



CANADA

House of Commons Debates

VOLUME 135 • NUMBER 159 • 1st SESSION • 36th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Wednesday, November 25, 1998

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Wednesday, November 25, 1998

The House met at 2 p.m.

Prayers

• (1400)

The Speaker: As is our practice on Wednesday we will now sing O Canada, and we will be led by the hon. member for Bruce—Grey.

[Editor's Note: Members sang the national anthem]

STATEMENTS BY MEMBERS

[English]

ONTARIO HEALTH CARE

Mr. Paul DeVillers (Simcoe North, Lib.): Mr. Speaker, I feel bound to address the ongoing impact of the Harris reformatory government's decisions on health care and hospital closures in Ontario. Certain falsehoods must be dispelled about this issue. The reduction in transfer payments to the Ontario government represents, at most, 2.5% of Ontario's revenues.

When will the Harris reformatories come clean on this issue? When will they admit to Ontarians that the cuts in health and hospital services were made to finance the Harris government's income tax cuts? Why do they not acknowledge that the federal Liberals reinstated \$1.5 billion in cash payments in the last budget, bringing the cash total to \$12.5 billion per year? Why do the Harris reformatories never mention the big increases to the provinces in tax points under the federal Liberals?

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JESSE "THE BODY" VENTURA

Ms. Val Meredith (South Surrey—White Rock—Langley, Ref.): Mr. Speaker, earlier this month when former professional wrestler Jesse "The Body" Ventura was elected Governor of Minnesota there were some comparisons between the first member

of the American Reform Party elected to office and the election of our first Reformer, the hon. member for Edmonton North.

While it is true that the two have something in common, namely that either of them could whup any member on the government benches with one arm tied behind their back, there are actually a number of similarities between Jesse Ventura and the Liberals.

Both Ventura and the Prime Minister are adept at applying the choke hold. Ventura perfected the manoeuvre known as the "pile driver" and the Minister of Finance has mastered the art of driving piles of dollars out of the country with his tax policies. And how could we overlook Ventura's experience as a trained navy SEAL when the Liberal backbenches are filled with trained seals?

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CANADIAN FARMERS

Mr. John Maloney (Erie—Lincoln, Lib.): Mr. Speaker, pork producers are being devastated by low prices. Hogs are selling for half the cost of producing them. Last Friday I met with over 70 hog farmers in my constituency office in Smithville. These are efficient, hardworking producers who know their business, but they have been caught in circumstances beyond their control.

Hog farmers recognize that their industry is cyclical and they prepare for the normal ups and downs, but the situation they find themselves in is not normal. Pork producers and other farmers who export their product are suffering from the fallout of the Asian economic crisis and its spinoffs. Canadian exporters have lost their markets and oversupply has depressed prices globally.

The farm income situation is urgent. The Minister of Agriculture and Agri-Food has been working with farm leaders and his provincial counterparts to find a solution to the problem. I encourage him to create a national disaster program that will kick in when the safety net system proves insufficient.

* * *

HARNESS HORSE RACING

Mr. Hec Clouthier (Renfrew—Nipissing—Pembroke, Lib.): Mr. Speaker, the trotters were at the post and the crowd held its breath in great anticipation. And then they were off, in the 1998 Breeder's Crown championship which featured the best horses in the world. After the dust had settled the winner was the magnificent

S. O. 31

trotting machine, Muscles Yankee, who raced to victory for Canada.

The horse, of course, is Canadian owned by Irving Liverman of Montreal and Canadian driven by John Campbell. The much respected and highly regarded Mr. Liverman cheered as the Hall of Famer, the world's greatest driver, John Campbell, masterfully manoeuvred Muscles to victory.

As a fellow owner and driver, I truly appreciate and applaud the dedication, drive and determination needed to excel in the sport of harness racing. Congratulations to the Canadian connection of Messieurs Liverman and Campbell. They are a true credit to maintaining this country's proud tradition of excellence in the field of harness horse racing.

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[Translation]

ELECTION CAMPAIGN IN QUEBEC

Mr. Denis Paradis (Brome—Missisquoi, Lib.): Mr. Speaker, it cannot be said enough: a vote for the PQ is a vote for Quebec's separation from the rest of Canada.

A vote for the PQ is a vote against Quebec's interests.

A vote for the PQ is a vote for continued insecurity and political instability in Quebec.

A vote for the PQ will mean time wasted for the next four years.

On November 30, I will be voting Liberal, because a Liberal government will work for economic growth and job creation.

In Brome—Missisquoi, that will be heaven.

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[English]

GOVERNMENT SPENDING

Mr. Jim Pankiw (Saskatoon—Humboldt, Ref.): Mr. Speaker, while Canadian farmers face an income crisis, as provinces deliver health care with as little as 11% funding from the health minister and as workers continue to overpay employment insurance premiums it comes as an absolute shock for taxpayers to learn that the federal government is still blowing tens of thousands of dollars on perks and feel-good retreats for Canada's civil servants.

In two retreats put on by PA Douglas & Associates last year the federal government forked out \$112,000 so that bureaucrats from government departments could be put up in the Banff Springs Hotel and wined and dined at taxpayers' expense.

The Liberal government refuses to end wasteful spending and continues to show a preference for extravagant perks. Instead of choosing to put money back into the pockets of hardworking

Canadians through tax cuts, the Liberals choose to put bureaucrats into expensive resort hotels.

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● (1405)

[Translation]

SOCIAL RIGHTS

Mrs. Christiane Gagnon (Québec, BQ): Mr. Speaker, in connection with Bill S-11, which invites Parliament to include social condition as a prohibited ground of discrimination, I would like to pay tribute to the Association de défense des droits sociaux du Québec métropolitain, which this year celebrates 25 years of active service in the community.

This association has, over the years, become the source of training and public awareness, a place for thought, discussion and struggle so members may break through their isolation and express their rights. One of their many battles remains current and is being followed by the Bloc Québécois. I refer to the cuts to employment insurance, which have resulted in the exclusion of six out of ten unemployed individuals from the plan, a reduction in benefits and social assistance for hundreds of thousands of people.

The Bloc Québécois also supports their struggles by calling upon the Liberal government to stop taking billions of dollars from the pockets of the most disadvantaged, by refusing to index tax benefits for children, tax tables and GST credits.

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QUEBEC ELECTION CAMPAIGN

Mr. Robert Bertrand (Pontiac—Gatineau—Labelle, Lib.): Mr. Speaker, the leader of the Quebec Liberal Party is right to maintain that a vote for the PQ is a vote for the separation of Quebec. By voting for the leader of the PQ, Quebecers would be making the mistake of giving him everything he needs to initiate the separation process.

The PQ leader is a secretive person. Quebecers should be wary of him, for the sake of national unity. On November 30, let us not take any chances, let us vote for the Liberals.

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QUEBEC ELECTION CAMPAIGN

Mr. Claude Drouin (Beauce, Lib.): Mr. Speaker, on November 30, a Liberal government led by Jean Charest will work to renew Canadian federalism. On November 30, a Liberal government would be a credible spokesperson on social union. On November 30, a Liberal government would create better conditions to put Quebec on the path to prosperity and economic growth again by removing the constant threat of a referendum and building confidence in this province.

S. O. 31

On November 30, I will be voting Liberal because I believe Quebec should take its proper place within Canada, and the only party that can achieve this is the Quebec Liberal Party. On November 30, the people of Quebec should finally choose a real government capable of speaking on their behalf and acting in their interest. Quebeckers must give the Liberal Party the mandate to run the province for the next few years.

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[English]

MERCHANT NAVY VETERANS

Mr. Peter Goldring (Edmonton East, Ref.): Mr. Speaker, there have been 50 years of stonewalling, 50 years of neglect and 50 years of denial for Canada's merchant navy veterans. That is our government's performance, counting 50 years and more.

The issues are very clear. Merchant navy veterans are not seeking great wealth, simply the respect and benefits given their armed forces brethren: to be recognized as war veterans, to receive prisoner of war benefits, to be compensated for years of inequality and to receive recognition on ceremonial days.

The Minister of Veterans Affairs must agree that there are four issues that cry out for resolve; not one, not two, not three, but four.

It is unconscionable that these concerns continue to exist after 50 years. History will judge our days in this House.

It would be sad if the minister enters history as a great continuer of injustice rather than the minister—

The Speaker: The hon. member for Vancouver Kingsway.

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FOREIGN AFFAIRS

Ms. Sophia Leung (Vancouver Kingsway, Lib.): Mr. Speaker, the Prime Minister and a Canadian delegation attended the APEC meeting in Malaysia and visited China recently.

In Malaysia the Prime Minister raised his concern over the mistreatment of the Deputy Prime Minister there. In China we were able to develop a closer relationship with Chinese political leaders in the areas of business, education and culture.

We witnessed the signing of 46 commercial agreements worth over \$720 million. As well, Canada extended practical assistance of CIDA projects in isolated regions, including a clean water project in the Gansu Province.

Congratulations to the Prime Minister for his constructive work in Asian countries.

• (1410)

NATIONAL ACTION COMMITTEE ON THE STATUS OF WOMEN

Mrs. Michelle Dockrill (Bras d'Or—Cape Breton, NDP): Mr. Speaker, for 27 years the National Action Committee on the Status of Women has been a voice for Canadian women.

It was their hard work which helped to ensure that women are now guaranteed equality in the Constitution. When violence against women was seen as a private matter, NAC brought it out into the open and forced us to deal with it. Today our voice is threatened.

Status of Women seems to be delaying NAC's application for funding until it is forced to shut down. A month and a half ago the minister's office promised that NAC's application would be processed within a week. NAC is still waiting. The time for playing politics is over.

If this minister believes that women should have an independent voice, free from political interference, she has only one option. End the delays in processing NAC's application for funding, restore core funding for women's groups and reverse the cuts the government has made.

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[Translation]

VIOLENCE AGAINST WOMEN

Mr. Eugène Bellemare (Carleton—Gloucester, Lib.): Mr. Speaker, November 25 is the International Day to End Violence Against Women.

The day was declared by women in Latin America and the Caribbean in 1981 to commemorate the death of the Mirabel sisters, who were murdered in the Dominican Republic in 1960.

Today we mark the first of 16 days leading up to December 10 that have been set aside to fight violence against women.

Over the next 16 days, communities throughout the country will reflect on the consequences of violence against women.

I urge members to get involved in helping end violence against women.

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UN HIGH COMMISSIONER FOR HUMAN RIGHTS

Mr. Daniel Turp (Beauharnois—Salaberry, BQ): Mr. Speaker, I would like to join with my colleagues in noting the visit of the UN High Commissioner for Human Rights, Mary Robinson.

The presence of the former President of Ireland is an honour to this parliament and it is important to recognize the true devotion of

Oral Questions

a woman who, having used her talents to serve her own country, is now using them to benefit the world at large.

The Bloc Québécois notes the importance of the responsibility Mrs. Robinson has been given and assures her of its full backing. She can rely on the support of the Bloc Québécois, which has never hesitated to denounce systematic and flagrant violations of human rights, wherever in the world they have been committed.

With the 50th anniversary of the Universal Declaration of Human Rights just days away, the Bloc Québécois reiterates its support for the United Nations and for the High Commissioner for Human Rights in their fight, which is also our fight, for the freedom and dignity of the children, women and men of our planet.

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[English]

CANADIAN FOREST INDUSTRY

Mr. Charlie Power (St. John's West, PC): Mr. Speaker, I rise today to bring to the attention of the House a serious issue currently affecting the west coast which has implications for all of Canada. International environmental organizations are waging an unjust campaign against the Canadian forest industry. The outcome of their efforts has been devastating to coastal communities in British Columbia.

Not only has the forest industry had to deal with a drop in demand caused by the Asian financial crisis, but European, Asian and North American consumers are being bombarded with one-sided arguments about Canadian forest practices while thousands of Canadians lose their jobs.

The Liberal government has done nothing to counteract this advertising campaign.

I ask the Liberal government to prove us wrong and prove that it cares about coastal communities and families that rely on our natural resources. Do something before it is too late to help the Canadian forest industry counteract this aggressive advertising campaign being waged by misguided environmentalists against our very vital Canadian forest industry.

* * *

BILL MATHEWS

Mr. Paul Steckle (Huron—Bruce, Lib.): Mr. Speaker, I rise today to recognize Mr. Bill Mathews, a constituent of mine. I was recently informed that Bill volunteered his time and business expertise to assist in developing the business skills of a firm in one of the world's most volatile and disadvantaged economies.

Bill was a CESO volunteer in Russia at a corporation that processes soybean products. During his tenure at this Russian business Bill was able to share his knowledge in areas such as how to expand operations into a franchising system and in construction

methods for growth of the company's existing infrastructure. He provided a plan to develop the basement of the company's headquarters which included cost estimates and design work.

In short, Bill made a substantial difference in the way this firm conducted its day to day operations. Because of Bill's efforts the efficiency and future prospects of this company were improved, which in turn will result in more economic output and growth. This will result in an improvement in areas such as employee wages and their standard of living, while at the same time helping to enhance the labour standards of the country as a whole. I applaud Bill's efforts because I feel that they represent a concrete example of how a hand up is often more beneficial than a handout.

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E & N RAILWAY

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, the E & N railway on Vancouver Island is a rundown commuter railway operated by VIA Rail. It has been propped up by Canadian taxpayers in the amount of \$2 million a year. However, the trains routinely break down leaving commuters stranded. It is incredibly inefficient.

● (1415)

Now the rail line is going to be purchased by an American group called RailAmerica Inc. This could be a major tourist attraction and generate a lot of money.

However, what does this say about the case of Canadian investors in this country? The fact is that they and the rail line are compromised by high taxes and complex rules and regulations which prevent them from investing in these worthy endeavours.

My other concern is what if RailAmerica decides to abandon the rail line? What will happen to the commuters who depend on the E & N to travel to work? Will the Minister of Transport guarantee that the sale of the E & N to the American company will include a provision safeguarding the public interest?

ORAL QUESTION PERIOD

[English]

APEC INQUIRY

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, what a glimpse into the Prime Minister's values. He refuses to accept any responsibility for his solicitor general's resignation. Instead he looks for someone to blame. He blames the media. He blames the official opposition. And now he launches a manhunt to find someone to blame for filing the incriminating affidavit with the RCMP complaints commission.

Oral Questions

How can the Prime Minister possibly defend this outrageous witch hunt?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the story in the *Globe and Mail* this morning is absolutely not true.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, the Prime Minister is obviously upset. He is not angry with the solicitor general babbling on an airplane. He is not angry about the solicitor general refusing to tell the truth when he was first confronted. He is angry that it came out at all and that the affidavit was filed and that it was released.

Exactly what lesson is the Prime Minister trying to teach here, that covering up is always better than telling the truth?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, it is too bad the Leader of the Opposition has to read the prepared question.

I said it is not true. I was aware that there were to be affidavits. I said they had to do it because we want the truth to be known by everybody.

Mr. Preston Manning (Leader of the Opposition, Ref.): Mr. Speaker, when I listen to the Prime Minister, I hear a man who is desperate to protect the image of ethics and integrity but spends very little time on the substance.

If the Prime Minister wants to find someone to blame for this entire sordid affair, why does he not just look in the mirror?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, for six months there has been a commission which has been charged to look into that. We have told the commission it can inquire about everything. There was a motion made in front of it by the lawyers for the students asking the commission to look at all the aspects of that and the commission agreed. The commission has come to my office and the offices of every department to get all the files. We told the commission that the witnesses it needs will be available. I cannot be more open than that.

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CANADA PENSION PLAN

Mrs. Diane Ablonczy (Calgary—Nose Hill, Ref.): Mr. Speaker, three months ago today the Canada pension plan's chief actuary was fired. To help quell the controversy the finance minister told this House the Canadian Institute of Actuaries would review the upcoming CPP report. But last week the institute refused to become embroiled in the affair.

How can the minister guarantee now an independent review of the CPP report?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, to replace the chief actuary the government has brought in that person

who was responsible for the outside review who has extensive experience in this area. He will do a very thorough, very comprehensive review.

Mrs. Diane Ablonczy (Calgary—Nose Hill, Ref.): Mr. Speaker, that is not what the minister told the House earlier. He said there would be an independent review of this report, not just counting on the person who prepared it. The finance minister fired the Canada pension plan's top watchdog. Now the Canadian Institute of Actuaries refuses to review the upcoming report.

How can Canadians ever be sure the CPP numbers are correct?

• (1420)

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the finance minister did not fire the chief actuary. He was fired by the Superintendent of Financial Institutions which is an independent agency. The superintendent was acting within his full scope. I was not asked for my opinion. I did not give it and would not have given it if I had been asked.

I met with the provincial finance ministers. The acting chief actuary has met with the provincial finance ministers. The actuary's report will be made available to all of the provinces and they will authenticate it.

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[Translation]

APEC INQUIRY

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the work of the RCMP public complaints commission cannot be restricted solely to the ethical aspect of the police officers' conduct during the APEC summit in Vancouver.

Will the Prime Minister admit that what the public wants to know in this entire matter, and what absolutely must be clarified, is the role the Prime Minister played in the brutal repression of a peaceful demonstration? That is the real issue.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, my answer has already been given, and I will give it again, perhaps with a quote since the opposition never looks at the facts.

Here is the quote:

[English]

“On October 5 the panel itself ruled that it had the jurisdiction to investigate, make findings and recommendations on whether the Prime Minister, members of his office, the Privy Council Office or the Government of Canada gave improper orders or directions to the RCMP concerning APEC security”.

Come on. Can I find something clearer than that?

*Oral Questions**[Translation]*

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, it must be kept in mind that, in the Somalia affair, the government tried to put the blame on ordinary soldiers, on those carrying out orders, rather than on the senior officers giving them.

Once again here we have them trying to lay the blame on those who carry out the orders and to protect the ones really responsible.

Does the Prime Minister not think the time has come to appoint an independent commission in order to clarify the role played, regardless of what he says, because the commission's powers of inquiry must be looked at, and the true decision-makers determined? An independent commission must be empowered to investigate and determine the responsibility of the Prime Minister.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, this is a totally independent commission, a permanent one created by an act of Parliament.

The following is what the terms of reference stated in February:

[English]

To "inquire into all matters touching upon these complaints, to hear all relevant evidence, to ensure a full and fair hearing in respect of these complaints and to report such findings and recommendations as are warranted".

[Translation]

I have just read the terms of reference, what they themselves told the students' lawyers they were going to do. They are fully independent. And I trust that, some day, the opposition will be able—

The Speaker: The hon. member for Charlesbourg.

Mr. Richard Marceau (Charlesbourg, BQ): Mr. Speaker, less than 12 hours after being sworn in, the new solicitor general already got himself into trouble.

Yesterday, he started off by saying that the report to be submitted by the RCMP complaints commission might not be made public, but he later backpedaled, under pressure from the Prime Minister's office.

Is this not more confirmation that the real decision maker in the whole APEC issue is the Prime Minister, and that the solicitor general is nothing but a puppet for the Prime Minister and his office?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the solicitor general clarified the situation yesterday.

He said the commission's report would be made public. This is crystal clear. When he answered the question, he had a doubt. He made inquiries, as any cautious person would do, and in the

minutes that followed, after reviewing the matter, he gave the clear reply that the report would be made public.

Mr. Richard Marceau (Charlesbourg, BQ): Mr. Speaker, the solicitor general surely got the answer from the Prime Minister's office.

Everyone, including the students who filed complaints and the RCMP that is the target of these complaints, feels that the RCMP commission cannot get to the bottom of the whole APEC scandal.

Does the Prime Minister agree that, at this rate, not only will justice not be done, but that it will not even be seen to be done?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I mentioned earlier that, after the students' lawyers filed a petition on October 5, the commission stated that it would investigate all aspects of the situation.

• (1425)

The commission said it could have access to the Prime Minister's office, the privy council and every federal department to find out whether orders that should not have been given had in fact been given.

The commission intends to do so. It has the mandate to do so. It has been working on this issue since February. Let the commission do its job. That is all we are asking.

[English]

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, on October 6 I stated in this House that the former solicitor general's infamous in-flight remarks were inappropriate and prejudicial to the public complaints commission inquiry.

The Prime Minister accused me at the time of raising baseless allegations and asked me to apologize. Well, these allegations have been proven true. It is the Prime Minister who owes the apology.

On the anniversary of Spray-PEC, will the Prime Minister now apologize to Canadians for his arrogant dismissal of concerns raised about the integrity of the public complaints commission?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I remember very well the hon. member had an eye witness who had seen me giving orders there. I was talking to my staff. The eye witness did not understand a word. I was giving orders in French to my staff. She never retracted that. She said to this House that we had called the president of the university. It was totally false because it was the president of the university who called Mr. Goldenberg who in turn made sure through Mr. Pelletier that the university was satisfied.

