City Olympics, the lobby group again pointed out that to have a calf roping event was "an international outrage that animal abuse would be associated with the Olympics". That was not enough. The same group has asked that we stop manipulating the appearance of dogs. It does not want anyone in our country to breed purebred dogs. The owners of sheep and cattle would really be excited to hear they could no longer buy purebred border collies.

• (1630)

Animal rights groups are lobbying governments to prohibit any animals in circuses. They consider a circus to be for profit. I hope people who run circuses make a profit. I do not know why the country gets all excited if someone makes a profit. It is so ridiculous.

Is it any wonder why we on this side of the House are concerned about the potential and sure abuses? As sure as I am standing here, as my hon. colleague has just said, the bill will be tested to the limit by the lobby groups. The number of people now engaged in farming and agricultural practices is in the single digits, and I am sure there are almost that many in the lobby groups, to which the government pays close attention.

I want to talk a little bit about rodeos. If someone were to go to my daughter's ranch, that individual would see little horns on the wall and a kid trying to lasso them. It has been part of our culture. What an evil practice. This all originated with the cowboys on the open

range trying to tame a wild horse or, indeed, trying bull roping or calf roping for sport. All of this was necessary. Now we breed bucking horses and we have a purebred professional rodeo association.

If you want to see an association, Mr. Speaker, that works with horses and cattle and lends all kinds of support to their well-being, it is a professional rodeo. Anyone who attempts to inflict any cruelty whatsoever on one of these animals has to meet the severe reprimand and fines of the professional association. We are not going to shut down the Calgary stampede or stop doing those things that farmers and ranchers have been doing for the last 150 years.

Let me say this. If the person who is judging is the one who determines what is cruel to animals and if it is left to someone who does not know the north end of a cow going south, then that person would have to go to court would indeed have to spend his or her money to justify themselves in court to some loony-brained lobbyist group that wants to destroy all animals on all farms. I just cannot believe how the government would pass the buck and send the bill over to the Senate to provide the amendments that it thinks it wants.

The bill should never pass. Whether one runs a ranch or a rodeo, let me say that the cowboys and ranchers know how to look after their animals and they do so with tender, loving care. Coming from a rural area with huge ranches, I am not about to stand here and not tell the people on that side of the House that the bill is wrong. People do not trust the government.

On Saturday I was at the official opening of a new veterinary clinic. The young vet is worried. I told him that all he has to do when some of these lobbyists come in is to get the biggest needle going and ask them to leave. I told him that this is all he has to do.

People are afraid. The rodeos are afraid. The zoos are afraid. All the people who bring these things to our society are afraid of the bill. It is wrong.

I know that after this session of parliament ends and a new one begins these organizations that I have just mentioned will try this bill to the limit and the public will be on their side, because all we have to do is get the press or the media or someone opposite to lend a voice about the cruelty of a certain activity and people will be charged. What can they do about it? Nothing except fight it in the courts, but they probably do not have the money.

I am very proud to stand before the House to represent my constituency and say that the bill is dead wrong and should not be passed. I do not care what the majority was over there. Someone will pay for this bill down the line and I hope it is the government. I hope someone over there gets stung with the results of the bill. I do not trust the letter that I saw come around which stated that the bill will be sent to the Senate, the Senate will fix it all up and everything is going to be rosy.

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They should tell that to the zoos, the rodeo people, the ranchers, the feedlot operators, the cattle rings and the stockyard houses. They do not believe one word of the bill. The people who should be most concerned would be 90% plus against the bill, yet we in the House have the audacity to support it.

•(1635)

[*Translation*]

The Acting Speaker (Mr. Bélair): It is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Acadie—Bathurst, Employment Insurance.

•(1640)

[*English*]

Mr. Bob Mills (Red Deer, Canadian Alliance): Mr. Speaker, it is a pleasure to speak to the bill, as I do have a number of rural constituents although my riding is now close to 70% urban. Certainly I know that 30% well and in fact I am part of that constituency.

I want to start off by expressing my total displeasure with the use of closure in the House. Closure has been used 70 to 80 times since I have been here. It used to be that the government really thought about doing something like that. In fact a government could easily fall at the next election because of the use of closure. The government now uses closure in the House like we change our socks and thinks nothing of it. I hope the Canadian people are now seeing what they have because of not watching and keeping an eye on the government and providing pressure to keep it from doing this.

As far as the bill is concerned, obviously all of us would be opposed to any kind of cruelty to animals. We have to really differentiate between what we mean by cruelty and what we mean by strict agricultural practices.

The policy of the Canadian Alliance is pretty clear on that. The Canadian Alliance in no way condones intentional acts of cruelty toward animals and supports increasing the penalties for offences relating to such acts. However, while cruelty to animals cannot be tolerated, the criminal law should not be used as a tool by special interest groups to destroy the legitimate farming and related food production industry. We will strive to ensure that the legitimate use of animals by farmers, sportsmen and medical researchers is protected.

That pretty much sums up our position and where we stand. Anyone who portrays it any other way obviously has not listened to the words that I have just said and that our party and all our members stand for. Sometimes I even think that probably Air Canada is behind the bill because it certainly is opposed to serving any kind of meat products on its planes. I think most of us are getting tired of vegetarian pizza, vegetarian omelettes, vegetarian fajitas and all those things.

Let us talk about the bill itself. The critical point is that this is an assault on agriculture. The farmers see it as nothing else. They see an ongoing assault. We have to remember that farmers are 1.9 million Canadians creating about \$26 billion in exports. In the province that I come from we have hundreds of trucks heading south with cattle every day to serve the huge market in the U.S., which adds directly

to our GDP and is so important to our standard of living and what we all have in this country.

This attack on the agriculture industry has been going on for a long time. I suppose it has been going on from the beginning of the country's existence. There are all kinds of examples. We could talk about the Canadian Wheat Board. Certainly the people in my constituency feel that while it is an agency that was needed in the 1940s, it is now subject to real questions about marketing and about whether a bureaucracy, a monopoly, is the way to sell grain products. They feel that it is an assault on their rights and particularly when it only applies to the prairie provinces. It does not apply to farmers in Ontario, Quebec and so on. They definitely see that as an attack on the west.

As well, of course, and more recently, we had Bill C-68. I received 13,000 letters in my riding telling me to vote against that legislation. Obviously 13,000 letters on anything tells us what they thought about it and obviously they have been proven right. It does not work. Licensing and registering farmers, ranchers and duck hunters is not going to work and it is certainly not going to make any difference to the crime situation.

Then there is the bill that I have been involved with as the environment critic, Bill C-5. Again the people of my riding feel that is a direct assault on them as individuals and as farmers. They feel that the bill has to include compensation. If it is in fact going to affect their livelihood and their way of life, they obviously have to be compensated.

Bill C-15B is just another example of their concerns not being taken into consideration. They do not want anything special. They want to be treated as an industry that does the very best job. I must say that most of the farmers and ranchers I know care about those animals a lot. Those animals are their livelihood. They really care about those animals that do not have the calves in the spring or for some reason have been injured out in the field. They will go a long way to preserve those animals. Sure, there are practices that we may not necessarily like. Castration is certainly not a pleasant thing and neither are dehorning and those kinds of things, but they are necessary agricultural practices. The concern is that the bill will now impact on that industry. We have to remember that it is an industry providing a livelihood for a lot of Canadians and that it adds to our GDP.

As well, our farmers look at the subsidies out there, which Canada objects to. The recent OECD figures show that a U.S. wheat farmer gets 49% of his income from the government. An EU farmer gets 43% of his income from the government. In Canada the farmer gets 17% of his income from the government. Obviously they look at that and say that the government really does not care about a guaranteed food supply, that it really does not care about the agricultural industry. If the government did, it would be doing more to help farmers get over what are considerably tough times for them.

Government Orders

The member who spoke previously mentioned the rodeo. I do not know how many members of the House have been to a rodeo. I cannot say that I am a great fan of rodeo. I do not follow the rodeo around. I do not know how many points the people get. When I was in business I used to do a national finals rodeo tour down to Las Vegas and I saw the thousands of people who paid thousands of dollars to watch rodeo. I know that on every weekend in my constituency from now until October there will be a rodeo somewhere in my riding. Rodeo is a way of life. Those people live that very existence and it is part of the cultural base of western Canada.

•(1655)

I would love to take every member in the House to Daines Rodeo, just north of Innisfail, Alberta, so that they could get the feeling of being Canadian. There are Canadian flags everywhere. Girls carrying Canadian flags come in on their horses. It is quite a show. Calves get roped, but those calves almost look like they are smiling. They are used to it. They are bred for that. The horses are bred for that. There is a very specialized industry around the rodeo. It is entertainment. We can watch the NHL hockey games and maybe we think they are kind of brutal. Maybe they should be outlawed too, with no checking. The NHL could be a powder-puff league with no-hit hockey. Maybe that is what we should have. It is rough, but that is the sport. The first time I saw rugby being played in Australia, my God, I thought the players were going to kill each other.

What we really have here is an assault on the agricultural community. A rural caucus member said there is no problem, that the bill will be fixed in the Senate. That is a cop-out. That is giving in to pressure from the whip and saying what they think people want to hear. I hope that people in the riding of Dufferin—Peel—Wellington—Grey will not be conned by this sort of garbage with members saying they will vote for the bill because it will be fixed in the Senate. That is not the way to be a good legislator and it is sure not the way one should act in this House.

Mr. John McKay (Scarborough East, Lib.): Mr. Speaker, I appreciate the opportunity to speak to this matter. The member for Souris—Moose Mountain made reference to a pamphlet he received indicating that even Jesus Christ could not possibly support the bill. I think he made reference to Jesus Christ being a veterinarian. I think he meant a vegetarian.

