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OFFICIAL REPORT  
(HANSARD)

**Monday, February 26, 2001**

**Speaker: The Honourable Peter Milliken**

## CONTENTS

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

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## HOUSE OF COMMONS

Monday, February 26, 2001

The House met at 11 a.m.

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*Prayers*

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• (1100)

[*Translation*]

### PRIVILEGE

#### IMMIGRATION

**Hon. Alfonso Gagliano (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, I was absent from the House last Friday due to a death in my family.

However, during Friday's sitting, I was the victim of false and vicious attacks by certain members of the opposition. My privileges as a member were breached, and, today, I would like to set the facts straight clearly here in the House.

These members based their remarks on an article in Montreal's *La Presse*, which was full of errors and insinuations. Paying no attention to the categorical denial I had issued Friday morning, certain opposition members not only repeated the falsehoods in the article, but went even further. Let us review the facts.

Last May, a woman of Italian origin, unknown both to me and to my staff, contacted my riding office with an enquiry about her immigration file.

This action surprised no one, since I am the only Italian speaking MP in Montreal, hundreds of people in greater Montreal automatically contact my riding office concerning their immigration files or other matters of concern to them.

The Government of Quebec had approved the woman's investor immigrant application, and she wanted to know the status of the federal portion of her file.

My assistant therefore followed the usual procedure and sent a fax to client services at Citizenship and Immigration Canada.

I would point out that the fax was not sent to a specific person, but to a service of the department.

The message's single paragraph read "Simply to find out the status of the residence file". How much more clearly could a person indicate that this document was merely a simple request for information without any form of support or reference?

• (1105)

The memo continues with the following three questions "have the audits come in?"—and I stress the question mark—, "And what about the medical results?"—again with a question mark. The third question was "Do you think the visas will be issued shortly?" Here, again, there is a question mark.

That memo does not exert any kind of pressure whatsoever and there is not the least bit of involvement in the decision. That document was signed by my riding assistant.

The note is clear and to the point. It is similar in every respect to the more than 40,000 such notes sent each year to Citizenship and Immigration Canada by the members of this House. In fact, I intend, with leave from the House, to table a copy of that note at the end of my speech.

One wonders what motivates journalists, who obviously had a copy of that note, but chose to write that I had personally sent a letter, which was not the case, and insinuate, in a very underhanded way, that I exerted pressure in that case.

The issue will be settled at another level, since I asked my lawyers to order *La Presse* and the journalists involved to withdraw these comments as soon as possible.

It is not the first time that I have been the target of such underhanded attacks. Each time, an investigation was held and I was cleared of all allegations.

In our work as members of parliament we cannot check in advance the background of all those who call on our staff to follow up on a federal issue. This means that we are all vulnerable. This is why my staff follows very strict procedures to serve the public diligently and effectively, without engaging in favouritism or discrimination.

*Private Members' Business*

Still, given the behaviour of some opposition members and journalists, it is easy to say, as a well known radio commentator pointed out this morning, "If my name were Lapierre or Arcand, this sort of thing would not happen".

Obviously, I have no intention of leaving my ministerial responsibilities, because, with regard to this issue, my staff simply did its work and I am completely blameless.

In fact, I hope that opposition colleagues will withdraw their allegations and apologize.

[*English*]

**Mr. Monte Solberg:** Mr. Speaker, I rise on a point of order. The hon. member has offered to table a document. I wonder if he would also be willing to table all other documents relating to this matter.

**Hon. Alfonso Gagliano:** Mr. Speaker, this is the only document I have and, as I said, I am ready to table it.

**The Speaker:** The document has been tabled. The minister has given his statement as a question of privilege and has raised a grievance. I believe the matter has now been dealt with. The Chair will leave it at that.

It being 11.10 a.m. the House will now proceed to the consideration of private members' business as listed on today's order paper.

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## PRIVATE MEMBERS' BUSINESS

[*English*]

### INCOME TAX ACT

**Mr. Leon Benoit (Lakeland, Canadian Alliance)** moved that Bill C-244, an act to amend the Income Tax Act (deduction of mechanics' tool expenses) be read the second time and referred to a committee.

He said: Mr. Speaker, I am truly delighted to be able to rise to debate this bill once again. I first introduced it in the House in 1997, four years ago. It has been debated on at least five days since then and I have spoken on it myself four or five times.

In spite of that we have had no action from the government, but I am quite confident that we will have after today's debate. I believe it will go to committee at some time in the near future and some action will be taken. However, it will certainly require the continued efforts of mechanics, technicians and others across the country

to ensure that this happens. It is not something we can take for granted.

• (1110)

Since I introduced my bill four years ago and in fact in the two months immediately following that, I received over 7,000 letters from technicians and from people who owned businesses that did mechanical repairs on vehicles and so on, from right across the country, from British Columbia to Newfoundland. The support for that bill was widespread indeed. Since the member from the Bloc introduced the same bill just before the last election, we have received over 70,000 postcards from right across the country. The support for the bill is undeniable. I will talk about that later.

The issue of the bill is that technicians and mechanics who, as a condition of employment, are required to purchase tools and to maintain a line of tools are not allowed to deduct for tax purposes the cost of these tools. That is the issue.

It seems completely inconsistent when we have other groups of people such as artists and others who are allowed to deduct from their incomes the cost of the equipment they purchase to carry out their occupations. It is also inconsistent when we see that business people are allowed to claim these expenses as the cost of doing business, whether they run the corner garage, a large machinery dealership or a farm implement dealership. They are of course allowed to claim all the costs of doing business and that includes the cost of tools.

I guess the problem arises from the disappearance of tools. As a farmer, I have done a lot of mechanical work and I have seen a lot of tools disappear. That was okay until my kids were old enough so that I could kind of point the finger of blame at them; every time a tool disappeared I could say my kids walked away with it, that it was not my own carelessness. The problem is that with the kinds of conditions we work in, tools do disappear, and if the tools are owned by the business owner, they probably disappear a little more often, because someone is not quite careful enough to collect them after finishing a motor job or something else.

In some cases no doubt they are stolen, but in most cases it is just a matter of carelessness. Sometimes they are left on a vehicle and when it is taken out for a test drive or when farm equipment is taken out to be tested or used again, the tools are gone. It adds up to thousands of dollars. It is a serious cost.

For that reason, we have seen right across the country a common requirement of employment that mechanics purchase their own tools. That is a condition of employment, so there is the problem. Business people do what makes sense, because they know that technicians and mechanics will be a little more vigilant when they are dealing with their own tools and when they have to purchase out of their own pockets any tools lost. Yet in spite of that, technicians and mechanics are just not allowed to claim the cost for tax purposes.

*Private Members' Business*

That is the issue here and it is a serious one. Because of this there is a shortage of mechanics and technicians right across the country right now, with no indication that the shortage will be reduced in any way. It is a serious problem.

What I want to do with the rest of my presentation today is to demonstrate that there is broad support for this change and to explain how it is an issue of tax fairness and how the finance committee of the House, on different occasions, has indicated that this is a change which should be made because it is an issue of tax fairness.

I then want to close by talking a bit about the process to date with the bill in the House, to explain to Canadians and to technicians that it has been a long process, too long, I would argue.

I want to carry on by talking about the support. I have already referred to over 7,000 letters that I personally received from technicians on this issue, and the 70,000 postcards. I know that every member of parliament in the House has received letters and phone calls from technicians about this piece of legislation. I doubt that there is one who has not.

• (1115)

When the bill was introduced by the member for Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans and made votable in the last parliament, it was widely supported by members of every political party in the House, including the governing party. There is support for the piece of legislation in every way imaginable. There is no need to belabour the point.

The bill is about tax fairness. It is about giving mechanics what is already available to certain other groups in society and what is already available to the business people who hire mechanics, if they choose to purchase tools for their use. Clearly it is a matter of fairness.

I would like to quote from the December 1997 House of Commons finance committee prebudget report which stated:

The Committee believes that all Canadian employees should be allowed to deduct from their income the cost of large mandatory employment expenses. Special provisions in the Income Tax Act already apply to artists, chainsaw operators and musicians. To deny this tax treatment to apprentices and technicians in the automotive industry is not only unfair, it also imposes an impediment to employment, especially for the young who might choose to work as apprentices. Revising the tax treatment of such expenses would remove the impediment that exists under the present tax rules.

The finance committee was very clear, and it was repeated later by the finance committee. The finance committee is controlled by a majority of members from the governing side. They recognize that this change should happen. I do not understand where the resistance is coming from.

It is funny that the government only seems to act on a situation of tax fairness when it means more revenue and when it means that

it can raise the taxes of a particular group in society. In this case we are talking about lowering the tax load of technicians and mechanics. Under those circumstances the government really does not seem that keen to act at all. Sad as it is, that is the situation.

I normally would quote from some of the people who have written to me on this issue, but I want to leave some time to explain what has happened with this piece of legislation in the House to date. It is worth pointing out.

I first brought the bill forward in 1997. A couple of weeks ago I found out that in 1992 a Liberal member when in opposition brought forth a similar bill except that it had no specifics attached to it. It was a general statement indicating that mechanics or technicians should be allowed to deduct the cost of purchasing tools. It had been put before the House in 1992. I introduced it and debated it in the House in 1997. I debated it when the Bloc MP had his name drawn and his bill was chosen. Only the dollar value was changed somewhat in his piece of legislation.

He indicated that tools which cost \$225 or less should be fully written off in the particular year for tax purposes and tools above \$225 should be claimed through capital cost allowance. The figures were changed slightly, but that bill was debated a couple of months before the last election and passed by the House. This shows there is support for the legislation in the House. I do not think we should have to argue the point anymore.

Here we are again with the bill before the House. This time it is Bill C-244. The figures I have used in the bill are the same ones I used when I first introduced and debated the bill in 1997. Tools under \$200 could be fully claimed in that year and tools valued at \$200 or more could be claimed through capital cost allowance. Insurance and so on could be claimed as business expenses. That is completely consistent with what happens with farmers and other small businesses. My bill is completely consistent with the Income Tax Act.

• (1120)

I have chosen this bill on two occasions when my name has been drawn. I do not understand why it has not been made votable. Yet when the Bloc member introduced substantially the same bill, in fact it was identical except the number was slightly changed, it was made votable on two occasions. I cannot understand that.

Now is the time to deal with the piece of legislation. I know my time is up, but I should like to close my presentation by asking for unanimous consent of the House to refer the bill to the finance committee.

Then we could deal with the issue in committee. It would not be held up any longer. Finally we could end the government's balking on the issue. We could have it put before the committee to amend it or draft its own legislation so that it could be carried forward on behalf of technicians and mechanics across the country, and indeed on behalf of all of us who depend upon them to keep us going, whether it is by air, by car or by rail.

*Private Members' Business*

We should act on it quickly so that they will be treated fairly under the tax laws. I ask for unanimous consent for Bill C-244 to be referred to committee so that there will be no more hesitation on this issue.

**The Acting Speaker (Mr. Bélair):** Is there unanimous consent to send the bill directly to the finance committee?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**Mr. Roy Cullen (Etobicoke North, Lib.):** Mr. Speaker, I congratulate the member for Lakeland for his tenacity on this bill. Of course another bill, which is almost exactly the same, has been deemed votable and will be coming to the committee.

This private member's bill proposes changes to the Income Tax Act to help mechanics defray the cost of providing their own tools when it is a condition of employment. The changes would allow mechanics to deduct the cost of buying, renting, insuring or maintaining their tools.

An income tax deduction would be available for tools costing less than \$200. This amount may be adjusted according to inflation. For larger amounts, the tool costs would be subject to capital cost allowances and these allowances would be set by regulation.

[*Translation*]

Canadian employers normally provide workers with the tools and other resources they need to do their jobs. Even so, all Canadian workers bear some job related costs. Whether these are the costs of getting to and from work, the costs of uniforms or other work clothes, the costs of eating away from home, or the costs of keeping up with trade journals. These costs are something that all Canadians incur when they take a job.

[*English*]

These normal work related expenditures are recognized in the tax system through the basic personal amount. The government increased this amount substantially since the elimination of the deficit.

I am pleased to remind members that the 1998 and 1999 budgets increased the basic personal amount by \$675. Budget 2000 went even further with measures to ensure that the tax free amount would be more than \$1,500 higher in 2004 than in 1997. More tax free income helps low income workers offset normal employment expenses.

The bill before the House aims to recognize that employed mechanics face exceptional work related costs. The Government of Canada understands that the costs can sometimes be a significant burden, particularly at the start of a career.

Last summer, for example, a Nova Scotia newspaper reported the case of a young apprentice mechanic. He was earning \$18,000

a year working in a garage service station. He had invested some \$10,000 in his tools. On top of that he said he had to pay insurance costs, another \$100 per \$1,000 of tools. For him that was another \$1,000 per year. I think all members would appreciate that is a large amount for one making only \$18,000 a year.