She never apologized—

The Speaker: The hon. leader of the New Democratic Party.

Oral Questions

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, apparently there is no apology from the Prime Minister who accused the member for Palliser of being a reporter for the *National Enquirer*, a reporter accused by the then solicitor general of fabricating his story. The story has been proven true. The former solicitor general did prejudice the inquiry.

If the Prime Minister does not have the humility to apologize to Canadians, will he undo the damage by launching a full, independent judicial inquiry to get at the truth about Spray-PEC?

The Speaker: My colleagues, it is getting a little bit difficult to hear the questions. I am sure we want to hear the questions as well as the answers. I call on the right hon. Prime Minister.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, it is not very complicated. The commission is looking at all the arguments. The commission has not ruled on the affirmation she made. Again, she should wait to have the facts. If there is a ruling by the commission that the commission has been prejudiced, we will recognize that. But there is no decision, so she should wait a bit and check her facts. She is not very good on that.

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FARM INCOME

Mr. Bill Matthews (Burin—St. George's, PC): Mr. Speaker, yesterday the leader of the Progressive Conservative Party and our agriculture critic met with western farmers to discuss the current farm income crisis.

One farmer from Saskatchewan during that meeting said "We have used the children's education fund to keep the farm afloat. I will tell you, every day I am faced with calls from farmers in tears". They are in desperate shape.

I ask the minister of agriculture, when will the government start showing some compassion and help farmers across this country who are suffering through this financial crisis?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, we have made it very clear that we understand fully the very unfortunate circumstances which too many of our Canadian farmers are in right now. I am discussing that issue with my cabinet colleagues as we go forward in this very unfortunate situation.

• (1430)

Mr. Bill Matthews (Burin—St. George's, PC): Mr. Speaker, the national safety net advisory committee said on November 18: "The Canadian farm sector is facing a crisis. This situation has revealed a major gap in the safety net system, a gap that needs to be filled now".

The minister said in the House that a national program would be in place by the end of November. The standing committee on agriculture says its report will not be ready until December 7.

Can farmers expect action from this government before the end of the month or will the minister just waste more time while more farmers go bankrupt?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the hon. member should get his facts straight. I did not make a statement on what would or would not happen by the end of November.

What I did make a commitment to was that I would make a presentation and discuss this with my cabinet colleagues before the end of November. I will be doing that.

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GOLDEN WEST DOCUMENT SHREDDING

Mr. Werner Schmidt (Kelowna, Ref.): Mr. Speaker, the minister of public works hired the Golden West Document Shredding company in Burnaby to shred 22,000 boxes of confidential information. This included very personal information on Canadian families, including tax files and secret RCMP police files. Golden West Document Shredding did not shred the documents. In fact, it sold them to a private company for profit.

Can the minister tell this House how many Canadian families had their private files sold to the highest bidder?

Hon. Alfonso Gagliano (Minister of Public Works and Government Services, Lib.): Mr. Speaker, in the beginning of July my department learned of this incident. We took it very seriously.

Right away we issued a stop work order, suspended the company's security clearance and removed all the remaining security material from the premises. We also have commenced a review of all security clearances and the removal of material.

We just received a report from the RCMP. We are studying the report and will take the necessary steps.

Mr. Werner Schmidt (Kelowna, Ref.): Mr. Speaker, it is very fortunate that the minister got a report from the RCMP and believed it this time.

The shredding of documents is a very simple issue. We would think the Liberals have had a lot of experience with this, with APEC and the Somalia affair. It is a very simple but important issue.

This company sold the material for profit. In spite of the action he has taken, how can the minister be 100% sure that those files did not end up in the hands of people who could abuse them?

Oral Questions

Hon. Alfonso Gagliano (Minister of Public Works and Government Services, Lib.): Mr. Speaker, I remind the hon. member that this incident happened in July, almost five months ago.

We took all the necessary measures and we will continue to look at the matter. I have been told that no files or very important documents are in the hands of anybody. After five months I am surprised he is raising the issue.

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[Translation]

BILL C-54

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, my question is for the Minister of Industry. Yesterday, the Minister of Industry again contradicted himself by confirming that Bill C-54 would indeed apply to Quebec. Since 1994, however, Quebec has had privacy legislation that is a model for the world.

The minister's bill represents a clear step backwards for Quebecers. What will it take for the minister to recognize the value of Quebec's experience and to offer Canadians federal legislation that is as complete and effective as what Quebec already has?

Hon. John Manley (Minister of Industry, Lib.): Mr. Speaker, the answer is quite simple. We have a bill that could complement the very good legislation passed by the Johnson government in Quebec to protect the interests of Quebecers in provincially regulated areas.

This bill will make it possible to protect the interests of all Quebecers in federally regulated areas, as well in other provinces that perhaps prefer to leave this up to the federal government.

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, clearly the minister does not understand his own bill.

Ministers Boisclair and Beaudoin wrote the minister that the proposed federal legislation seriously undermined privacy in Quebec. Yet the minister could have built on Quebec's legislation.

What is the minister trying to prove by imposing less effective legislation on Quebecers?

• (1435)

Hon. John Manley (Minister of Industry, Lib.): Mr. Speaker, at the meeting of ministers responsible for the information highway held in Fredericton in June, at which Minister Beaudoin was present, the ministers decided, and I quote "to support the adoption of the model code for the protection of personal information developed by the Canadian Standards Association as the minimum standard". That was what was done.

[English]

EMPLOYMENT

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, Statistics Canada reported yesterday that the number of full time jobs in Canada has declined by 230,000 during the 1990s.

Meanwhile, the jobs that were created were either part time jobs or jobs that people had to create themselves after they were laid off. In the U.S. employment grew at almost twice the Canadian rate and those were full time secure jobs.

How can the finance minister be proud of his job record when the job creation record is so much better in the U.S.?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, when we were in opposition we repeatedly pointed out to the government the principal defects in its economic policy which led to the very situation that has been described by Statistics Canada.

That is why when we came into office in 1993 we immediately began to remedy the situation. I am delighted to say that since 1996 job growth in Canada has been substantially higher than in the United States.

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, blah, blah, blah. That is not the right answer. That is not the answer at all.

Statistics Canada has the answer. It says that at least part of the problem is high payroll taxes in Canada. The minister takes credit for interest rates that are set in the United States. When is he going to start to take the blame for high payroll taxes that he has direct responsibility for?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, blah, blah. Another brilliant policy insight from the Reform caucus.

The simple fact is we have reduced payroll taxes every year since we have come into office. Payroll taxes are such a clear indicator. Why is it that our payroll taxes are the lowest of the OECD and in fact are lower than those in the United States?

* * *

[Translation]

ICE BREAKING POLICY

Mr. Yves Rocheleau (Trois-Rivières, BQ): Mr. Speaker, the minister admitted he would be reviewing his policy of charging for ice breaking, which is unfair to Quebec.

However, the public is worried because, in less than a month, new fees will be charged but no one knows what they will be. This all smacks of improvisation.

Oral Questions

My question is for the Minister of Fisheries and Oceans. Does he not realize that the implementation of his charging policy should be deferred, at least until a careful impact study has been conducted and the necessary consultations properly carried out?

Hon. David Anderson (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, as I said repeatedly, the proposed fee schedule was developed by a 10 member committee, seven of whom were from the Laurentian and Great Lakes regions.

Last week, the industry made us a counteroffer. I am in the process of evaluating this counteroffer, giving it proper consideration, and, as I told the hon. member time and time again, as soon as I make a decision, I will announce it.

Mr. Yves Rocheleau (Trois-Rivières, BQ): Mr. Speaker, it cannot be stated often enough: the industry is worried, port authorities are worried, ferry operators are worried, they are all worried because the minister's plan smacks of improvisation.

Why not do the only reasonable thing and impose a moratorium?

• (1440)

Hon. David Anderson (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, if the industry and port authorities are concerned, it is because the Bloc Québécois keeps spreading false information on this issue day after day.

* * *

[*English*]

AGRICULTURE

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, the minister of agriculture continues to gouge bankrupt farmers. The minister uses his agencies such as the Canadian Grain Commission and the Canadian Food Inspection Agency to strip \$138 million from farmers.

The minister could go a long way to saving the family farm by dropping these user fees today. He does not need to discuss it with the finance minister. He does not need to negotiate with Americans. Why does he not just do it?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, I find this information and these comments passing strange from a party that said it would take hundreds of millions of dollars out of the support to agriculture.

We had a challenge when we took over the government in Canada and we met that challenge. Part of that was asking the users to pay, after consultation and agreement with them, some of the cost of the services provided to them for some of the benefit accrued to them. Also, the member knows that we have frozen those fees until after the year 2000.

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, farmers are paying all those fees. These agencies are of value to all Canadians.

The point is that Canadian farmers are going broke and until this crisis is over we should stop taking the shirts off their backs.

I am not asking the minister to disband the Canadian Grain Commission, I am asking him to stop using his ministry to drive farmers off the land. Again, when will he suspend these taxes?

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the hon. member claims to represent people in western Canada, and I know he comes from there, but I suggest he talk to farmers about their feelings about the Canadian Grain Commission and the fees charged.

I can tell the hon member that farmers are in full support of the activities of the Canadian Grain Commission and the reputation it gives to the best grain and cereal products in the world which we market all over the world.

* * *

[*Translation*]

AUGUSTO PINOCHET

Mr. Daniel Turp (Beauharnois—Salaberry, BQ): Mr. Speaker, today the House of Lords decided that General Pinochet could be prosecuted for crimes against humanity and extradited to a third country.

Last week, the Minister of Justice indicated that she was initiating consultations on the matter.

Can the minister tell us today whether her decision has been reached and whether she intends to demand extradition of the dictator Pinochet to Canada, following the example of Spain, France, Switzerland and Belgium?

• (1445)

[*English*]

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I have made no decision in this matter as of yet. As I reported last week to the hon. member, I have referred this matter to the RCMP and to my war crimes unit.

Obviously in light of the House of Lords decision this morning we are now reviewing that decision and in the coming weeks we will make a decision based on the report of the RCMP as well as the advice of my war crimes unit.

* * *

VIOLENCE AGAINST WOMEN

Ms. Jean Augustine (Etobicoke—Lakeshore, Lib.): Mr. Speaker, today in the Hall of Honour a clothesline with T-shirts

Oral Questions

bearing messages of women's experience with violence reminds us that November 25 is the international day to end violence against women.

Could the secretary of state tell the House what Canada is doing to eliminate violence against women.

Hon. Hedy Fry (Secretary of State (Multiculturalism)(Status of Women), Lib.): Mr. Speaker, November 25 is the international day to eliminate violence against women.

I have a personal commitment to ending violence against women and so I am very proud to be part of a government that is also committed to this end.

The government has brought in many changes to the Criminal Code to decreased violence against women and children. We have also recognized that every six and a half days a women is killed with a gun in domestic violence. We have brought about changes in strong gun control legislation. We have brought about innovative changes through the research centre on violence across Canada.

The T-shirts the hon. member speaks about—

* * *

FISHERIES

Mr. Gary Lunn (Saanich—Gulf Islands, Ref.): Mr. Speaker, the Minister of Fisheries has just changed the rules so that foreign vessels and foreign fishermen can now fish turbot in Canadian waters where Canadians are denied access to this very resource.

Is it the policy of the government to pay fishermen to sit at home on TAGS while foreign vessels and cheap foreign labour are brought in to fish in Canadian waters?

Hon. David Anderson (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, no.

Mr. Gary Lunn (Saanich—Gulf Islands, Ref.): Mr. Speaker, the Minister of Fisheries should realize that he just changed rules last week and his department officials confirmed that in committee yesterday.

I quote from a letter from 21 Canadian fish companies to the minister demanding access to this resource over foreigners: "It is inexcusable that foreign vessels and foreign crews are permitted to harvest turbot at the expense of Canadian fishermen".

Where is the new Captain Canada over there? Why does the minister continue today to give away our resources at the expense of Canadian fishermen? What is he doing? How come he does not know what is going on in his own ministry?

Hon. David Anderson (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, the hon. member in his excitement did not hear the reply to the earlier question. The reply was there is no policy change.

With respect to the issue he has raised, he can discuss it further at committee this afternoon.

EMPLOYMENT

Mr. Chris Axworthy (Saskatoon—Rosetown—Biggar, NDP): Mr. Speaker, my question is for the Minister of Finance.

In spite of his and the government's rhetoric about job creation Statistics Canada, the government's own agency, paints an entirely different picture.

The jobless rate in Canada is almost 50% higher than the in U.S. Among older men it is 140% higher and almost twice as high among older women.

The tragedy behind these numbers is manifested in every community across the country. The government has this don't worry, be happy attitude. That is an insult to all Canadians who cannot find work and feed their families.

Does the Minister of Finance dispute Statistics Canada's analysis of this crisis situation?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, in fact what Statistics Canada has pointed out are the very problems we raised when we were in opposition, the problems with the then government's administration of the economy. That is why we brought in the changes we did. That is why today we have low interest rates, we have eliminated the deficit and it is why we have one of the best job creation records of any of the G-7 countries. As I mentioned, it is paying off. Since 1996 over 800,000 new jobs have been created, better than any other G-7 country.

Mr. Chris Axworthy (Saskatoon—Rosetown—Biggar, NDP): Mr. Speaker, this must be why our offices are inundated by people on EI, trying to get EI, trying to find work. The government's policies are simply not working.

My supplementary is to the Prime Minister. When the Prime Minister recognized there was a crisis in health care he established the national forum on health.

• (1450)

Surely the Prime Minister knows the crisis in employment and joblessness is just as severe. Will he set up a national forum on unemployment to hear ideas on how we can solve this question? If not, is it that he does not care about the unemployed?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the record of the government on job creation is pretty impressive. Since we took office, more than 1.3 million new jobs have been created. When we took over the unemployment level was 11.4%. It is down to 8.1%. I think we have done very well.

Of course our unemployment level is not as low as that of the United States. In Canada we have a much better safety net for protecting people. We have minimum wage and a lot of social programs not available in many parts of the U.S.

*Oral Questions***VETERANS AFFAIRS**

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, first I will be a lovely lady and thank the minister of veterans affairs for meeting with merchant navy vets this morning.

Now, in the meeting the minister apparently stated that his hands were tied when it came to compensation. However, the minister must know that he has the ability to request an order in council to authorize the crown to make a payment without prejudice for these veterans. Is the minister willing to explore this avenue?

Hon. Fred Mifflin (Minister of Veterans Affairs and Secretary of State (Atlantic Canada Opportunities Agency), Lib.): Mr. Speaker, I thank the hon. member for her kind comments. I also want to tell her what merchant navy veterans receive now in the way of benefits.

They receive disability, survivor's pension, income support, prisoner of war compensation, survivor's allowance, benefits for surgical and dental needs, veterans independence program and long term care. When this government's omnibus bill is introduced early next week they will have these benefits and more.

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, I know what the minister of veterans affairs is referring to. It is the bill that was brought in by our government in 1992 that made them partially equal with other World War II veterans.

The Department of Veterans Affairs had \$49 million in lapsed funds in 1997, more than enough to compensate these merchant navy vets.

The Conservative government in the past had the courage to correct the wrongs of the past with Japanese Canadians in World War II and looked after thalidomide victims.

Will this minister and this government—

The Speaker: The hon. Minister of Veterans Affairs.

Hon. Fred Mifflin (Minister of Veterans Affairs and Secretary of State (Atlantic Canada Opportunities Agency), Lib.): Mr. Speaker, I thank the hon. member for reminding this House that her government could not put forward retroactive legislation either.

* * *

NORBERT REINHART

Mr. Benoît Serré (Timiskaming—Cochrane, Lib.): Mr. Speaker, Mr. Norbert Reinhart, a Canadian citizen and diamond driller from northern Ontario, is presently being held in captivity by the FARC guerrilla group in Columbia.

What is the Canadian government doing to ensure Mr. Reinhart's family and colleagues that every possible effort is being made to have him released safely and at the earliest possible time?

Hon. Lloyd Axworthy (Minister of Foreign Affairs, Lib.): Mr. Speaker, the Canadian ambassador to Columbia is actually today in the state of Bucaramanga to meet with the governor, the bishop of the region and the Red Cross to discuss with these officials the best way of negotiating the release of Mr. Reinhart.

We also had the occasion, I and the Minister for International Cooperation, to raise this matter with the high commissioner for human rights, Mary Robinson, who has indicated that their office in Columbia will do everything possible to help in supporting them.

We have given them a major grant of half a million dollars for their work—

The Speaker: The hon. member for Lakeland.

* * *

IMMIGRATION

Mr. Leon E. Benoit (Lakeland, Ref.): Mr. Speaker, my question is for the Minister of Immigration.

Canada's intelligence agency, CSIS, has reported that money raised by a Tamil group in Canada has been used to fund a terrorist group, the Tamil Tigers.

Mr. Suresh, a refugee in Canada since 1991, has been identified as a leader of the Tamil Tigers and in spite of the fact that he was ordered deported he still walks the streets of Toronto today. Why?

• (1455)

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, if my hon. colleague had given me notice of the question I would have had an answer for him.

* * *

[Translation]

DRINKING WATER

Ms. Jocelyne Girard-Bujold (Jonquière, BQ): Mr. Speaker, we have learned that the federal government plans to expand the mandate of the Joint International Commission to all waterways and groundwater on both sides of the Canada-US border.

My question is for the Minister of the Environment. Since Quebec wishes to develop a water policy, does the minister realize that her project could constitute a new instance of federal government interference in an area that has always belonged to the provinces?

[English]

Hon. Christine Stewart (Minister of the Environment, Lib.): Mr. Speaker, what this country does with bulk water exports is of

Points of Order

concern to all Canadians. The federal government is committed to dealing with this subject. We will be bringing forward our decision very soon.

* * *

HEALTH CARE

Ms. Judy Wasylcyia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, my question is for the Prime Minister. Canadians from coast to coast to coast are saying with one voice that our health care system is in crisis. From patients to doctors to nurses to all provincial and territorial governments, everyone is demanding federal government action and a commitment to reverse this government's cuts to health care.

The Premier of Saskatchewan has made an important suggestion in calling on the Prime Minister to convene a first ministers meeting as soon as possible. Is the Prime Minister willing to take up this call, to take this first step of convening a first ministers meeting as soon as possible and to discuss the critical situation in health care?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I made a speech in September in which I said that the next investment of this government would be in health care. I said this long before premiers began asking for a first ministers meeting.

* * *

BILL C-44

Mr. Mark Muisse (West Nova, PC): Mr. Speaker, the creation of the Canadian Race Relations Foundation was an integral part of the previous government's redress agreement with the over 21,000 Japanese Canadians who were wrongly interned during the second world war. Despite the fact that their properties were confiscated and sold, the 1984 Liberal government steadfastly refused to apologize or even compensate these individuals for that shameful injustice.

Why is the Liberal government using Bill C-44 to once again turn its back on our Japanese Canadians by breaching the terms of the agreement that led to the creation of the Canadian Race Relations Foundation?

Hon. Marcel Massé (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, Bill C-44 contains a number of measures that deal with accountability. Bill C-44 looks at the Canadian Race Relations Foundation just as it looks at all the other agencies. It is being treated quite fairly.

* * *

TERRORISM

Mr. Deepak Obhrai (Calgary East, Ref.): Mr. Speaker, I hope the new solicitor general will not stonewall this question. Recently the director of CSIS stated that Canada is the number two country

in the world when it comes to terrorist activity: "Terrorists have been provided a safe haven here". He also revealed that it is becoming increasingly difficult to effectively combat terrorism.

While this government has the money to spend on millennium celebrations and tunnels for Senators, CSIS has had its budget cut by over \$65 million. Is the government going to sit idle or will it act now to ensure Canada does not become the number one home for terrorists?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, I can assure the member that Canada is aware of the problem and that we are addressing the problem.

* * *

● (1500)

PRESENCE IN GALLERY

The Speaker: I draw the attention of hon. members to the presence in the gallery of the Honourable Antonio Bargone, Secretary of State for Public Works of Italy.

Some hon. members: Hear, hear.

* * *

POINTS OF ORDER

REQUEST FOR TABLING OF DOCUMENT

Mr. Werner Schmidt (Kelowna, Ref.): Mr. Speaker, the Minister of Public Works and Government Services referred to an RCMP report about the shredding of documents by Golden West Document Shredding Inc. Could we ask the minister to table the report so that we could have a look at it, please?

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, as you will know, this is not a legitimate point of order. A minister is compelled to table a report from which he or she quotes, with the exception of ministerial briefing notes.

The minister did not quote from the report. He indicated that a report was being prepared. I am sure, Mr. Speaker, that you will recognize the difference, as we all do.

The Speaker: The explanation is correct. There is no point of order.

[Translation]

OFFICIAL LANGUAGES IN HOUSE OF COMMONS

Mr. Benoît Serré (Timiskaming—Cochrane, Lib.): Mr. Speaker, what I wish to raise this afternoon is more a question of privilege.