I would like to comment upon three or four parts of the bill. This is certainly a controversial bill, to say the least. My office has received endless streams of letters, faxes and e-mails urging me to support the government's initiative in the area of animal cruelty. While constituents may or may not have a nuanced understanding of the bill, they certainly are adamant that the government move in this area and move effectively.

The first area that received a general consensus is the area of offences. We heard at committee that there was little doubt that the fine and incarceration structure in the criminal code was inadequate for the repugnance people felt on hearing about and seeing the crimes committed against animals. It did not much matter from which side of the debate one spoke, clearly on the issue of penalties there was a general consensus that penalties were inadequate and needed to be addressed. I would like to assure my constituents that

this is an area which the government has addressed. I do not think there is much dispute about that point in the House or anywhere else.

My second point has to do with the creation of a new part in the criminal code. This arises by virtue of the fact that the current criminal code merely leaves animals in the property section. On occasion animals are in fact property, but animals are also not property. Animals are also not human beings, but they also are not inanimate objects. It is a bit of a drafting problem to carve out an adequate section. Again I think the government has done it right. It has decided to take animals out of the property sections of the criminal code and put them into their own special section. In doing so it makes a clear statement that regardless of the proprietary status of an animal, one cannot commit a cruel act against that animal.

There is no special exemption by virtue of ownership. People cannot be exempted from the criminal code sections just because they own a particular animal. It does not matter whether it is a domestic animal owned as a pet or an animal being husbanded for industrial or research purposes: A cruel act cannot be committed against that animal. I think that is the government's intention in setting up this special section in the criminal code.

Some may argue that this is simply the beginning of a slippery slope, that in fact animals will be humanized and we will end up with an animal bill of rights that will state somewhere or another that animals will be in the same category as infants and children, and that this section needs to be looked at again. I do not think that is the intention of the drafters of the legislation. I would be extremely surprised if by the wildest interpretations of our most creative and activist judges they could arrive at a human rights agenda on this section of the criminal code.

The third element upon which I want to comment is the issue of whether legitimate defences will be lost by virtue of the creation of a new part in the criminal code, by this redrafting and the reflection it gives of a modernizing tendency.

Witnesses at committee said that by virtue of the creation of this section and putting it in this section of the criminal code, the colour of right defence would be lost along with various other common law defences that have been built up over the course of years. Initially after hearing the evidence I was persuaded that possibly this was in fact right and was an unintentional drafting consequence of enthusiasm on the part of a government official. Therefore I asked the minister specifically when she appeared at committee whether these kinds of defences were going to be lost. She and other witnesses pointed me to subsection 8(3) of the criminal code, which I would like to read to the House:

Every rule and principle of the common law that renders any circumstance a justification or excuse for an act or a defence to a charge continues in force and applies in respect of proceedings for an offence under this Act or any other Act of Parliament except in so far as they are altered by or are inconsistent with this Act or any other Act of Parliament.

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I think that is pretty clear. The defences that heretofore have been available will continue to be available.

The fourth point I want to make is with respect to the definition of animal. There has been some comment on whether the definition is in fact appropriate. At this stage in the common law there is no definition of animal, so arguably a judge is left within the parameters of common law traditions to make up a definition as he or she goes along. We are now arriving at a more precise position by actually putting it in a definition in the criminal code, which reads as follows:

...“animal” means a vertebrate, other than a human being, and any other animal that has the capacity to feel pain.

To go back to the previous argument, it is “other than a human being, and any other animal that has the capacity to feel pain”. This means a vertebrate, not a human being, and any other animal that has a capacity to feel pain. I appreciate that there may be some imprecision about the capacity to feel pain, but with I think that with modern science being such as it is there will be opportunities to expand or contract, as the case may be, what constitutes the ability to feel human pain. The definition of vertebrate is pretty easy because it either has a spinal column or it does not.

We have the part, the definition, some clarification as to what will or will not constitute cruelty and we have those who now know whether they are or are not exempt from the bill. This will therefore bring some clarity to the point.

Finally, I would like to comment upon the words “wilfully or recklessly”. The use of the words wilfully or recklessly captures behaviour that is not currently captured in the current criminal code. The argument is that somehow or another we are expanding what this means, but a fair minded reading of the present criminal code shows that there is an offence of “wilful” infliction of unnecessary pain, suffering or injury. Further sections go on to offences of intentional cruelty and other offences of causing unnecessary pain or suffering through wilful neglect. Both of the words wilful and reckless are incorporated into the criminal code. Wilful means wilful behaviour, the deliberate pursuit of an action the consequences of which the act anticipates and intends to cause. Reckless behaviour involves the perception of a risk that certain consequences could flow from a particular action and a conscious decision to proceed with the behaviour and ignore the risk. This is at the beginning of subclause 182.2(1): “Every one commits an offence who, wilfully or recklessly” and it continues.

In conclusion, I think that this kind of section actually gives more precise clarification and that when we add up all of these points we arrive at a bill that is quite acceptable.

• (1700)

Mr. Gurmant Grewal (Surrey Central, Canadian Alliance): Mr. Speaker, I am pleased to rise on behalf of the constituents of Surrey Central to participate in the debate concerning Bill C-15B, an act to amend the criminal code (cruelty to animals and firearms) and the Firearms Act.

The purpose of the bill is to reintroduce the proposed amendments to the cruelty of animals provision of the criminal code while consolidating animal cruelty offences that were introduced in Bill C-17 with a few changes, some of which we consider improvements and others which are of concern to Canadians.

Among the improvements are increased maximum penalties for persons found guilty of cruelty to animals, those who act willfully and recklessly in killing or harming animals. However, with a widened definition of the term animal, it creates a number of concerns for those who are dependent on the harvesting and husbandry of animals for their livelihood.

The new provisions would not prevent legitimate activities from being carried out. The law would only proscribe illegal activities. The problem is, and therefore the concern, these new provisions would narrow the scope of what constitutes legitimate activities. Why does the minister not simply raise the penalties for committing animal offences?

Problems arise with the definition of animal in the bill. The proposed definition of animal in Bill C-15 would include non-human vertebrates and all animals having the capacity to feel pain. This new definition would extend legal protection to a number of living organisms which have never before been provided that kind of protection. This definition is too wide and would open the door for the prosecution of those who earn their livelihood working with animals. Our key concern is that the criminal code would no longer provide the same level of legal protection presently afforded to those who use animals for legitimate, lawful and justified practices.

The phrase “legal justification or excuse and with colour of right” in subsection 429(2) of the criminal code provides protection to those who commit any kind of property offence. The parliamentary secretary to the minister attempted to assure the justice committee that it is the government's intention that the defences in subsection 429(2) of the criminal code would continue to apply to cruelty to animal offences and that those defences would be implicit in the new legislation. Both the Canadian Alliance and the Bloc members moved amendments that would have made these defences explicit and the government members opposed them.

However in the new bill animal cruelty provisions would be moved out of the general classification of property offences and into a section of their own which would remove these provisions outside the scope of that protection. By moving the animal cruelty section out of the range of property offences would emphasize animal rights as opposed to animal welfare. This is a significant alteration in the underlying principle of the legislation, and could elevate the status of animals in the eyes of the courts.

Our concern is that the legislation could open up the possibility that farmers, sporting groups and scientific researchers would be unjustly prosecuted. As a result, animal rights groups in Canada would use the new legislation as the basis for such prosecutions. They have already stated their intentions to do so. Liz White, a director with Animal Alliance of Canada, has said:

My worry is that people think that this is the means to the end, but this is just the beginning. It doesn't matter what the legislation says if no one uses it, if no one takes it to court, if nobody tests it. The onus is on humane societies and other groups on the front lines to push this legislation to the limit, to test the parameters of this law and have the courage and conviction to lay charges. That's what this is all about. Make no mistake about it.

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• (1705)

The people who are most concerned about the bill are the agricultural groups, farmers, industry workers and medical researchers. They do not condone intentional animal abuse or neglect in any way. It is fundamentally important to the success of their livelihoods that they treat their animals with the care and respect that the bill intends to afford animals.

Moving the animal cruelty section out of the ambit of property offences to a new section on its own is seen by many as emphasizing animal rights as opposed to animal welfare. This significant alteration and the underlying principle of the legislation is something that needs to be carefully considered.

The Canadian Alliance asked government members to retain the cruelty to animals provision in the property offences section of the criminal code but they refused. Many groups are concerned that elevating the status of animals from property could have significant and detrimental implications for many legitimate animal dependent businesses. Our party supports increasing penalties for cruelty to animal offences. However we do not support the widening scope of what currently constitutes a criminal offence against animals.

The amendments to the Firearms Act are of an administrative nature and would simplify the registration process and reduce costs by incorporating information technology. My Canadian Alliance colleagues and I are opposed to these provisions on the basis that we have long held that the act be repealed entirely. We believe there should be severe mandatory penalties for the criminal use of any weapon. We are committed to keeping guns out of the hands of violent criminals as a necessary part of making our communities safer. We would replace the current firearms law with a practical firearms control system that would be cost effective and would respect the rights of Canadians to own and use firearms responsibly.

I support increasing penalties for cruelty to animal offences but I cannot support widening the scope and definition of what currently constitutes a criminal offence. This legislation would influence and cause the courts to interpret such offences in a different way which may have a detrimental effect and implications on farmers, hunters and agricultural producers.

The minister amended the bill to provide a screening mechanism for indictable offences. That would allow a provincial court judge to prescreen such prosecutions and decide whether they should proceed. The Canadian Alliance in no way condones intentional acts of cruelty to animals and supports increasing the penalties relating to such acts. However, while cruelty to animals cannot be tolerated, the criminal law should not be used as a tool by special interest groups to destroy the legitimate farming and related food production industry.