I expect this young man also had other bills to pay like groceries, heat, rent, et cetera. Clearly the costs that this young man incurred were worth it to him. The tools he purchased will serve him for years to come.

• (1125)

Surely these costs were a big financial burden as well. Upfront costs should not be a barrier to an individual's ability to enter an occupation which at least in the longer term could provide a living income.

[*Translation*]

In short, the government understands the difficult issue that this bill is trying to address. We can support the principle that underlies it, but I must nevertheless point out that this specific bill in many ways does not adequately address the issue.

[*English*]

Allow me to explain. The bill would allow mechanics to deduct even small expenditures related to their tools. As I said earlier, most Canadian workers have specific job related costs that they need to cover out of pocket. What about carpenters, for example, or computer operators?

I remind members that the tax system provides some recognition with to the basic personal amount. Instead of just covering the exceptional tool expenses that a mechanic might incur, the bill would give mechanics preferential tax treatment on normal work related expenditures. It would simply be unfair to other tax paying Canadian workers. If tax relief is provided for specific groups, it should be limited to extraordinarily high expenditures.

The bill also opens the door to other inequities. For example, it does not adequately ensure that tax relief is provided only for items genuinely required as a condition of employment. Employers should have to certify that the expenditures are a condition of employment. Further, the principle of fairness would dictate that the tax benefit should be adjusted when tools purchased for work are subsequently used for other purposes or when tools are sold, for example. There is no provision in the private member's bill to ensure that this takes place.

[*Translation*]

Finally, I would briefly note that this bill creates unnecessary administrative complexities. Instead of using the existing regime for capital expenditures, the current capital cost allowance regime, this bill would set up a parallel system for employed mechanics. This is not warranted since the existing capital cost allowances



would achieve essentially the same results as the private member's bill.

[*English*]

The very substantial employment expenses incurred by some employed mechanics are certainly a concern. There is merit in the idea behind the private member's bill. The lack of tax recognition for exceptionally high work related expenses should not be a barrier that prevents people from participating in the economy.

I trust as well members agree that the bill would create inequities and unfairness in the tax system. That is why much more work and thinking is needed to develop a workable solution to this important matter.

As the government examines the issue it intends to work with representatives of the automotive industry, particularly with respect to the challenges faced by apprentices, to find a way to address the shortcomings in the private member's bill.

[*Translation*]

**Mr. Michel Bellehumeur (Berthier—Montcalm, BQ):** Mr. Speaker, I am happy to speak to Bill C-244 introduced by the Canadian Alliance member for Lakeland, particularly in view of the fact that a member of the Bloc examined this issue for a long time and had previously introduced almost exactly the same bill.

We will have another opportunity in this 37th parliament to consider the Bloc Quebecois bill introduced by the member for Beauport—Montmorency—Côte-de-Beaupré, since his bill deals with the same subject, except that the Canadian Alliance deduction is set at \$200 compared to \$250 for the Bloc. But the real difference is the fact that the bill introduced by the Bloc Quebecois member for Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans will be votable.

The House will be allowed to vote on this tax deduction which is a rather important issue for the low and medium wage workers. These people are not rolling in money.

• (1130)

Actually, I might even look a bit surprised after what I have just heard from the government, since as a result of the work of the Bloc member for Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, members have already voted on a similar bill to grant a \$250 tax deduction when buying tools, insurance or anything else pertaining to this kind of work.

Except maybe for a few members on the front benches, the Liberals had for the most part voted in favour of the bill. If I remember well, I think the House voted for the bill 180 to 11.

*Private Members' Business*

**An hon. member:** Even some ministers voted for it.

**Mr. Michel Bellehumeur:** As one of my colleagues points out, some of the Liberal ministers even voted for that bill.

I call on the member to read the notes again and look at what the government has done, since that is very important for those workers. He said that this would create inequities. For my part, I say that the system as it exists now is already creating inequities for them. We should check again.

I call on the member to look at what has been done, not only during the 36th parliament but also during the 35th, the 34th and the 33rd parliaments. Liberal members, who at that time were sitting in the opposition, brought in a bill almost identical to the one we are discussing today and to the one we will be discussing another day, the bill presented by the Bloc Quebecois.

It is a bill that is approved unanimously in the various parties, since the Liberals had introduced a similar bill when they were sitting in the opposition. The Canadian Alliance is introducing a similar bill, the NDP has already introduced one and so has the Progressive Conservative Party. I find it strange that as soon as a party moves across to the other side, it forgets legislation it had introduced previously.

In all honesty, I call on the member to reread the speeches the Liberals made on this issue. He will see that there are indeed inequities for these workers and that we have to deal with these inequities, something that ultimately could be done quite easily.

We do not need a royal commission to study whether mechanics should be allowed a \$250 credit. We do not need to study the issue for years, for that has already been done. This issue has been on the table for at least 15 years in the House of Commons, but a party, once it is in office, never thinks about these workers who are doing an extremely important job in a society such as ours, a consumer society.

Who in the House does not have a vehicle? Who in this House does not use a vehicle for work? It is very important to have good mechanics. It is extremely important to have mechanics who are at the cutting edge of the whole mechanics industry. Today, auto parts are quite different from what they were 20 years ago. Tools bought by mechanics are not screwdrivers from the dollar store. They are very expensive equipment.

I am convinced that, during the last election campaign, the government member listened carefully to all these technicians who told him that these tools are now costing a fortune. Yes, these people have a passion for mechanics. Yes, they do this job because they love it and because it is gratifying in many cases.

We must also think about the next generation. When a young person gets out of school and has to buy \$5,000, \$10,000 or

*Private Members' Business*

\$15,000 worth of tools—it could be as much as \$20,000 to \$25,000, depending on the specialty—because he needs these tools to get a job, he should at least be allowed to deduct a certain amount.

What I have heard this morning from the government members is that they do not understand or do not want to understand.

• (1135)

I understand. At one time, the Liberals were ready to help big sports clubs, and sports millionaires. For these people, they could afford millions. Luckily enough, the opposition could stop them and bring them back to their senses, but they were quite ready to help the sports millionaires.

When it comes to mechanics and ordinary workers, it is another story. These people who earn their living honestly are not millionaires. Their working conditions are sometimes quite difficult. I would not like to be a mechanic right now, making oil changes and repairing cars that have been riding on our roads in Quebec and Canada. In the summertime, their working environment can be very hot. Everybody knows the working conditions of mechanics. These workers are very useful to the economy in Quebec and Canada. The government should be a little more sensitive to their needs, and more consistent in its approach.

Earlier, the hon. member said that this would create a degree of unfairness in the system. But the system is already unfair. How can you explain that to mechanics? During the last campaign, I had to discuss this issue with them. How can you explain to them that they cannot have a deduction, when their boss, who demands that they have their own tools to work, can claim depreciation for his own tools, just because he has a company. It is hard to explain.

**An hon. member:** Oh, oh.

**Mr. Michel Bellehumeur:** The hon. member does not like to hear the truth. It is always unpleasant to hear things you do not want to hear.

How do you explain that a mechanic cannot deduct the cost of his tools while a forest worker can deduct the cost of his chainsaws? Forest workers can claim deductions for their tools.

Musicians can also deduct the cost of some of their instruments. I am not saying they should not do so, it is normal for them to do so because they use their instruments to earn their living just like a mechanic uses his tools to make a living. Without tools, he cannot work. If he does not work, he does not earn any money; if he does not work, he does not pay any taxes.

How do you explain the situation to mechanics? I tried during the last election campaign, but I could not do it. I only promised

them that, at the very first opportunity, the member for Beauport—Montmorency—Côte-de-Beaupré—Îles-d'Orléans would reintroduce a bill so that finally the government and the House of Commons would be able to vote on these very important tax deductions.

Fortunately for us, the highly competent member of the Bloc Québécois promptly introduced this bill. He argued his case and the House will vote on the bill. Until then, I hope government members will listen to our concerns, show some compassion and vote in favour of this bill, as a vast majority of members did in the 36th parliament, so that mechanics in Quebec and in Canada will be able to deduct the cost of part of the insurance coverage and the tools they need to practice their trade.

[English]

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, I too begin by thanking the member for Lakeland for allowing us the opportunity to debate this important issue once again.

As previous speakers have pointed out, it is an issue of great interest right across the country, and certainly in the House, proven by the fact that every political party currently sitting in the House has introduced this issue. Even the Liberal Party, when it was in opposition, saw fit to try to get some relief for ordinary working people when it came to the high cost of tools needed to do their jobs and earn their livings.

I differ with the hon. parliamentary secretary. This is an issue of tax fairness. This would not exacerbate any unfairness in the tax system. It would give some relief and recognition. Working people also deserve the ability to ply their trade and not be hampered by the unbelievably high cost of a working person's tools.

• (1140)

The bill specifically cites mechanics. There is good reason for this because there are probably the most glaring examples of difficulties in this area. An apprentice mechanic has to put together a tool kit costing anywhere from \$10,000 to \$20,000 worth of expensive tools. A mechanic's job gets more complex and technical with diagnostic equipment. It is no longer tuning up an old six cylinder in-line six with a simple set of tools. It is very complex and very technical. We do not recognize that.

The real frustration for me is the government's unwillingness to recognize working people in this way. This fuels the whole blue collar stigma that blue collar work and trades are not valued by the government. Therefore, it is even more difficult to attract and retain young people in the industry. There is evidence of that.

I am a journeyman carpenter and the average age of a carpenter today is 49 years old. We cannot attract young people to the trade.



*Private Members' Business*

In part it is because of this overwhelming feeling that their jobs are not valuable. Only the high-tech jobs appear sexy. People feel they should be going into the B.A. program even if their skill set would point them in the direction of being a skilled trades person.

The root of the problem of who gets to deduct their expenses can be found in the definition of the independent contractor. What is a truly independent contractor as opposed to an employee? If a mechanic hangs out his or her shingle as an independent entrepreneur, the person can deduct everything from the space rented, to the tools purchased, to the depreciation on those tools and even the truck he or she drives. All those things are tax write-offs because he or she is now a small business person.

The industry has taken advantage of this. Mechanics are different from the average hourly paid employee in most shops. They are actually paid by piece work. They are not paid by the hour anymore, they are paid per job. If it takes 2.1 hours of labour to do a head job on a Honda Civic, that is what they get paid whether they take three hours or one and a half hours to do it. In that sense they differ from the traditional relationship of employer and employee. They are independent to some degree. This is not recognized in the tax system which is one of the basic problems. Other workers in the country also suffer from the same ambiguity in the definition of what an independent contractor is.

I remind the House of the plight of the rural route mail couriers who find themselves in the same situation. They are actually wholly dependent on one source for their income but they are not categorized as employees. As such, the rural route mail couriers get it from both ends. These individuals are dependent, not independent, but they do not get any of the advantages of being employees.

This basic tax unfairness helps to fuel the whole skill shortage problem faced in all of the skill trades. This is because we do not recognize how very difficult it is for apprentice mechanics to rack up what is really a small business loan, up to \$20,000, just so they can start plying their trade.

We might say that most trades people make more money than the average industrial worker and that higher wage offsets the additional costs they must go through to be able to practise their trade. That really is not true. If a survey was done on what a mechanic makes, the amount would be anywhere from \$15.00 to \$21.00 per hour. There are people working in pulp mills with none of the risk factor or the additional costs of buying their own tools who make more than that. The compensation package is not offsetting the additional expenses they have in setting up shop.

One of the most galling things in hearing the Liberal government refusing to entertain this very modest tax relief idea is that it just spent \$100 billion in tax relief in its last announcement. The government plans to give tax relief right across the country in the figure of \$100 billion, some of which is to corporations. The corporate tax rate will go down from 17% to 16%, which is a huge

benefit to the corporate sector. Capital gains taxes will be reduced for high income earners. Do not tell me there are some high income earners here who applaud that. There are a lot of mechanics who do not find any comfort in that whatsoever.

Do not tell me that the bureaucrats who put together the tax relief package were not aware that this was a pressing national issue. They were reminded every year in the House of Commons by every political party that this was pressing.

• (1145 )

The member for Lakeland pointed out that he had some 70,000 pieces of correspondence, not just from employees but from employers in the industry, who are very concerned that their inability to attract young people into the industry is affected by the lack of recognition that skilled trade gets from this government.

Hearing the Liberal Party talk about apprenticeship in the Speech from the Throne and then failing to recognize one of the most pressing problems that apprentices face today by failing to introduce any tax relief for working people when it had the opportunity to do so, tells me that it is really just lip service. The Liberals are not really seized of the issue of those blue collar trades, the apprenticeship industries. They are more concerned with the high tech field or providing tax relief to corporations so that something will trickle down to ordinary working people.