I was elected by constituents who are bilingual, francophone or anglophone, to represent them in a bilingual parliament and in a bilingual country.

Every time I rise to speak in English in this House, the Bloc Québécois members yell "Speak French!" at me.

[English]

It is not only my right and my privilege to speak both official languages in this House. It is my duty.

The Speaker: The member's point is well taken. We may address this House in either official language and I would encourage him and all other members to choose whatever language they wish to address this House.

• (1505)

In the course of the question period we sometimes throw words across the floor which are not always the best for us here in this House.

[Translation]

When members speak in the House of Commons, the question of speaking English or French should never be raised. You have that right and it is not necessary to repeat this. When an hon. member speaks in English, he should not be asked to speak in French.

[English]

The point is well taken. I reinforce the point and encourage all hon. members to please refrain from doing anything like that.

REQUEST FOR TABLING OF DOCUMENTS

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, I would ask the government House leader to table the affidavits which were referred to in numerous exchanges in this House. He advised that he would look into that and they have yet to be tabled.

I am also asking that the letters of resignation that have also been referred to be tabled.

The Prime Minister referred numerous times to a document, again in reference to questions about APEC. I would ask for that document to be tabled.

The Speaker: You might have a question that you are putting to the House leader. If he wants to answer the question I will permit it. However, I want to make it clear that this is not a point of order.

If the hon. government House leader wishes the floor I will give it to him.

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, perhaps on one point I will acknowledge that the member may have a legitimate point of order and that is in reference to one document which was quoted by a minister late last week. The Deputy Prime Minister did quote from a document.

His point with respect to the other documents does not constitute a legitimate point of order.

Routine Proceedings

However, I have endeavoured to verify and hopefully I can have that document made available to the House later today, in reference to the one document from which there was a quote, not the others which were not quoted.

The Speaker: From my recollection the documents were not quoted, but we have an undertaking that the House leader will provide the information from one of the documents. We will leave it at that.

ROUTINE PROCEEDINGS

[English]

ANNUAL REPORTS

Hon. Jane Stewart (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, under the provisions of Standing Order 32(1), I have the honour to table, in both official languages, two reports: the 1997-98 annual report of the Nunavut Implementation Commission and the British Columbia Treaty Commission's annual report for 1998.

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[Translation]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons): Mr. Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's response to 10 petitions.

* * *

• (1510)

[English]

COMMITTEES OF THE HOUSE

JUSTICE AND HUMAN RIGHTS

Ms. Shaughnessy Cohen (Windsor—St. Clair, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the 16th report of the Standing Committee on Justice and Human Rights.

Pursuant to the order of reference of Tuesday, October 20, 1998, the committee has consider Bill C-40, an act respecting extradition, to amend the Canada Evidence Act, the Criminal Code, the Immigration Act and the Mutual Legal Assistance in Criminal Matters Act and to amend and repeal other acts in consequence. Your committee has agreed to report the bill with amendments.

NATURAL RESOURCES AND GOVERNMENT OPERATIONS

Mr. Brent St. Denis (Algoma—Manitoulin, Lib.): Mr. Speaker, I have the honour to present the second report of the Standing

Routine Proceedings

Committee on Natural Resources and Government Operations concerning Bill C-41, an act to amend the Royal Canadian Mint Act and Currency Act. The bill is being reported with amendments.

HEALTH

Mr. Joseph Volpe (Eglinton—Lawrence, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the fourth report of the Standing Committee on Health.

Pursuant to its order of reference of Tuesday, May 12, 1998, your committee has considered Bill C-247, an act to amend the Criminal Code (genetic manipulation), and agreed to report it with one amendment.

FINANCE

Mr. Maurizio Bevilacqua (Vaughan—King—Aurora, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the 10th report of the Standing Committee on Finance.

Pursuant to its order of reference of Tuesday, October 27, 1998, your committee has considered Bill C-43, an act to establish the Canada Customs and Revenue Agency and to amend and repeal other acts as a consequence. Your committee tables its report with amendments.

PROCEDURE AND HOUSE AFFAIRS

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I have the honour to present the 46th report of the Standing Committee on Procedure and House Affairs regarding the associate membership of the liaison committee.

If the House gives its consent I intend to move concurrence in the 46th report later this day.

* * *

PROTECTION OF PRIVACY (SOCIAL INSURANCE NUMBERS) ACT

Mr. Mac Harb (Ottawa Centre, Lib.) moved for leave to introduce Bill C-456, an act to protect personal privacy by restricting the use of social insurance numbers.

He said: Mr. Speaker, nowadays every time a person applies to rent an apartment, to open a bank account or just about anything, the first question they are asked is "What is your social insurance number?"

There are millions and millions of unused social insurance numbers that are floating around the country. In fact, the auditor general reported recently about the alarming number of social insurance numbers that are floating around.

Not only is it immoral, but it is unfair for anyone to request the social insurance number of another person, unless they are required by law to do so.

I want to make sure it becomes illegal. To that extent, this bill would make it illegal for anyone to ask for a social insurance number unless it is required by law to ask for that number. As a result, we will be able to solve the problem. One person should not be able to require another person to give their social insurance number unless the request is specifically required by law or unless the person making the request advises the other person in writing that it is not necessary to comply with the request and that there will not be a penalty for failing to do so.

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

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COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, if the House gives its consent, I move that the 46th report of the Standing Committee on Procedure and House Affairs, presented to the House earlier this day, be concurred in.

The Deputy Speaker: Does the hon. parliamentary secretary have the unanimous consent of the House to propose the motion?

Some hon. members: Agreed.

The Deputy Speaker: The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

• (1515)

FINANCE

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, there have been consultations among all parties in the House. I believe you will find consent for the following motion.

I move that the eighth report of the Standing Committee on Finance presented to the House on Monday, November 23, 1998, be concurred in.

The Deputy Speaker: I presume this motion is without notice. It is not on the Notice Paper. Does the hon. parliamentary secretary have the unanimous consent of the House to propose this motion?

Some hon. members: Agreed.

The Deputy Speaker: The House has heard the terms of the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

*Routine Proceedings***PETITIONS**

GASOLINE ADDITIVES

Mrs. Rose-Marie Ur (Lambton—Kent—Middlesex, Lib.): Mr. Speaker, pursuant to Standing Order 36 I am honoured to present this petition signed by residents of Grand Bend, Forest and Stoney Creek. They note that all studies show how the manganese based MMT in gasoline has been proven to foul emission control devices resulting in higher smog levels which will devastate our Kyoto climate change commitments. They call upon parliament to ban the use of the additive MMT.

MARRIAGE

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, several hundred people signed this petition from various places in Nova Scotia. They pray that parliament enact Bill C-225, an act to amend the Marriage (Prohibited Degrees) Act and the Interpretation Act.

HUMAN RIGHTS

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

In this year celebrating the 50th anniversary of the Universal Declaration of Human Rights, the petitioners would like to bring to the attention of the House that human rights violations continue in many countries around the world, including Indonesia. They also point out that Canada is internationally respected for its defence of universal human rights.

The petitioners therefore call upon the government to continue its efforts to speak out against countries that tolerate violations of human rights and to do whatever is possible to bring to justice those responsible for such abuses.

TAXATION

Mr. Nelson Riis (Kamloops, Thompson and Highland Valleys, NDP): Mr. Speaker, I have a number of petitions today. There are thousands of people from Kamloops, British Columbia, who are fed up with the tax system and are just generally angry. They have all sorts of reasons why they feel that way and I suspect those reasons are known. They are simply asking the government to undertake a fair tax reform so that people can pay their fair share as opposed to most Canadians being exploited by an unfair tax system.

CRUELTY TO ANIMALS

Mr. Nelson Riis (Kamloops, Thompson and Highland Valleys, NDP): Mr. Speaker, again there are thousands of people from Kamloops who are concerned about cruelty to animals. They are really upset that people who are cruel to animals seem to never get

what they consider a decent sentence. They figure judges are too soft on people who are mean to animals. They point out a whole number of specific examples of this that are just quite pathetic. They are asking the government to take this issue more seriously.

MULTILATERAL AGREEMENT ON INVESTMENT

Mr. Nelson Riis (Kamloops, Thompson and Highland Valleys, NDP): Mr. Speaker, the last petition is a small one from people from the Shuswap Lake area of British Columbia. It is about the MAI. The MAI is over but they are basically concerned that it never come back in any form.

RELIGIOUS BROADCASTERS

Mr. Ovid L. Jackson (Bruce—Grey, Lib.): Mr. Speaker, pursuant to Standing Order 36 I present a petition on behalf of residents of Owen Sound in my riding of Bruce—Grey.

The petition is signed primarily by constituents from Owen Sound and relates to the licensing of religious broadcasters. The petitioners request that parliament review the mandate of the CRTC and encourage it to license Christian broadcasters.

• (1520)

MARRIAGE

Mr. John Finlay (Oxford, Lib.): Mr. Speaker, pursuant to Standing Order 36, I have two petitions which are signed by 375 residents of my riding of Oxford. Both petitions ask that parliament enact legislation such as Bill C-225 to define in statute that a marriage can only be entered into between a single male and a single female.

* * *

[Translation]

QUESTIONS ON THE ORDER PAPER

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, we will be answering Question No. 119 today.

[Text]

Question No. 119—**Mr. John Cummins:**

With regard to fishery protests conducted by commercial fishermen in British Columbia to protest the native-only commercial fishery on the Fraser River and at Port Alberni, for each of the years 1995, 1996, and 1997: (a) what were the costs of enforcement to the Department of Fisheries and Oceans in terms of manpower, equipment and other resources; (b) what were the costs of enforcement to other departments and agencies; and (c) what were the costs of prosecutions resulting from the protests?

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): I am informed by the departments of fisheries and oceans, justice and solicitor general as follows:

Routine Proceedings

(a) The following is a summary of the enforcement resources expended in the Fraser River and Port Alberni in response to Protest Fisheries aimed at the aboriginal pilot sales for 1995, 1996 and 1997:

	1995	1996	1997
Manpower	\$11,000	\$36,700	\$101,700
Equipment	\$700	\$16,600	\$37,000
Other resources	\$0	\$0	\$0

(b) Fraser River:

1995: \$274,624
1996: \$108,420
1997: \$103,888

Port Alberni:

No data was recovered for the years 1995, 1996 and 1997 for the Port Alberni area. This type of data is not readily available as E division of the Royal Canadian Mounted Police did not track this data as a matter of course until 1998.

(c) There were no costs incurred in 1995. The total estimated costs for 1996 and 1997 together is \$34,299.66. Unfortunately it is not possible to break this total down into the individual years.

[Translation]

Mr. Peter Adams: Mr. Speaker, I would ask that all remaining questions be allowed to stand.

[English]

The Deputy Speaker: Shall the remaining questions stand?

Some hon. members: Agreed.

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MOTIONS FOR PAPERS

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I ask that all Notices of Motions for the Production of Papers be allowed to stand.

Mr. Derrek Konrad (Prince Albert, Ref.): Mr. Speaker, I would like Motion P-36 to be called.

Motion P-36

That an Order of the House do issue for a copy of all documents, reports, minutes of meetings, notes, memos, correspondence, polls and briefings related to the creation of Nunavut.

Mr. Peter Adams: Mr. Speaker, I suggest that Motion P-36, under Standing Order 97(1) be transferred for debate.

The Deputy Speaker: Standing Order 97(1) requires that either the member proposing the motion or any minister propose that the

motion be transferred for debate. The parliamentary secretary is not able to make that request.

The question is what is the disposition in respect of this notice of motion for the production of papers. Either we put the question, or—we have another submission. Is the Minister of Natural Resources rising on this point?

Hon. Ralph E. Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, I move that the matter just referred to be transferred for debate.

The Deputy Speaker: The motion is transferred for debate pursuant to Standing Order 97(1).

Mr. Derrek Konrad (Prince Albert, Ref.): Mr. Speaker, I would like Motion P-37 be called.

Motion P-37

That an Order of the House do issue for a copy of all documents, reports, minutes of meetings, notes, memos, correspondence, polls and briefings related to aboriginal logging on Crown land.

• (1525)

Hon. Ralph E. Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, once again I would move that Motion P-37 be transferred for debate.

The Deputy Speaker: The motion is transferred for debate pursuant to Standing Order 97(1).

Are there more? Shall all remaining Notices of Motions for the Production of Papers stand?

Some hon. members: Agreed.

Mr. Peter Goldring: Mr. Speaker, I rise on a point of order.

I would like to move production of papers No. P-33.

The Deputy Speaker: Is it agreed that we revert to Notices of Motions for the Production of Papers for the purpose of this request?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: We just had them all stand. That is the trouble. No one else rose. I did ask. I said can we now have them stand and everybody said yes. I do not like to be difficult, but we had disposed of the matter.

Mr. Chuck Strahl: Mr. Speaker, I know you do not want to be difficult and none of us do. The way that transpired, because there had been two requests in a row from the same member, what all of us assumed here was that you had caught the member's eye, which you did. You kind of looked over and asked if there were any more and you said that was all. When you said c'est tout, I thought that

was to do with that member. I did not think we were finished with that particular part of Routine Proceedings.

Mr. Peter Adams: Mr. Speaker, we have no objection to reverting to this item on the order paper.

The Deputy Speaker: Perhaps we could revert. The Speaker did sweep his benevolent eye down the opposition bench to see if there were any other members rising on this point. I really did think it was done. I was not trying to raise the mettle through the House.

It was Motion No. P-33, was it not? P-33 is called.

Motion P-33

That an Order of the House do issue for copies of all documents, reports, minutes of meetings, notes, memos, correspondence and briefings relating to the recent recommendation made to the government by the Standing Committee on Foreign Affairs and International Trade regarding the claim of Canadian veterans against Japan for forced labour while in captivity in Hong Kong during World War II and Article 26 of the 1952 Peace Treaty with Japan in association with the May 1998 report tabled in the House of Commons by the same Committee.

Hon. Ralph E. Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, I move that this item be transferred for debate.

The Deputy Speaker: The motion is transferred for debate pursuant to Standing Order 97(1).

Mr. Peter Goldring (Edmonton East, Ref.): Mr. Speaker, I would like Motion No. P-46 to be called.

Motion P-46

That an Order of the House do issue for copies of all documents, reports, minutes of meetings, notes, memos and correspondence regarding all aspects of what is known as the Gulf War Syndrome.

Hon. Ralph E. Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, once again I would move that this item be transferred for debate.

The Deputy Speaker: The motion is transferred for debate pursuant to Standing Order 97(1).

Mr. Nelson Riis: Mr. Speaker, I rise on a point of order. I understood that there had been consultations among all parties regarding a clemency motion.

An hon. member: Tomorrow.

Mr. Nelson Riis: That is for tomorrow. I am a day ahead.

The Deputy Speaker: Is it agreed then that all the remaining Notices of Motions for the Production of Papers stand?

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Some hon. members: Agreed.

GOVERNMENT ORDERS

[English]

TOBACCO ACT

Hon. Ralph E. Goodale (for the Minister of Health) moved that Bill C-42, an act to amend the Tobacco Act, be read the third time and passed.

Ms. Elinor Caplan (Parliamentary Secretary to Minister of Health, Lib.): Mr. Speaker, I am pleased to have the opportunity to participate in the debate on this crucial piece of legislation.

It is a privilege to support Bill C-42 because it represents yet another step in the government's efforts to put Canada squarely at the international forefront of tobacco control.

As hon. members will recall, in the spring of 1997 the House passed Bill C-71, the Tobacco Act, which instituted a number of stringent restrictions on the marketing of tobacco products. It was a strong law then and it went a long way toward protecting the Canadian public from the ravages of smoking. It was a necessary law, because smoking is a public health crisis and it is of extraordinary proportions.

The amendments contained in the legislation before us today would make that strong law even stronger. By phasing out over five years all tobacco company sponsorship promotions of entertainment and sporting events, Bill C-42 reinforces this government's commitment to protecting Canadians and in particular, impressionable young people from the noxious influence of cigarette marketing.

• (1530)

As parliamentarians we will be sending a powerful and historic message to Canadians and in particular to cigarette manufacturers. We will be saying in no uncertain terms that tobacco smoke is public health enemy number one. We will be saying that we will not tolerate the multinational tobacco industry targeting our young people in any attempt to convince them to pick up the habit.

Permit me to briefly outline the contents of Bill C-42. As hon. members will recall, one section of the Tobacco Act includes restrictions on the way tobacco companies could advertise and promote their financial sponsorship of events such as automobile racing, show jumping, musical events and so forth.

In essence they could only display their brand names and logos on the bottom 10% on the face of ads, signs, billboards and so on. This restriction raised concerns. The motor sport industry, for

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instance, feared that the sudden loss of corporate sponsorship would jeopardize Canada's capacity to host international racing events.

Bill C-42 addresses these concerns. It proposes a phased approach which would delay the enforcement of the Tobacco Act promotional restrictions for two years. For the subsequent three years cigarette companies would be allowed to continue sponsoring events. However, their promotional activities outside the actual site, off site, will be restricted to the 10% size restrictions specified in the Tobacco Act.

At the end of five years, by 2003, promotional sponsorship by cigarette makers will be banned altogether. That is why I say that Bill C-42 strengthens the Tobacco Act. Instead of merely restricting promotional activity, the bill will prohibit them entirely.

These legislative changes will put Canada ahead of other nations that hold the health of their citizens in high regard. Indeed we are moving faster than Australia and the European Union, which are both implementing a similar sponsorship ban in the year 2006, three years after ours.

There is no doubt that some of the cultural and sporting groups may feel the financial pinch when the cigarette manufacturing giants are forced to withdraw their millions of dollars in sponsorship promotion. However, the fact is arts organizations and sports promoters told us over and over again that what they really needed was time to find alternative sources of funding support. That, in a nutshell, is the purpose of Bill C-42.

These groups told us that they also needed fairness. Thus under the proposed amendments every group from the Newfoundland Symphony Orchestra to the Victoria International Jazz Festival will be treated the same. One group will not be entitled to cigarette money that is denied to another.

It is also important to point out that with Bill C-71, as with Bill C-42 before us today, the government has sought to protect public health while at the same time respecting legitimate concerns of cultural and sports organizations. As such Bill C-42 represents a careful compromise, a delicate balance between those who would desire a complete ban, preferably yesterday, and those who feel it is equally necessary to accommodate sponsored sports, cultural and entertainment events.

Striking that balance has necessitated extensive consultations both with health groups and with representatives of the arts and entertainment industry. In that context I wish to acknowledge the important contribution of the House of Commons Standing Committee of Health in carrying forward the consultation process and refining the bill before us today. As a result of the committee hearings, the government listened and further strengthened Bill C-42 as follows.

First, the start of the phase-in period of the bill is clearly identified as October 1, 1998. This means that if the legislation passes, the five year clock will have already begun ticking.

Second, the grandfathering clause in Bill C-42 would only apply to events that had been held in Canada. In other words, promoters would not be able to move an event here from the United States or elsewhere merely to benefit from the phase-in provisions of the ban on cigarette sponsorship advertising.

• (1535)

Third, the new amendments would permit the grandfathering only of events that have been held in Canada in the 15 months prior to April 25, 1997. That would prevent promoters from resurrecting long dead festivals solely for their value as tobacco marketing vehicles. These changes to Bill C-42 were proposed by the health community, were adopted by the government and are consistent with our public health approach.

In conclusion, we have all heard the alarming facts. Smoking is far and away the major preventable cause of death and disease in Canada. It is estimated that nearly one in five deaths in Canada can be attributed to smoking and that is more than suicides, vehicle crashes, AIDS and murder combined. Every year 45,000 Canadians die of cancer, heart disease and lung disease as a result of tobacco use. Many more Canadians have their quality of life compromised by emphysema and other respiratory ailments.

We know that many people get hooked on smoking during their teen years and that young people are particularly vulnerable to peer pressure and messages, sometimes subliminal, encouraging them to smoke. Obviously as a caring society we have a moral obligation to act. We have a responsibility toward future generations and a duty to help our impressionable young people resist the lure of this deadly habit.

Health groups across the country urged us to lead the fight against smoking. We have not failed them. The Tobacco Act, as we propose to amend it, would give the government some meaningful ammunition in the battle against cigarette use. The legislation gives us as a society the power to look a gift horse in the mouth. We will have the wherewithal to say to tobacco manufacturers "Thanks, but no thanks. We value the health of our children too much to accept your money for event sponsorship".

I would therefore urge all parties to support the bill so that step by step we can win the battle against tobacco use and achieve our goal of a smoke free society and a healthier Canada. I would like to share my remaining time with the member for Oak Ridges.

The Deputy Speaker: Does the House give unanimous consent to allow the hon. member to share her time with the hon. member for Oak Ridges?