We will strive to ensure that the legitimate use of animals by farmers, sportsmen and medical researchers is protected.

Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.): Mr. Speaker, I am glad to have a last opportunity to speak to Bill C-15B. Throughout its long journey through the House of Commons I have struggled in the background with the definition of animal in the legislation and tried to change it, unsuccessfully, I regret to say. I am hoping that when the bill goes on

to the Senate that the senators will take some of my concerns to heart and perhaps question closely the officials and the minister on why they have gone for a definition of animal that reads something to the effect that:

...“animal” means a vertebrate, other than a human being, and any other animal that has the capacity to feel pain.

It is that latter bit, “any other animal that has the capacity to feel pain” that troubles me. That extends the definition of animal to include just about every living creature. Just about any living creature from an amoeba to a whale has the capacity to feel pain.

I think the intention and the feeling of the public is that the animal cruelty legislation should be directed towards animals that at least have a high order nervous system of the type that can feel pain and suffering. Cruelty is all about alleviating suffering, not simply trying to prevent a natural physical reaction.

This issue of the definition of animal was tackled by the consultative committee in the justice department way back in 1998 when it sent around to various interest groups and other organizations a consultative paper that invited responses on a number of questions. Overwhelmingly, organizations responded by saying that the definition of animal should be limited to animals that are non-human vertebrates. The reason is that obviously a vertebrate has a brain and a higher order nervous and mental system, and it is capable of feeling pain.

Instead however, the officials who drafted the legislation elected to choose the broadest definition possible. The definition that is before us would allow litigation based on any type of animal that may be experiencing pain, be it a worm on a hook or a lobster in a cooking pot or anything imaginable, a jellyfish. I know this is hard to imagine, but jellyfish do have a reaction when they are poked. It does not mean that they are suffering when they are taken and thrown on the beach. This definition would encompass that.

I have corresponded with the minister on a number of occasions on this. The argument back, I am sorry to say, has not been, shall we say, as exhaustive as we would like. The reaction back has been to say that there are other jurisdictions in the United States, a few state legislatures or states, such as Arkansas, that have a similar definition for animal that is just as broad.

The legislation we have before us is criminal code legislation. It is an amendment to one of the most powerful and important legal instruments in the land. Because a few isolated states in the United States have a broad definition of the word animal, not federal legislation, but state legislation, should not be a cause for adopting the same definition.

Another argument was presented by the Canadian Veterinary Medical Association who wrote to the justice minister that it was very supportive of the changes that define animal for the first time as a vertebrate other than a human being and any other animal that has a capacity to feel pain.

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●(1710)

That is supposed to be a letter from this association. However this was correspondence in the year 2001. If we go back to the files, what we find is that the Canadian Veterinary Medical Association, when it replied to the original consultative paper in 1998, was very concerned that the definition of animal be limited to non-human vertebrates. In that sense it was entirely in conformity with all the other organizations, the majority of competent organizations that did not support broadening the definition in the way that we have before us.

I thought the reply from the minister suggesting that the Canadian Veterinary Medical Association was supportive of the definition was a little bit ingenuous because originally it wanted the definition to be non-human vertebrates and only elected to have the broader definition if, I have the correspondence here, it had the assurance from the justice department that this definition would not lead to interference or litigation involving the use of animals in a lawful and proper fashion. As a matter of fact I have quote here. It said:

Our association's support is based on our interpretation and expectation that the amendments will in no way alter or criminalize accepted activities in the treatment or use of animals.

These include practices such as in agriculture, hunting, fishing, trapping, animal research and so forth.

It was conditional. The difficulty, and where the pith of the problem is, is that the government cannot guarantee that there will not be litigation based on this broad definition. The government can only say that the courts will decide. This is where the flaw in the argument comes. The difficulty is that so many of these radical animal rights groups obtain their fundraising by confrontation before the courts. By allowing the broadest possible definition of animal to go forward in the legislation, the government is inviting endless litigation which will be the source of fundraising for various animal rights organizations for years to come.

It represents a naivete to think that simply and purely regarding a definition in legislation only in legal terms and not allowing for the social consequences it will have is a failure to properly inform the justice minister. I feel that what is missing, and indeed why we have these debates in the House, is that often when officials look at the definition of legislation, as do the courts, they often look at it in isolation. It is this place that should sound the warning, as indeed the opposition has on several occasions, that we want animal rights legislation that genuinely protects animals that are capable of suffering from unnecessary cruelty.

The legislation will do that but unfortunately, with this very broad definition, it will do more. It will give the opportunity to various organizations to bring nuisance court cases and challenges before the courts. Yes, we can fight them and yes, we will win them, but it will cost the government money to fight these cases because they will go all the way up to the supreme court. The people who will win will not be the public. It will be those who stand to profit from raising the issue of animal welfare. Animal welfare is an important thing that we are all concerned about, but it is not something on which organizations should be allowed to make money.

●(1715)

Mr. Ken Epp (Elk Island, Canadian Alliance): Mr. Speaker, I do not know whether to say that I find pleasure to speak to this bill. I certainly support the concept of not being cruel to animals. Having suffered a little pain in my life and extrapolating that to the ability of animals to feel pain, absolutely 100% we should not impose on animals any pain that can be avoided. That should be true for human beings as well.

However I have great concerns about the bill because of the implications of it in the long term and the effect it will have on a number of different portions of our society. I am thinking particularly of the agriculture industry which is very large.

It just so happens that it is impossible to go through life without pain. I read an interesting book a long time ago and even now as I speak I am thinking that I should reread it. The title is, *The Problem of Pain*, by the writer C.S. Lewis.

He contended that pain is a valuable mechanism that is built into the body of all human beings. If it were not for pain, we would not go to the doctor when we have something wrong internally. If I had something wrong with my chest but could not feel the pain, I would carry on until I keeled over one day.

The fact is when there is something wrong and it generates some pain, it is a positive thing for survival. That is true for all creatures. Pain can be a mechanism prompting one to take corrective action for something that is ailing one.

Another aspect of pain is that it is used in the training of people and animals. Sometimes the pain is temporary. I contend that we ought not to have pain of the sort that causes permanent psychological damage for humans or for animals. It is a straight psychological fact that to train animals, occasionally one has to apply a bit of gentle pain as a disincentive while on the other hand giving a reward as a positive incentive.

Any person who has ever had a dog knows that if we want to avoid the pain of continually having to clean up after the little puppy, we have to go through a process of training. In that process a little pat on the side, enough to cause that puppy to think that it did something wrong, is not damaging. It is a small amount of pain and is used to train the animal.

I do not have a dog in my house at the present time but I have I observed some of my friends who have had them. The dogs they love the most and appreciate the most are the ones that are properly trained, the ones that are house trained and trained not to jump all over people. I do not know how others feel, but I do not appreciate it when I walk into a house and a big great dane greets me at the door, puts his feet on my shoulders and licks my face, especially when I am wearing my Sunday suit. A dog that wags its tail at a five foot distance, I like a lot. I do not like a dog that when I reach out to pet him he snarls and bites my hand. I like a dog if he is friendly because he will have been trained. That is one aspect of it.

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• (1720)

We ought to be very careful about legislation like this because of the implications it can have. Some organization or do-gooder can come up and say “I saw my neighbour punishing his dog. Throw the book at him. He was cruel to his animal”. I do not think we want to get into that type of thing.

There is another thing and it has to do with the agriculture community. I have a great number of farmers in my riding, which is a combination rural and urban riding. Many of these farmers have animals. I have a number of poultry operators in my riding. It is really quite a sight to go into one of those huge 200 or 300 foot long barns where the whole floor is covered in little chicks and they are all singing in chorus. They get their food and their water.

There are several operations, but the one I am thinking of is a quite a big operation with several people working there. People go in there every day and check these little creatures to see if they have any physical ailments. I will not go into graphic details of one of those ailments but anyone who has ever raised little chicks knows that it has to do with the gastrointestinal system and they have to be watched so that they survive.

I am impressed by the fact that people produce chickens so I can go to the chicken place and have a chicken dinner once in a while. They are in the business of raising these chickens. They care for them probably as well as many people care for their children, if not more so. I am distressed by the fact under this bill someone could come along, launch an attack or a lawsuit, charge them in court and say that by keeping these chickens in these great big long sheds is cruel. They will be harassed, taken to court and incur legal expenses to defend themselves.

This is something that farmers right now, very frankly, do not need. They are facing huge economic pressures these days, then on top of all that face the potential of lawsuits. They would have to get lawyers to defend them and with costs like that they could face bankruptcy. To me that is unconscionable.

I was interested in reading an article from one of these animal rights groups that said it would like to work. It was asking for money in this letter. It said “Allow us to save the animals from the torment of the hunters, the researchers, the fashion industry”. It just is not true. Hunters are not out to torture animals. I have never gone hunting myself but I know those who have take every measure to prevent unnecessary suffering on the part of the animals.

How about this one? “We have to make sure that we work to rescue innocent dogs and cats from pounds that would sell them into the excruciating hell of the secret experiments of researchers”. If that is not over the top, I do not know what is. There is no benefit in making these animals suffer unnecessarily or even making them suffer necessarily.

Here is another one, which talked about a family whose dog was picked up by the pound and then apparently taken away to be put down. It says “A poison-filled hypodermic needle was plunged into poor [dog], a cold-blooded killing of a deeply loved family companion”.

I was asked one time to do a service for friends of mine. Their dog had gone amok and had become a danger to the children. They said that they loved the dog so much that they could not take him to the vet and asked me to do it. With great reluctance I said I would because I knew the children had to be protected. I went to the vet carrying the dog my arm. I walked into the vet's office and asked if he would mind if I observed because I wanted to ensure that the dog was put down humanely.