This is an issue which has been raised to virtually every member of parliament in the House. I doubt there is a person here that has not had some communication from a mechanic, a carpenter or an industrial electrician who has to shell out a great deal of money just to ply their trade, so they can get up in the morning, go to work and do what they are trained to do. They do not get any of the recognition that even a small businessman or an entrepreneur might get if they went into business on their own.

There is another issue of tax fairness or tax unfairness that working people face. As a journeyman carpenter, many times I had to cross the country looking for work. I had to go where the work was. I had to throw my tools into the back of my pickup and then drive from B.C. to Thunder Bay to look for a job. None of that can be written off. If I was going to a job and was actually hired at the other end with the proof that I had a job, I could write off my moving expenses. If I showed enough initiative to look for work and kept travelling until I found a job, none of that can be written off. This is another example of how we are overlooking a whole sector of the population who make their living by their skills, who have to go where the work is and who are not being recognized by the government.

The final piece of evidence that I would offer to show that the government does not really care about apprenticeship, the skilled

*Private Members' Business*

trades or even the industries that employ skilled trades people, is the EI treatment of apprentices. When I went to trade school, after I had left my job to go to the community college component of my schooling, EI kicked in immediately. There was no interruption. I have income maintenance to survive that six week period.

That was one of the changes made in 1996. Now when apprentices leave their job to go to a community college they have a two week waiting period as if they were unemployed. They not unemployed. They are just doing the learning component of their apprenticeship. The government has been reminded of that oversight time and time again. Now it has put forward amendments to the EI bill and it has chosen not to address the issue that faces apprentices, the one single issue that has been brought to its attention by the building trades council.

My compliments to the member from Lakeland for letting us have the opportunity to debate this again. It is a shame the Liberal government does not see fit to meet the needs of industry by addressing this pressing concern.

**Mr. John Herron (Fundy—Royal, PC):** Mr. Speaker, I am standing in today on behalf of our finance critic, the hon. member from Kings—Hants, who has spoken on previous occasions in the House in support of this particular initiative.

I compliment the member for Lakeland for bringing this issue forth and joining almost a chorus of parliamentarians who have been in support of this particular initiative.

Upon the first look at a deduction of this sort, there is something that I and I know the Progressive Conservative Party categorically believes in, and that is that the our tax code is far too complicated on a broad based perspective.

Having said that, I am very reticent to say that we will have the broad based tax relief that this country requires in order to maintain our capacity to be competitive. I do not think we will see that from this government in the near future, in any way, shape or form. The minimum that we owe the mechanics and the people in this particular sector is to accept the recommendations that were brought forth by the member for Lakeland and by other members of parliament in the House.

• (1150 )

There are at least 115,000 mechanics working and paying taxes in Canada, mechanics who make a very significant contribution to our economy but who have to make a very significant initial cost to enter this particular trade. I know a lot of Canadians would be alarmed or shocked to know that in order to even gain entry into this particular field a Canadian has to spend from \$15,000 to as

much as \$40,000 in order to acquire the necessary tools to participate in these particular trades.

The member from the New Democrats who spoke just a few moments ago pointed out that we have a massive demographic shift taking place in a lot of the trades, whether it is in carpentry, mechanics, welding or other trades. They are not attracting the numbers of young people that they should. One of the reasons right now is that the startup costs are quite prohibitive for them to be able to make this particular investment.

On behalf of the Progressive Conservative Party of Canada, I would support the initiative from the member for Lakeland. This initiative was brought forth by the finance committee, not just once in 1996 but on a second occasion in 1997. Although an argument can be made that this does complicate the tax code, it would also bring forth meaningful tax relief to individuals who are in those particular trades, which is a necessary component of our labour sector.

We support this initiative as we would all broad based tax relief. The Government of Canada still does not understand that currently we have the second highest personal income taxes among all G7 nations as a percentage of our economy. It should recognize the fact that our trading partners are making massive leaps. It should be providing Canadians with the broad based tax relief that we need to maintain our position in the world. It believes that its initiatives with respect to tax reductions that were made in the mini budget this past September were initiatives that addressed this concern.

While the rest of the countries in the OECD are taking massive steps in terms of tax reduction, the Government of Canada, the Liberal Party of Canada, is taking baby steps. The result is that Canada is falling farther behind and losing its place as a competitive nation.

We need to ensure that we provide the broad based tax relief that we categorically need. We know that the Government of Canada is not providing that particular tool to our economy as it should be doing. We know we are probably heading into an economic slowdown of some nature, the magnitude of which is still to be determined.

I also take this opportunity to challenge the government. If we are on the eve of any form a slowdown, we need to send the right signal to the investment community that Canada is a place in which to grow, to profit and to invest. I also want say to the Minister of Finance that not only should he be supporting the member for Lakeland's position on this particular initiative but it is almost unprecedented for the Government of Canada not to be tabling a true budget on schedule as it is supposed to do.

**Mr. Ken Epp (Elk Island, Canadian Alliance):** Mr. Speaker, I am pleased to support this private member's bill. It is an issue that

*Private Members' Business*

has come up in my riding over and over again. There are a number of people in my riding who actually work in machine shops, car dealerships and other places where this issue of deductibility of the cost of their tools is a very real item.

• (1155)

It has been mentioned here today that this issue has been before the House on a number of occasions. I will not digress long, but I will take the risk for 30 seconds or so to say that this is an issue that underlines the ineffectiveness of parliament.

This is an issue that has come up over and over again in the seven years that I have been here and it has been spoken in favour of by members from all parties. Even the Liberals spoke in favour of the bill when they were in opposition. The issue deals with basic fairness to a sector of Canadians who right now are being unfairly treated by the Income Tax Act. However, for some reason when the people on this side get to the other side, as happened in 1993, I do not know what happens. Is there a machine half way across the aisle that performs a frontal lobotomy on these people so that when they get over there they can no longer think for themselves nor speak for themselves?

I do not want to offend them so I will not go that way. I just want to appeal to them. We are backbench members and this is private members' business. The issue will be up before the House again and again until it is finally corrected. Perhaps these members now on the other side could be in the forefront of leadership, on behalf of mechanics in Canada who are being unfairly treated, and perhaps vote in favour of the bill when it comes to a vote.

My hon. colleague from Lakeland brought the issue before the House shortly after the 1993 election. At that time I remember speaking to people in my riding. A number of my constituents work at Petersen Pontiac Buick, a major dealership in Sherwood Park. I do not think they are related to the hon. member opposite who perks up at the sound of his name. It is certainly a good dealership. The mechanics who work at Petersen Pontiac are required to have their own tools.

At issue here is that it is just good business sense for each mechanic to have his or her own tools because when one owns one's own tools one pays closer attention to one's security.

I have done my own mechanical work for many years. On Saturday I always like to get underneath my car and get my hands dirty changing the oil and doing some other work. It has happened to me, as meticulous as I am, that I have occasionally lost one of the tools I was working with and I had to replace it. I am not a professional mechanic so I go out with after tax dollars and replace it. However, the mechanic who is making his living with these tools has no choice as to whether or not to replace it. He or she must buy a replacement with after tax dollars.

There is another important issue here. We have to recognize the importance to our country of this sector. We are so dependent upon mechanical devices, such as automobiles, buses and trucks, for our transportation, not only for getting ourselves from place to place but also for the goods and services that we produce in Canada. If it were not for mechanics and a very healthy number of people in that trade we would be in trouble. We need to have an adequate supply of personnel. Frankly, I believe they are being discouraged from entering this profession because of the immense high cost involved.

When most mechanics graduate from their training at the apprentice level, and even as they are being trained, they have to acquire these tools and pay for them with after tax dollars, which is grossly unfair. Every other profession is permitted to deduct the cost of their equipment from the bottom line. A mechanic working as an employee is not permitted to do that.

• (1200)

The parliamentary secretary has said that the government is concerned about this because it will open up the floodgates and make the tax code very complicated. Well it is complicated already.

I do not think this little amendment will make anyone unhappy but it will make a lot of mechanics very happy. Members on the other side claim this is a matter of fairness and that therefore they will deny it to mechanics because they are denying it to other groups. We all know there are some groups that have these deductibilities. For example, musicians and artists make their living from their trades. They use tools. In a way we could call a violin a tool of the trade. That is deductible and it should be.

I do not understand by what reasoning one can then conclude that a mechanic who is required to have tools should spend his after tax dollars.

I will give a math lesson. We have a tendency when we talk about taxation to talk about the percentage rates. It is well known that in most provinces the marginal tax rate is around 50% if we add federal and provincial taxes together. Since that is taxable, and with the present tax agreements between the provinces and the federal government, any tax incurred federally is automatically also a provincial tax.

From the consumer's point of view and from the mechanic's point of view they now have a bill to pay which, if they earn some money to buy a product, they will spend 50% of what they earn on taxes. I will give a numeric example of what that means. Let us say the individual needs to buy \$1,000 worth of tools. The person must earn \$2,000 in order to pay for them because after the marginal tax rate of 50% he or she is left with \$1,000.

Our mistake is that we measure that as a percentage of the money earned. When we pay the GST it is a percentage of the product we

*Private Members' Business*

are buying. If we look at this as a percentage of the product the mechanic is buying, it is a taxation rate of 100%. To buy \$1,000 worth of tools the mechanic had to pay \$1,000 worth of taxes, which is a 100% tax rate. It is very discriminatory. I urge all members to vote in favour of this motion when it comes again to the House.

**The Acting Speaker (Mr. Bélair):** Pursuant to Standing Order 95(2) the mover of the motion, the hon. member for Lakeland, has five minutes to reply.

**Mr. Leon Benoit:** Mr. Speaker, I would like to start by thanking not only my colleagues in the Canadian Alliance but also the members of all other political parties for giving resounding support for the legislation, with the exception of the governing party.

I listened to the parliamentary secretary, puppet to the finance minister. It is interesting that almost all members of the governing party voted in favour of the legislation just before the election. There were 11 ministers, if I am not mistaken, who voted against it. Some ministers supported the bill before the election. Of course now it is a different ball game.

That is how the governing party views democracy. It is wrong and improper. It is undemocratic and unacceptable.

The parliamentary secretary to the finance minister stood up today and gave a speech, probably prepared by the finance minister—and a sad speech it was—arguing against the bill on the grounds that a personal exemption was already in place to cover those things. He said that the bill would create inequity in the Income Tax Act. He also said that it would allow mechanics to deduct even small costs. He went on to say that tools may be used for non-work purposes. In other words, he was saying that mechanics would cheat and claim tools that were being used for personal use.

• (1205)

I will respond to some of the things the parliamentary secretary has stated. Regarding his statement on personal exemptions, a personal exemption is not there to cover things like this. Employees who do not have to buy anything as a condition of employment, which is most employees, get the personal exemption. Every employee gets the personal exemption. It is a nonsensical argument, and I cannot believe that the parliamentary secretary came up with it.

The Canadian Alliance has been campaigning on increasing personal exemptions some \$3,000 more than the government and \$4,000 more in the case of spousal exemption. The government has been very weak on that, but it has nothing to do with the issue. It is an important issue, something the Canadian Alliance feels is

important, to increase personal exemptions, but the government is not doing that at any meaningful rate. It has nothing at all to do with the issue, so I cannot understand the parliamentary secretary.

He went on to say that the bill would create inequity. I would like the parliamentary secretary to think about that comment. When mechanics or technicians choose to work on their own they can claim all the costs. They can claim the cost of the tools they buy and any other costs related to the business. However, if they work as an employee, maybe in the same shop, even if it is a condition of employment that they purchase their own tools they are not allowed to deduct the cost. How is the bill leading to more inequity? It is leading to equity and fairness under the tax act. That was another absolutely ill conceived answer.

The parliamentary secretary argued against allowing mechanics to deduct small costs. What is wrong with that? Mechanics use a lot of things that as individual items do not cost a lot, but they add up to thousands and thousands of dollars. That is exactly what the bill is intended to deal with. What is wrong with that?

He went on to say that tools may be used for non-work issues. That is the case in every area of the tax act. If someone is prone to cheating, and I guess the parliamentary secretary believes that perhaps all taxpayers are cheats and we should watch against that, of course they could be used for personal use. However, most technicians are honest, hard working people and they should be respected for that. It is disgusting for the parliamentary secretary to indicate otherwise. I think that is completely unacceptable.

What will happen with the bill in the House? Before the election almost all government members, along with all members of the opposition, voted in favour of the same bill. However now the parliamentary secretary is saying something entirely different.

I wonder if backbench members of the governing party will vote against the bill this time, now that the election is over. I really wonder. I cannot believe they would do that, but they did vote against their red book promise, a promise taken from the red book and put forward as a motion from the official opposition. They voted against that, so who knows what they will do? They may well vote against the bill. That would be very unfortunate.