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Some hon. members: Agreed.

The Deputy Speaker: There are 30 minutes remaining in the hon. member's time.

Mr. Bryon Wilfert (Oak Ridges, Lib.): Mr. Speaker, I am pleased to speak in support of the amendment to the Tobacco Act placed before the House by the Minister of Health.

The amendment's proposal for a complete ban on the promotion of tobacco sponsorship is a step to be applauded and supported by all members of the House. It is a significant protective measure that will help reduce youth smoking and ultimately save young lives. It says no once and for all to tobacco companies using sponsorship to link their deadly products to popular youth oriented events and lifestyles. It says no to the consistent barrage of images that encourage young people to take up smoking and stay addicted to cigarettes.

The bill is the result of extensive consultation with many concerned parties across the country. As a result of this consultation we have proposed legislation that takes us further than ever before in protecting children and youth from harmful effects of tobacco. The latest consultations carried out this month by the House of Commons Standing Committee on Health confirmed the need for firm legislation to reduce tobacco use among youth.

The committee listened carefully to the views of a number of groups before approving three new recommendations from the Canadian Cancer Society and other health NGOs. The recommendations presented today as amendments to the legislation make the bill a stronger, more precise instrument for reducing tobacco use among Canadian youth.

As past president of the Canadian Parks and Recreation Association I worked a few years ago with the then minister of health on a program called a break free all stars program aimed at making sure that young people between seven and twelve years of age did not smoke or take up smoking. I know these kinds of programs can be and are effective. I applaud the government for the type of legislation that it is bringing to the House.

• (1540)

There is no question the bill specifically identifies October 1, 1998 as the start date for the transition. In effect this means that the five year clock has already begun to tick down on sponsorship promotion if the amendment and bill pass.

The bill mandates that the only events which can be grandfathered would be those that have been held in Canada, although it was never the government's intent to allow otherwise. The change will make it clear that an event cannot be moved from elsewhere into Canada and treated as if it has always been here.

The bill mandates that only events which have been held in Canada between January 25, 1996 and April 25, 1997 can be grandfathered. Once again it was never the government's intent to allow events to be resurrected solely for their value as marketing tobacco products.

All three of these changes are important clarifications that are completely consistent with strengthening the government's health objectives. I thank members of the Standing Committee on Health for supporting the inclusion of three amendments in the bill. No doubt critics of the legislation will claim that the government is going too far. Given the alarming statistics on youth and smoking in Canada today, the amendment is appropriate and necessary.

As a former educator having worked with young people for 20 years, I can tell the House of the devastating effects on young people who take up smoking and who get addicted. I will point out some statistics which will illustrate what the government is trying to prevent.

Smoking among Canadian teens between 15 and 19 years of age has increased 25% since 1991. Currently one in three young Canadians smoke and half of them will die prematurely of tobacco related disease. It is for that important reason the Minister of Health has called tobacco use by Canada's youth an urgent public issue. The amendment before the House today is a firm response to the issue on the part of the federal government.

The government's response is clearly in line with the attitude of Canadians toward smoking. Canadians recognize that smoking is our number one health problem. They are also all too aware of the devastation tobacco has wreaked upon the health of our current generation. They implore the government to make every effort to ensure that such devastation will not be inflicted on future generations.

When it comes to youth and smoking the statistics show that we have our work cut out for us: 29% of 15 to 19 year olds and 7% of 10 to 14 year old are current smokers. According to the 1994 youth smoking survey, 260,000 kids in Canada between the ages of 10 and 19 were beginner smokers that year. Figures like these are very disturbing. They are being replicated in other countries and have prompted other governments and the World Health Organization to classify smoking as a global pediatric epidemic.

Assumption patterns reveal that the number of young female smokers has been rising significantly. Again I can speak from personal experience having taught for many years. Girls in particular smoke early, continue to smoke and are less likely to break the habit. As all youth smokers get older, they smoke more. Smokers 10 to 14 years of age on average smoke seven cigarettes a day. Of those 15 to 19 years of age smoke on average 11 cigarettes a day.

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What is striking as evidence of youth smoking is the knowledge among youth about the effects of tobacco use.

• (1545)

More than 90% of people between the ages of 10 and 19 believe that tobacco is addictive. A similar percentage believes that environmental tobacco smoke can be harmful to the health of people who do not smoke themselves. About 85% of all smokers surveyed say they began smoking before they were 16 years of age.

My own father, who passed away six years ago, started smoking when he was 13. He died of lung cancer.

The critical time for smoking decisions appears to be between the ages of 12 and 14. Therefore, it is hardly surprising that tobacco sponsorship targets events like music festivals, tennis tournaments and motor racing, which are popular with this age group.

For young people, taking up smoking is a gradual process. It begins with forming a predisposition to smoke; that is, a perception that smoking is normal behaviour and acceptable in society among one's peer group. The perception of normalcy and acceptability that cigarettes are an integral part of a happy and fulfilling life is exactly the perception that tobacco sponsorship promotion encourages among children and youth.

Trying smoking can lead to the experimental stage when smoking happens repeatedly but irregularly. Regular use and addiction follow. The transition from trying to daily use takes an average of two to three years.

About two-thirds of teens will try smoking and about one-half of this group will become regular daily smokers. About 90% of smokers start well before the age of 20.

In surveys, youth have told us that they never expected to become addicted, believing instead that they would be able to quit whenever they wanted to do so. Just as addiction to cigarettes is a gradual process, so is quitting.

Many young people contemplate quitting, prepare to quit and then try to quit. But quitting is not an easy proposition. That is because nicotine is highly addictive. It is as addictive as heroin or cocaine. It is not surprising then that about three-quarters of smokers over the age of 15 have tried to quit but failed.

It is ironic that my own father quit smoking three years before he died. It was an arduous task for him to quit smoking after having smoked for more than 50 years.

Based on the evidence of the health threats of tobacco, based on the thousands of deaths from tobacco related diseases and the terrible toll that tobacco addiction takes on individuals in society, it is very difficult to imagine any reason for not supporting the bill and its important amendments to the Tobacco Act.

It has often been said that young people are the future of this country. It only makes sense, therefore, that we invest in them by protecting them and by ensuring the safest and healthiest environment for their growth and development. That is what this amendment is all about.

I call on all members of the House to support the amendment. A vote in favour of a ban on the promotion of tobacco sponsorship in this country is a vote for a safer, healthier and more productive future for Canada's youth.

Mr. Keith Martin (Esquimalt—Juan de Fuca, Ref.): Mr. Speaker, it is indeed a pleasure to speak today to Bill C-42, a bill that we have been working on for a long time to try to address what members from across the way have said is the single greatest threat to public health in this country. They are quite correct.

However, I am absolutely dismayed by the comments which have come from the other side. The government claims to be the great upholder of smoking prevention in this country. It was this government that had the single greatest negative impact on the health of Canadians when it rolled back tobacco taxes in 1994. This undid 15 years of good work in the prevention and decrease of tobacco consumption in this country, particularly for our youth.

• (1550)

There was a solution to the smuggling problem of the time that did not involve rolling back taxes, but the single act of rolling back taxes has led a quarter of a million children in Canada to take up smoking. Two hundred and fifty thousand children are now smoking when they would not have done so before.

This message was given to the Minister of Health by the ministry itself. The Ministry of Health told the Minister of Health that if he rolled back the taxes a quarter of a million young people would pick up smoking, that it would have a devastating effect on the country with respect to health care costs, not to mention the humanitarian effects on those people, and that it would affect those most affected by tobacco consumption and cost, the youth of Canada. Yet the government went ahead and did it.

I understand the circumstances. A great deal of smuggling was taking place, particularly in certain areas of Quebec and Ontario. But there was another solution, a solution which we presented many times to the minister. It was a solution that had worked before: an export tax.

We had the same situation in 1991-92. The government of the day introduced an \$8 export tax on each carton of cigarettes. Each carton that went to the United States would be stamped and an \$8 fee would be paid by the tobacco company. That completely cut the legs out from bringing that tobacco back into Canada with the benefit of the price differential between the United States and Canada. Six weeks after it was introduced that measure caused a 70% decline in tobacco smuggling.

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However, the prime minister of the day, Mr. Mulroney, caved in under pressure from the tobacco companies. The tobacco companies told Prime Minister Mulroney that they would leave the country if he brought in a tobacco export tax. He removed the export tax and smuggling resumed. If we look back in history we will see that the solution was there.

What we presented in 1994 was a solution. Do not roll back the taxes; implement an export tax. The smuggling that took place at that time not only involved cigarettes, it also involved guns, people, alcohol and other contraband. Tobacco was a conduit for the smuggling that was unfortunately taking place on such reserves as Kanasatake and Kahnawake, to name two. It was run by thugs attached to organized crime, particularly from the United States.

No one talks about the aboriginal people on those reserves and how some of those people were held hostage to criminals within their midst, many who came from the United States. Police officers were apparently told that they could not touch the smugglers going back and forth across the border because the government was afraid of an Oka crisis. This had nothing to do with Oka. It everything to do with thugs taking advantage of a political problem within our country, thugs who were by and large American. We buckled under and to this day that smuggling is still taking place.

This is my message for the government. If it truly wants to deal with the tobacco epidemic, and it is an epidemic within our midst, then there are solutions. The solutions are: raising the taxes to the level they were at before February 1994, applying an export tax to cut the legs out from underneath smuggling, enforcing the law where smuggling is taking place, and dealing with appropriate education, which the government, to its credit, has begun to introduce. However, although it promised a large sum of money for that purpose, a large chunk of money has unfortunately not yet been seen by the appropriate organizations.

• (1555)

In looking at the scope of this problem we can look at what happened before 1994 and since 1994. As I said before, there are 250,000 more children smoking. In 1961 there were about 13,000 smokers who died. Twelve thousand were men and 1,000 were women. In 1996-97 that figure climbed to a whopping 48,000. There are 48,000 people every year who die of tobacco related illnesses.

The numbers have changed. Tobacco consumption deaths among women have climbed dramatically. Tobacco deaths among women have now surpassed all other causes of cancer related deaths, including breast cancer. That is a profound tragedy.

To put it in perspective, 48,000 people die every year from smoking related deaths. Forty-two thousand people died in World War II. That means that every year more people die from tobacco related illnesses in Canada than those who died in World War II.

The solutions are there. What we can do, as I said before, is raise the taxes to what they were, increase the export tax, enforce the law and address the education issue.

We should not start talking to individuals when they are 17, 18, 20 or 22 years old about quitting smoking. As the member across the way quite correctly mentioned, people start smoking when they are 10, 11 or 12 years old. They do not start when they are 20.

As a result, our efforts must be addressed to younger individuals. I would submit that we have to start at ages 6 and 7. If we start at that age then perhaps we can have an effect. We should not hit them with the fact that their mortality will change. Teenagers and young children do not understand that. If we tell them they are going to die young, they know that. In fact, statistical evidence shows very clearly that young people know they are going to die young. They know the effects of tobacco. Interestingly enough, many teenagers feel they are not going to be smoking two years after they leave high school. However, 80% of them will still be smoking eight years later.

We have to address their sense of narcissism. We have to address the fact that their skin is going to look older sooner, that their breath is going to smell foul, and that their hair and skin is going to smell foul. We have to address young girls in particular. I hate to address that group, but it is the group that has increasing consumption. We have to tell them that although it keeps them slimmer, which is one of the primary reasons for them to smoke, it also makes them grow older faster and it is not sexy, despite what they may claim.

Although that is a brutal thing to say, if we address it at their level, in a way that they understand, then we will get into their psyche and have a profound effect. We must address their narcissism, not their mortality. We must tell them about what it will do to them physically, how it will age them and how they will smell.

Although there is some movement in that direction I think the government can certainly play a very constructive role in convincing health care groups to deal with it in that way.

With respect to this bill, I would suggest that there are a number of amendments that could have and should have been made. The fact that the government is going to extend tobacco sponsorships for two more years is ridiculous. That will put it at five years.

Members on the other side claim that this is somehow going to address the issue of sponsorship and it is going to protect companies. All they need to do is look at the experience in Europe. Europe did the same thing. They introduced laws very quickly. Sporting events and such got other sponsors, including car racing.

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It is continually brought forth that car racing, tennis matches and such would somehow not occur in this country if we did not have tobacco groups to sponsor them. That is completely untrue. Again, the government only needs to look at the experience in the United States.

• (1600)

Another thing that could have happened was to put a ceiling on tobacco company sponsorship promotion expenditures during the delay period. The government could have put a ceiling on that but did not. It could have taken a leaf from Quebec's book. Quebec has implemented a similar measure with good effect.

Sponsorship promotions should not be permitted on the inside and outside of stores where tobacco is sold. That could be done now but it is not being done.

The government believes that tobacco companies can be trusted. This is complete nonsense. Tobacco companies have been asked to do things voluntarily. They have weakened their own so-called voluntary restraint by introducing tobacco advertisements within school zones. This happened in 1996, after the government had implored them to adhere to fair-minded rules and regulations so that children would not be subjected to tobacco advertising within and around schools. Tobacco companies surreptitiously did it anyway. They thumbed their noses at the government and the Canadian people.

The government could have introduced other things. It could have ensured that cabinet would determine the exact starting date of the ban. Right now it is an open book. It could start December 1 this year, December 1 next year, or the year after. That needed to be in this bill and it is not.

The government could have had a delay period for tobacco sponsorship promotions. It could have specified that sponsorship promotions for foreign events could not occur in Canada during the transition period. It could have banned the use of famous individuals in advertising and prevent misleading advertising.

From looking at the good analysis by the Ministry of Health on advertising, we know that those advertisements are geared to children no matter what the companies say. I sat on the health committee four years ago. I was shocked when people who had been bought and paid for by the tobacco companies appeared as witnesses in front of the health committee, big guns from the United States who were obviously paid a lot of money. They had been in high positions in the U.S. government. When asked pointedly if they thought tobacco had a negative effect on the health of people, their response was "we are not doctors; we do not know". Those kinds of blatant and obviously misleading comments by witnesses should never be tolerated. They give insight into the actions and beliefs of the tobacco companies.

We need not look any further. Tobacco companies have been caught putting added nicotine into tobacco. They up the nicotine content which ups the potential for addiction.

We can also look at their actions in other countries. What they do in China is appalling. China has an enormous health care problem with cancer, emphysema, bronchitis and other related illnesses related to tobacco because tobacco consumption is going up. In some countries the tobacco companies sponsor parties and dances which are geared to children. They give out free cigarettes for no other purpose than to ensure that the children become addicted.

It has been mentioned in the House many times that tobacco, as with cocaine, is the leading most potent addictive substance we know of today. We know very clearly that despite what they say, tobacco companies gear their advertising, their work, their efforts not to adults but to youth. A good chunk of their efforts are designed to hit that vulnerable group.

• (1605)

Tragically the government fell into the trap by lowering taxes and rolling them back. This is despite repeated warnings by the Ministry of Health that this is going to affect children deleteriously. This is despite the fact that this is going to cost the Canadian taxpayer billions of dollars, not only in health care costs, but also in the loss of revenue from taxes and losses in the gross domestic product. It is not just a matter of death. Smokers have greater chances of becoming sick than non-smokers do. Smokers stay away from work longer. The cost to the gross domestic product is enormous.

There are obvious effective solutions, particularly with respect to the cost. Studies show that the price elasticity on demand for tobacco is very high, especially with respect to children. The higher the cost, the less they smoke; the lower the cost, the more they smoke. It is not rocket science. This is perhaps the most important message the government needs to listen to.

The government can twiddle all it wants around the edges of this issue. It can talk about plain packaging. It can talk about sponsorship. It can talk about education. But when it comes down to the cold hard facts, the single most important determinant in consumption is price, particularly for the youth.

I implore the members across the way to look at the information that has been put out by the health ministry. It is unfortunate that the Minister of Health has chosen not to speak to this bill yet. It does not look like he is going to speak to it and I wonder why.

I wonder if the minister truly is ashamed of this bill. Perhaps he is ashamed that the government has not taken a more proactive approach, a more effective approach particularly in view of the fact that he has been caught holding the bag for what his predecessors have done. The minister has been left holding the bag for an implementation strategy which, rather than lowering tobacco consumption, has increased it and not in any small amount. It is a huge

amount, a quarter of a million children, and every month that we fail to change the situation, 10,000 more children will take up the tobacco habit. I cannot believe that despite the clear evidence this government continues to pursue the course and tack it is taking.

The government submits that it is the great upholder of the health of Canadians. A former Minister of Health said during her tenure "I would do anything, anything, to prevent one child from picking up smoking". That minister and this government has failed, failed, failed in that promise.

The government would find a great deal of co-operation across party lines in pursuing an effective tobacco strategy. Please do not buckle under the threats of the tobacco industry that it would pull out of Canada. Do not buckle under the submissions the companies make that this is not addressed to children. Do not believe that this is going to prevent race car driving, tennis tournaments and other such events from taking place in this country. The facts do not support those allegations. In fact the tobacco industry has very little credibility anywhere in the world.

We can see what is happening in the United States today. The companies are paying hundreds of billions of dollars to state governments because of the cost they have incurred to those governments. They are willing to pay large sums of money, which they have, to get out.

• (1610)

We cannot let them off the hook. While prohibition does not work, and no one is advocating that, there are effective measures that have been implemented around the world. Before 1994 Canada was a world leader in dealing with the tobacco issue through its education strategies and by increasing the taxes on tobacco.

If we take a lesson from what we have done historically, if we do not buckle under the tobacco companies and if we work together on this issue, as the hon. NDP member mentioned in the health committee, we would be addressing the most important health care issue affecting Canadians today. Tobacco is the greatest public health care issue affecting Canadians today. This has been echoed by the member from the NDP and the member from the Liberal Party. It has been echoed many times by my colleague from Alberta and our health care critic, and members from other parties.

I implore the government to work with our party and other parties to come up with an effective strategy to deal with tobacco consumption. This bill simply does not cut the mustard.

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Madam Speaker, I think you will find unanimous consent for the following motion:

That Bill C-42, in Clause 4, be amended by replacing lines 26 and 27 on page 3 with the following:

Government Orders

Promotional material

"(3) Subsections 24(2) and (3) apply beginning on October 1, 2000 and ending on September 30, 2003 to"

Mr. Greg Thompson: Madam Speaker, I rise on a point of order. I am not prepared to give unanimous consent to that motion, simply because the government rammed this through clause by clause at committee stage. Basically it boils down to the government making a major mistake.

The Acting Speaker (Ms. Thibeault): Obviously there is not unanimous consent for the motion.

Mr. Greg Thompson: Madam Speaker, the point I want to make is that I will agree to unanimous consent if the government agrees that it made a tactical error in ramming this through clause by clause at the committee stage.

Mr. Peter Adams: Madam Speaker, I would ask that you seek the unanimous consent I requested.

The Acting Speaker (Ms. Thibeault): Does the hon. parliamentary secretary have unanimous consent of the House to move the motion?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Roy Bailey: Madam Speaker, I rise on a point of order. The Reform Party will give consent to this particular motion. I want to make it clear that in so doing, we are not agreeing with the bill. We are only agreeing with the change in dates. We violently, and I mean violently, oppose this bill.

The Acting Speaker (Ms. Thibeault): I will ask the House again for unanimous consent just to make sure that I heard it correctly the first time.

Is there unanimous consent?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Greg Thompson: Madam Speaker, because of the nature of the debate today, I think it might be wiser for the government to introduce that when some of the key speakers on the opposition side are not here because obviously we do not agree with it.

The Acting Speaker (Ms. Thibeault): There is not unanimous consent.

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Ms. Judy Wasylycia-Leis: Madam Speaker, I rise on a point of order. I believe that if the government House leader is listening to this concern, he might be able to find a way to ensure that there is unanimous consent for dealing with this correction in the printing of the bill. Certainly we are prepared to give unanimous consent. However, we also want to acknowledge the Conservative member's concern about the haste with which this bill was pushed through committee, which would obviously lead to errors as we have now before us.

• (1615)

I am wondering if the spokesperson for the government could acknowledge those concerns that we probably could find a way to have unanimous consent.

Mr. Peter Adams: Madam Speaker, as my colleague from the NDP has just said, this is a technical matter.

It has to do with some mistakes in dates in this section and some differences between the English and the French. Perhaps this problem did arise because of some haste.

[*Translation*]

Mrs. Pauline Picard: Madam Speaker, I would point out that we will also support this change. However, I agree with our Progressive Conservative colleague that suddenly raising a point of order to say there is a change requiring the unanimous consent of the House is not the way to do things.

That rather reduces the role of parliamentarians. The government pushed us a bit during consideration of this bill. It is a bit distressing when they arrive at the last minute with proposals as we consider Bill C-42 at third reading.

I simply wanted to say that. We will give our consent, but, next time, they must let us do our work conscientiously.