• (1725)

I observed that event and that dog was put away in a humane fashion with absolutely no suffering at all. The dog was put on a table. The veterinarian cut the dog's hair, put on an anaesthetic and used a needle that instantaneously stopped the heart.

I am distressed that we are succumbing to extremist groups that just do not accept that we are trying to do our best.

• (1730)

Ms. Sarmite Bulte (Parliamentary Secretary to the Minister of Canadian Heritage, Lib.): Mr. Speaker, I am delighted to speak today to the provisions of Bill C-15B, an act to amend the criminal code with respect to cruelty to animals and firearms and also to amend the Firearms Act.

I am delighted to have this opportunity to speak especially in light of the considerable misinformation that has been stated about the purpose and effect of the animal cruelty provisions in Bill C-15B. I would like to take this opportunity to clarify a couple of very important points about the legislation.

The first point is that the characterization of animal cruelty as a property offence belies its true nature as a crime of violence. Canada lags behind the rest of the western world in recognizing that society has an interest in protecting animals from abuse, quite apart from their status as property.

The assertion that creating a separate part of the criminal code to deal with animal cruelty somehow changes the status of animals as property represents a profound misunderstanding of the rules of statutory interpretation as well as of the division of powers between the federal and provincial governments. Bill C-15B is an exercise of the federal government's criminal law power. There is nothing in Bill C-15B that would in any way affect the status of animals as property.

Second, I would like to recognize the research that increasingly shows a link between animal cruelty and violence against humans. There appears to be a high correlation between cruelty to animals and child and spousal abuse. Also, there appears to be a link between animal cruelty in childhood and subsequent violence against humans in later years.

It is time for the law to recognize the true character of animal cruelty offences and to properly reflect upon the seriousness with which this crime ought to be treated. The increased penalty provisions of Bill C-15B are extremely important in conveying society's condemnation of brutality toward animals. I know the hon. members support increased penalties for animal cruelty and in this they are joined by a strong endorsement of a huge majority of Canadians and almost a unanimous support in my own constituency of Parkdale—High Park.

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A third point is clarifying what the cruelty provisions are really about. These provisions are not, and I emphasize are not, a clever attempt by the federal government to regulate industry practices. The animal cruelty provisions have co-existed with various instruments regulating industry practices since the criminal code was first enacted in 1892. They will continue to do so after Bill C-15B is passed.

All Canadians must respect the minimum standard of behaviour required by the animal cruelty provisions in the criminal code. This is true whether they use animals for commercial purposes, recreational purposes or own them as pets. This is the law now and this is the law that will continue to apply after Bill C-15B is passed.

The test for liability for unnecessary pain, suffering and injury has also not been changed, nor has the test for criminal neglect. What will change if Bill C-15B is passed is a law that will be set out in a clear, concise manner and will clearly distinguish between offences involving intentional cruelty and those which address criminal neglect.

The complexity of the law will be reduced by the removal of complex deeming provisions. Outdated distinctions between different types of animals, for example, cattle versus other types of animals, will also be removed.

The House has the opportunity to modernize and update the animal cruelty provisions without increasing the liability of persons involved in the legitimate use of animals.

I urge hon. members to see past the scare tactics that have been used in an attempt to discredit this important legislation. It is time for parliament to answer the expectations of Canadians and to pass Bill C-15B now.

I would like to turn now to the proposed administrative improvements to the Canadian firearms program.

• (1735)

Canada's firearms program is a practical and common sense approach to gun safety that works to keep firearms from those who should not have them while encouraging safe and responsible gun use by legitimate firearm owners. This is achieved through the licensing of firearm owners and firearm registration.

Canadians remain steadfast in their support of this very important public safety initiative. I can tell the House that in my riding there is unanimous support for the legislation.

The government's approach to preventing firearm death, injury and crime is a clear reflection of Canadian values and principles. Over the past decade, poll after poll has shown that the overwhelming majority of Canadians support gun control and support the important public safety framework of the Firearms Act. In fact, an Environics poll taken last year shows that the majority of the supporters of all political parties in the House support the firearms program.

Our national investment in this program is already paying off in terms of public safety benefits and in compliance. While Canada's

firearm program will not be completely implemented until January 1, 2003, it is already making a significant contribution to public safety.

[*Translation*]

These are measures aimed at keeping firearms out of the hands of people who represent a danger to themselves or others. Since December 1, 1998, more than 7,000 permits have been either denied or revoked by public security authorities. This figure is 50 times the total number that were revoked in the last five years of the previous firearm control system.

[*English*]

With the implementation of a number of initiatives to simplify administration and make the program more user friendly for firearms, Canadians are now complying with the law. There are now 2.1 million individuals in the firearms database, achieving a 90% compliance rate with licensing, and several months before the deadline, two-thirds of licensed firearm owners have already participated in registration.

The amendments proposed in Bill C-15B build on the success of the firearms program to date and lessons learned from the licensing experience. We are not changing the basic policy goals of the program, such as the firearm registration deadline, nor the government's commitment to public safety. Instead, we are putting forth administrative changes that will facilitate compliance with the program and continue to ensure a high level of service to clients. These are a direct response to extensive consultations with program partners and stakeholders, including the policing community, gun owners and other Canadians. This is good news for Canadians and the sooner these administrative changes can be implemented the better.

Frankly, with only months left before the legislated deadline of January 1, 2003 for full implementation of this program, any further delay would be a complete disservice to Canadians.

We have already heard and carefully considered the views of various individuals and organizations over the last several years and, most recently, the testimony that was heard by the committee last year. In its testimony, we heard the law enforcement community reaffirm its support for this program and its essential crime fighting tools. The Canadian Police Association and the Canadian Association of Chiefs of Police outlined the significant public safety benefits of this program, which combines the screening of applicants, tracking of firearms and minimum mandatory sentencing to help deter, prevent and prosecute firearm crimes in Canada.

We have also heard the minister's user group on firearms maintain that these amendments are in fact an important step toward ensuring a fair balance between the interests of responsible firearm owners and our shared objective of public safety.

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The government is committed to enhancing the safety of Canadians inside and outside of their homes. The amendments to the Firearms Act included in Bill C-15B will help ensure that the key public safety goals of the Firearms Act are met while ensuring that the administration of the program is more efficient, effective and indeed client friendly.

Canadians expect us to get on with it.

Mr. Gerald Keddy (South Shore, PC): Mr. Speaker, I think it is important for all members to take the last opportunity that we have today to speak to Bill C-15B. Both aspects of the bill, the firearms part of it and certainly the cruelty to animals part of it, are problematic.

The first thing that needs to be said about the legislation is that at noon today the government decided we would have no more democratic debate on the bill and it brought in time allocation. It brought in time allocation I believe for the 76th time in the history of this government. It has used time allocation more than any previous government.

The government may say that all Canadians are in favour of the bill but nothing could be further from the truth. I watched all the Liberal members stand like trained seals today and vote in favour of time allocation. I believe there was actually one who did vote against it. That is absolutely scandalous on their part.

I believe the Ontario Liberal caucus was going to defend the interests of farmers, of rural Canadians and of people who harvest animals or participate in animal husbandry. Somehow or other I am quite certain those interests were not defended today when the government voted for time allocation on this legislation.

At 7 o'clock tonight the debate will be over, the bill will be voted on and then it will be moved along in the process. That is not democracy at work. That is not changing the way this particular piece of legislation is written.

Let us be quite honest and blunt about this. This legislation on cruelty to animals has not been updated or renewed since 1892. It is time for the legislation to be modernized. It is time that it reflected the beliefs and ideals of citizens in the 21st century.

However, somehow we have a group of people sitting on their hands who are not trying to do that at all. Specific parts of the bill that are extremely problematic and parts of it are just fine. No one believes that individuals, whether they be owners of animals or not, should be able to, in any way, shape or form, harm or intentionally cause pain to animals.

At the same time, what we have here now is a definition of animal that even all the Liberals are not happy with. Section 182.1 states the definition of an animal.

In this Part, "animal" means a vertebrate, other than a human being, and any other animal that has the capacity to feel pain.

That is a pretty broad brush stroke. I do not know exactly what is not covered here but I will assume that everything is covered: reptiles, invertebrates, fish, all vertebrates, all domestic animals, insects, spiders, mosquitos, multi-celled organisms.

The government should take a look at the legislation that it is about to force down the throats of Canadians. It says that any animal or any other animal that has the capacity to feel pain.

● (1740)

It is punishable under the Criminal Code of Canada. Everyone commits an offence who willfully or recklessly causes, or permits to be caused, unnecessary pain, suffering or injury to an animal; kills or permits an animal to be killed brutally or viciously regardless of whether the animal dies immediately.

We do not have a proper definition of animal or what unnecessary pain and suffering is. We certainly do not have a definition of how animals can be killed. What is the definition of brutally or viciously? It can be a totally different definition between two people. People who are extremely sympathetic to animals would say that anything that causes the death of an animal is brutal and vicious.

Somehow or another there has to be a modicum of common sense applied to this piece of legislation. There is absolutely no room here for traditional harvesting and animal husbandry practices. I suspect that if we were to ask the majority of people, especially urbanites, if a gunshot to the heart of a big game animal was brutal and vicious, they would classify that as definitely yes. Does that mean that we would outlaw all deer, rabbit and partridge hunters? It could. If it is not clear, and it is not defined, and it is not obvious, it should not be there. That is the job of legislation.