What about tax fairness for technicians and mechanics who as a condition of employment must buy their own tools? They have to pay for \$15,000 to \$70,000 worth of tools with before tax dollars. It is unfair. This is an issue of fairness. Let the government bring the issue forward as soon as possible.

I ask now for unanimous consent of the House to make the bill votable.

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



**Some hon. members:** Agreed.

**Some hon. members:** No.

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

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## GOVERNMENT ORDERS

• (1210)

[*English*]

### STANDING ORDERS

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

That section (5) of Standing Order 76 and section (5) of Standing Order 76.1 be amended by adding at the conclusion of the notes thereto the following:

For greater clarity, the Speaker will not select for debate a motion or series of motions of a repetitive, frivolous or vexatious nature or of a nature that would serve merely to prolong unnecessarily proceedings at the report stage and, in exercising this power of selection, the Speaker shall be guided by the practice followed in the House of Commons of the United Kingdom.

He said: Mr. Speaker, I am pleased to have the opportunity to speak to the motion before us.

[*Translation*]

The purpose of this motion is straightforward. It is to reconfirm the authority of the Speaker to select motions for debate and, of course, for voting, at the report stage in the manner that was intended when our present legislative procedures were adopted some 32 years ago.

In my discussions with other House leaders, we have canvassed a wide variety of options that might be followed in the interest of making the report stage a more effective part of the legislative process. These included possible changes to the committee stage and to the time allocation rules, as well as changes to report stage rules.

But it became clear to me that such an approach more properly should be considered in the context of House of Commons modernization and that, today, we should simply confine ourselves to restating, as it were, the authority which the Speaker has always possessed or exercised in the 32 years we have had this procedure.

This left us today with a single issue, but a very confined one, that had become a problem for the House in recent years and I was convinced by some of my honourable friends opposite that I should

### *Government Orders*

confine my initiative to addressing that single point, which is what I am going to do.

[*English*]

In recent years successive Speakers have felt progressively less and less justified in exercising their authority, with the consequence that the report stage has been rendered vulnerable to unsatisfactory and, shall I say, clearly unintended uses.

[*Translation*]

In December, 1999, the House was obliged to spend 42 consecutive hours voting on 469 report stage motions, most of which were concocted for the sole purpose of delaying the House. Changing commas to semicolons, and attempting to obstruct the parliamentary process has nothing at all to do with democracy. That is not democracy; it is the opposite. And all members know it.

**Mr. Michel Bellehumeur:** That is what democracy is.

**Hon. Don Boudria:** The one doing the heckling ought to know. In March, 2000, there was a similar exercise. The House had to vote for 36 consecutive hours on 411 motions. Worse, in December, 2000, the House faced the prospect of having to deal with 3,133 motions, which would, in theory, have taken more than two weeks of non-stop sittings to be voted upon.

What a member decided to do in September, 2000, was to latch onto a sort of personal veto over the 300 other members of the House, since it is, of course, all but impossible to vote on 3,133 motions, unless we were to sit for months on end solely to deal with report stage of one bill.

We can no more claim that democracy is improved by such an action than we can claim that heckling in the House today contributes in any useful way to democracy.

**Mr. Michel Bellehumeur:** Well, no, this is a dictatorship.

**Hon. Don Boudria:** It is clear that the Standing Orders were never intended to pave the way for such shenanigans. And we all know it.

• (1215)

What is more, I and a parliamentarian from another party visited Great Britain's parliament, on whose procedures we modelled this standing order 32 years ago. There, I saw how this legislative procedure worked. It was plain that it was never intended to obstruct the parliamentary process.

[*English*]

In December 1968, the report stage procedures were adopted by the House. I am being reminded by members that perhaps what we have done here is more important than from where we got the rule, which was in the U.K. Okay, then, let us limit ourselves to what

*Government Orders*

was done here when we adopted the rule in December 1968. The then chairman of the House procedure committee, which is what it was called then, proposed these rules. He said when he put them into place—these are his words, not mine—that his “description of the legislative process substantially applies to the proceedings of the United Kingdom parliament”.

In other words, when the rule was put in place in 1968, the chair of the procedure committee recognized that he went to the U.K., received the rule there and applied it to the Canadian parliament.

In the same debate, the acknowledged master parliamentary philosopher of the time and another member of the Special Committee on Procedures of the House—and I am sure my hon. friend from Winnipeg will want to speak of this—the late Stanley Knowles spoke about how this rule should apply. He said:

Generally speaking, however, the whole tenure of our recommendations has been to try to eliminate duplication of debate and to facilitate the possibility of the nation's business getting before parliament and being dealt with.

The Prime Minister of the day, Mr. Trudeau, said with respect to report stage:

The new power to be given to the Speaker to permit him to marshal proposed amendments and to select those that best permit the House to express its views will help to focus and to improve debate. If adopted, this will be one of the first instances in which the House has made use of the Speaker's new status in order to improve its own procedures.

Those were the words of Prime Minister Trudeau when we put that rule in place in 1968.

I have just enumerated three sources: one, the chair of the committee that put that rule in place; two, an opposition member and very eloquent spokesman, the late Stanley Knowles; and of course, the former Prime Minister, the late Right Hon. Pierre Elliott Trudeau.

It is clear to me that the framers of the report stage rules want this to be very clear. Here I draw attention to the words of former Speaker Marcel Lambert, a former Conservative member of parliament as well, who said:

Your Honour will have the task of marshalling these amendments and frankly, with the greatest respect, I do not envy you your task.

That is what Marcel Lambert, a former Speaker himself prior to that time, said. I believe he was Speaker around 1962, during the Diefenbaker years.

What Mr. Lambert was saying was that you, Mr. Speaker, will have a hard job of selecting through these amendments, ensuring that only the proper ones will be votable and so on. That was what a Conservative member of parliament said.

Thus we see that at the time the report stage procedures were adopted in Canada, it was clearly anticipated that the Speaker

would exercise the very broad powers of selection that are exercised in the United Kingdom.

Erskine May's *Parliamentary Practice* discusses the power of selection on page 466 of its twentieth edition. Here is what it says:

Selection is made by the Chair in such a way as to bring out the salient points of criticism, to prevent repetition and overlapping, and, where several amendments deal with the same point, to choose the more effective and better drafted.

● (1220)

It is the same point.

Experience has shown that, in most cases, the discretion conferred on the Chair to select the amendments which may be moved is the best method of securing reasonable opportunities for all varieties of opinion.

That is what was said by Erskine May. The book is on our table in front of us as a reference manual, so I am not exactly inventing new parliamentary law here. It was clearly the intention of the designers of the Canadian report stage that detailed legislative work would be done in committee, that the great majority of amendments would be disposed of in committee and that the report stage would be confined to amendments that could not have been moved in committee or that enabled the House to address major points of criticism.

As Marleau and Montpetit, or M and M, as we sometimes refer to it now, indicates at page 663, the designers of this process intended that all members, not just those on the committee, should have the opportunity to propose suitable amendments, but the intent was not for this stage to become a repetition of committee stage. That is not Erskine May this time. This is our book, Marleau and Montpetit.

Over time, Speakers ceased to exercise that authority—I will not be challenging how Speakers have administered it, as these things happen—with each successive Speaker being less assertive than his or her predecessor. As a consequence, the report stage of bills took on what I would call an exaggerated place in the process at the expense of other stages.

In 1985 the reform of the House of Commons special committee, the McGrath committee—there is one member of that committee serving in the House and he will probably speak later—urged that the Speaker exercise the power to select, but the only practical consequence was that amendments that had been defeated in committee were routinely not selected at report stage. The member was a prominent member of that committee, as I have said, and is very much a prominent member of the House today and a very respected member as well.

As a consequence, the practice arose whereby members simply did not propose their amendments in committee at all, reserving them instead for report stage. This is only one of the problems. This further diminished the committee stage and exacerbated the already inflated role of report stage.



*Government Orders*

It gets worse. It was not long before the usual operations of report stage began to be employed for purposes for which they were never intended, rendering the process not merely one that is exceedingly unpleasant for members but also one that brings the House into what I will call public disrepute. I do not think Canadians watching us vote 24 hours a day 3 days in a row on changing commas to semicolons can be impressed by our collective behaviour.

We have seen before that when someone in the House stumbles upon a dysfunctional method of asserting political disagreement, it may start as the nuclear weapon of the parliamentary arsenal: we use it the first time because it is the greatest and most important issue ever to have hit the legislature, but in not too long a period of time it becomes the sine qua non of parliamentary opposition. In other words, we use it the first time because it is earth shattering, the second time we use it because it is very important, and the third time we have to use it, otherwise we are not serious at all. This is a little bit like the bell ringing incident.

**Mr. Bill Blaikie:** Just like time allocation.

**Hon. Don Boudria:** Mr. Speaker, I would gladly talk about time allocation at some other point, because in fact if we go back to the U.K. House, every bill is time allocated to one day, as we know, and yes, there is discretion for the Speaker to add an hour at the end of the day if the debate has not been long enough.

As I said earlier, in my discussions with other House leaders it has become clear that there is a broad range of issues with regard to the legislative process. I want to engage my colleagues and other parties toward all of that.

• (1225)

It is not what we are doing today. Today we are only repairing something that is broken in the rule in order to make parliament function.

We had a case during debate on the Young Offenders Act in the last parliament where there were hundreds of amendments only to change the implementation date of the bill. Remembering what we said, what the authors of the particular parliamentary reform 32 years ago wanted this procedure to do, clearly no one had in mind that we would have 3,133 amendments to a bill. No one ever had in mind that it was to be used for repetitive report stage amendments to change an implementation date. Certainly no one ever designed this system to permit one MP to have a veto over the legislative process.

If that were what the authors had in mind, why would they have done it? Why would they, in their wisdom in 1968, have brought in a procedure so that every member who did not like a bill and was creative enough to produce sufficient numbers of amendments could stop parliament from dealing with the legislation? Let us get serious. Nobody ever wanted the procedure to do that.

Perhaps there are other things that can be done to report stage. Perhaps there are other improvements or changes. If so, they should be done at another time because that would constitute a form of parliamentary reform I would like to discuss with other parties, but that is a different issue and that is why this motion does not do that.

I must say I would have liked it to have done other things at the same time. I have had conversations with others. I will not describe the nature of each one of those because I never divulge the content of a House leaders' meeting. I will not, not here or anywhere else. Sometimes to my peril I have not made public what has happened with other House leaders, but I think it is the only reason we are able to do anything around here, so I will not do that right now either.

[*Translation*]

In the months and even days to come, I would like to speak with my counterparts in the other political parties with a view to introducing a system of modernizing parliamentary rules which would include reciprocity, and ultimately result in an improved parliament for Canadians. I think that that is what we all want.

That is a discussion for another time, not for today.

[*English*]

Meanwhile there is one rule that is not working and it is this one. The difficulties with that procedure not only threaten the ability of all members to do their work in a reasonable fashion, but it tends to bring the House into disrepute. I would be remiss in my duties in the House if I did not propose this correction, and I am.

[*Translation*]

In making this proposal, I am not attempting to change the rules of the House. I am merely reaffirming the authority of the Chair as it was expected to be exercised by the framers of the rules 32 years ago. That is all I am doing today. I am merely reaffirming the views of the chairman of the committee that preferred those rules. I am referring to Gordon Blair.

I am merely reaffirming the views of great parliamentarians like Stanley Knowles and Marcel Lambert, a former Speaker of the House. I am merely reaffirming the views of the McGrath committee. I am merely reaffirming my faith in the judgement and fairness of the Speaker of the House of Commons. I urge all my colleagues to pass this motion so that parliament can do its job, nothing more and nothing less.

• (1230)

That is all I am asking today. As for the remainder, we will have a good discussion among the leaders, possibly among all members as well, about substantially changing the rules. But that is not for today.

*Government Orders*

Today, we must get parliament working again and leave more substantial changes for another time. So, to action. It is the duty of every member of the House.

[English]

**Mr. Ken Epp (Elk Island, Canadian Alliance):** Mr. Speaker, frequently when we rise in debate we begin our speech by saying "I am pleased to be able to stand and speak to this debate". I have the extraordinary honour today of being the leadoff speaker for the opposition on this government motion. Pursuant to Standing Order 43, I am going to jolly well take my time doing it before the government prevents us from speaking at all on anything at any time.

The House leader seems to pride himself on the fact that we are patterned after the United Kingdom parliament. He gets a little smile on his face when he says "Over there, every bill is time allocated". He seems so happy about that. I am very concerned about it.

I became a member of parliament in 1993. I have been around here for approximately seven years. In that time I have given some serious thought to what this place is. I have often said that I wish I would have learned French when I was young. I lived far away from French speaking people and I was so interested in science and math that I took those options and did not learn French.