[*English*]

The Acting Speaker (Ms. Thibeault): Is there unanimous consent for the motion?

Some hon. members: Agreed.

(Amendment agreed to)

[*Translation*]

Mrs. Pauline Picard (Drummond, BQ): Madam Speaker, I am pleased to participate in the debate at third reading of Bill C-42 and to raise certain arguments.

Many things have been said. My colleagues from the other parties have pointed out the great harm that smoking has done in Canada and in every province. As legislators, the members of this House must be able to promote and adopt laws against the use of tobacco, particularly among the young.

The data given us by anti-smoking organizations are frightening. These statistics have made us aware of this scourge. We are often tempted to think there are fewer smokers. Perhaps there is a reduction in the number of smokers in certain categories of people, for example among adults, but young people are starting to smoke earlier and earlier.

• (1620)

As has already been pointed out, Bill C-42 delays the implementation of certain sections of the Tobacco Act. Members will recall Bill C-71 passed by this House. Bill C-42 has mainly to do with tobacco sponsorships.

The amendments provide for a two-year moratorium on the restrictions governing sponsorships by tobacco companies until October 2000. From the third to the fifth year, the restrictions will apply as initially provided in Bill C-71, that is to say, the name of the company may appear on only 10% of advertising space. It is very important that the public be told that the ban on sponsorships will be total as of October 1, 2003.

The primary purpose of Bill C-42 is to amend the existing Tobacco Act so as to extend the transition deadline before the enforcement of the restrictions already imposed.

The first phase of the bill, which runs for two years after the amendment comes into effect, extends the status quo for promotion both on and off the sites of events and activities that were sponsored by tobacco companies before April 25, 1997.

The second phase, lasting three years after the two years of transition, will again extend the status quo for promotions throughout the site of sponsored events and activities, by permitting the display of product-related brand elements in promotional material.

It will also permit sponsorship promotions on the site of an event as it unfolds or according to other regulatory provisions; and apply the existing 90/10 restriction in the Tobacco Act to sponsorship promotions off site. These promotions will also be permitted in mailings sent directly to adults, in publications whose readership is essentially adult and in bars and taverns where minors are denied access by law.

The third aspect of the amendment is the considerable toughening up of the Tobacco Act in relation to the bill passed in April. Where some might have interpreted the 10% rule as a breach, there is no longer any doubt. We are talking zero tolerance.

This total prohibition will take effect immediately following the five year transition period. At that point, the Tobacco Act will prohibit all promotional sponsorship by tobacco companies. It will also prohibit the appearance of brand elements on permanent facilities or in them.

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With such measures, Canada is following the worldwide trend to set more and more restrictions on the sponsorship and promotional activities of tobacco companies. The European Union intends to prohibit all industry sponsorship by 2006. A number of signatory countries have already prohibited all tobacco advertising and sponsorship within their borders. New Zealand, Australia and the United States have—or are heading toward—a total ban. The total ban after October 1, 2003 is therefore ahead of a number of countries, but the extended deadline makes it possible to take a sensible approach which will avoid numerous problems at the international level, for Formula 1 racing in particular, as well as on the economic level.

That said, the Bloc Québécois has always been in favour of the key principles relating to health, and the campaign against smoking, particularly among young people, is close to our hearts.

• (1625)

The Bloc Québécois is in favour of any measure to reduce smoking. We are in favour of measures to raise awareness and to educate people, as well as any measure to help eliminate this scourge that is costing so many lives and creating so many health problems.

It must not be forgotten, however, that health still comes under provincial jurisdiction. It is primarily at this level that health protection measures should be developed and administered.

This brings me to Quebec's existing anti-smoking legislation, which was sponsored by the present health minister. It was passed on June 17, 1998. The proposed legislation was received favourably by the media, health organizations, organizers of sports and cultural events, and the general public.

Quebec's Minister of Health avoided the errors made by the federal government by introducing much more realistic standards to combat smoking. His legislation is tougher but more flexible.

With respect to the ban on sponsorships, the provincial legislation offers event organizers a choice. The first option is to drop all tobacco-related sponsorships by October 1, 2000 and benefit from a financial assistance program for the period up to October 1, 2003, which is the government's solution. The second option is to accept a five-year transition period with restrictions after October 1, 2000 and no financial assistance, as provided for in the federal bill now before us.

Under the bill, sponsorship contracts already concluded with tobacco companies may stand or be renewed until October 1, 2000. Quebec's legislation provides, however, that the value of such contracts may not exceed their maximum value as at June 11, 1998.

Organizers will have until October 1, 2000 to decide which form of transition they prefer. For those who choose the second

transition option, the amendment states that sponsorship promotion may continue on the site where an activity is held and during this activity for three more years after October 1, 2000.

Being able to choose between two options, each having its advantages and drawbacks, is another example of a balance between flexibility and rigidity. Naturally, most of the Quebec organizations and even the Canadian anti-smoking associations told us in committee and on other occasions that they would prefer that Bill C-42 or the existing federal anti-smoking legislation be harmonized with the legislation passed by Quebec.

As I mentioned earlier, the application is much stricter, but the adjustment for these sports and cultural events organizations which enjoyed tobacco sponsorships is more flexible because after two years they are prevented from advertising. However, until they can find other sponsors, they can draw on the compensatory fund for support.

The federal government should also have established a compensatory fund. In Quebec, the money in this fund comes from taxes on cigarettes.

• (1630)

Tobacco causes health care problems, it causes loss of life and it is a drain on the economy and on tax revenues, forcing taxpayers to pay for health care.

The Quebec legislation provides for a tax on tobacco. It levies a charge on tobacco companies and users, which goes into the compensatory fund, which, at the moment, helps the organizers of sports and cultural events. These people are very appreciative.

At home, we have the du Maurier international tennis championships, which are known worldwide. Sponsorship is by a tobacco company, and that is not necessarily a good image for the championships. In two years' time, they will have to find another sponsor.

Certain companies agreed to sponsor these sports and cultural events, which generated considerable revenue—\$30 million for Quebec—as well as very substantial indirect revenues for the communities hosting them. This measure will make it possible to keep these events in the communities and to generate important revenues for the public.

The Bloc Québécois asked the federal government to pass this measure and it would not have been necessary to give people another five years to make the transition. Although 10% is not very much, it is still advertising and it is still excessive.

I would like to remind members that the Bloc Québécois is in favour of Bill C-42 because, in our opinion, it is more balanced than the previous legislation, Bill C-71. As I mentioned, we find it deplorable that the government has taken over a year to understand

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what we have been saying since the beginning of the debate on Bill C-71.

I need not recall how this bill was rushed through committee stage. We were expected to approve the bill without even hearing from important witnesses who wished to voice their objections to Bill C-71. There were many complications. In any event, that bill was replaced by Bill C-42. One year later, we are therefore no further ahead. All these measures have been delayed by one year, when this could have been wrapped up last year.

As I mentioned earlier, the fight against smoking is one that all of society must wage. It is not easy to change a habit that goes back several generations. But, through these bills, authorities will now have better tools with which to tackle the serious public health problem that smoking represents.

[*English*]

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Madam Speaker, I appreciate this last opportunity to speak on a major health bill before the Chamber and to explain why the NDP caucus remains firmly opposed to Bill C-42, an act to amend the Tobacco Act. In order for us to effectively debate this issue and to get at the essence of the bill, I believe it is important for us to understand how the origins and the purpose of the bill have been camouflaged by the Liberal government and have been covered with rhetoric and with pretence that does not allow the public to understand what is really at the heart of this matter.

● (1635)

What we are dealing with is smoke and mirrors, to borrow the title of a very important book for this debate by Rob Cunningham of the Cancer Society of Canada. There is no question about it. Only Liberals in the House would think they can get away with calling a negative a positive. Only Liberals in the House would think about trying to portray reality in fanciful terms.

Look at the most recent issue of health care transfer payment cuts. What did the Liberals do? They would have us and the public believe they reinvested a new amount of \$1.5 billion in transfer payments to the provinces for health care. What they do not say is what they are really doing, cutting back what had not yet been taken out of the system and calling it new money, totally disregarding that the base, the minimal amount in terms of health spending, has been reduced down to \$12.5 billion, a \$6 billion or \$7 billion drop since the time when the Liberals took office.

That is the kind of deception we are dealing with with respect to this government, not only when it comes to health transfer cash payments and the whole question of the future of medicare, but specifically when it comes to Bill C-42.

Like the child who said the emperor has no clothes, we say to the Liberal government, it can spin tales, it can disguise the facts but it cannot, to use another fitting analogy, deny the fact that smoke rises. When smoke rises the air is cleared, the truth is revealed and we are able to ensure we can go forward building a case for good, sound public policy when it comes to tobacco consumption.

What I am saying is we first have to do that in the House for this debate. We cannot for one minute longer go any further in allowing the Liberal government to suggest the bill has its origins in a most positive agenda about curbing tobacco sponsorship advertising, controlling tobacco consumption and dealing effectively with addiction problems in terms of cigarettes among young people. The bill does not have its origins in those good intentions.

There is no question we are dealing with a bill that is a step backwards. We are dealing with a bill that waters down and weakens the provisions of the tobacco sponsorship advertising restrictions enshrined in Bill C-71, provisions that were watered down even before those provisions in Bill C-71 were allowed to come into effect.

I raised a point of privilege about the government's bypassing the authority of the House on the implementation of Bill C-71 versus the overriding effect of the provisions in Bill C-42. To clarify, even though Bill C-42 has not yet been passed, and it will go through all the stages and receive final royal assent, the government is operating as if Bill C-42 were passed as of October 1.

● (1640)

As I said in my question of privilege, this is an abuse of the House. This is an abuse of the legislative process and it was entirely avoidable.

The origins of this bill go back to the 1997 federal election when the Liberals signalled to the public that they were prepared to water down the restrictions inherent in Bill C-71.

The origins of Bill C-42 are really the pressure tactics, the heavy handed lobbying tactics of both the tobacco industry and the car racing industry.

To quote from an article that appeared in one of our major newspapers, it is clear that the health minister blames the situation on a letter written by former health minister David Dingwall just before the federal election last April in which Mr. Dingwall finally surrendered to the tobacco companies' threat to cancel their sponsorship of Montreal's Grand Prix.

That is what we are dealing with. We are dealing with a bill that waters down a previous act of parliament because of the pressure of

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the tobacco industry and the car racing industry. We are dealing with organized attempts to reduce, to minimize restrictions on sponsorship advertising.

What we are dealing with is a cave-in. Let us be clear about it. This is an absolute cave-in, a buckling to those huge lobby forces today.

Why would the present Minister of Health be any different from his predecessors? Why should we have higher expectations from this government and the present Minister of Health than we have had in the past, especially given the history on this issue? The then minister of health who is now the minister of international development was forced, because of pressure again, to lower cigarette taxes.

Her successor, also a former minister of health, David Dingwall, was forced to move away from a total ban on cigarette advertising. Today we have the Minister of Health who was forced to further weaken the sponsorship provisions in Bill C-71, the Tobacco Act.

Who is standing up for health care? Who is setting health policy for Canadians? Is it the Minister of Health or is it the masters behind the tobacco industry? Is it the Minister of Health or is it the Montreal Grand Prix? Is it the Minister of Health or is it the Marlboro man?

We have a critical situation pertaining to smoking addiction, particularly among young people. Yet we have a government prepared to sacrifice the interests of those young Canadians in order for the tobacco industry and the entertainment business to line their pockets with more and more profits.

There is no question that the bill before us today has been treated in a hasty way, has been pushed through the stages of the legislative process on a rapid basis and has not allowed for full debate to occur in this place, nor has it allowed for Canadians to become fully aware of just how regressive this bill is and how many steps backward the government has taken on this important issue.

The government would have us believe this is not a step backward at all, that this is a step forward toward a complete ban on tobacco sponsorship advertising. We applaud this attempt to move public policy toward a complete ban on tobacco sponsorship advertising.

• (1645)

We wonder why it had to happen this way. Why, in order to move forward tomorrow, do we have to take a step backward today? This is probably the first time in this parliament and in previous parliaments, perhaps all parliaments, that a bill actually weakens the provisions established by law to protect children. That is exactly what is happening. We are weakening an act that protects children. We are allowing for bad public policy to proceed. We are failing young people because of the stranglehold the tobacco industry has over the government.

It is a bit of a stretch for the government to suggest that in the long run the bill actually strengthens public policy in relation to tobacco advertising. As many said in committee and elsewhere, in the long run we are going to be dead and in the long run, by virtue statistics, some of us will be dead because of tobacco addiction.

While we commend the government on moving forward toward a complete ban on tobacco sponsorship advertising, we must ask over and over again why it had to weaken the restrictions along the way. Why does the bill allow for free and open sponsorship advertising without restriction at these events?

Some members of the public have been led to believe that the restrictions will happen in two year's time. It is true that some restrictions on tobacco sponsorship advertising will come about in two years, but I remind Liberal members that Bill C-42 lifts all restrictions for on site advertising for the next five years.

Furthermore, the government has been totally adverse to any attempt by opposition members to propose meaningful amendments to ensure we at least honour the principles inherent in Bill C-71 and take some steps forward. We in the House tried to get restrictions on off site advertising, for example in retail stores where kids hang out, in places near schools and playgrounds, in places where children congregate, where young people gather, where they are exposed to and influenced by tobacco advertising, but the government refused to listen to those concerns.

We tried very hard in committee to convince the government, if it has to go down this path, at least to place limits on sponsorship advertising expenditures by tobacco companies. We made this suggestion so organizations counting on tobacco money would not become more dependent as a result of the provisions in Bill C-42. The government would not listen. It would not acknowledge the importance of those amendments and voted en masse to stop all efforts by the opposition.

Not only did the government refuse to consider any substantive amendments presented by the opposition before the committee. It also snuck in an amendment that represents a significant change and opens the doors even wider in terms of tobacco sponsorship advertising. The government snuck in a change that allows tobacco companies to newly sponsor permanent facilities previously restricted at first reading.

• (1650)

The original intention of the bill was to ensure that as many restrictions as possible were in place to deal with any new sponsorships. The government will try to suggest that has happened with the bill, that it has tightened the provisions and put deadlines and limitations in place.

By sneaking in the change with respect to the permanent facilities it has allowed for tobacco companies to sponsor permanent buildings, for example to put up the money to renovate

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buildings and then be able to have big signs without any restrictions or limitations on the front of the buildings advertising the tobacco companies. Why was it necessary to do that? Why was it necessary to include another loophole in the bill as opposed to trying to tighten it up and trying to move in the right direction?

The health critic of the Conservative Party has raised in the House today the speed and haste with which the government moved to pass Bill C-42. It is absolutely the case that the government has not allowed for adequate debate. It gave witnesses and organizations a 24 hour period to find the time, energy and resources to appear before the health committee. They were given very short notice. They were given very little time to prepare. We were forced as a committee to deal with all the witnesses, the presentations and the clause by clause analysis of the bill in a very tight timeframe.

We dealt with the witnesses and the clause by clause analysis in two short sittings of the committee. That is not adequate debate based on the seriousness of the issue. That is not at all in line with the speeches made by the parliamentary secretary and others in the House today, suggesting that the government has been generous in terms of time allotted before the health committee and that we had thorough discussion in the committee. We did not. It was rammed through committee. We were forced to deal with the bill in a very short period of time and organizations that would have liked to appear before the committee were not given that opportunity.

I hope Liberal members across the way would hear these concerns and in future would agree to allow for adequate time for proper public input on such a major bill.

We have heard from many today about the importance of acting in a proactive way around smoking addictions among young people. I do not need to repeat the statistics about 250,000 young people every year getting hooked on cigarettes. I do not need to repeat the 40,000 deaths a year because of smoking. Suffice it to say, those statistics clearly indicate the seriousness of the issue as a major health problem. It requires and demands proactive and creative initiatives on the part of the government.

Despite the shortness of time that we were able to deal with the bill, I acknowledge that many groups were able to participate in a very meaningful way and were able to do what they could to ensure that all facts were presented to us. I acknowledge the Canadian Cancer Society, the Non-Smokers Rights Association, the CMA, the Federation of Nurses' Unions, Info-Tabac, Physicians for a Smoke Free Canada and many other organizations that appeared before the committee. They worked with us and lobbied very hard for progressive changes in this area. I acknowledge their contributions to this whole area.

I urge the government to acknowledge the seriousness of the issue, to consider a much more comprehensive approach dealing with prevention and the expenditure of moneys it promised in the

last election but refused to do, and the value of Bill S-13 and a levy in terms of tobacco industry responsibility. I urge the government to deal with a whole range of tools before it to ensure that we as a parliament and as elected representatives do whatever we can to ensure the good health of young people, children and all Canadians in society today.

• (1655)

[*Translation*]

The Deputy Speaker: 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 Saskatoon—Humboldt, Taxation; the hon. member for Churchill, Solicitor General of Canada; the hon. member for Winnipeg North Centre, Health Protection Branch.

[*English*]

Mr. Greg Thompson (New Brunswick Southwest, PC): Mr. Speaker, Bill C-42 is not just about tobacco advertising or the government's vain attempt to limit advertising. It is basically about the health of Canadians.

I remind the House that every year in Canada 40,000 Canadians die from smoking. That fact is supported by every major medical group in the country. It is a statistic that even Health Canada supports. It is a big problem.

To give an idea of how big of a problem it is I will use some figures that I have used before. Sometimes we have to implant a visual picture so that people remember the numbers. The number of Canadians who die every year from smoking equals the number of Canadians who died in World War II in total. In other words from 1939 to 1945 approximately 42,000 to 45,000 Canadians died. That is a very disturbing statistic. When we compare that to how many Canadians die on a yearly basis, year in an year out, it is time for second thought.

There is another way to put it in terms of those 40,000 deaths. If we had a major airline crash every day in Canada causing the death of 100 Canadians, day in and day out for one solid year, the total would not equal the number of Canadians who die in one year because of smoking. The member from Newfoundland used the word scandalous. It is scandalous. If it happened in any other jurisdiction the government would do something about it.

We could question how long the Minister of Transport would last or how long the government would sustain the pressure that would be put on it by Canadians from coast to coast if 100 Canadians a day were dying in airline crashes? They would not last long. Somehow the government is able to get away with passing weak legislation like the legislation before us.

Another interesting statistic is that tobacco usage in Canada costs us every year \$3 billion in direct costs and \$7 billion in

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indirect costs for a total of \$10 billion. The government could argue that it is making money on tobacco and it is. In one year, 365 days from now, the government will have made approximately \$2 billion in revenue from taxes on cigarettes.

An hon. member: Is that all?

Mr. Greg Thompson: That is all but that is enough. Why will it not do something about it? That is the part that is so bizarre. We are spending \$10 billion in health costs as a direct result of smoking and bringing in \$2 billion in revenue.

• (1700)

Some people have power over the government that goes beyond our wildest dreams. I would identify those people as being the cigarette manufacturers of Canada. They are giants.

I want to give the House an example of who some of those giants are. There is the Imperial Tobacco company, which I am sure most of us have heard about. It is a Montreal based company. It is the dominant player in Canada, with a 67% share of the market. It is owned by a British company called B.A.T Industries, which again is a big multinational conglomerate.

I think hon. members will be surprised when they hear what Imperial Tobacco owns.

Imperial Tobacco Limited is Canada's largest tobacco company. Its operations include leaf tobacco buying and processing, and the manufacture and distribution of a wide range of tobacco products. Its major brands include Players, DuMaurier and Matinée. The company is also the largest seller of cigars in Canada, with brands such as House of Lords, White Owl and Old Port. I guess we have heard those names.

It is really interesting to find out that this same conglomerate owns a drugstore chain called Shoppers Drug Mart. That is pretty powerful, but it does not end there. It also owns some trust companies. Some of its holdings include the Canada Trust Company, Canada Trust Realty Inc. and Coldwell Banker Affiliates of Canada Inc. It is pretty big.

I think we would have to believe that these people have some influence on the government when it comes to legislation and what they want to see the government do. Basically they do not want to see the government do anything. If the government really did want to do something concrete about smoking it would adopt Senator Kenny's bill, Bill S-13.

This is interesting, because last week Senator Kenny's bill was introduced in the House of Commons and immediately the government House leader jumped to his feet and used every measure he could to keep this bill out of the House. In other words, government members were using procedural arguments to keep Senator Kenny's bill out of the House of Commons because they are afraid of it. They are afraid of it because this bill would do something

about smoking in Canada, particularly among young people. In Canada there are a quarter of a million new smokers coming on line each and every year. Something has to be done about that.

Senator Kenny's bill would do something about that. But the government, if it has anything to say about it, is not going to allow this bill to survive the test on the floor of the House of Commons. The government brought in all of its legal minds to launch challenges against this bill, even though it was introduced by the member for St. Paul's, one of its own members. Government members are going to use every means they can to keep it off the floor of the House of Commons.