No one, in any way, shape or form can do anything but condemn unnecessary cruelty to animals. I have heard it time and again. No one is listening over there. What about regular animal husbandry practices, the simple castration of lambs and docking tails? There is a reason why we cut the tails off lambs and young piglets. It is simple. It is so that they do not start biting at one another, getting a little blood going out, getting into a frenzy and killing one another. It is not because we are trying to be mean to them.

There are all kinds of regular, everyday animal husbandry practices that are done carefully so that they cause a minimum amount of pain, which would be condemned under this piece of legislation as unnecessary, brutal, vicious and causing unnecessary pain and suffering. It is absolutely incorrect. Do not tell me this does not threaten farmers because it does.

Take that fact on top of the fact that it is an omnibus piece of legislation. There are two totally separate pieces of legislation here, one on gun control and one on cruelty to animals. My first reaction was that we need to update the cruelty to animals legislation. We already know we cannot trust the Liberals on the gun control legislation, but we do need to update the cruelty to animals legislation. Unfortunately neither one will get done now.

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We have an important piece of legislation like cruelty to animals that we need to take a look at. We need to sit down in a reasoned, rational debate and put in laws that protect animals when they need protection. These two pieces of legislation in one bill are not connected at all. They are thrown in almost as an afterthought, and neither one of them will do the job. One sets out to do and take away the credibility of the other. If people believe in gun control, then the animal section should not be in here; if people believe in doing something about cruelty to animals, the gun control section should not be in here. This is poorly crafted legislation.

• (1745)

Mr. Rodger Cuzner (Bras d'Or—Cape Breton, Lib.): Mr. Speaker, I am pleased to speak to the bill at third reading.

It is time for the House to act on the will of Canadians. Legislation that would update animal cruelty provisions and provide enhanced penalties for animal abusers has been before the House in one form or another since December 1, 1999. That is two and a half years during which there have been numerous opportunities for organizations from a broad spectrum of interests to come forward and make their views known. They have shared their views with the Department of Justice, members of parliament, the House of Commons Standing Committee on Justice and Human Rights, the media and other members of the public. There has been a full and comprehensive debate on the issue of the changes that must be made to modernize the animal cruelty provisions.

During that two and a half years the former justice minister listened carefully to the concerns of all Canadians, including industry. In fact, to be absolutely clear that criminal liability for intentional cruelty and criminal neglect had not changed, the former justice minister made several accommodations to industry when the animal cruelty provisions were reintroduced in Bill C-15 after an election was called and Bill C-17 died on the order paper. The accommodations did not change the legal tests for liability but provided further clarification about the elements of the cruelty offences.

After Bill C-15 received second reading in the House of Commons on September 26, 2001, it was referred to the House of Commons Standing Committee on Justice and Human Rights with the direction that the committee split the bill into two parts.

Bill C-15B contains the provisions regarding cruelty to animals and firearms. The committee heard from a wide variety of groups with diverse views on the issue of animal cruelty. At the committee hearings the Criminal Lawyers' Association confirmed that removal of the animal cruelty provision out of the property section would not cause accused persons to lose any available defences. The association did indicate however that if there was a desire to make this absolutely clear one of two options was possible: either make an express reference to subsection 429(2) of the criminal code which outlines defences of legal justification, excuse or colour of right; or specifically confirm application of the common law defences under subsection 8(3). Again, in the interests of accommodation to reassure critics of the bill, the government introduced a motion adopted by the committee to confirm application of subsection 8(3).

Following the suggestion of the lawyers association one would have thought opposition critics of the bill would agree that all

accommodations could be made. They have been made without changing the test of legal liability. Unhappily, with the notable exception of the New Democratic Party, this does not appear to be the case. Critics among the opposition parties want more.

I take this opportunity to look at their position more closely. These critics have been clear that they are not supporting an exemption for industry. They maintain that all persons should be subject to the animal cruelty provisions. Yet, what they are asking for appears to be an exemption in anything but name.

Some members of the opposition parties maintain that the defences in subsection 429(2) of the criminal code provide them with a justification for their industry practices, even if those industry practices cause unnecessary pain, suffering or injury. They maintain that these defences effectively give industry the protection that anything they do pursuant to lawful purpose is itself lawful. This is simply not the law.

Equally inaccurate is the position maintained by some hon. members that the cruelty provisions prohibit the infliction of any pain or suffering and that it is the defences that legitimize the infliction of pain. This position completely ignores the tests for liability for cruelty that have been in the criminal code since 1953. The issue of defences does not even arise until after the crown has proven beyond a reasonable doubt that the infliction of pain or suffering was unnecessary.

• (1750)

The test for unnecessary pain or suffering is clear in case law. The courts have recognized that avoidable pain is unnecessary. Pain is avoidable if there are equally accessible, reasonable, and affordable practices available to achieve the same lawful purpose.

What is interesting is that opposition critics maintain their position even though they have cited not a single case of support for their position and have been unable to identify any relevant offences under subsection 429(2) which would not be available as a common law defence subsection 8(3) of the criminal code.

I do not believe for a moment that industry wants its activities exempted from the application of the criminal code. Those members of the opposition who suggest that industry has this protection currently or who argue that somehow lawful industry practices would become unlawful after the bill is passed are misrepresenting the state of current law.

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No one has been exempted from the application of the animal cruelty law. This has never been the law in Canada and the government is not proposing to change this law now.

One of the most basic notions in Canadian criminal law is that the law applies to everyone. Canadians have made it clear that they support a law which imposes at least a minimum standard of behaviour on everyone. It is time for this House to answer the expectations of Canadians and move on this legislation.

• (1755)

Mr. Monte Solberg (Medicine Hat, Canadian Alliance): Mr. Speaker, it is a pleasure to rise to address Bill C-15B one more time.

When I was explaining the legislation back home I ran into an interesting question. When I explained that it would apply to vertebrates a constituent said that would leave the Liberals out because they do not have a spine. I said that was completely unfair because they do have a spine but it is not evident sometimes.

Today Liberal members had a chance to stand up for democracy by opposing the closure motion but they let the House of Commons and the country down again. My hon. friend from Nova Scotia who spoke a moment ago said this is the 73rd time the government has invoked closure, a very anti-democratic record among governments.

I am a long time dog owner. We have had pets in our family all our lives. As someone who comes from a rural area where animals are important to our economy I almost instinctively understand how important it is to be conscious of ways to protect animals from cruelty. There is nothing more reprehensible in the world than people who abuse animals and there should be tough penalties for anyone who does. We have a golden retriever at home. He is almost part of the family. He sits on the couch and is completely spoiled. I cannot imagine people being cruel to animals. There should be tough penalties.

If the government's intention is to ensure animals are not abused why does it not simply provide tougher penalties in law to protect them? Why does it not increase enforcement? If that was the government's real intent it is what it would have done. It would not have added all these controversial changes that are causing us to question its motives.

I will explain what I mean. When the former justice minister introduced the legislation she said all activities that are legitimate today would be legitimate after the new law came in. Again, why not simply raise penalties for cruelty to animals? The government has instead brought in a number of new provisions. One of these would remove animals from the property section of the criminal code and give them a new section. A lot of people are arguing, correctly, that this would bestow a new set of rights on animals and move away from the concept of animals as property.

That is a big step. It is in a sense a dangerous step. We have already heard radical animal rights groups saying they would challenge the new law once it received royal assent to get judges to interpret it in a way that would bestow rights on animals that previously were not there. This would ensure farmers and ranchers who have engaged in what the minister called legitimate activities in the past would not be able to do so any more.

I come from an area where there is a lot of cattle. We have not just a few thousand but tens of thousands of cattle in my area. Hon. members familiar with the business of raising cattle will know that after they are born they must be dehorned so they do not hurt one another. They might get ear tags. They might be branded. They might be castrated. It is not a pleasant business. The animal feels some pain, there is no question about it. However these are legitimate traditional activities farmers and ranchers in my area engage in to make a livelihood, as a result of which people have food in the grocery store.

• (1800)

Unless we want to change that we had better be conscious of how we would be inviting animal rights groups to challenge the new legislation under the provisions the minister has introduced. For that reason government members across the way are completely off base in caving in and supporting Bill C-15B. It would open up all kinds of opportunities for animal rights groups to be meddlesome and cause mischief. We need to be conscious of that.

I will switch from that provision to the provision that has to do with firearms. A few minutes ago the hon. member for Parkdale—High Park, the Parliamentary Secretary to the Minister of Canadian Heritage, got up in the House said the most outrageous thing I have heard in half an hour. I say half an hour because we have heard a lot of outrageous things today in the House. She said support for the bill is unanimous in her riding. She said everyone in her riding supports the gun legislation, not just the majority. There is a standard by which all members of parliament should be bound: their statements should at least be credible. The hon. member for Parkdale—High Park probably has 200,000 constituents. To say every person in her riding supports the legislation is completely ridiculous.

The hon. member trotted out other arguments. She said a poll was done which showed an overwhelming majority of Canadians support the legislation. We should do other polls that ask questions like "When a government program gets to be so big and bureaucratic that the government cannot possibly use it for its original purpose, would you still support the legislation?" If we asked that question it would describe what has happened with the firearms registry. The gun registry was to cost \$85 million, \$68 million or whatever. It has gone up to \$640 million or probably \$700 million. Several months ago we saw the statistics of Library of Parliament researchers who were dealing with the issue in the Senate. The figure is probably \$700 million now.

In gathering gun registry information the government has made mistakes on probably 50% of the applications. In other words, it has invalidated a huge number of registrations. My hon. friend from Yorkton—Melville has done a great service to the country in pointing out the foibles of the firearms registry. He has pointed to situations where people have received 59 different permits. Someone from Surrey got 59 permits for registering 17 firearms. It is completely out of control.