However, one of the words in French that I know is *parlez-vous; parle*. It has something to do with speaking, does it not? It has something to do with debates. If parliament is not the place of debate then what is it? What then is our purpose for being here if we do not have adequate opportunity to debate issues?

I am quite aware of the fact that the motion today has nothing to do directly with debate. It is dealing with the question of whether or not members of the opposition, or any other members, can propose amendments. Backbenchers really do not have that much freedom to propose amendments, although I suppose legally according to the standing orders they could. What is really being proposed is a limitation on members of parliament, who are not in the front inner core over there, to put forward amendments at report stage.

I want to interrupt the flow of my speech for just a second. I am aware that there are hundreds, probably thousands, of Canadians watching this debate. It is Monday morning. Out west right now it is approximately 10.30 a.m. There are a lot of people who said they were going to leave their jobs for a while, watch CPAC and this important debate. The whole future of our parliamentary system hangs on this debate. I believe they are glued and riveted to their television sets right now.

I want to interrupt the talk about the proposed motion to describe very briefly how things work around here. People out there ought to know that we have three readings of bills. The first reading is

usually the introduction of the bill. It seemed strange to me, when I first came here in 1993, that there was no vote on the first reading of the bill.

The Speaker gets up and asks if the minister is present. The minister usually does not even rise. The Speaker will read the motion or the bill then the Clerk will stand and acknowledge it. Then it will be said that bill is deemed to have passed, or words to that effect. I see the House leader is having major problems with what I am saying.

• (1235 )

The bill has gone through the first reading stage, which is the stage deemed accepted without a vote. I thought that was strange but I can see why. The introduction of a bill only needs to be deemed to have been accepted by the House. I can see why neither the government nor probably the other members would want to come into the House to simply vote for something that says that the bill will be introduced.

However, the government introduces a bill and it is put on the order paper. The bill comes up for second reading on a subsequent day as given by the government House leader. Second reading of the bill is a discussion on the principles of the bill. It is a relatively short discussion as the normal rules of debate limit that time. Most of us give 10 minute speeches at that level. After second reading there is a vote and the bill is referred to a committee.

I have enjoyed my committee work. I have had some frustrations there but committee work is very enjoyable and useful. Committee work has a lot of potential for being a really important and pivotal part of the democratic process, the process of producing bills and motions.

At committee stage, the committee does a number of things. It usually gives an opportunity for people at large, whether they are a group, members of an association or individuals, to appear before the committee. Depending upon the importance, magnitude or how far reaching the bill is, the number of witnesses may be relatively small or may be quite large.

For example, I was a member of the finance committee in the last parliament when it was considering Bill C-38, a bill which unfortunately died on the order paper. Bill C-38 would have amended the way banking structures would operate. The committee heard information from many interesting and informed guests.

To summarize the stages of a bill, there is first reading and introduction and then second reading. After debate at second reading, the bill is voted on, agreed to and then referred to committee for members to consider at committee stage. Before the bill is returned by the committee to the House, the committee looks at all the suggestions and presentations made by different people. Committee members, utilizing not only their own skills but the

*Government Orders*

skills of other staff and experts, may come up with amendments to the bill or to the motion. There may be an amendment that says that we will change a section, delete a section or add something. Those are amendments that come from committee.

When the committee reports the bill back to the House it simply means that the committee has finished its process. The bill comes back to the House for debate and for a vote on the amendments. It is called the report stage of the bill. At this stage we look at the amendments that the committee brought forward. This is where the system falls down.

I believe the motion before us today is trying to kill a gnat with a sledgehammer. Because the committee stage does not work the Liberals want to bring into the House rules and regulations that would prevent backbench members and opposition members from having an opportunity to adequately put forward their motions or amendments to a bill or a motion.

If this particular motion is passed, and using the clout of the parliamentary majority that the government has I believe it will pass, I predict that the motion will be subject to time allocation. I will talk more about that a little later on.

• (1240)

The motion will prevent members of parliament from getting their issues on to the floor of the House. There is a rule right now, and the government House leader made allusion to the fact that there is a standing order which prevents members in the House from moving amendments that were already dealt with at committee stage.

If a committee brings back a report with proposed amendments that were defeated in committee, they cannot be brought in again in this place. A certain argument can be made for that since they were already presumably dealt with in committee. On the other hand, any amendments approved by the committee will be included in the report of the bill back to the House for the House to deal with them.

It has been my observation in the seven years that I have been here that pretty well every amendment passed in committee is passed there because the parliamentary secretary who sits on the committee brings in the information from the minister and the minions which says that they want the amendment. Very often they are government proposed amendments and of course they pass. However if an opposition member puts in an amendment it is almost certain to fail since the committee has more Liberals on it right now, because the Liberals are in government, than it has other opposition members combined.

As a result the only amendments brought in are those which have the approval of the minister. His tentacles reach into the committee and basically control what happens there. The Liberals present in

the House may be howling in protest, but that is my observation. That is what I have seen.

I remember proposing some amendments after my first election in 1993. I do not even remember now what the bill was, but I remember that I proposed some good amendments very early on. They were so good that some government members on that committee told me privately they were good ideas and even went so far as to say that they supported them.

A week or two later, after we heard from some more witnesses in committee, we came to clause by clause consideration. For the benefit of those thousands of people watching CPAC today, clause by clause consideration is when the chairman of the committee simply goes through the bill and asks whether the clauses should pass. Sometimes he speaks much more quickly than I was speaking now, but I am trying to give a little consideration to the interpreters who are working so hard for me this morning.

We go through the clauses very quickly. If we have an amendment for which we have given notice, we must be right on the bit when the chairman asks whether a clause should pass. Right then we must jump up and say that we have an amendment. Even if we have given notice of it, if we do not move it right at that instant it will not be dealt with and the clause will have passed unamended. That is how that works in committee. The last thing is whether the title should pass.

After that has been dealt with, the chairman asks if the bill should be reported to the House. There are also usually enough members in the committee to cause that to pass. Then it is brought back here, and that is what we are dealing with now. The bill or motion is reported back to the House, having gone through introduction, second reading, and study and clause by clause consideration at committee stage. Then the bill is back here for report stage.

As I said earlier, any amendments which have been dealt with in committee, in order to avoid duplication, are not permitted to be brought up here. Any amendments that have not been brought up in committee can be brought up by any member of the opposition or any backbencher on the government side. The government can also introduce amendments at report stage in the House which have not been dealt with in committee. That would deal with last minute technical changes or things of which it becomes aware.

• (1245)

Then we vote on each of the amendments. This is where the problem comes in. This is where the government just has convolutions of hopelessness. If we have a lot of amendments and if we on this side of the House force a standing vote on it, as opposed to just a voice vote which is called on division, then the government members could be literally forced to stand for hours, one at a time,

*Government Orders*

voting against our amendments to prevent any amendments from going through.

Again, if I can give my observation, over all the years that I have been here now, there have been maybe three or four amendments put forward by opposition members that have passed in the House. I remember I had one. It was the first one in the 35th parliament.

**Mr. John Bryden:** There were two.

**Mr. Ken Epp:** My hon. friend over on the other side is indicating that there were two. I do not remember. It was long time ago and a lot of water has gone under the bridge betwixt then and now. However, there have been very few. Most of them are just routinely rejected.

I would like to go back to the fundamentals of this. The fundamental is that committee stage does not work. That is the problem as I see it. If we would have a truly independent committee, one that was not controlled by the minister, his office, his parliamentary secretary and the minions, if we had true freedom to express ourselves and to vote freely on proposed amendments, very often we could improve legislation. It would be better for the country, the nation as a whole and for our citizens. It would increase the respect that Canadians have for the House of Commons, if we could actually do that without being coerced.

I would like to finish my little digression and say how this bill now finishes. After we have dealt with it in the House at report stage, it then goes to third and final reading. As we know, that also then includes debates. When the debate is finished, we vote on it. If there are sufficient numbers demanding it, there can be a demand for a standing vote, in which case we once again all come into the House. As we stand individually to express our yeas or nays, the clerk responds by stating our names from memory, which is quite a remarkable feat, and we then go on record as to whether we are in favour of the bill.

After it is passed here, it goes to the Senate and goes through a similar process there. If the Senate amends it, it comes back here. If the Senate does not amend it, it gets royal assent and goes on from there.

It just happens that what the government House leader is doing today is throwing a monkey wrench into the process by claiming that he wants this place to be like the house of commons in Great Britain. Of course he is very selective. He is being very careful to make sure that he just picks those parts which will promote his and the government's agenda but he does not pick the other parts.

For example, in Great Britain, it is not at all uncommon for opposition members to be the chairs of committees. What do we have here? We have the government coming to a committee. It has been predetermined who is going to be the chairman. The one day

we will get a full contingent of the members of the government side in the committee is when they want to out vote anybody else.

Then we have this absurd way of electing the chairman of the committee. The whole issue is that usually when there is an election there is a list of candidates. When I ran for election as a member of parliament, there were four or five candidates each time and people had to choose from among these different candidates. There were actually more than six candidates on the ballot in 1993. There were some fringe parties there as well. There are some who want to call us the fringe party. That obviously is not true since we are the only party other than the Liberals that went up in popular vote in the 2000 election.

● (1250)

We do not elect the chairman by having a list and a ballot so we can check who we want. We do this in the House of Commons. We do this for our elections in the ridings. There is only one name permitted on the ballot. The name on the ballot is the first person who yells out his or here nomination after the clerk has taken the chair at the organization of the committee. One of the government members will immediately say that he or she nominates this person or that person to be the chairman. That is it. The motion does not have to be seconded. There is a vote on it. All the members who are in favour say "yes" and all who are opposed say "no". There is no list of candidates. There is no secret ballot.

We went through this recently in the finance committee. I made a very strong argument for a secret ballot in order to free up the members on both sides of the table to vote freely without fear of recrimination. Incredibly, on command, the government members refused the request for a secret ballot.

Why do we not have these members go to their constituencies at election time, stand up on a platform and have the people yell who they want to vote for? Every vote should be public. Why do they insist on it? What is so scary about a secret ballot? It is incredible that these members, who love to talk about parliamentary reform to make this place more meaningful, cannot see that a secret ballot is important and that there should be a list of candidates.

In the particular case of the finance committee, I said I would vote for the person who won. I cannot say his name and I do not know the name of his riding. The person who became the chairman of the finance committee had my support. For the most part he has been fair, good to work with and has a good way of running the committee. Sometimes he goes a little fast but most of the time he is okay. I would have supported him. I had no problem with that. I do not think that is a place where we should have overt partisanship.

The backbenchers are not prepared to free themselves up in committee in order to express themselves without fear of recrimi-



nation. Even though they had the opportunity, they refused a secret ballot. It is interesting that the request for a secret ballot on whether or not to vote for the chairman by secret ballot was refused. That would require unanimous consent and it was denied.

I am talking about the broad picture of why the motion is here today. It is here because committees do not work. The motion would be totally unnecessary if the government of the day, or the Conservatives for nine years prior to that, had done its job. Since the Liberals have been in power we have had two elections in seven years. Running a \$200 million election every three and a half years is a total lack of respect for taxpayer dollars. That is an aside.

We have a government that in the past seven years has just not been open to amendments. We would like to see some glimmer of hope that some of the amendments would be given careful consideration, not simply given time to talk about it.

This issue has arisen because opposition parties have used report stage in the House to demand standing votes on a number of motions to amend which are, not only in the words of the government House leader but also in motion before us, deemed frivolous.

• (1255)

The motion states in part:

—the Speaker will not select for debate a motion or series of motions of a repetitive, frivolous or vexatious nature or of a nature that would serve merely to prolong unnecessarily proceedings at the report stage—

Why do opposition members do this? I think back about a year ago, when we were dealing with the now famous Nisga'a treaty. There was a lot of fuss made about it. The government House leader and some of the other members of the Conservative Party and the NDP said it was a waste of time. I agree with them. We started on a Monday night and we finished Thursday morning. We stood up and sat down for many hours.

That type of thing does not stand well in building respect for this place. If all we are going to do is hit that on the head with a mallet to make that go away and not deal with the root cause is like a surgeon. Instead of removing a wart on the hand, he takes an axe and cuts off the hand at the wrist. He has removed the wart all right but it is overkill in a gross degree. That is what this motion is. It does not deal with the root cause of why we in the opposition would come up with such a large list of amendments.

I remember when we were dealing with Nisga'a. I explained it to the people back home this way. I said that it was an important agreement and that it affected the well being of natives basically in perpetuity from that point onward. It also affected the non-native neighbours in perpetuity from that time onward because, among

### *Government Orders*

other things, it involved changes to the constitution. It involved permanent changes on how we would deal with these issues.

It is wrong to do things like that without giving adequate time not only for this place to debate it, but also for us to have a wider debate with Canadian citizens.