This is a strategy on the part of the government. The battle is not coming from the health minister, because the health minister is on record as saying that Bill S-13 has merit and that it is a good bill. Unfortunately, he is out-voted in cabinet. There is one person in cabinet who has more clout than the health minister, which I think is recognized by just about everyone in the House, and that would be the finance minister. The finance minister rules the day in the government and he does not want this bill to come in.

• (1705)

What this bill would do is put a 50 cent levy on every carton of cigarettes manufactured in Canada. This levy would be applied at the manufacturer's level. This is not a tax, but a levy.

There are all kinds of precedents which indicate that this levy is no different than any other levy imposed from time to time on certain industries. We would use the argument of intellectual rights and the 5 cent levy imposed on blank cassettes which was passed in this House a number of years ago. That is just one argument that we would use to say that a levy is indeed appropriate and that there is a difference between a levy and a tax.

The fight is coming from the finance minister. Taxation is sacred to the finance department. In other words, it wants full control of every dollar that it is capable of extracting from our back pockets. It does not want to give up any revenue or any tax points. It does not want to give up its future ability to tax.

This 50 cents a carton is being opposed by the finance minister. I want to compare this to the EI account. We have heard the argument in the House that the finance minister is sitting on a \$20 billion EI surplus which goes into the consolidated revenue fund. That is why the finance minister likes it and does not want to give up control of it. It allows him to manipulate the books, balance the budget, declare a deficit free accounting procedure, etcetera. The government loves it. I guess we cannot blame the finance minister for loving it because it allows him to do a little bit of manipulation.

The government does not want to see the same thing happening with this levy at the manufacturing level. This 50 cents per carton would be used to educate young Canadians, but it would not go into

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the consolidated revenue fund. Therefore, the finance minister would lose control. One might ask "What would be wrong with that?" The government gives and the government can take away.

Does anyone in this House remember David Dodge? Is it not correct that David Dodge was the deputy minister in the finance department in the days of Don Mazankowski and Michael Wilson? He was certainly a senior official in finance during those years.

David Dodge is now the health minister's deputy minister. Talk about the system perpetuating itself. We have someone who in the past gave Michael Wilson and Don Mazankowski, former finance ministers, advice, who is now giving advice to the health minister.

In my conversation with Mr. Dodge he said "I would be worried about this because it means that parliament is giving up its ability to tax". I said "Listen, I hate to disagree with you, sir, but if parliament places that 50 cent levy on the manufacturers it is also saying that we can take it away if it does not work", which we could do. There is no argument about that. In fact, Mr. Dodge really did not comment on my suggestion that if we impose it we could take it away if it did not work.

It goes back to that fundamental argument that the finance department does not want to give up control, as it does not want to give up control of the EI fund. It is a surplus that it loves to play around with.

The health minister promised to put \$100 million into education over the next five years.

An hon. member: Peanuts.

Mr. Greg Thompson: Absolutely. It is peanuts. Incidentally this would break down to about \$20 million a year.

• (1710)

Ten million dollars would be going toward education and the other \$10 million would be going toward enforcement. In other words, I guess we would have cigarette police out there.

Senator Kenny's bill would raise \$120 million a year at the manufacturing level which would be about 5 cents a pack. This is so illogical I cannot believe it. But the finance department argues that it could not do that because that would break its agreement with the provinces not to raise taxes or prices on cigarettes from coast to coast. In other words, there has to be federal-provincial agreement to do that.

That in itself is a fallacious argument because what the government is basically arguing is that if we indiscriminately raise the price of cigarettes across the country we are going to get into another smuggling problem like we had in the early nineties.

The smuggling problem was addressed by the government in 1994 when it capitulated again to the cigarette giants, the cigarette manufacturers, the tobacco people. It was the single largest reduction in taxes in the history of Canada. It cut the price of cigarettes almost in half by taking away a big chunk of the tax component.

The government caved in to the smugglers at the expense of young Canadians. Because of that capitulation we have seen the single largest increase in the number of new smokers in the history of Canada ever since, year after year. It is just like a rocket taking off.

What we are saying is that the time is right to enforce that 50 cent levy per carton at the manufacturing level. Why is the time right? Because if we look to the border states of the United States we will find that we are pretty well on par with where they are in terms of price.

The smuggling issue is not going to be as big an issue as it was in the past. Although, I think what we should have done then was to enforce our own laws and get tough on the smugglers. I do not think we should have capitulated to the Mafia kings or the smugglers, but this government did.

Let us take a look at my home province of New Brunswick. In New Brunswick people are paying \$3.74 a pack. That was as of September 30, 1998. If we bought a pack of cigarettes in the state of Maine today we would pay \$4.10 Canadian, given the fact that our dollar is much weaker than theirs. That is another story.

In other words, in Canada we would pay \$3.74 and in Maine we would pay \$4.10. There would be a 36 cent difference in our favour. We have room to increase the cost to help educate young Canadians about smoking. I think the government should do it.

This is something that I have to put on the record. The tobacco manufacturers have absolutely no credibility when it comes to arguing their case. The manufacturers at one time argued that there is a death benefit to smoking. They actually commissioned a study to prove this. The manufacturers said that there is a net gain in Canada if we all smoke.

Their reasoning went like this. If we smoke we are going to die younger. Therefore, we are not going to be collecting as much old age pension because obviously we will be dying younger. We are not going to be collecting as much Canada pension because we will die younger. We are not going to be receiving any health care benefits because we will be dead. Cigarette manufacturers actually commissioned that study and expected Canadians to believe it.

• (1715)

I go back to my basic argument. The attack on cigarette smoking can only be done in three ways. It has to hit the price, that is the tax on cigarettes, because the government can control prices through taxes. There is a direct correlation between price and consumption.

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Economists call that fundamental pricing theory. In other words, if the price is high enough fewer people will smoke the product because they will put their money some place else.

The second way is advertising and the third is education. In other words before we could support any tobacco legislation in the House, all three of those components have to be in the bill. Unfortunately they are not in the bill. It has been weakened and weakened badly.

Ms. Elinor Caplan (Parliamentary Secretary to Minister of Health, Lib.): Mr Speaker, I want to make a comment. I listened very carefully to what the member had to say. I am not questioning his motives, but I am questioning the theory and the thesis he has put forward.

I want to tell him, members of the House and anyone else who is watching, that he is wrong. He should be as proud as we are that Canada has a Tobacco Act and now a tobacco amendment act in Bill C-42 that will make us among world leaders in legislation. We also have in place a commitment to education policies which hopefully will respond to our desire to educate young people, to give them the information they need and to encourage them not to start smoking.

Canada has been a world leader in smoking cessation policies. Canada is a world leader in our legislative initiatives. I know that is really hard for the member opposite to take. I understand that. I actually think he is quite a nice guy. When I heard him speaking I just had to say to him, notwithstanding all that, that he is absolutely and completely wrong.

Mr. Greg Thompson: Mr. Speaker, now that I know I am a nice guy I feel a lot better. We have to talk about reality in this place. We have Bill S-13 before the House that will be ruled on by the Speaker as to its legitimacy. It will do something about smoking in Canada, particularly for young people.

I ask the member to put her money or her vote where her mouth is. She should support Bill S-13 which incidentally was introduced by one of her own backbenchers who happens to be a medical doctor.

Senator Kenny went around the country from coast to coast. I have here documentation from the Canadian Cancer Society telling us in study after study of the harmful effects of smoking on young people. I have a box of letters. I will not touch it and then it is not a prop. I had to use two soldiers and a pack horse to get the letters here from my office to show the Canadian people how important the issue is.

I was first elected in 1988. I have never had as many letters on a topic as I have had on the smoking issue. I have received thousands of letters. They are going to other members in the opposition parties and to members of the government. That type of evidence

suggests Canadians want something done about smoking. I will entertain other questions from the floor.

Hon. Lorne Nystrom (Regina—Qu'Appelle, NDP): Mr. Speaker, I have also received a lot of letters. However there was one topic I received many more letters on, and it was the GST brought in by that member's party. Did he not receive more letters on the GST?

• (1720)

Mr. Greg Thompson: Mr. Speaker, that is the problem with the institutional memory around here. The member who just asked that question used to sit in this very seat. I hope I am not contaminated by that type of thing. All I can say is that I received a lot of letters on the GST. In 1993 I paid a huge political price on that issue.

Canadian people will pay a huge price in terms of deaths and in terms of addiction if we do not do something about this very serious issue.

In reference to the same point made by the veteran member from Regina, Saskatchewan, it is funny we were so wrong in the GST that the government just wrapped its arms around it. We do not even hear you saying anything about it, Mr. Speaker, nor any other member over there. Probably it goes back to that same person I talked about in the finance department, David Dodge, giving Michael Wilson and Don Mazankowski advice. Now he is advising the government. I wish he would go back to finance and stay away from the health minister.

Mr. Charlie Power (St. John's West, PC): Mr. Speaker, I would like to ask a question of the member for New Brunswick Southwest who is doing an excellent job critiquing the very good piece of legislation we are talking about, Senator Colin Kenny's Bill S-13.

Ms. Elinor Caplan: How about Bill C-42?

Mr. Charlie Power: We were talking about it and the member was talking about it. I want to ask the member relating—

Ms. Elinor Caplan: Mr. Speaker, I rise on a point of order. I believe Bill C-42 is before the House and I would ask you to remind the member that is the bill we are addressing.

The Deputy Speaker: I am sure the hon. member for St. John's West is a very diligent member. He would certainly turn his question to something that was relevant to the speech given by his colleague, the hon. member for New Brunswick Southwest, which after all was strictly relevant, as I recall, to Bill C-42.

Mr. Charlie Power: Mr. Speaker, I will happily rephrase the question.

In this case we take in \$2 billion worth of revenue for taxes on tobacco in Canada. It costs Canadians \$10 billion. I am wondering why there is so much opposition to another bill that was discussed as well. We are trying to raise a miserly \$100 million to assist

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young people to stay off tobacco, to be able to lead normal healthy lives.

How is it that in the U.S. tobacco companies are willing to pay \$202 billion to show that the products they sell are so unbelievably harmful to citizens of the United States of America? I also want to say how profitable tobacco companies must be to be able to offer \$202 billion to settle some lawsuits.

Why is it so difficult to raise a small levy in Canada to help our young people stay off tobacco?

Mr. Greg Thompson: Mr. Speaker, that is the question I cannot answer. That is what makes this whole exercise so bizarre. The numbers are obviously against doing what the government is doing, to try to phrase it properly.

I have some letters sitting on the desk of the member who happens to be the finance critic for my party. He sent me a little note. I think he is over in his office and one of the pages just brought it. He wants me to tell Canadians that the tobacco tax reduction is the only tax cut the present government has given the Canadian people since taking office in 1993.

In reference to the question, I am perplexed as to why the government would go down a road which is such a sorry road. It has an opportunity to do something and it is not doing it. All I can say is it has to be caving in to big business, to the big tobacco manufacturers. I do not think there is an answer other than that.

• (1725)

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, I wonder if the member for New Brunswick Southwest could redirect a question to the member for St. John's East who a few moments ago spoke in high praise about the policies of Canada. Of course we will recall that the member's party voted against Canada. I wonder if he could now inform the House whether he really thinks it is a good deal to be in Canada.

The Deputy Speaker: I am not quite sure how the member for New Brunswick Southwest will redirect any question to one of his colleagues. Maybe he could answer this question.

Mr. Greg Thompson: Mr. Speaker, I think the heritage minister has had too much caffeine today. I cannot fathom that question. With due respect to the minister of heritage, I think she has this confused with her flip-flop position on the GST.

The Deputy Speaker: It seems to me maybe there has been a lot of caffeine on every side.

We could perhaps resume debate at this point, but given the time do members want to see it as 5.30 p.m.? Or, do they want to have five minutes of debate and have the speech interrupted? I am in the

hands of the House. Does the hon. member wish to start his remarks?

Mr. Grant Hill (MacLeod, Ref.): Yes, Mr. Speaker. On Bill C-42 I thought I might go over the Liberal record on tobacco. This is a summary of all the things that have happened since I have been in the House, since 1993.

First, the government reduced prices to combat smuggling. Second, it caved in on plain packaging. Third, it passed Bill C-71. It weakened Bill C-71 by giving in to Grand Prix racing, and with the ongoing weakening from other sponsorship groups the result is Bill C-42.

It is very instructive to look at what has been the result of these measures. It is not that tough to do. One can actually go and look at statistics on tobacco consumption in Canada as I have done.

The statistics I will be presenting today will be very specific for Canada since 1991. The reduction of tobacco smoking in 1991 was 6.16%. This trend had been going on for many years. In 1993 it dropped to 3.49%. In 1994 for the first time in 30 years it went up to 9.20%. I want this to be plain. This is total market for tobacco. That includes tobacco smuggled and tobacco used in Canada. Some would look at statistics and say we do anything we want with them. If the U.S. statistics are compared with the Canadian statistics they have been in lock step for those 30 years.

In 1994 the Canadian statistics took a dramatic jump. The jump was directed, and Statistics Canada shows this plainly, at our youth. The bill is weakening a pretty good bill, Bill C-71, which Reformers supported. I am proud to say Reformers were able to actually prevent procedural wrangling on that bill.

Bill C-71 was directed at youth. It allowed advertising to still go toward adults who had already made the decision to smoke. In adult only publications and in bars it was quite legitimate for tobacco companies to advertise. That took away from the tobacco companies a tremendous lever, the lever of court challenge that would make Bill C-71 no longer legal. We now have a bill which groups involved in health are saying is a weakening.

I will end my speech now so that we can carry on and vote on Bill C-42.

The Deputy Speaker: Is it the intention of the House to proceed with putting the question? Is the House ready for the question?

Some hon. members: No.

• (1730)

The Deputy Speaker: It being 5.30 p.m., the House will now proceed to the consideration of Private Members' Business as listed on today's order paper.

*Private Members' Business***PRIVATE MEMBERS' BUSINESS***[English]***PARLIAMENTARY PRIVILEGE**

Mr. John Solomon (Regina—Lumsden—Lake Centre, NDP)
moved:

That, in the opinion of this House, members of the House of Commons and senators should be treated equally before the law and therefore the parliamentary privilege that allows members of the House of Commons and senators to refuse to give evidence in a Canadian courts of law should be abolished.

He said: Mr. Speaker, I thank my colleague, the member for Regina—Qu'Appelle, for seconding this motion.

I am pleased to speak on this motion today, particularly since I drafted it two years ago as a result of some unfortunate circumstances in my home province of Saskatchewan but which could continue to have some importance as efforts to discover the extent of government's involvement in the APEC issue unfold.

MPs and senators do not have to obey a subpoena to testify in court, ever. I think that is wrong, as do many other Canadians. So I moved Motion No. 53 to remove that absolute privilege. I would like to explain why.

Motion No. 53 seeks to eliminate the privilege of members of the House of Commons and senators to evade an obligation to testify before a court or civil proceeding. It is a privilege I am not sure many new MPs realize they have. The principle behind the privilege not to attend a court of law and give evidence is that attendance at the House of Commons or the Senate is the first call on a member's or senator's time. There are practical reasons for this principle and historic reasons for the rule being written in such an absolute fashion.

But there is a competing principle that parliamentarians should not be above the law. We need to reconsider how we reconcile these two principles and allow for some time in MPs' schedules to show up in court if they are needed.

In October 1996 when I drafted this motion we were in the middle of a series of trials in Saskatchewan regarding allegations of fraud, theft of public funds and breach of public trust. The charges dated back to the period from 1986 to 1991 and involved members of a previous provincial government, both cabinet members and members of the legislative assembly.

In January 1995, 11 current and former MLAs, including former deputy premier and now Saskatchewan Senator Eric Berntson, were trying to evade testifying in a preliminary inquiry into charges against former PC caucus communications director John Scraba. The Court of Queen's Bench ruled that they had to testify.

By October 1996 one staffer and twelve former Conservative MLAs had been charged. By then five had been convicted, three were acquitted and one committed suicide. At that time former Lloydminster MLA Michael Hopfner was on trial. He called Senator Berntson as a witness. A subpoena was issued but police could not serve it on the senator on the Parliament Hill precincts because of his parliamentary privilege. The senator in any event was not required as a matter of parliamentary privilege to answer or to even acknowledge the subpoena.

Senator Berntson would not discuss his reasons for this action with the media, but the Senate's legal counsel, in a letter to the senator's personal lawyer Clyne Harradance, apparently confirmed that Senator Berntson was entitled to refuse the subpoena all together as part of his parliamentary privileges and immunities.

I will go into the specifics of the privilege issue shortly. To continue the story, the issue was raised at that time by several members of parliament, myself included. It was the subject of media stories and several columns and editorials. There was a public outcry against the way the senator seemed to be hiding behind his parliamentary privilege. There was even a suggestion in some quarters that by appointing him to the senate, the former prime minister was deliberately availing Senator Berntson of this potential cover.

• (1735)

Three weeks later the senator wrote an open letter claiming he was not trying to evade testifying by invoking his Senate privileges and he eventually took the stand. Mr. Hopfner was convicted and sentenced to 18 months in jail. Three months later, on January 24, 1997, Senator Berntson was charged with breach of trust and two counts of fraud. Five other individuals were also charged that day, bringing the total number of individuals charged to some 20 people. Senator Berntson resigned the next day as deputy leader of the opposition in the Senate and also from the Tory caucus pending both the preliminary hearing held this time last year and his trial before a judge which it was recently announced will commence January 11, 1999.

Senators and members of parliament do not have the privilege to avoid arrest or even to escape criminal charges but they may not be compelled to appear in court as witnesses or to serve on a jury, according to Beauchesne's sixth edition, citations 89 and 90. Citation 89 refers to the privilege I would like to abolish, namely that no member may be compelled to appear in court as a witness.

Beauchesne's sixth edition was published in 1989. Citation 91 states: "Neither the House nor its members have ever made any specific claims to freedom from service of process within the precincts". No sooner was it published than the situation changed. In March 1989 Edmonton MP David Kilgour, now a Liberal

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cabinet minister, was served with a subpoena in his constituency office to testify—

The Deputy Speaker: I am sure the hon. member knows he cannot refer to the hon. member by name but by secretary of state.

Mr. John Solomon: Mr. Speaker, I stand corrected. I apologize and withdraw that. The secretary of state was served with a subpoena in his constituency office to testify in court about a meeting he had with constituents a few years before. Speaker Fraser ruled: "The service of a subpoena within the precincts of the House of Commons is improper without the permission of the Speaker".

The member at the time and now secretary of state was asking Speaker Fraser to extend the definition of privilege to encompass something akin to a solicitor-client privilege between an MP and his or her constituents. Speaker Fraser declined to do so. The current secretary of state may have a point in wanting to extend our privileges on that score but I am seeking to limit the blanket waiver against MPs or senators having to testify in court.

I do not believe MPs or senators should have an unfettered privilege to refuse to testify in court as witnesses. The primary claim of parliament to members' attendance no longer demands this blanket waiver. I make reference to the practice created in Britain in the 1600s to safeguard MPs from King Charles I who often imprisoned outspoken politicians. It also prevented poorly paid MPs from being thrown into debtors prison for non-payment of debts. Enshrined in the Canadian Constitution Act of 1867, the privilege grants members the right to speak in parliament without fear of harassment for what he or she says. I still support that privilege without which we would be handcuffed as spokespersons for our constituents and others outside our ridings.

MPs and senators are exempted from jury duty because of their obligation to serve the nation's highest court, parliament. Parliamentary privilege exists to ensure the people's representatives are free to work in the public interest. I maintain and support that point of view.

Beauchesne's and Maingot assert that the two houses of parliament have the first call on the attendance of their members. Fair enough, but that principle was elaborated in the specific rules of privilege before the invention of the airplane. At that time parliament was called for a session that lasted some months and then prorogued at the end. MPs and senators had to travel for up to a week and maybe more sometimes to attend the session. They travelled by train or horse and buggy.

Today a parliamentary session is never prorogued until just before a new session is announced, usually the day before or the day of the new session. However, the House and the Senate adjourn regularly and even predictably because of our calendar.

MPs and senators can fly anywhere in Canada in under a day if they really need to. Therefore I believe it is not necessary to assert the primary claim of parliament to members' attendance by giving members an unfettered right to avoid testifying as witnesses in court. MPs or Senators who have information relevant to non-frivolous criminal or civil proceedings should be required to testify like any other Canadian so long as the Chamber is adjourned or prorogued.

• (1740)

Of course as whip of the NDP, I would not want to see a situation where one political party could subpoena MPs from another political party to defeat a government with respect to a vote or ensure that a close vote was passed, for example. But the current blanket privilege makes Canadians believe parliamentarians are above the law.