Government Orders

There have been other instances. My hon. friend from Yorkton—Melville pointed out the case of a firearms owner who had registered his firearms. He heard a knock at the door one day, saw people in balaclavas lurking outside his house, went to the door and found that a SWAT team was there to pick up his firearms. The police were under the impression he had a bunch of firearms that were not registered or legal. He produced his permits and lo and behold, it was all completely legal.

The minister and government members have argued that the point of the registry was to ensure the police knew the situation in all these homes. As in the case I have cited, when the wrong information is fed in the potential for people to be killed or hurt is absolutely astronomical. People could have SWAT teams running around with all kinds of automatic weapons outside their doors because the government has fed in the wrong information about firearms in their homes. It is completely contrary to what the government is trying to achieve.

I have touched on some of the major reasons we should oppose Bill C-15B. It is unfortunate the government is moving closure on the legislation when it is so contentious and when Canadians, especially rural Canadians, have so many legitimate concerns about its provisions.

• (1805)

Mr. John Finlay (Oxford, Lib.): Mr. Speaker, the cruelty provisions in Bill C-15B respond directly to the concerns of Canadians.

Over the past three years Canadians have been consistent and clear in their demands for action by the federal government to update the cruelty provisions and create stiffer penalties for acts of cruelty against animals. Bill C-15B would meet these expectations without changing the liability for intentional cruelty and criminal neglect. Nothing in the bill would in any way put at risk lawful and humane activities involving animals for purposes such as agriculture, hunting, trapping and research.

To be absolutely clear, the former minister of justice introduced an amendment that was adopted by the House of Commons Standing Committee on Justice and Human Rights. The amendment states that all justifications, excuses and defences available in common law would apply to proceedings under the animal cruelty provisions. The amendment is the latest in a series of modifications to the animal cruelty provisions to address the concerns of critics.

The animal cruelty provisions in Bill C-15B were contained in a previous bill, Bill C-17, which was introduced in parliament on December 1, 1999 and died on the order paper when the federal election was called in October, 2000. The amendments had two primary objectives. First, they would have consolidated and simplified the existing law on animal cruelty by organizing offences in a more rational way and removing outdated distinctions and expressions. Second, they would have enhanced the penalty provisions by increasing current maximum sentences such as terms of imprisonment, fines, and orders prohibiting the possession of animals, and by creating a new power to order offenders to repay costs incurred by humane societies in caring for animals they leave unattended.

Bill C-17 was enthusiastically supported by thousands of Canadians. However a number of associations representing agriculture, hunting, fishing and animal research made submissions to the Minister of Justice expressing specific legal concerns about the bill, largely to the effect that the amendments could increase the risk of prosecution for people engaged in such activities. The minister benefited from the input of these groups. Although Bill C-17 would not have increased the risk of prosecution for people engaged in lawful activities, the amendments contained in Bill C-17 and replicated in Bill C-15B contain several important improvements that would make the intent and effect of the law more clear.

Such changes include: spelling out the necessary criminal state of mind with words like wilfully or recklessly instead of leaving it to the courts to interpret the proper standard; offering a definition that clearly establishes a standard of criminal negligence and removes all doubt that simple or civil negligence is not enough; adding the word unnecessary to the offence of negligently causing pain to clarify that there may be situations where the pain caused is necessary; clarifying and limiting the scope of the offence that deals with trap shooting to shooting at animals the moment they are liberated and not some time after, which would leave no room for people to argue that the section prohibited pheasant hunts in enclosed spaces; and taking animal cruelty provisions out of the part of the criminal code that deals with sexual offences and public morals and placing them in a separate part, thus clearing up the concern that it is inappropriate to group animal cruelty offences with certain other types of offences. With that we fully agree.

These improvements more clearly establish that the law deals with criminal intent and criminal neglect rather than the causing of incidental or unavoidable pain to animals in the course of lawful activities.

• (1810)

I suggest to the hon. members of the House that the concerns of industry have been heard. The government has done everything that could reasonably be done to accommodate those concerns.

Bill C-15B does not need any additional tinkering. It is time to act. I urge all hon. members to do the right thing and pass the bill.

Government Orders

Mr. Howard Hilstrom (Selkirk—Interlake, Canadian Alliance): Mr. Speaker, we are drawing to a close on the debate in the House on Bill C-15B regarding firearms and cruelty to animal provisions in the criminal code. We are drawing the debate to a close for the simple reason that the Liberal government is incensed with the fact that people in Canada do not agree with it all the time. The opposition parties on this side of the House represent those people and, in the case of cruelty to animals, we represent the farmers. The government is so incensed that it has brought in closure to shut down legitimate debate on those provisions of the criminal code.

We are not in the House to debate, kill time or just talk because people voted us in and we are supposed to be here. We are here debating real issues that affect real people.

What I have to say here will be parliamentary but it may seem aggressive when I say that the farming community right across the country, from sea to sea, is still opposed to the legislation. The most recent example that I have is from May 31, just a couple of days ago, when members of the Agricultural Producers Association of Saskatchewan said to the members of this parliament that they were 100% opposed to most of the provisions of the proposed cruelty to animals changes in the criminal code. However they are for stiffer penalties and are against the city people we see in the newspapers who have been skinning cats, crushing their heads and killing animals. They have enough common sense to be definitely against that.

They have also considered what the proposed law will do to farming and farming practices. I have heard a lot of debate in here about how farm practices are legal today and will be legal tomorrow. I have spent a lot of time over the years working in law enforcement and dealing with lawyers, crown attorneys and judges. It is my understanding that the criminal code, which is a federal law, takes precedence over the standards set by provincial organizations, the humane societies or farming groups. Why are we concerned? We are concerned because when the time comes that a charge is laid and it goes to court, the judge will not interpret that industry standard. The court will judge whether or not that animal was treated cruelly according to the provisions of the criminal code.

Why would that judge go against what the industry standard says? It is because the definition of animal has been changed. It has been changed to include any animal that has the capacity to feel pain. Another change is that it is no longer in the property section. Somehow animals can be on their own without ownership either by the federal government, in the case of wild animals, or by farmers.

As we have seen happen before, I think there is a very high likelihood that those judges will interpret this law in the very way it is written. I will not blame them for that. As the bill is written, if someone intentionally inflicts pain on such an animal, as in branding a calf or dehorning it after it is a few months old instead of as a little baby, the judge will say that the criminal code is quite plain on this, as we can read for ourselves. The judge will consider it an offence and he or she will find the farmer guilty. That is the problem. Is there any likelihood of that kind of a charge being laid? Absolutely, and it will not necessarily come from one of the animal rights organizations.

•(1815)

Today I had an interview with a young lady who is an aspiring journalist. She was talking about farming and we had a nice conversation. After she had finished her interview, she said that she knew the cruelty to animals bill was being voted on today. She urged me to vote against the bill. My point with regard to this young person and as it relates to young crown attorneys and young judges coming up, is that she has an animal rights agenda. As a journalist, she is in a position of power to help form public opinion through the persuasion of the pen.

The common sense of society is 100% against cruelty to animals. However the survival of mankind from the oldest times until the present says that after life itself there has to be food to eat and good quality food to eat, and that involves the use of animals for human consumption.

The hidden agenda being promoted by the animal rights people, including Mr. Rick Smith who is with the International Fund for Animal Welfare, is very clearly to move along animals from being property, like they have the government agreeing to, which is one step away from being property now, and to slowly attribute rights to the point where we will not be able to use animals for anything.

The other day I had a skunk at my ranch. Under this bill, I wonder if I was wrong in shooting that animal. It never did anything to me. It was not diseased as far as I could tell but I intentionally shot that animal. What right did I have to do that? In many areas like mine there are no policemen or people to do that job for me. However skunks have a tendency to contract rabies and a bite from them could kill a young child or a person. They certainly kill a lot of livestock. Would the bill make that kind of action on my part illegal? I suspect that may well be. The bill says that if one intentionally shoots or kills an animal, and then it goes into justification as to lawfully doing it.

I said I would be a little aggressive. I have to talk about the stand that was taken by the member for Dufferin—Peel—Wellington—Grey, a leader in his party, a leader in his riding and a leader in the agriculture industry, especially in the chicken and feather industry. He has properly and rightly fought the bill for months. He had most of the rural members, who have farmers in their area, understanding that the bill was bad for agriculture and it was even bad for society as a whole.

What did the member say today? He said that he had changed his attitude, that everything was fine now and that he would vote for the bill. Why would the member do that? He said that the Senate would take care of it, that the Senate would make an amendment. We know that will not be the case. The member is misleading, not only his co-caucus members but the people in his riding. The Senate will pass the bill and it will be done and gone before July 15, which will be a sad day for agriculture.

I hope the bill comes back to the House so we can debate it again and maybe get it through the government's head that this is a bad bill for not only people in the country but also for people in the city.

Government Orders

● (1820)

Mr. Steve Mahoney (Parliamentary Secretary to the Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.): Mr. Speaker, whatever parliamentary secretary I am, I am not quite sure on this wonderful Monday in Ottawa. Whatever it is, I can assure members that I will continue to perform to the best of my ability.

Members opposite have come over and suggested that I do not know anything about animals. I find it interesting when people stand up in this place and talk about their family pets as if that is somehow the issue here. I e-mailed my wife to make sure that my 80 pound Lab Duke is watching, so he knows that I support obviously the proper care, nurturing and feeding of all animals, two legged, four legged or whatever kind.

What I find really interesting are the objections to putting in law the definition of animal and the concerns about that. Frankly, I do not have a problem with people expressing concerns on behalf of the farming community to ensure that we all understand the impact the bill would have.