There is an old saying which states that democracy only works when the governed agree to be governed. It is called the consent of the governed. That is so true. I often speak to students in schools and explain to them how in this country we have a system of government completely different from governments that have existed in history. Instead of having a king with absolute power, his soldiers and other people who did his will and imposed it on the people, we have the potential for having a true circle of responsibility and accountability where members of parliament are elected by the people.

Members come here reflecting the will and the wishes of the people. They make rules that govern our society. The people, by virtue of the fact that they consented to this motion or bill through their parliamentarian, agree to be governed by that rule. What happens if we break the circle of accountability? What happens if along the line we impose a dictator, someone who has absolute authority? The circle of accountability is broken and no longer can we expect Canadian citizens to willingly consent to be governed when they are being dictated to by somebody who is out of the circle of accountability. It has to be the people, the parliament, the people.

People are responsible for obeying the laws of the country which are put together by parliament. However, parliament is accountable and responsible to the people who send us here. If we lose that circle, the system is flawed and it will fail. I am sure one of the reasons there is now such a lack of respect for this place is that in total this place does not reflect the will of the people.

• (1300)

I will now answer the question of why members of the opposition are bringing forward these amendments. As I was saying, I explained the issue to my constituents right after we had that long vote. I said that it was so important to Canadians that it demanded the time of parliament. For us to give notice to the government that this is so important that in one way or another we will use one week of parliament's time, that notion is a valid notion.

My first choice by far, rather than voting for three days or three and a half days, would have been to debate the issue here in the House of Commons. We did not have adequate debate. The record of the government shows that over and over it has invoked time allocation to limit debate after the debate has just started or, in some instances, even before it has started.

*Government Orders*

There are a number of occasions on record where the government has moved time allocation on this and all subsequent stages before we were even at the subsequent stages. In other words, we are not supposed to talk about it; we are just supposed to do it. The government is the bully in the schoolyard, the dictator. It is out of the circle of accountability and responsibility, and that does not serve democracy well.

I feel obliged to go back into the records because there was a very fine speech given in the House almost three years ago.

**Ms. Colleen Beaumier:** Never one by you.

**Mr. Ken Epp:** The member says that it was not by me. I will concede that it was not by me. It was by one much greater than me. It was the previous leader of the official opposition who spoke on an issue very similar to what we are speaking to today.

Even though the speech is already in the *Hansard* of the day, I want to give portions of it today. I will read it back into the record because it was a very interesting story given by the leader of the opposition at the time, the member for Calgary Southwest. This is basically what he said:

Once upon a time there was a king named Jean I, who presided over a castle surrounded by a moat with a drawbridge. The inhabitants of his castle were divided into two classes: lords and ladies who occupied the front benches of the royal throne room on state occasions and the peasants who occupied the backbenches.

One day a group of peasants, or backbenchers as they were called, went out to toil in the fields. As they crossed the moat and started down the road they passed a cave from which emerged a great dragon breathing fire and smoke. The fire consumed 50 of the backbenchers and sent the rest scurrying back into the castle.

When King Jean was told of this terrible tragedy he resolved to investigate it himself. To help him he took along two of his most trusted knights. They included Lord Bob, the keeper of the royal whip, and Lord Boudriavere who had once been a bus boy in the castle cafeteria but had risen to high rank through his faithful service to King Jean.

As they surveyed the scene of the tragedy they observed three things. They saw the 50 fried backbenchers and said that was too bad. They saw the dragon lying dead from overexertion. They also noticed that the dragon's fire had ignited a seam of coal in the cave from which smoke continued to billow. Lord Bob, who was a straightforward fellow, and had been a sword fight referee in another life, said the obvious "The dragon is dead. This is good news. Let's go tell the backbenchers". But Lord Boudriavere, who had once been a bus boy in the castle cafeteria and had risen to high rank through faithful service to the king, said "Not so fast". Turning to King John he said "I see an opportunity here to maintain and increase our control over the peasants. Let us imply, indirectly of course, that the fiery dragon still lives. We can point to the smoke belching from the cave as evidence of this. Let us tell the backbenchers that henceforth they can only go out of the castle with royal permission and under the supervision of myself and Lord Bob, for the safety and protection, of course, of themselves and the castle".

King Jean thought this was a splendid idea and thus the myth of the fiery dragon was established. It was used to coerce and control the backbenchers of the kingdom until King Jean was defeated in battle by a knight from the west which is another story I will tell on some other occasion.

There is a myth in the House that lurking out there somewhere is the fiery dragon of the confidence convention, the erroneous belief studiously cultivated by the government that if a government bill or motion is defeated, or an opposition bill, motion or amendment is passed, this obliges the government to resign. This myth is used to coerce government members, especially backbenchers, to vote for government

bills and motions with which they and their constituents disagree and to vote against opposition bills, motions and amendments with which they substantially agree.

The reality is that the fiery dragon of the confidence convention in its traditional form is dead. The sooner the House officially recognizes that fact, the better for all. It is true that there was a time when the rules supported the traditional confidence convention but that is not the current situation.

• (1305)

The Leader of the Opposition then quoted from Beauchesne's sixth edition, which outlined our existing practice:

The determination of the issue of confidence in the government is not a question of procedure or order, and does not involve the interpretive responsibilities of the Speaker.

I will stop reading from his speech, but he goes on to point out that the use of confidence is totally a tool of the government and that it is not for the Speaker of the House to determine.

I need to talk about this because it is very important to the motion today. We are being told that because the government controls the committees no amendments can be dealt with rationally, reasonably and honestly there.

As opposition members we have all had the experience of deciding not to bring up an amendment in committee because we know that the government will defeat it and no one will even know about it. We decide rationally to bring it in at report stage so that at least we can get a bit of debate on it and make our point to the people of Canada, who usually pay more attention to this place than they do to committees in the House.

This is what the Leader of the Opposition was talking about when he spoke about the dragon of confidence. He was referring to the fact that if government members should somehow vote for a bill or a motion or an amendment that came from the opposition side, it would necessitate calling an election. That has been one of the huge frustrations to me over the years in this place. We can be voting on anything, whereas what we are really voting on every time is whether there will be an election. It does not matter what the issue is.

Backbenchers on the government side, currently the Liberals but whatever party is in power, have their hands tied. They cannot vote against a bad motion or for a good motion if one or the other of them has come from the wrong side of the House. That is a huge handicap to our effectiveness in parliament.

Let me relate to members that in my previous life, among other things, I was involved in a lot of voluntary work. For seven years I was the chairman of a school board. We had about 15 or 20 members on the school board. It was a very interesting and democratic place. Most of the people on the board were parents of



*Government Orders*

the children in our school. They were there to represent the wishes of their children and also the well-being of the school. As the chairman for seven years it gave me the opportunity to serve the people of my community.

● (1310)

I have been thinking about this in retrospect now that I have been here for seven years. I spent seven years on the school board and I have spent seven years here in parliament.

In the seven years I was on the school board I have no idea how many motions were defeated. Maybe a parent, a teacher or a student would come up with an idea and one of the board members would pick up on it and take it to the board. To adhere to *Roberts Rules of Order*, I had a little rule that we would not discuss things until there was a motion. If someone was willing to make a motion and someone was willing to second it we would start debating it.

Let us say a motion was made and we would start debating it. One or two members would speak in favour of it because on the surface it sounded like a good idea. Then one of the people on the board would wonder what would happen if we passed it. He would begin thinking about the law of unintended consequences and, even though our intentions may have been good, that something detrimental could happen.

Another member may think of another reason the motion should not be adopted. In about 10 or 15 minutes of debate on the issue our board would clearly develop a consensus that the motion would be good for our school, our students, our staff, our parents and maybe the community.

What happens? Well, I am the chairman. When the debate is finished and everyone has had their say, I would call for a vote. Only one person would vote for the motion: the guy who made it, because he somehow feels obliged to. The other 14 or 15 members vote against it.

We have effectively done exactly what parliamentarians are supposed to do. They are supposed to pass good laws and to prevent bad laws from being passed. Here was a motion that was bad, and in our wisdom we were able to detect that and defeat it.

Did I, as chairman of the board, ask the board members not to vote against the motion because one of our guys made it and if we defeat it we will have to resign and call for the election of a new school board? It would be the height of stupidity if a school board acted like that.

When there is a motion we debate the motion. When the vote is called we vote on the motion. If the motion is good we pass it and go to the next item of business. If the motion is bad, dumb or stupid

we defeat it. We congratulate ourselves for having defeated a motion that should never have been brought in and we go on to the next order of business.

What do we do in this place? There is a motion in front of the House to amend a bill. A lot of members think the amendment will improve it. We have motions that sometimes stand alone as very good motions but they come from this side of the House.

Are members on the other side free to vote for it because it is a good idea? Are they free to vote for it because I and some of my members were able to articulate a solid argument in favour of the idea? No. The Prime Minister tells them that this is a confidence motion. There is the dragon. He tells them that if they vote for it and the government falls, an election will have to be called.

While those of us on this side are proposing a motion that would be good for Canada and for its people, the other side is voting on whether we should have an election.

● (1315)

No wonder it is totally dysfunctional. No wonder government members must now bring in a mallet to beat down the gnat. They cannot get it into their heads that the changes were necessary considerably previous to the issue that is before the House today.

It is not whether the House does not work in report stage. It is because we are not able to deal honestly, openly and forthrightly with amendments in committee with free votes. That is really the question.

It has been a distress to me to have to deal with issues like this one over the last seven years, but I am not the only one. I have observed that other members have had the same frustrations and difficulties.

For example, our House leader, who recently gave a very important speech about invoking closure, made an appeal to the Speaker not to allow time allocation because sufficient time had not been given. In that particular case the issue was not allowed. The vote went forward and it proceeded anyway.

My colleagues and I and other members of the opposition, including the Liberals when they were in opposition, have had frustrations over the years with the problems that arise from a dysfunctional parliament.

I would like to quote some important comments on the topic of closure. That is really what we are talking about here. We are talking about the way we deal with parliamentary debates. When the Liberals were in opposition and closure was proposed, it was one Lloyd Axworthy, whose name we can now say since he is no longer a member of the House, who said "It displays the utter

*Government Orders*

disdain with which this government treats the Canadian people". That is how he spoke about not being able to debate.

My whole thesis today is that the motion is necessary because we are not permitted to debate or to have free votes in committee. We are not permitted to debate and to have free votes in the House to get the best rules. What do we do then if there is a detrimental and negative bill or a motion before the House?

A small group of people make the decisions. They do not even hear the arguments. They are busy in their offices while we are discussing these bills and motions. They just blindly and bullheadedly push forward and say that it will go through the way it was first devised, no ifs, ands or buts. They say that if we do not vote for it they will have to call an election. It is total control and total lack of respect for parliament.

The person who is now the government House leader said in 1992 that he was shocked. He said it was just terrible. He said "Shame on those Tories across the way". That is when the now government House leader was sitting on this side in opposition. He was speaking to members of the Tory government on the other side. They were trying to talk about a major piece of legislation and they would not let them talk about it.

I have a couple of other quotes which are available in *Hansard*. I have a quotation from a person whose name I will not mention. How do I identify this person? I will be brutal. He is the present Speaker of the House. We all remember him fondly. When our present Speaker was a member on the government's side he had a way of giving some really great oratorical diatribes against the party on this side.

Those of us who have been here since 1993 remember when he used to read from the little green book of quotations or something like that. He had so much fun with that. We are very glad that he has now progressed to a high degree of impartiality and has taken on the job of the Speaker as an impartial judge of how things are done here.

● (1320)

Here are some of his quotes. I quote him simply because he is an honourable, respectable member, who spoke of the limitations of the freedoms of members of parliament to adequately debate when he was on this side. He said:

What we have here is an absolute scandal in terms of the government's unwillingness to listen to the representatives of the people in the House. Never before has the government been so reluctant to engage in public debate.

That is the point exactly. We chose to have four days of stand up votes because we said to the government that this issue was so important that one way or another we would be spending a week of

parliament on it. It should have been more but we would be spending at least a week.

If the government did not comply and allow us to talk, we would be doing this. The advance notice was given. It was the government leader who made the decision for us to stand up on four days of standing and sitting down. Then he has the audacity to stand on the other side and say we are wasting time. The same time could have been used for debates if he would have permitted it but he chose not to do so. No wonder we are where we are.

I also need to say something else about the debate. The debate is not only about parliament, the place of speaking and the place of many words. I guess I am guilty of many words today. Actually I do not think I am guilty of anything. I am merely participating in that rare occasion when I am not limited to 10, 20 or 40 minutes and can actually speak my mind. Today I am doing that.

I will go back to my earlier statement about the consent of the government. It is important when we deal with issues that are important to the country like the Nisga'a agreement and others that we give time in the House to debate them. Then we could give time to our parliamentarians to go back to their ridings to discuss the issues with the people we represent.