Many people in Saskatchewan two years ago told me they thought Senator Berntson was exercising his privileges not out of a sense of the importance of his work in the Senate but to avoid giving testimony at one trial that might later lead to his own criminal charges. Although I do not want to comment on a matter that is currently before the courts, I can say that it was not so impossible to see how they might come to that conclusion.

What will happen if the RCMP public complaints commission should subpoena the former solicitor general or the Prime Minister? A subpoena cannot be served on Parliament Hill without the permission of the Speaker. The public complaints commission has the powers of a board of inquiry, but the Prime Minister is saying there is no precedent for him to testify if called.

I do not believe we should give prime ministers or cabinet ministers or MPs any shields to hide behind anymore, in particular as they appear as witnesses. My motion is intended to modernize the rules of parliament and the rules for parliamentarians to maintain public confidence in their elected representatives as well as to ensure an equitable justice system and to make sure that politicians are not above the law.

I hope hon. members will find the motion worthy of support. I look forward to addressing their comments at the end of the hour.

Mr. Peter Adams (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I am pleased to have the opportunity to debate the motion of the hon. member for Regina—Lumsden—Lake Centre.

Motion No. 53 proposes to abolish a parliamentary privilege that permits members of the House and the other place to be exempted from appearing in a court of law as witnesses, and the member rightly stressed that. It is appearance as witnesses that we are discussing.

I believe this motion should not be supported. The concept of privilege has a long history in our system of parliamentary government. It was developed during the 14th and 15th centuries, as the member mentioned, to ensure that the authority and liberties of the British House of Commons should not be challenged by the monarch.

I point out that Canada is one of several countries that have developed parliamentary privileges. They are also available in parliaments in jurisdictions abroad. Both the United Kingdom and Australia recognize the priority of the attendance of members in their houses of parliament over their appearance before a court.

Exempting members from appearing in court as witnesses is closely related to the privileges that exempt members from jury duty and the freedom from arrest and molestation. I suggest to my hon. colleagues that it continues to be needed today.

First, this basic principle for the good functioning of the government in Canada is recognized in the Constitution Act of 1867, but also in section 4 of the Parliament of Canada Act. The Constitution Act provides that: "The privileges, immunities and powers to be held, enjoyed and exercised by the Senate and by the House of Commons and by the members thereof respectively shall be such as are from time to time defined by the Act of Parliament of Canada".

The Parliament of Canada Act recognizes these privileges as: "Part of the general and public law of Canada and they shall, in all courts in Canada and by and before all judges, be taken notice of judicially".

Privilege is based on the pre-eminent claim of the House to the attendance and service of its members. That means members themselves do not have privilege. Only the House of Commons has privilege. Members are covered by this privilege insofar as they are serving as members of this House.

While privilege is intended to ensure that members are not obstructed in the performance of their duties, it does have limitations on its use. It is not intended to be used to impede the course of justice. It does not protect members from criminal prosecution. For example, it does not stop members of parliament from being sued.

• (1745)

In other words, privilege ensures that this House will function effectively. Members must be able to carry out their responsibilities and duties as legislators of public policy and in the service of all Canadians. As noted by Maingot, "parliament has the paramount right to the attendance and service of its members".

The work of this House depends on the input of all members from all regions of this country. I would suggest that their

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participation is even more important given the fact that we now have five official parties comprising the legislature in the House of Commons.

Second, parliamentary privilege supports the House by protecting individual members from frivolous or vexatious attacks which would keep them from their duties.

As the hon. member may know, a former leader of his party used this protection while serving as a member of this House. The motion before us, in other words, is inconsistent with the action of a former leader of the member's party.

We need to be vigilant in preserving parliamentary privilege against frivolous attack.

Third, the member's motion responds to a problem that does not exist. I am not aware of any public criticism in this area, nor am I aware of any significant abuses that need to be addressed. In other words, I do not understand what the point of this motion really is.

Indeed, I believe Canadians would agree that this privilege is required so that members may carry on their legislative and House duties. It is a necessary privilege that members not be impeded in their work in the service of their electors.

While members may claim this privilege, they must also be guided by their consciences. Given these considerations in the modern context, members rarely invoke their privilege to be exempt from appearing as a witness. However, as noted in Bourinot's *Parliamentary Procedure and Practice*, the Commons generally gives leave of absence to members to attend elsewhere as witnesses when it is shown that the public interest would not suffer by their absence.

In conclusion, it is for these reasons that Motion No. 53 as proposed by the hon. member for Regina—Lumsden—Lake Centre should not be supported. If there are specific matters of privilege that the member wishes to examine, I would suggest that this is a matter that might more properly be considered by the Standing Committee on Procedure and House Affairs of which my hon. colleague is a member and of which I am the chair.

I hope that he and I can continue to work together on that committee to further strengthen this parliament.

Mr. Randy White (Langley—Abbotsford, Ref.): Mr. Speaker, it is an interesting debate and I am glad to be involved in it. I have a deep interest in the issue having been served with several documents to go to court. It kind of comes home when one does these things.

I want to read the motion because I am actually that close to where the hon. member is from with just a minor deviation from it:

That, in the opinion of this House, Members of the House of Commons and Senators should be treated equally before the law and therefore the parliamentary privilege that

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allows Members of the House of Commons and Senators to refuse to give evidence in a Canadian court of law should be abolished.

In the recent *Sun* column of November 6, 1998 titled "Lawmakers above the law", Robert Fife comments on this motion and points to two cases that prompted the sponsor to introduce this motion. He cited the case when in 1989 NDP MP Dave Barrett claimed parliamentary immunity to avoid a summons in a case involving non-payment of his leadership debts and when Conservative Senator Eric Bernston used the privilege to excuse himself from answering a subpoena in a trial involving a fraud ring that operated in the Tory caucus of former Saskatchewan Premier Grant Devine.

• (1750)

While Motion No. 53 only addresses one privilege, there are actually three privileges dealing with the attendance of members and the potentiality for a conflict between duty to parliament and duty to obey a court order. These three privileges are freedom from arrest, freedom from giving evidence and freedom from serving on a jury.

It should be noted that these privileges do not involve cases of criminal matters or breaches of provincial statutes that involve the summary jurisdiction of the Criminal Code. They only apply to civil cases as was earlier said.

Historically, and according to Joseph Maingot's *Parliamentary Privilege in Canada* "the first privilege accorded to parliamentarians in England was an assurance that the barons and other lords were not impeded on their way to the council with the monarch because of civil process". We have run out of barons and lords in this House of Commons to a large extent, except for an odd few in the cabinet over there. "The concern was to secure the attendance of members, and it remains to this day the principal reason for the privilege of freedom from arrest, from attending as a witness in a court or elsewhere than parliament, and from serving on a jury. This is because the most important body in the country, the Parliament of Canada, has first call on the services of its members and parliament will not tolerate impediments to members who are on their way to attend the sittings".

It seems reasonable that a member could ignore an order to appear before court if called to attend a vote in the House if that vote was considered important. If a member was to be charged with contempt of court in such a case, it seems reasonable that the House should protect that member. In such a conflict, the duty to parliament clearly outweighs the duty to the courts.

The potential for the abuse of these privileges seems to arise out of the automatic nature of the immunity and when a member uses the privilege for personal advantage. This automatic immunity

should be abolished. At the same time, the House should maintain first call on the services of its members and should be able to exercise authority in extraordinary cases.

I want to talk a bit about freedom from arrest. Joseph Maingot's *Parliamentary Privilege in Canada* sums up the privilege of freedom from arrest as a protection from arrest for any civil process, such as failing to obey an order or judgment of the court in a civil matter, including civil contempt. A member of parliament does not have immunity from arrest in criminal matters and may be imprisoned for a criminal or quasi-criminal offence, including criminal contempt of court.

On the other hand, page 158 suggests that the House has the authority to intervene if it felt the circumstances were extraordinary. It says:

While neither House of Parliament has waived or would likely waive its right to intervene if and when Members are convicted and committed for contempt (of court), and thus could in theory consider each case on its merits, it is unlikely that either House of Parliament would take any matter into consideration relating to the civil process unless the circumstances were extraordinary. It is also unlikely that Parliament would actually interfere in a criminal arrest of a Member, including criminal contempt of court. While cases may arise, the position of the House of Commons is that the House will at least investigate every such matter brought to its attention in order to be assured that the privileges of Parliament are not affected.

Therefore if the House has the authority to intervene in extraordinary cases to protect its privileges, then members do not need an automatic privilege of freedom from arrest. This would be consistent with most other cases involving members' privileges.

When members feel that their privileges have been breached, they first raise it with the Speaker who determines whether or not there is a prima facie case of privilege. If a member's question of privilege is prima facie, then the House considers the case and makes a decision.

What about the privilege of not being required to attend as a witness? Here we get into the specific privilege referred to in Motion No. 53. Once again the problem is not with the idea that the House has first call on the services of its members, but the automatic immunity granted to a member. As it stands now, the House would likely uphold a member's privilege of freedom from giving evidence without question. The House should instead consider the circumstances and decide based on the merits of the case.

• (1755)

If we abolish a member's individual privilege of freedom from giving evidence, to be consistent we should probably ensure that the House maintains the authority to intervene in extraordinary cases. That should prevent individual members from abusing the privilege but at the same time preserve the right of the House to first call on the services of its members.

What about privilege of exemption from jury service? Freedom of jury duty is in keeping with the principle of the House having first call on the services of its members. While this exemption from the law is less offensive than the others, it still puts members above the law compared to other citizens.

To be consistent, we could apply the same standards to this freedom as the other freedoms mentioned beforehand. The right of immunity should be taken away from individual members and placed in the hands of the House itself.

These are things the Standing Committee on Procedure and House Affairs should probably look at.

The privilege of freedom of speech is another issue. The privilege of freedom of speech is in a totally different category and is probably one of the most essential freedoms enjoyed by members. According to Maingot the privilege of freedom of speech is not so much intended to protect the members against prosecution for their own individual advantages, but to support the rights of the people by enabling their representatives to execute functions of their office without fear of either civil or criminal prosecutions.

According to Bourinot, freedom of speech is one of the first and greatest of a member's privileges. He says that one of the advantages of legislative bodies is the right of exposing and denouncing abuses by means of free speech.

Often in debate and question period cabinet ministers, including the Prime Minister, will accuse the opposition of abusing their freedom of speech. It happens here once in a while. These comments are not only misguided and inappropriate but they strike at the centre of the problems facing this government. The government tolerates free speech as long as it is not being criticized by it. Freedom exercised in this way is viewed by the government as an abuse.

On page 25 of Joseph Maingot's book on parliamentary privilege he talks about the origins of freedom of speech:

Until the 19th century, in the U.K. reporting what was said in parliament was treated as contempt; until then, members required this privilege only for the purpose of avoiding prosecution by the king.

As members were once afraid of the wrath of the king, today backbench members of parliament bear the wrath of the Prime Minister who sometimes thinks he is a king. The Prime Minister cannot prosecute members but he does have ways of punishing and controlling them. It is unfortunate that we do not have a privilege protecting us from the Prime Minister.

In conclusion, in regard to privileges relating to the services of members to the House, members for the most part should be treated

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like any other citizen before the law. At the same time parliament should maintain its right to first call on the services of its members.

Therefore, any privilege applied should not be automatic, with the exception of freedom of speech, but should be subject to the judgment and decision of the House.

With this modification, members would not be above the law unless the majority of lawmakers felt it necessary to resolve a legitimate conflict regarding the public demand on the services of members of parliament.

[*Translation*]

Mr. Stéphane Bergeron (Verchères—Les Patriotes, BQ): Mr. Speaker, I am pleased to speak on Motion M-53, introduced by our colleague for Regina—Lumsden—Lake Centre, on abolition of the parliamentary privilege that allows members of the House of Commons to refuse to give evidence in a Canadian court of law.

I would like to point out first of all that the motion being addressed by this debate raises several fundamental principles of parliamentary practice: the separation of powers and the primacy of parliament over legal institutions, as well as the matter of parliamentary privilege.

I am one of those who feel that the workings of parliament and the work of legislating are, and must remain, the principal duty and foremost obligation of a member of parliament. Moreover, the primacy of parliament over the judiciary has been guaranteed, since the earliest days of parliamentarism, in order to ensure that the business of the House runs smoothly. The sovereign did not tolerate that members could be prevented from assembling in parliament.

● (1800)

A summons to testify in court did not constitute for the crown a valid reason for preventing a parliamentarian from taking part in a sitting. This underlying principle and the ensuing parliamentary privilege have down come through the centuries and are still valid today. I will quote from Joseph Maingot, in his *Parliamentary Privilege in Canada*, at page 161:

Since Parliament has the paramount right to the attendance and service of its Members, any call for the Member to attend elsewhere while the House is in session is not in law a call that need be answered.

The aim of this privilege is to enable us parliamentarians not to arbitrarily escape the administration of justice, but to properly acquit ourselves of our duties, with no outside obstruction or interference of any sort. To put an end to this would mean that we recognize the primacy of the judiciary over the legislative, whereas the judiciary arises from the legislative power, which precedes it.

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In addition, Standing Order 15 on member attendance, provides, and I quote:

Every Member, being cognizant of the provisions of the *Parliament of Canada Act*, is bound to attend the sittings of the House, unless otherwise occupied with parliamentary activities and functions or on public or official business.

Clearly, our presence in Parliament is not only desirable but required. Moreover, the obligation of testifying at a trial is not specifically included in the list of valid reasons for not attending sessions of the House. This parliamentary privilege, based on a long tradition, and on totally defensible principles and arguments, is embodied in the letter of our Standing Orders.

I have no intention here of discrediting or minimizing the importance of the role of Canadian courts. Our legal institutions are cited as examples worldwide. They ensure compliance with the laws passed by Parliament. Those who have committed offences or crimes must be brought before the courts and punished, as appropriate.

Should members by chance witness illegal acts, it is appropriate for them to participate in the operation of the judicial system by appearing, as required and when circumstances permit, as witnesses. But we must not for all that forget that our prime obligation is to perform the functions for which we were elected.

Appearing as a witness when summoned is part of everyone's civic duty. The parliamentary privilege the member for Regina—Lumsden—Lake Centre is proposing to abolish does not, however, exempt us as parliamentarians from this civic duty. Privilege simply means that, in the event of conflict between our civic duty to appear as a witness and our parliamentary duties, the latter should take precedence.

The second point I wish to raise concerns parliamentary privilege specifically.

All the protections that we enjoy in this House and that we inherited in 1868 when the Parliament of Canada declared that it was adopting the privileges of the House of Commons in London come to us through the long and rich parliamentary tradition of Britain.

Over time, there has been a slow but inexorable erosion of parliamentary privileges. This phenomenon can certainly be attributed in part to the increasing concentration of powers in the executive branch to the detriment of the legislative branch. But we have also seen parliament become increasingly reluctant or unable to defend its privileges effectively.

Decisions in recent years has been particularly telling. I need only point to the way the infamous flag affair was dealt with by the Standing Committee on Procedure and House Affairs. It would

therefore be improper for this House to knowingly and willingly help to undermine the privileges it enjoys.

● (1805)

Before I go further, I believe it is appropriate to agree on the meaning of parliamentary privilege. I will cite the 6th edition of Beauchesne's *Parliamentary Rules and Forms*, which defines it as follows at page 11, and I quote:

—the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by Members of each House individually, without which they could not discharge their functions—

Motion No. M-53, in suggesting equality between members and senators and our fellow citizens in the obligation to respond to a summons to appear as a witness, indicates to me the subordination of the legislative to the judiciary. Let me explain.

As parliamentarians, we are first charged with introducing bills, amending other laws and voting on laws. We form what is called the legislative power. Under such a motion, a member of Parliament could at any time and in any place be summoned to appear before a Canadian court without regard to his role.

Thus the judiciary could, with a summons to appear, govern our activities and interfere in the functioning of this House, something that cannot be allowed to happen under the principle of the separation of powers.

Thus the motion under consideration at the present time would prevent parliamentarians from carrying out their duties effectively, and would mean that henceforth the judiciary would take precedence over the legislative.

Our presence in Parliament, as Joseph Maingot said, is a vital one. Our fellow citizens have made us their legitimate representatives so we can express their concerns here in this House. This status confers upon us inalienable privileges that are necessary to the performance of our duties.

In the eyes of the law, we are not superior to our fellow citizens. We merely enjoy certain rights and protections which enable us to be more effective in representing them.

I am concerned at the erosion of parliamentary privileges. In this connection, even if Motion M-53 is non-votable, the mere fact that it was introduced is indication of what is, at the very least, a lessening of the respect for parliamentary heritage to which I referred earlier.

All our parliamentary practices, as outlined in the Standing Orders and in other pertinent documents of jurisprudence, have demonstrated what parliamentary precedence is all about, what parliamentary privileges are, and why they exist. I know very well that we are familiar with those great principles, but it is a good idea to go over them from time to time.

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I do, however, view with alarm the fact that we have reached the point of believing that the roles can in fact be reversed, and that the legislative can, on occasion, be subordinated to the judiciary, as this motion implies.

Finally, I deplore the lack of respect being shown at times for our parliamentary system. On the one hand, this motion reduces our parliamentary privileges. On the other hand, it is converting our committees from quasi-judicial parliamentary bodies into entities under the control of the executive, which makes government members toe the party line, thus taking away the committees' independence to make decisions.

It is high time we turned more to the rich British parliamentary tradition for our inspiration.

[*English*]

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Madam Speaker, I am pleased as well to take part in the debate pertaining to Motion No. 53 presented by the hon. member for Regina—Lumsden—Lake Centre. The motion calls on the House to declare that all members of the House and the Senate be treated equally before the law.

I have no difficulty with that whatsoever, particularly in view of the fact that all Canadians are certainly equal under the law. Every Canadian, parliamentarians included, must enjoy equality under the law. Protection and prosecution apply by virtue of the Canadian charter.

The member asserted that parliamentary privilege somehow creates inequality before the law for members of the House. He calls on the House to therefore renounce what he contends is an inequality.

This is a noble motion by all means but there are some misnomers that have to be dispelled. Members of parliament and senators are not free from arrest. Let us get that straight.

Privilege on the Hill, were it to be exercised in such a way that a member of the House or the Senate were attempting to avoid prosecution by remaining on the Hill 24 hours a day, 7 days a week, would perhaps be a worse fate than criminal prosecution.

● (1810)

This would leave a wrong impression if we were to suggest this were the case.

It is unfortunate as well that the word privilege carries so much baggage. It is not unusual for people who encounter the term to be offended by the notion that parliamentary privilege might somehow denote a special status for members. The vocabulary itself often offends the senses and sensibilities of those whose world is not so close to the study of law and history.

Like many specialities, parliamentary law has its own particular vocabulary. Sometimes the vocabulary can be confusing. The expression parliamentary privilege sounds somewhat like a perk or a class system that exists here, or even an economic advantage. We say that he is a rich man and leads a life of privilege. That is not the context of privilege as it has come to be understood on Parliament Hill. This has nothing to do with parliamentary privilege.

Parliamentary privilege is immunity under the Constitution that is necessary to allow members of this legislature to perform duties without interference. The crown recognizes and reiterates that parliament's claim to privilege at the beginning of each parliament is vital to the operation of this place. It is claimed by the Speakers on behalf of the members of the House and the Senate as they addresses the governor general. It is not an exercise in pageantry. It is not ritualism. It is a basic assertion of freedoms that enable the members of the House to discharge their duties without hindrance by persons who may seek to impede parliament through agents of the crown or through agents of the court.

We should recall that courts are the crown's courts. It is also forgotten that this is the Queen's parliament. Keeping this in mind, we can delve into the argument a little clearer. It was certainly heart warming to hear the previous speaker from the Bloc acknowledge there is a great deal of importance attached to those particular laws we have adopted in this country. Like are parliamentary history, there is rich importance to all Canadians that the matter of parliamentary privilege be respected.

In the initial appearance before the governor general the Speaker of this House on the very first day will appear. The Speaker will on behalf of all members of this House proceed to the Senate chamber. He will make a representation on behalf of this place. Let us look at those words:

The House of Commons has elected me their Speaker, though I am but little able to fulfill the important duties thus assigned to me. If, in the performance of those duties, I should at any time fall into error, I pray that the fault may be imputed to me, and not to the Commons, whose servant I am, and who, through me, the better to enable them to discharge their duties to the Queen and country, humbly claim all their undoubted rights and privileges, especially that they may have freedom of speech in their debates, access to Your Excellency's person at all seasonable times, and that their proceedings may be received from Your Excellency the most favourable construction.

This sets out the request of this parliament through the Speaker for privilege of freedom of speech in this Chamber and privilege that allows these members present to do their jobs effectively.

When we return to this Chamber there are certain privileges that attach the ability to question the government, to ask probing, important questions, questions that might in some instances lead to a legal action were they to occur outside of these hallowed halls. I suggest it is one of the most important duties that members of the Chamber can engage in, particularly from the opposition side of

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the House. I think all members will be quick to agree that is a useful exercise to engage in a process where the government is required to at times defend its actions.