The fact of the matter is most jurisdictions have defined animal. People at home watching might think that is kind of bizarre. Let me share some of the definitions. A broad definition of animal is consistent not only with definitions found in some provincial statutes, but also with some United States statutes.

Let me give some examples. The province of Alberta says that it does not include a human being, an exclusionary definition. The next definition from Manitoba and New Brunswick is "non-human living being with a developed nervous system".

The definition from Arkansas includes every living creature. That is pretty broad, even more so than what we are talking about in the bill, which requires a vertebrae to be in existence.

Here is one that could apply to members of the opposition. It is a definition out of Colorado, Florida and Ohio. The definition reads "means any living dumb creature". Those are not my words. That is the definition. If the shoe fits maybe they want to wear it.

It goes on and on like that. The point of the matter is what we are trying to do is put in place a definition so that when it does come to a decision in the courts, some rules will be there which can be followed.

One member opposite with the fifth party suggested that somehow this would impact mosquitos. Talk about going over the top, if we want a humane way to take care of a mosquito. It is so ludicrous that we have lowered the level of debate to the point where we are talking about somehow being charged for killing a mosquito that is in the bedroom trying to take some blood. This has become silly.

I think it is because members opposite feel the heat and the pressure that we have all felt. All of us have received, e-mails and phone calls. There have even been demonstrations on the front lawn of Parliament Hill. People have called on us to invoke closure, get the bill done and put in place some laws that will provide protection for animals. Have members ever in history seen a situation where people have demonstrated and called for the government to invoke closure? It is unheard of.

Let us put this issue of time allocation in perspective. The bill was originally introduced in this place as Bill C-17. That was December 1999. There were howls and complaints from members opposite that we needed to split the bill, that it was too much like an omnibus bill because it dealt with guns, animals and child pornography. I remember the hue and cry from members opposite that we needed to split it up so we could deal with the child pornography issue separately.

The government agreed and brought in Bill C-15A and Bill C-15B. It is almost like the opposition cannot take yes for an answer. We split the bill, and now we are dealing with the issue that concerns Canadians.

● (1825)

At third reading alone there were over 40 speakers in five days. Committee hearings took place and the bill was reintroduced in September 2001. Two years later there was a new bill. It was split at the request of the opposition and of caucus to allow us to deal with it separately.

There is fearmongering going on that somehow if someone killed a cow, maybe it should not have been killed because it never did anything and people say it is awful. Animal husbandry, the way of dealing with animals on the farm, is not being threatened. We are concerned about abuse.

I am sorry to say that just two weeks ago in my riding two dogs were left in a car for four hours outside a bar while their owner was inside and obviously had too many drinks. One of the dogs died and the second dog almost died. I have not heard whether or not it was able to pull through.

Should society not do anything about that? Should we not take it seriously, to make it a crime that is punishable? One can be punished for that kind of crime for up to five years. The fine can be up to \$10,000. It is absolutely unconscionable that there is some perception that a farmer is going to be told he cannot take the tail off a pig or a lamb as we heard earlier, because it is cruel and unusual punishment. Clearly if it is part of common law and I would add if it is common sense and it is a tradition, then what we do not want is to rip the tail off. There is a proper procedure for doing it.

When I was in the Ontario legislature we dealt with the issue of research. Companies and people were using animals for research purposes. We recognize the importance of using animals for research but if it is done properly those animals do not suffer unduly. Care is taken with the animals. I invite members to take some time to visit a research lab to see the love, caring and tenderness of the people who deal with those animals, whether they are monkeys, hamsters or whatever they are. They are not people who are savagely trying to inflict pain and getting great pleasure out of it. They are people who are doing cancer, heart and blood research. They are doing research on the immune system and research in all kinds of areas that are good for human health. Those people are not in jeopardy with the bill.

Government Orders

What we dealt with in the province of Ontario was a private member's bill that would make it illegal to use a rabbit's eyes to test for cosmetics. Let us get real. Somebody drops mascara or something of that nature into the eye of a rabbit, or puts it in with a needle to try to find out if it will harm the eye or create an allergic reaction. Surely to goodness there are ways of determining that without inflicting that kind of pain on any given animal.

If it is for the good of humanity, for medical purposes and there are reasons to do this kind of thing, the bill would not prohibit it. There would be a defence based on common law. Clearly the bill would put the onus on the crown to prove that there was some kind of objectionable conduct. We have to realize that if we want to get to the bottom of this, if we want to attack the puppy mills, the people who put cats in microwaves or the people who leave their animals in hot cars in temperatures of 80 and 90 degrees Fahrenheit, we need a bill with some teeth in it that will allow the government to stand up for the living beings that cannot defend themselves.

I want the Canadian public to know the kinds of objections that are being made here and how outrageous and ridiculous they are, such as the suggestion that the bill would actually create problems for someone who killed a mosquito. Imagine that someone actually said that.

• (1830)

Years ago when I was a member of Mississauga city council, a director of the humane society used a weapon to shoot dogs in our facility in Mississauga, having determined it was a safe and harmless way of killing seal pups. It was an Ontario humane society official who did it. There were pictures of dogs lying bleeding because the shot did not work or the gun missed. It was an appalling situation. At the time I took on the director.

Mr. Howard Hilstrom: It sounds like you have a lot of cruel people in your riding.

Mr. Steve Mahoney: Mr. Speaker, I took on the individual and he in turn sued me. Even a director of a humane society has no right to inflict pain on an animal that needs to be euthanized through the proper procedures by experimenting with a shotgun which turned out to be the most inhumane way. That was one of the most atrocious things I have ever seen in my 25 years in elected office.

We have to ensure that kind of thing stops. The bill goes a long way in ensuring that without offending or hurting farmers and without hurting research companies, it ensures the protection of animals in this country.

Mr. Jim Abbott (Kootenay—Columbia, Canadian Alliance): Mr. Speaker, I seek unanimous consent to split my time. I would like seven minutes for myself and three minutes for my colleague from Yorkton—Melville.

The Deputy Speaker: It would be correct to split the last 10 minutes into two five minute periods without consent but because of the configuration he requested, the member for Kootenay—Columbia requires consent.

Does the member have the consent of the House for his proposal?

Some hon. members: Agreed.

Mr. Jim Abbott: Mr. Speaker, I would like to point out to the Liberal members that the Liberal government is clearly aware of the fact that, unlike the representations that have been made by my friends in the Liberal party, there are problems with the bill that require amendment.

In spite of that we are being asked in this House of Commons, and they are being asked by the justice minister, to proceed at third reading for this to proceed to the Senate.

I remind everyone in the House that we have gone to the people of Canada and, through a democratic process, have come here through that democratic process, through our constituents voting for and against, as representatives of the people of Canada. It is therefore our responsibility to be making law.

I underscore that because I have a news release under the name of the member for Dufferin—Peel—Wellington—Grey. It states:

Liberal Rural Caucus Chair is asking members to support the government's cruelty to animals legislation on the understanding that the bill can be amended in the Senate.

In other words the Liberals know full well that the bill is deficient and has problems. Otherwise why would the chair of the Liberal rural caucus be putting out a press release saying to members in the backbenches that they should vote for and support the government's cruelty to animals legislation on the understanding that the bill could be amended in Senate.

What that means is that there is an abdication of responsibility by the Liberal backbenchers who know full well that the bill is flawed and would create all sorts of hardship for farmers and other people who are involved in the husbandry of animals. They know that would be the case, but they receive this bleak assurance that all will be made right when it gets to the Senate. What kind of an abdication of responsibility is that on the part of members who went to the people of Canada to be elected to come here?

Indeed, what are some of the problems? The most egregious problem is that the government has entered into a brand new piece of legislation instead of making minor amendments to the current cruelty to animals act and the attendant criminal responsibility. Instead of simply making sure that there is proper enforcement of the penalties of the existing legislation it has gone to a whole new act and we do not what the unintended consequences would be.

Government Orders

I will again read into the record comments from animal rights activists. These are the people who farmers and ranchers, the people who have legitimate right to own animals, are concerned about.

Lynn Manheim, a columnist for Letters for Animals said:

Ultimately there can be no real progress until society undergoes a paradigm shift, a new way of looking at the world which opens the door to new systems and interacting with it. We have seen most strikingly with the women's movement, language plays an essential part in such a shift. Establishing legal rights for animals will be virtually impossible while they continue to be called and thought of as "its" and "things".

Alan Berger, executive director of the Animal Protection Institution, said:

Society's perception of animals as property must be changed before legal rights for animals can be established. The time is right to make such a change.

We note that this amendment would remove animals from the property section to an undefined section within the criminal code. That is precisely what Alan Berger would want. Here is another one:

Just as we have moved beyond "owning" people after the Civil War, we now need to move beyond "owning" animals, who deserve a far greater understanding in our society than simply being treated as property or things.

The final quote is from Jane Goodall of the Jane Goodall Institute:

In the legal sense, animals are regarded as "things", mere objects that can be bought, sold, discarded or destroyed at an owner's whim. Only when animals can be regarded as "persons" in the eyes of the law will it be possible to give teeth to the often fuzzy laws protecting animals from abuse.

• (1835)

We do not have any idea where this brand new legislation is going to take us. It is for precisely this reason that I implore the Liberal backbenchers to wake up and smell the coffee. If they have not figured out that the bill has the potential to be very serious within their own constituencies and within rural Canada, then there is probably no reason to talk to them. I know that 50 or 60 of them have figured it out, but now they have this rather weak response of "Oh, well, we will correct it when it goes to the Senate". That is not good enough.

I implore the Liberal backbenchers to do their job, to stand up for the rural people of Canada and to vote against this legislation.