It is unconscionable that we should rush head long into some of these agreements, treaties and other matters without bringing the people together. We do not achieve unity or harmony by simply taking these people who presumably are feuding and bumping their heads together. No, we get them talking to each other and compromising. We get them to talk and work out the problems.

When I think of some of the issues that have been brought to the House of Commons through our people out in the field via our members of parliament, it is really too bad that we do not have the opportunity to debate those issues, to persuade our fellow parliamentarians and to allow them the opportunity to respond to a rational argument rather than just an emotional response because we are on the wrong side or a response of blind obedience to a party system which is no longer a workable model in modern society.

It is time that we start to look at what it means to have a representative in parliament. If members of parliament come here and have their hands totally tied and duct tape over their mouths, what is the point of sending them here? We could save money. Let us have a king over there that rules the land and forget about having a parliament.

**Mr. Darrel Stinson:** We already do.

**Mr. Ken Epp:** We already do. The Prime Minister was in China. I do not know what Liberal members think about it, but I was incensed when it was reported that he said he would like to have stone statues in parliament because they could stand up and vote.

*Government Orders*

He could set the statues in place of the chairs and they would be standing all the time. He thinks that would be a good thing.

If I were a Liberal member of parliament and my leader said that I probably would not criticize him publicly, but I would take him aside and ask him if that was really the way he felt about me. If that is the way he feels I would wonder why I joined his party, why I ran under this platform and label, and why I even came here. According to his philosophy of parliament I would be totally useless. That is how I would respond, and I would talk to him privately about that.

• (1325)

I suggest that the government's approach to legislating is a disgrace. It cuts back the time the House is available to sit and then it applies closure to cut off the debate.

I do not know if anyone in the House has noticed, but the government has very seldom invoked closure. Instead, it uses the clause in the standing orders called time allocation.

I suppose that in the House just as the Canadian flag is a prop so too are the standing orders. I have to keep them hidden but I have the standing orders on time allocation and closure. Mr. Speaker, you are very familiar with them, but perhaps some of the thousands of listeners out there in CPAC world are not. I will give a very brief description on the difference between closure and time allocation and why the government has chosen time allocation over and above closure about 99% of the time. I think we may have had a couple of closures, but it has almost always been time allocation.

The difference between time allocation and closure is simply that under closure, the motion is that the House do not adjourn until the debate collapses. That is basically it. We have in the House 301 members of parliament. Under closure, theoretically, members could stand up one after the other and keep on talking and we could debate. Instead of standing up and voting during all hours of the night, to the next morning, to the next noon, to the next evening and right through the night, we could actually be debating at those times. That is what closure is as I understand it.

What is time allocation? Time allocation says that no more than one sitting day be allocated, and that is it.

**Mr. Bill Blaikie:** Mr. Speaker, I rise on a point of order. My understanding is that we are only debating this until 2 o'clock. I wonder whether the member who is so against closure is imposing his own kind of closure on members of other parties by going on so long.

**The Deputy Speaker:** Respectfully, the intervention by the member for Winnipeg—Transcona is not a point of order and

certainly the member for Elk Island has unlimited time as the rules are today.

**Mr. Ken Epp:** Mr. Speaker, I recognize that and I think we should debate this longer. I do not think we should quit at 2 o'clock today. It is up to the government to bring this back and then everybody will have their say?

This is such an important issue that I think I am well within my means to debate. It is the first time in my whole career that I have been able to speak without a time limit. I do not mean to take it out on my other colleagues, especially those on this side of the House but also on the other side. If any of them want to speak, I would urge them to make sure that the House leader brings this issue to the House again. Let us debate it. Let us have the procedure and house affairs committee debate these things and get down to the root of the cause and not deal with how we can handle the hammer here.

It is very important for us to deal with these issues in a rational way. Instead of the government allowing debates and free votes in committee and debates and free votes here, which would solve the problem, it is saying that it will not permit us to bring in amendments that it thinks are frivolous. In other words, if the only purpose of it is to try to draw the attention of the public to the issue, then that is not a proper use of parliament.

I happen to disagree with the government. If we had not done what we did on the Nisga'a agreement there would not have been as many people informed about the issues as there are now. It did serve a purpose, albeit a secondary purpose, because the primary purpose was totally derailed by the government House leader and a government that would not listen to our reasoned debates.

• (1330)

We hear occasionally from the other side that we on this side are obstructionists. I know the words have been applied to Bloc members. They are called obstructionists when they want to discuss the Young Offenders Act. We have been labelled that way too.

I want the people listening to know and I want all members here to know that we are a responsible official opposition. We oppose things which we believe need opposing. We stand in favour of things which we think should be supported. I am not sure about this, but I think the present official opposition is unique in that it has voted for more government bills and motions than other oppositions before us.

We have supported around 50% of government measures. I am talking, for example, about Bill C-8, the new bank bill. Primarily we support it. There are some small areas where we wish there would be some amendments, but we are not an opposition that is here merely for the sake of being in opposition. We want to be and

*Government Orders*

we are a constructive opposition pointing out to the government where motions need correction and offering positive solutions for correction.

If there were a free vote over there and we failed to persuade them intellectually or by debate or parley, and they voted against it, I would say that I guess we lost that battle. However if I am able to persuade them and they say to me individually that they are persuaded but then vote against it, I am frustrated. I feel the purpose of parliament is being thwarted by that kind of basic philosophy of the way parliament works.

I have a lot to say. I do not feel like ending. I know that I have spoken about an hour now. Whereas some other members would have to stop for a lunch break, since I have a reasonable bank account on which to draw I do not really need to do that. It is only 1.30 p.m. so I think I will just say a few more things which are on my mind.

I want to point out something of greatest importance. How do I say this without it coming back to me? I do not like to use the word arrogant because when we call someone arrogant somehow just saying it reflects back on us. I do not mean it as a pejorative term. I use the word arrogant to describe government members in the sense that they are isolating themselves from the people and discounting the necessity of being responsible to the people who sent them here. They do not believe in the basic elements of democracy and of representative government. That is the whole reason for this.

If I could very frankly summarize what I have been trying to say in the last little while, I would put it this way: A mallet is being used to kill a microscopic gnat because we are not willing to look at the source of the gnat. The source is that the government will not permit true, open, free debate and votes, especially in committee.

Committees should have the freedom to work through a bill or a motion and to improve it on behalf of Canadians. If by debate I can persuade my fellow members, I am incensed that the system here prevents them from supporting it with their vote. I really am. That needs to be corrected. That is the nub of the issue.

Furthermore, the government has used time allocation in the House over 70 times now. It is a record breaker. The government uses it routinely. As I said earlier, it brings in time allocation before a stage of a bill has even been introduced. It announces time allocation in advance so it can do it on the first day. I use the word arrogance in an intellectual meaning, not a pejorative meaning, when it ignores the rights of parliamentarians to debate the issues.

• (1335)

The Liberal minister of public works agrees with the principle of the amendment. He recommended in the 81st report of the House

management committee in 1993 a change to the standing orders. I am talking about our present minister of public works.

He supported the motion recommending that time allocation and closure motions could be moved unless it appeared to the Speaker that such motions were an abuse of the standing orders of the House or an infringement of the rights of the minority.

If we look at the actual amendment which was read into the record earlier, and much to the joy of my colleagues I will not read it again, basically it says that if we use a means that is available to make our voices heard when the government in its arrogance will not hear, then the Speaker, according to the government House leader, will have the ability to disallow the amendments.

It is the position of the Chair of this place to ensure that parliamentarians have the opportunity to represent their constituents in vote and in debate. The task of the Speaker is being changed by the motion. That will bring the Speaker into the realm of the government side to control the debate further than it is now.

In 1993 the minister of public works supported the motion, with this provision: "unless it shall appear to the Chair that such motion is an abuse of the rules of the House, or an infringement of the rights of the minority". It is the job of the Speaker to ensure that members of the opposition have their full rights in this place to represent their constituents and like-minded constituents across the country who perhaps do not have a member of the opposition in parliament.

We get thousands of letters from people across the country who write to the official opposition because the government is doing things that they believe are wrong. They want us to draw attention to those things and to correct them. We represent those people as well.

If the government invokes time allocation on the legislation and we are forced to stop speaking to it, the people of the country will be ill served by this motion. I appeal to all Liberal members sitting in their places, real or imaginary, to think carefully when they vote. Undoubtedly they will be told by the Prime Minister and his minions that it is a confidence vote. He will tell them that an election will be required if it is not passed. I assure those members that is garbage. It is not true.

Let them think the issue through. Let them vote with their conscience. Let them vote with their heads. Let them vote freely. Let them throw off the shackles that have prevented them from being effective parliamentarians ever since they were elected. We ask them to vote against the motion.

In closing, I am going on the assumption that the bill will be rammed through by the majority government. In my attempt to improve it so that it is less unpalatable and less offensive, I propose the following amendment:



That the motion be amended by adding:

"and for even greater clarity, the Speaker may select for debate all motions, regardless of their nature, if in his or her opinion the rights of the minority have been infringed upon in any way.

• (1340)

**The Deputy Speaker:** Debate is on the amendment.

[*Translation*]

**Mr. Michel Gauthier (Roberval, BQ):** Mr. Speaker, I would not like to be in your shoes at this moment, but even more so after the government motion is adopted by the House, because this motion will presumably be adopted quite swiftly given the large number of members the government can count on. This is the whole problem.

I listened to the government leader, who said that we are going to import from the British parliament an interesting feature for the conduct of our debates. To begin with, I would like to explain that, unless we want this parliament to end up looking like a circus, we cannot pick out rules here and there in other parliaments and other standing orders.

We must understand that the standing orders governing the debates of the House of Commons, be it here or in another parliament, are a set of rules which, taken individually, probably do not make much sense, but if taken as a whole complete one another. They allow us to preserve what has to be preserved in a parliamentary system, namely a fair distribution of powers and the capacity to influence the decisions brought to the attention of the House.

I have personally warned the government leader about the danger of upsetting a balance which is already too fragile in this parliament. I warned him about the danger of weakening even more the power relationship between opposition members and government members.

Unless we absolutely want to bring Canadians to the conclusion that it is no longer useful to elect members to parliament, unless this is our goal, we must not upset the balance between parliamentarians. Most of all, we must not change the rules a piece at a time, thinking that small changes here and there will have no consequence.

The parliamentary rules and the functioning of this House are like a huge block set or a house of cards. It works. It may even be pleasant to look at in some ways; it can be artistic. Changing a single piece in the middle of the structure can only result in the collapse of the whole structure. Such are the rules of the House of Commons.

Yes, this sounds simple, very simple. The government House leader's motion states:

For greater clarity, the Speaker will not select for debate a motion or series of motions of a repetitive, frivolous or vexatious nature or of a nature that would serve

### *Government Orders*

merely to prolong unnecessarily proceedings at the report stage and, in exercising this power of selection, the Speaker shall be guided by the practice followed in the House of Commons of the United Kingdom.

• (1345)

Anyone who reads that or who is listening to us today must wonder who could be against the Speaker having the right to exclude repetitive, frivolous and vexatious motions.

A second question comes to mind. This would give a great deal of power to the Speaker of the House, whose responsibility is to ensure that all members, particularly those who do not benefit from the protection of the governing party, get to express themselves, to express the opinion of their constituents and to influence the debates that we have in this House.

What is a frivolous amendment, in the opinion of the Speaker of the House of Commons? Can we say today that all the Speakers, Deputy Speakers and all those who occupy the chair will use the same arguments to say that an amendment is frivolous? How many amendments among the 200 that were moved by the government on its young offenders bill will be judged frivolous? Can we say instead that it is the government that is frivolous because it did not present a well thought out bill in the House, a bill that respects the rules and the will of the people?

If by moving 200 amendments we are accused of trying to hold up debate, of using delaying tactics, I want to say today, and the people must know this, that the Government of Canada is its own worst enemy. It is using its own delaying tactics.

The reason it does so is this: the government is targeting only amendments moved by the opposition. It is clear that in today's motion, the government House leader has not thought for one minute that that the Chair would rule that 25, 50, or 75 amendments, among the 200 it moved to amend its own bill, were frivolous amendments.

I am sure that the government House leader would have an absolute fit if the Chair said that a government amendment was frivolous and used only as a delaying tactic. It is only the amendments moved by the members of the opposition that are at issue here, therefore.

Are we about to acknowledge that only the Liberals in this House can come up with well thought out motions? Is everything coming out of the Alliance, the Bloc, the NDP or the Conservatives frivolous or of a nature that would serve merely to filibuster?

Bloc members stand up to defend the youth justice system in force in Quebec, because that system has been yielding incredible and outstanding results, well above those in the rest of Canada. Is the Bloc frivolous?