Privilege is a particular immunity under the law. There are types of privileges that the crown recognizes in law. These include the privacy of a confession and limited conversations between a person and their lawyer or physician at times. I doubt there are any members present who would want to see these privileges abandoned. Similarly, parliamentary protections or immunities exist for a single purpose. They were not just dreamed up by parliamentarians of a superior class. These immunities are in place to protect parliamentarians from intimidation and threat.

• (1815)

Constituents need to feel a sense of confidence that their parliamentarians, their representatives, will respect and represent them with a certain level of decorum and competence. Privileges should be exercised with discretion and common sense that is of benefit to all Canadians. Service on the Hill should meet that same standard.

There are practical reasons that need to be respected in order for these exercises to be fulfilled. Parliamentarians are not above the law. I do not think that suggestion should be left in the minds of any Canadians. They are certainly not immune from prosecution when those unfortunate circumstances might arise.

Canadians in free elections send members of parliament to the House to probe, to pry, to admonish and to advocate. We are armed with the right to speak freely within these rules. We cannot be questioned in the crown's courts for anything that we might say in the House. Other citizens may be subject to the actions of the courts but we are only subject to our own limits, not those of the crown's courts.

Americanization is a fear we might have with respect to the abolition of privilege. It might turn us into a circus-like atmosphere that we have seen in the United States in recent months. Perhaps that is not egalitarian in the eyes of the hon. member, and I say this with respect. I think this is the root concern of his motion.

However, members must be free to engage in this process that is so important to the protection of democratic rights. The abolition of our immunity would result in the egalitarianism of an oppressed society. There would be no freedom of speech in parliament.

Just think of some of the issues that we could not have debated had the rules of privilege been abandoned. Would the member for Palliser in the hon. member's own party been permitted to ask the questions that he did ask with respect to the former solicitor general in pursuit of justice? Would I in my party have been able to

ask questions with respect to illegal campaign fundraising that was happening in the province of Quebec and be free from prosecution?

The literary community has recently raised the danger of what is called libel chill. The abolition of parliamentary privilege would make it open season on every elected representative, particularly those who expressed unpopular views. Libel chill would become a parliamentary petrification.

Immunity, privilege, whichever is preferred, is a necessary protection from a malevolent ruler. In ancient days it was a malevolent king who opposed parliament. Now there are very powerful forces that would be only too pleased to silence probing and prying. If we were to abolish immunity, we would invite those who disagree with any member to sue or engage us in the courts to bring about potential financial ruin if we have the courage to vigorously pursue the rights of all Canadians.

Specifically the issue of jury duty has been raised. Lawyers at the bar, prosecution lawyers, are also excused when it comes to jury duty. It has been touched on in a very practical way as to why parliamentarians should be permitted to be exempt from jury duty. All sorts of exemptions apply.

I realize I am at the end of my time limit. I am sure the member who advocates turning back the clock on this element of parliamentary privilege is well intentioned. However, this sort of privilege is something I do not feel is abused presently in this place. I am afraid it has been used in this context to revisit what was perhaps a personal vendetta that may have existed between him and a member from his own province, a member from the Senate. This is not an abuse that occurs.

Mr. Ted McWhinney (Vancouver Quadra, Lib.): Madam Speaker, this has been a valuable debate. We are indebted to the hon. member for Regina—Lumsden—Lake Centre for reminding us that when section 18 was inserted into the Constitution Act, 1867, it received in a legal sense British parliamentary privileges but it did not jell them once and for all in space and time.

These privileges are subject to creative reinterpretation according to new facts. In the spirit of what Lord Chancellor Sankey, the real person who gave us women in the Senate, the judge who decided the persons case, said that the Constitution was a living tree. This is true of parliamentary privileges.

• (1820)

In a sense we have had in the debate in the House two different possibilities presented. I was consulted several years ago by a member of the Senate in relation to whether the privilege extended to freedom from being served with legal processes in the House. It seems to me where a legal process serving is designed to humiliate or embarrass a member of parliament, or where it can certainly be served outside the House with convenience, that is an abuse of

members' privileges. The member has power not merely to refuse it but the House has power to punish for contempt. I hope it would use that from time to time.

On the other hand, as we have noted today the judgment of judicial committee of the House of Lords has made a striking change in the law of immunities of heads of government. I have not been able to get the judgement as yet, the actual text, but it is saying basically that what one thought was unlimited in time is limited to the duration of the office.

Second, it may exclude certain types of acts that in an international law sense offend *jus cogens*. You could never get immunity, for example, for crimes against humanity. That is a rather astonishing breakthrough in international law, the more so because it was not perhaps generally anticipated as it should have been.

The British judges are now going in for progressive generic interpretation. In a similar way the immunities of diplomats, which have been considered absolute in the past, are usually by practice waived voluntarily by the ambassador or the head of the mission in the country concerned. That makes sense. It could be argued that either House has the ability collectively to waive a privilege if it felt that it was used abusively.

I think the constructive suggestion from this debate has been that the Standing Committee on Procedure and House Affairs might examine the question of updating the privileges. That was the suggestion of the member for Peterborough, the Parliamentary Secretary to the Government House Leader.

I think it is a fruitful suggestion and it would be in the spirit of the proposal of the member for Regina—Lumsden—Lake Centre to have that adopted. He is right in saying these privileges were not frozen in the 17th century. They reflect their particular space and time dimension. New facts demand a re-examination. Let us have the re-examination but have it in an all party sense.

I have great confidence in Standing Committee on Procedure and House Affairs. I served on it in a sense; I cut my parliamentary teeth there. I think it would be a very fruitful suggestion which I hope the hon. member would accept.

Mr. John Solomon (Regina—Lumsden—Lake Centre, NDP): Madam Speaker, I thank the member for Vancouver—Quadra for his remarks. I think he raised some good points in his speech. I would like to start from the member for Vancouver Quadra and then work my way back, last to first, in terms of responding to my motion.

Getting to the Progressive Conservative House leader, we see an example of somebody who has given a speech full of information which has basically little relevance to the motion we just debated.

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I was going to rise on a point of order to point out to him that I can see why the Conservative Party is where it is at. I can see why Mr. Mulroney's government was tossed out on its ear. They listened to three previous speakers and did not get what the motion was about, either did not listen or did not understand what the motion was about. That is an example of Mr. Mulroney's government that we had in the country for eight or nine years. He did and said things and his members did and said things without regard for any of the responses or concerns of ordinary Canadians.

I have no personal vendetta. The Conservative House leader thinks that I do. Everything he talked about in terms of freedom of speech and all the other freedoms, I support and embrace wholeheartedly. I remind the member that what we were debating, to which he did not make reference whatsoever, is the privilege that allows members of the House of Commons and senators to refuse to give evidence in a court of law. We are looking at abolishing that particular reference. It has nothing to do with other privileges which I believe are very important in conducting our business.

• (1825)

The Bloc whip, the Bloc member for Verchères—Les-Patriotes, talked about imperfect respect for parliament, lack of respect for parliament, and the rich parliamentary tradition. All of us embrace all these things we have talked about. I find this quite bewildering coming from a Bloc member, somebody who is paid by taxpayers, who comes to the House of Commons and wants to break up our country. He talks about the imperfect respect that I have for parliament. I think people in my constituency and in other parts of Canada will look at that comment and laugh because it is so unbelievable.

All Bloc members stand in the House time after time, person after person, being paid for by the taxpayers of Canada and talking about breaking up parliament and breaking up the country. I do not think that is perfect respect for parliament. I do not think we want the kind of respect for parliament that comes from that Bloc member. He has misinterpreted the motion and should perhaps review it one more time to see where he stands on it.

I come to the Reform House leader, the member for Langley—Abbotsford. He had some very good suggestions which I think many members of the House of Commons might even embrace. He talked about how we perhaps need to have the House decide, as opposed to individual members being given these freedoms, on the individual merits of each case when it comes to subpoenas of members or subpoenas issued on members to appear as witnesses. I kind of like that idea.

Then we had the parliamentary secretary to the House leader who suggested that we should perhaps raise the issue in the procedures and House affairs committee. I think that is a very good suggestion. I think it is something we should look at.

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I guess members do not understand what I have been doing in the House the last four or five years. This is one example in about five or six. I have been attempting to implement some democratic reform and to modernize parliament. When I introduced a bill to change members of parliament's pensions from a defined benefit to a defined contribution, that was an attempt to modernize what was happening with MPs. When I introduced a bill to make the Board of Internal Economy more public like other jurisdictions in the world and in this country, that was an attempt to make some reform of our democratic system.

This motion is another attempt to modernize our parliament, to modernize the way we do business in this country so that Canadians who do not have a lot of respect for us as a collective group of members of parliament will perhaps have a little more respect because we are undertaking democratic reforms in a very broad based way.

I have raised a number of issues in the House. This is yet one more. I find that all members are coming around to the point where they are enjoying this type of debate. They are finding some of these ideas perhaps a little too progressive for them. Some of them really think they are progressive and that we should look closer at them.

I would seek unanimous consent, upon the recommendation of the parliamentary secretary to the House leader, to refer this matter to the procedures and House affairs committee.

The Acting Speaker (Ms. Thibeault): The hon. member is seeking unanimous consent to refer the motion to committee. Is there consent?

Some hon. members: Agreed.

Some hon. members: No.

[Translation]

The Acting Speaker (Ms. Thibeault): The time provided for the consideration of Private Members' Business has now expired and the order is dropped from the order paper.

ADJOURNMENT PROCEEDINGS

[English]

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

TAXATION

Mr. Jim Pankiw (Saskatoon—Humboldt, Ref.): Madam Speaker, I rise with regard to a question I asked of the finance minister during question period on October 27.

At that time I brought to his attention the predicament of constituent Preston Tkatch who, along with millions of other Canadians, is being squeezed into poverty by the government's tax policies. As I pointed out to the minister, Mr. Tkatch's family is being squeezed so hard that he feels he would be better off on welfare. Indeed, with a monthly difference of approximately \$200 between his take home pay and that of someone receiving welfare, he has a point. But all across the country there are millions of Canadians in the same boat.

• (1830)

I remind the government these are the same people on whose backs the government balanced the budget, some of whom find themselves on hospital waiting lists only to find that federal health cuts make the wait longer.

In any event, it was with this in mind that I asked the finance minister when could these families expect meaningful tax relief so that a wage earner like Mr. Tkatch would have an incentive to keep working instead of thinking about going on welfare.

The minister's response was nothing short of abysmal. I got nothing but a canned response which said in effect no tax relief, no employment insurance reduction. Basically just keep sending it and the finance minister will keep spending it.

Needless to say, Mr. Tkatch was not impressed either. I sent him a copy of the finance minister's answers and he took the time to share his thoughts with me: "It is very obvious that the Canadian government doesn't care about the average working class family".

Mr. Tkatch is quite right in pointing out that the child tax benefit helps families in the lowest income bracket but it does nothing to help those in the low to middle income groups. He is the sole breadwinner in his family and his yearly income is \$32,000. As a result of the sliding scale by which the child tax benefit is applied its effect on his situation is negligible.

I read more of what my constituent wrote to me: "Families of three or more dependants should not pay any taxes on income up to \$30,000". Think about that for a moment. The finance minister might think that is a lot to ask but I sure do not. That is the kind of tax relief I would like to see and there is no good reason why the finance minister cannot deliver this in the next budget. Unfortunately Canadians should not bother holding their breath waiting for it to happen.

I want to put the plight of this constituent into very personal terms for the parliamentary secretary. In his letter he states: "I get up at 6 a.m. every morning to leave for an 8 a.m. job and get home at 6 p.m. a 12 hour day for which the government takes over \$8,000 per year in taxes. Maybe it is time I sleep in and hang around my yard waiting for a cheque".

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In view of this, my question now is the same as it was on October 27. What incentive is there for Mr. Tkatch to continue working instead of going on welfare or, to paraphrase him, why should he even bother to get out of bed?

Mr. Tony Valeri (Parliamentary Secretary to Minister of Finance, Lib.): Madam Speaker, when the government first took office in 1993 it was faced with a \$42 billion deficit and certainly the overwhelming Canadian priority was to balance the books.

But even in that climate all four of this government's previous budgets undertook targeted tax reductions to achieve social and economic objectives by providing assistance to education, children, charities and the disabled.

Now that the fiscal situation has improved we have begun a process of tax relief and our first priority has been to provide tax relief to those who can least afford to pay, low and middle income Canadians.

The hon. member cites the example of a \$32,000 single wage earner family. In the 1998 budget we increased the basic exemption that essentially put more money in low income Canadians' hands, that is money they can receive on a tax free basis. We eliminated the general federal surtax for Canadians earning up to about \$50,000. We have also taken important measures to assist low income families with children. In particular, we realize the challenge we face is certainly one that requires the assistance and the partnership of the provinces.

The hon. member does not feel that there is any benefit or any worth to the national child benefit program that was put in place. I tend to disagree and I am sure that there are thousands of Canadians who also disagree with that.

I think it is fair to say that the initial phase of our program was to balance the budget. The second phase is to continue to build on the 1998 budget which targeted tax relief to those Canadians who can least afford to pay and who have the least amount of earnings. We have begun the process. We are committed to continue that tax relief.

We have provided \$7 billion in tax relief over three years in the last budget. The Prime Minister, the finance minister and this government are certainly committed to putting more money into those individuals' hands.

• (1835)

SOLICITOR GENERAL OF CANADA

Ms. Bev Desjarlais (Churchill, NDP): Madam Speaker, on October 9, I quoted a number of grade 11 history students from Hamnot Collegiate in Flin Flon, Manitoba. These students are constituents of mine who had faxed me that day with their views on whether the solicitor general should resign. The overwhelming

majority of them said he should resign. Prior to question period that day I asked the class if I quote them in my question. They were ecstatic that their views were going to be heard. I was very disturbed by the Deputy Prime Minister's response. He called the students' comments unwarranted and unjustified and accused me of abusing the process of this House. I will address each of these allegations in turn.

Some of the students were very insulted that the Deputy Prime Minister dismissed their opinions as out of hand. In a democracy is the government not supposed to respect the views of its citizens? The Deputy Prime Minister had no right to call their opinions unwarranted and unjustified. His doing so goes right to the heart of what is wrong with this Liberal government. It is arrogant. The Deputy Prime Minister clearly does not care about the views of Canadians. No wonder the things the government says and does are increasingly out of touch with what Canadians want.

The same attitude can be seen in his accusation that I was abusing the process of this House by informing the students of my question so they could watch it on television and give their opinions. Does the Deputy Prime Minister actually think it is an abuse for Canadians to watch their own government on television? Would he prefer that the proceedings go on behind closed doors so they do not have to be accountable? It is not an abuse for Canadians to watch the proceedings of parliament. It is a democratic right. But this Liberal government does not seem to care much about democratic rights.

The previous speaker, my colleague from Regina—Lumsden—Lake Centre, indicated his efforts to try to bring some modern changes and some democracy into the House. Once again there is no attempt by this government to see that change go through, not even to the point of taking that suggestion to committee where it could be discussed and heard and so we could finally see some kind of change to the type of democracy this government is bent on pursuing.

The right to protest is another crucial right in a democracy. This is part of freedom of speech. If Canada is to be a democracy, Canadians must be free to voice their opposition to what the government does. When the RCMP pepper sprayed those APEC protesters in Vancouver they were suppressing the fundamental democratic rights of those protesters. This is a very serious matter and Canadians deserve to get to the bottom of it.

Rather than openly answer these allegations, the government has been acting as if it has something to hide. First, as his comments on the plane to Fredericton showed, the former solicitor general prejudged the RCMP public complaints commission. The sworn affidavits confirm this to be so. He has now resigned for this indiscretion, proving the students I quoted were right all along, but the matter is far from closed.

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The government continues to insist the RCMP commission will get to the bottom of the pepper spray incident which is absolute nonsense. The commission is only mandated to review the actions of the RCMP officers, not the political masters. Since the commission cannot look into the actions of the Prime Minister, it cannot determine whether he or his staff was involved in the suppression of democratic rights. The commission has been hopelessly tainted by the former solicitor general's comments and by the fact that the students have not received any legal funding while the government is represented by a team of high priced lawyers.

The only way Canadians can get an accurate picture of what truly happened during the APEC conference is to appoint a judicial inquiry to investigate. If the government truly has nothing to hide, it should appoint a judicial inquiry to exonerate itself.

[*Translation*]

Mr. Jacques Saada (Parliamentary Secretary to Solicitor General, Lib.): Madam Speaker, it is almost funny to hear what the hon. member opposite has to say. Her remarks are so childish and so full of contradictions.

As I recall, she started off by saying something like Canadians deserve to go to the bottom of it.

We fully agree, but what is the approach of opposition members? It is preventing the commission set up for this purpose from doing its job. On the one hand, they say that the commission should be allowed to do its job and, on the other hand, that it should not.

• (1840)

Another contradiction is the allegation that "the process is tainted". There again, the documents have been handed over to the commission, which will rule on this matter.

What right does my colleague opposite have to prejudge the commission's decision, claiming bias? What she says is full of contradictions.

Members might be familiar with what Alfred de Musset had to say about Molière. "This mighty humour, so sad and so profound that laughter leads to tears." He is referring to jokes that make us cry.

[*English*]

HEALTH PROTECTION BRANCH

Ms. Judy Wasylcia-Leis (Winnipeg North Centre, NDP): Madam Speaker, I would like to pursue a question I raised in this House on October 22 pertaining to the particular issue of bovine growth hormone and more generally the state of affairs in the health protection branch.

We have repeatedly asked the Minister of Health and other members of the Liberal government for clarification about a number of serious allegations being raised about the way in which business is being conducted in the health protection branch.

We have raised the matter of the need for a public investigation into the health protection branch on numerous occasions. We continue to call for such an investigation based on the very long and growing list of concerns being raised about the way in which drugs, food and medical devices are being handled in this branch of government, a branch of government that is there purposely for the need to ensure the safety of all such products for Canadians.

With respect to the particular issue of bovine growth hormone, we know from public testimony before the Senate committee that scientists with the bureau of veterinary drugs have indicated that they have felt pressures on them to approve a drug. They have talked about gag orders. They have talked about files being stolen. They have talked about intimidation. They have talked about the inability to do their jobs as scientists.

The Senate has taken up this issue. I commend senators Spivak and Whelan for initiating this hearing, but I believe this issue needs to be dealt with by the House of Commons.

On April 2, 1998 I presented a motion before the health committee asking for such an investigation. Liberal members on that committee ensured that that motion was defeated. I subsequently wrote to the auditor general after that committee meeting asking for an audit based on these allegations. I am looking forward to a response from that office.

I wrote to the Minister of Health many months ago asking him to initiate an investigation into the allegations of the veterinarians and other scientists in the health protection branch. My concerns have been dismissed.

I have raised on numerous occasions since then the need for a full scale public inquiry into the health protection branch to address concerns that are far reaching and serious pertaining to the health and safety of products, goods, food and drugs that Canadians need and must have.

I am simply elaborating today on this issue and trying once more to get this government to acknowledge the serious allegations being made and to encourage an investigation into this matter. I look forward to a response from the parliamentary secretary who is fully aware, I am sure, of these issues and I hope will take these concerns very seriously.

This is not a matter that can be dismissed quickly and easily. It is a matter that impacts very much on serious issues before the Canadian public today. I hope the government will take this as a serious concern and a very constructive suggestion and pursue as

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quickly as possible an independent investigation into the health protection branch.

Ms. Elinor Caplan (Parliamentary Secretary to Minister of Health, Lib.): Madam Speaker, first let me be very clear on the issue of rBST. It is being reviewed and evaluated internationally. Some countries have approved rBST and some have not.

Let me make it absolutely clear to all members of this House and anyone watching this debate, rBST has not been approved in Canada and it will not be approved unless the evidence proves it is safe. It is as clear and straightforward as that.

On October 29 the Senate committee on agriculture and forestry held hearings and the deputy minister of health stated that internally and externally good science must have an atmosphere of free discussion and free debate in order to survive. It does not matter whether it is in veterinary science, human science or economic science. What is critical is that we have freedom within Health Canada and across government agencies to engage in that debate and discussion.

Some scientists at Health Canada have expressed concerns and have taken their case to the Public Service Staff Relations Board which has held hearings and will rule on their case.

There have been no gag orders. This should be obvious from the very fact that scientists provided hours of testimony to the Senate committee and in fact were advised very clearly by the department and by the Minister of Health that it was their obligation to do so.

When issues were raised regarding the approval process of rBST and the concern about potential gaps in research, I want to be absolutely clear that it was a senior scientist at Health Canada who ordered a review called the gaps analysis because there were outstanding questions.

The Acting Speaker (Ms. Thibeault): 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 6.45 p.m.)

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Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

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