• (1840)

Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance): Mr. Speaker, it is unfortunate that because of closure or time allocation we have only a couple of minutes left and I cannot raise many more issues. I am going to go quickly through a couple of things.

First I want to reply to the previous Liberal member who spoke. I think he has a great misunderstanding of the issue or has no comprehension at all of what this legislation has the potential to do and how it will affect many farmers, especially in my riding. He used the example that there is a lot of pressure coming from people on the front lawn of parliament and from e-mails and phone calls pressuring him to pass the bill, to invoke closure to get it through the House.

He has no idea how strapped farmers are for money. They cannot afford to travel 2,000 miles to stand on the front lawn here and lobby the government. Instead they go through their members of parliament and tell those members what they think about this. That is why the vast amount of mail that we get is in opposition to this.

If the government understood the farm crisis and the fact that farmers cannot stand here on the front lawn and lobby the government, it would know why there are not a lot of farmers in their faces here. That is the reality of the situation. That is a very poor excuse for pushing the bill through parliament.

I want to zero in on something that I raised this morning with the minister and did not get an answer to. The minister said that there is nothing to fear in this legislation. I immediately asked him, if there is nothing to fear, would he commit to funding the legal defence of farmers, ranchers, hunters, trappers and others who have used traditional practices for years and years. I asked him if he would commit to defending them when they are hauled into court by these huge international lobby groups that have the big bucks to charge these people and use this legislation to go after people who cannot afford to defend themselves.

The minister refused to commit any funds to help defend poor farmers who cannot afford to come here or go to court and defend themselves. They are afraid of this legislation. When the minister says there is nothing to fear he does not put his money where his mouth is and make this fair. That is a huge concern to me and that is one reason why we should stop this legislation right now.

We need the minister to publicly state that the normal traditional practices will be defended, that farmers who are very apprehensive and cannot afford to take on these multinational lobby groups will be helped in their defence of traditional practices. The minister did not do that and that is one reason why this legislation should not see the light of day.

I also want to point out that the member from the Liberal Party who just spoke talked a lot about how when this goes to court and so on this will all be decided. That is the real fear that I and many farmers have: that when this legislation is passed and lobby groups begin to abuse their privileges with the amount of funding that they have, those people who legitimately use animals in pursuit of their normal activities will not be able to defend themselves.

The Liberals have divided society into groups. They pit one group against the other, urban against rural, as we pointed out in a previous debate, and there will be a lot of problems in the country. The Liberals will say when it comes to the courts "We passed the legislation and we are sure that the courts will make the right decision. It is in the hands of the courts. We have no control over this any more". That is what they have done with many previous pieces of legislation and that is what they are going to do again.

I need a lot more time to go through the notes that I have here. It is unfortunate that I cannot because of time allocation. I wanted to deal with the Firearms Act with which there are a lot of problems. I have 15 pages of notes that I need to share with this esteemed assembly right now and I cannot do that. The Liberals have invoked closure. They do not even want to examine the Firearms Act and what a boondoggle it is. It is going to waste a billion dollars. The bill does nothing to correct any of the problems with the Firearms Act. It is what is not in the bill that is really the problem, which is that the Firearms Act as it presently stands ought to be scrapped.

• (1845)

[*Translation*]

The Deputy Speaker: It being 6.45 p.m., it is my duty to interrupt the proceedings.

Pursuant to order made earlier today, every question is deemed to have been put, and the deferred division is deemed to have been demanded and deferred until Tuesday, March 4 at the conclusion of oral question period.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*Translation*]

EMPLOYMENT INSURANCE

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, I am pleased to rise in the House to speak to the question that I asked on May 23.

This question was in regards to the fishery in the Acadian peninsula. I mentioned that for a five year period, crab fishers had withdrawn from the solidarity fund for fish processing plant workers. I asked the Minister of Human Resources Development what she intended on doing, since there would now be a gap from June until August.

I think it is important to read what the minister said in reply. She said, and I quote:

Mr. Speaker, we are concerned as always when employees find themselves without work. In this particular case, however, I would remind the hon. member that we are working with community groups in his own constituency, looking at strategies to deal with the gap between employment from year to year.

I do not know if it is because I have not been present enough in my region in recent years—yet I go home every weekend and I speak with people there—but I do not know these groups. Nothing has been done in our region to try to come up with solutions to these people's problems. Nothing is being done on this.

The minister added:

—we transfer considerable funds to his own province of New Brunswick for use in precisely this kind of circumstance.

I am sorry to say that in New Brunswick they are not taking their responsibilities toward plant workers in our area, or in any part of the

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province. Whether it is men and women working in the fishing industry, or whether it is lumberjacks, the situation is the same.

I have a question for the Parliamentary Secretary to the Minister of Human Resources Development. Last week, I sent her a letter and today I personally gave her a copy. Is the Minister of Human Resources Development prepared to withdraw from this program with New Brunswick, since they do not want to take their responsibilities toward workers in our region?

They say that there are employment programs. Imagine this: they say that this will make people become dependent. What is the difference between a person who is working three, four or six months per year, and another who is getting welfare assistance? I would much rather see people being dependent on working than people being dependent on not working. The current attitude of the two governments is not right.

Since the Minister of Human Resources Development gave over \$90 million to the provincial government, she should put her foot down and say “If you do not have a program for workers, we will withdraw from the joint program with you. You will no longer get the \$90 million to play in future election campaigns. Instead, you will look after human beings, after men and women”.

Some people are in tears when they phone my office, because there is no longer any money coming in. These people are suffering every day.

I would like to hear the parliamentary secretary on the question that I asked on May 23. I would like her to tell us about the hardships that they are imposing on people back home and across the country with the gap that they created through the changes made to the employment insurance program.

Ms. Raymonde Folco (Parliamentary Secretary to the Minister of Human Resources Development, Lib.): Mr. Speaker, I do not doubt the sincerity of the member for Acadie—Bathurst but I would like, if I may, to give a few details about the situation he is describing in his riding. It is a situation which exists not just in northern New Brunswick but in many areas of Canada.

Seasonal industries and jobs are important elements of the rural economy in many areas of Canada. We recognize that seasonal workers are in a special situation and that, in order to help them, the Government of Canada must work with various stakeholders.

This is precisely what the minister told the member in reply. These stakeholders obviously include not just the federal government but also provincial governments, including the government of New Brunswick, communities, businesses and workers themselves.

Adjournment

This is a solution which will make it possible to help workers in the long term. It involves not just employment insurance, but rather the creation of more jobs, which will mean that these workers will be able to work for a longer period of the year.

It also involves diversifying local economies and creating new opportunities. I will give a few examples, if I may. Human Resources Development Canada has approved a grant of \$252,625 for the Comité d'adaptation de la main-d'oeuvre to help it come up with job-based solutions which will help seasonal workers in northwestern New Brunswick.

This is the area the hon. member for Acadie—Bathurst comes from. I do not know why he has heard nothing about this committee. It most certainly exists. If memory serves, the committee even came to meet with members of the House standing committee on human resources development on a number of occasions. So this committee will receive \$252,625.

In addition, there is a labour market development framework agreement between the government of New Brunswick and the Government of Canada. Under this agreement, the Government of Canada has paid out—it is not planning to pay out, but has actually paid out—\$90 million to help the people of New Brunswick acquire job skills and find and keep work.

Under this agreement—I will get into some specifics here—the province has a responsibility to develop and implement local employment programs. The approach used by New Brunswick is based on developing long term job strategies. This is also what the federal government wants for seasonal workers.

Under the labour market agreement, the government of New Brunswick provides training and promotes the development of new skills. It also provides financial assistance to stimulate long term employment for the unemployed.

The government of New Brunswick also promised to subject labour market development agreements to detailed assessments. These are being made not only for New Brunswick, but also for a number of provinces. Several of them have already been released during the year. These assessments will help collect reliable information on the program's impact and effectiveness.

As a government, we have tried to help these people. The hon. member opposite forgets that a number of measures have been taken by the federal government. I will simply mention two: we changed the hours based system and we eliminated the intensity rule this year.

• (1850)

Mr. Yvon Godin: Mr. Speaker, in case the parliamentary secretary or the Minister of Human Resource Development does not know, I

am from northeastern New Brunswick, not the northwest. There are no programs for northeastern New Brunswick.

The federal government has done a flipflop and has given \$1 million for the next three years to northwestern New Brunswick. This funding went to a committee which perhaps turned up 30 jobs, whereas there are some 400 to 500 people without work. That is what happened. This was a little patch-up job, a bandaid solution. That is all the government has done to keep people quiet.

I get calls from people in northwestern New Brunswick, in the Madawaska—Restigouche area, who have the same problem we do.

The federal government is washing its hands of what is happening in our area. People are calling us every day about not having accumulated enough weeks to qualify for EI benefits.

The federal government claims it is doing everything it can to try to create long term employment. But how? If it wants to shut down the fishery, let it say so outright. The crab fishery is finishing within a few weeks. What are the fishers going to do in July and August. What is the federal government going to do to help them? That is the question.

Ms. Raymonde Folco: Mr. Speaker, I think that the member opposite, despite his tremendous goodwill and despite the fact that he is very sincere, since it is indeed a very difficult situation, only listened to one half of my answer, and not the other half.

I said that under the framework agreement on workforce development concluded with the province of New Brunswick, the Government of Canada has invested more than \$90 million.

I think that the member is knocking on the wrong door. I understand that he is a member of Canada's parliament, but it seems to me that he should be working with his provincial counterparts, the members of the legislative assembly of New Brunswick, to ensure that a part of this \$90 is allocated to his constituents.

This is my hope. I think that he should try knocking at another door and working with his provincial counterparts.

• (1855)

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24 (1).

(The House adjourned at 6.55 p.m.)

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