Everyone in Quebec, whether they are Liberal, Bloc or Conservative, agrees that the system is in jeopardy. Is it frivolous for the Bloc to defend that system? Is it frivolous to bring forward

*Government Orders*

amendments to a bill that was flawed right from the beginning and completely out of touch with reality.

• (1350)

Time has proven us right, because the work of the Bloc Québécois, especially the amendments brought forward by my hon. colleague from Berthier—Montcalm, got the government to reconsider and bring more than 200 changes to its bill.

This is exactly what they want to avoid. The government does not want to relive that situation. The opinion of the opposition is no longer significant. It is frivolous. Our debates are frivolous. My colleague from the government has unfortunately said more than once that the time we use in parliament to debate such frivolous issues in his view and to vote for hours on end on all kinds of amendments costs \$27,000 an hour.

I have a suggestion to make. If he really wants to save money, he should eliminate the other House, which costs \$50 million a year. That would be a start.

**Mr. Michel Gauthier:** We could use the money for more useful things such as giving the right to speak to those who represent the public, who were democratically elected on the strength of political platforms and who have something to say. As far as the \$27,000 an hour argument is concerned, I suggest that the leader of the government first abolish the other House where nobody is elected and where members only represent themselves or the government.

Time allocation motions were first introduced in the House of Commons in 1971. At that time, the government said that they would only be used exceptionally, on occasion, that they would simplify the procedure, allow the government to govern and keep the opposition from stopping government initiatives thoughtlessly. Although rarely, there would be times when the government would resort to time allocation motions. Unfortunately, things have evolved and the leader is an expert in this regard.

From 1984 to 1993, under the Tory government, there were 49 time allocation motions in the House, and a total of 519 bills. These are the real statistics; I did not invent them, they are the figures of the House of commons. These 49 gag orders were all vehemently condemned and the opposition of the day gave some solid arguments against them, but that opposition is now our government and now it resorts to gag orders. Therefore, under the Tories, we had 49 gag orders for a total of 519 bills; that means 9.4%. During the Tory regime, over a seven-year period, 9.4% of bills ended with a gag order.

Yet this government presented over 60 closure motions in the case of some 350 bills introduced in the House, a ratio of 17.4%.

The Conservatives in the previous government were criticized for being undemocratic, because 9.4% of parliamentary initiatives ended through closure. The figure for the current government of 17.4% is nearly double that. It is a cause for some concern when the government to all intents and purposes doubles the number of closure motions in order to settle bills and debates in the House and when this same government today wants to prevent the opposition from introducing amendments or at least to give the Speaker the right to decide whether an amendment is valid or not.

Mr. Speaker, I contend that this government is trying to transfer to you the responsibility that is ours here, namely that of voting on and deciding at some point whether what has been submitted to parliament is valid or not, must be selected or rejected, especially in the context of the passage of a bill.

• (1355)

We will never agree to let the Speaker of the House assume the power given its members by their electors to express their points of view, exercise their judgement and decide whether an amendment or a bill should be approved or rejected.

We will never agree to let the Speaker of the House of Commons be invested with such power by the government, not because the Speaker wants this power, but because the government in its laxity wants to divest itself of its responsibilities by giving the Chair the duty and obligation to impose closure on the members of the opposition, on amendments and on debates in this House.

Earlier, when the debate was going on, my colleague told me that in today's parliament our debates are merely a way of passing time until it is time to pass a bill. This is a far cry from what parliament was at the beginning. We are passing time until the bill is passed. It is indeed how things now work.

This is far from those great debates when openness and human intelligence prevailed in this House, when the government would listen to the opposition, including third parties, express its views as to how things could be done. This is far from the days when people truly believed that they were mandating members to represent them here and work in their best interests.

Now, all too often, government orders are initiated by teams of public servants who are out of touch with reality and they are sponsored by ministers who lack independent thought. Bills are introduced in this House, but the government does not want openness.

The Minister of Justice should have shown some openness toward the hon. member for Berthier—Montcalm, who proposed very significant and interesting amendments to improve this bill, a bill drafted behind closed doors by the minister's officials. But no. As is the case with all the debates, the Minister of Justice listened



to us, but it was difficult for her to do so. It was already taking too long. [English]

Even though the debates are just a way of using up the time while waiting for the government to pass its bills, it has become too much to bear. It is hard for the minister to have to listen day after day to opposition members using strong arguments and logic to show that her bill is not a good one.

It is extremely difficult, but the government has reached the point where it does not even want to assume its responsibility to listen to the representatives of those who did not elect a Liberal candidate, but a candidate from the Bloc Québécois, the Canadian Alliance, the NDP or the Progressive Conservative Party.

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## STATEMENTS BY MEMBERS

[Translation]

### SAMUEL DE CHAMPLAIN

**Mr. Denis Paradis (Brome—Missisquoi, Lib.):** Mr. Speaker, courage, leadership, tenacity, devotion—all great qualities found in Samuel de Champlain, who became the famous explorer and founder of colonies we know today.

Samuel de Champlain was a man of many talents.

Historian Samuel Eliot Morison notes that Champlain was an artist, an illustrator, an engineer, a military inventor, a cartographer and a gifted writer, whose book, *Les voyages en Nouvelle-France*, is a rich documentary source of Canadian history.

In addition, Champlain left us wonderful descriptions of the life of the aboriginal peoples he met, of nature and of the landscapes of New France.

• (1400)

I like to think that we as a people have inherited his determination, his courage and his conquering spirit.

Together, we have built a country that is the focus of admiration and whose quality of life is one of the world's best. All of this is thanks to our will, our fighting and inventive spirit and our dynamism, attributes mirroring those of the people who colonized our country.

## ABORIGINAL AFFAIRS

**Mr. Jim Pankiw (Saskatoon—Humboldt, Canadian Alliance):** Mr. Speaker, in an outrageous decision the Ontario Court of Appeal has further entrenched race based rights in our country.

This time the recipients of racially privileged hunting and fishing are the Metis of Ontario. This court ruling has opened the door to exploitation of natural resources and further extortion of concessions from Canadians on the basis of race.

Meanwhile, the Government of Canada continues to sink billions of taxpayer money into Indian and Metis programs that have developed a track record for corruption and incompetence. Cruises, kickbacks, nepotism and administrative largesse are taking their toll on the generosity of taxpaying Canadians.

Sanctimonious posturing by the Liberal government cannot hide this fact. The Indian Act is an abject failure and the court's racialist approach is making a mockery of the equality of all Canadians.

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[Translation]

## NATURAL RESOURCES

**Mr. Guy St-Julien (Abitibi—Baie-James—Nunavik, Lib.):** Mr. Speaker, as the member for the great region of Abitibi—Baie-James—Nunavik, I say we must all act together to bring out the presence and the action of the Government of Canada in regions whose resources are having difficulty adapting in the context of the new economy.

The rules of existing programs should be relaxed, and we should ensure they are used. Also, a program to provide financial assistance for thin capitalization mines should be set up for the juniors.

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[English]

## CURLING

**Mr. Geoff Regan (Halifax West, Lib.):** Mr. Speaker, what a finish this weekend at the Canadian Curling Championships, the Scott Tournament of Hearts, and what a comeback by Team Nova Scotia, led by skip Colleen Jones, her teammates Kim Kelly, Mary-Anne Waye and Nancy Delahunt, who came from behind from a 5-2 deficit to win in an extra end at the national championships in Sudbury.

Colleen Jones and her Halifax foursome from the Mayflower Curling Club will represent Canada in Lausanne, Switzerland, next month at the world championships.

*S. O. 31*

On behalf of all Nova Scotians and all parliamentarians, who I know join me, I congratulate the team on its success and wish it great success at the world championships.

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**CURLING**

**Hon. Diane Marleau (Sudbury, Lib.):** Mr. Speaker, the 20th anniversary of the Scott Tournament of Hearts, held this past weekend in Sudbury, showcased the finest curlers in Canada and brought together 20 years of past champions to watch the incredible final game.

We saw the creation of the Sandra Schmirler Foundation in memory of our 1998 Olympic gold medal winner. As well, *Hearts of Fire*, the new Scott Tournament of Hearts song written by Sudbury composer Tom Hewlett, is being heard today across Canada.

The Scott Tournament of Hearts is a world class event, with women competing from every province and territory. I want all Canadians to know how truly proud Sudburians are of the participants and of the organizers of this year's event.

I congratulate the 2001 champions, the Colleen Jones rink from Nova Scotia, and I thank Sudbury for hosting such a fine event.

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**JUSTICE**

**Mr. Chuck Cadman (Surrey North, Canadian Alliance):** Mr. Speaker, once again I wish to draw attention to the injustice of our conditional sentencing laws.

Conditional sentencing for violent offenders has been raised in this place many times in the past. The latest example of this fallacy concerns 20 year old Veronique Lauzon, who was recently sentenced to serve 21 months in the community.

Just what did she do to warrant such favourable treatment? She was convicted of armed robbery, escaping lawful custody, stealing a car and dangerous driving causing injury, injury to the police officer who she dragged for several blocks with the stolen car.

Her lawyer said that Lauzon had been traumatized by the unexpected and sudden death of her father. While I empathize, I would suggest that there are many Canadians every day who are traumatized by the sudden loss of a loved one and who do not resort to serious violent crime in order to cope. Such an excuse is an insult.

Since the government seems to have little intention of protecting our communities from dangerous and violent criminals, will it at

least stand up for our police who risk life and limb daily in attempting to control the crime in our streets?

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**TRADE**

**Mr. Andy Savoy (Tobique—Mactaquac, Lib.):** Mr. Speaker, McCain Foods is going to China. Announced on the heels of a highly successful team Canada 2001 trade mission, the New Brunswick based conglomerate recently announced plans to build a \$90 million potato processing plant in the northeastern region of China.

● (1405)

McCain Foods began production with one small plant in Florenville in 1957. Today the company is the largest producer of French fries in the world, with more than 50 plants in 13 countries on 5 different continents.

As an exporting nation, every day of the week Canada does \$2.2 billion worth of business with the rest of the world. This government's strong commitment to improving international trade is facilitating market access for Canadian companies such as McCain Foods.

I congratulate not only all the successful participants on this year's trade mission but also the government on its hard work on and commitment to creating jobs for Canadians.

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[Translation]

**QUEBEC ATHLETES**

**Mr. Robert Lanctôt (Châteauguay, BQ):** Mr. Speaker, Quebec athletes have recently won major victories that deserve to be mentioned. Geneviève Jeanson is a cyclist who won two races in Mesa, Arizona.

Stéphane Rochon won the gold medal for parallel moguls at a World Cup freestyle event, while Pierre-Alexandre Rousseau took silver in the moguls.

Let us also congratulate the winners at the 20th edition of Quebec's Gala du mérite sportif. Weightlifter Maryse Turcotte was named female athlete of the year, while volleyball player Sébastien Ruette was named male athlete of the year. Biathlete Judith Chaput was named discovery of the year among female athletes, while champion kayaker Nicolas Beaudoin won the award on the men's side.

Figure skaters Jamie Sale and David Pelletier won their second victory in two weeks. The first one was in Salt Lake City and the second one in Japan.

The Bloc Québécois congratulates these athletes for working so hard and being such good ambassadors for Quebec.

[English]

### INTERNATIONAL PLOWING MATCH

**Mr. Ovid Jackson (Bruce—Grey—Owen Sound, Lib.):** Mr. Speaker, today I rise to congratulate Al Bye, past warden of Grey county, for his fantastic presentation this weekend in Ottawa which won us the International Plowing Match in the year 2004.

The International Plowing Match brings together rural and urban people and farmers, who show our country that they are the custodians of the land and that they provide great food at a fantastic price.

In my riding there are: in Owen Sound, the Summer Folk Music Festival; in Durham, the Wood Show; in Flesherton, the Split Rail Festival; and in Meaford, the Apple Harvest Festival.

I invite all my colleagues to come to my riding of Bruce—Grey—Owen Sound in 2004. Members have ample time to save up and to bring their money and their families and have a great time.

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### TRADE

**Ms. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance):** Mr. Speaker, Canadian elk and deer producers have built an exciting industry of valuable breeding stock and the promising velvet antler market.

Antler has been renowned for centuries in Asian countries for providing many general health benefits and is gaining a positive reputation in North America as a beneficial nutraceutical.

Korea and New Zealand are the largest markets for Canadian velvet antlers, but recently both countries announced a ban on antler imports due to the occurrence of chronic wasting disease on the prairies.

The Canadian Food Inspection Agency is confident it has the disease under control and will eradicate it. However, if this trade ban continues, the industry here will be devastated.

Today I ask the ministers of agriculture, foreign affairs and international trade to immediately begin a dialogue with Korea and New Zealand that will see this ban on Canadian elk antlers lifted as soon as possible.

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[Translation]

### GALA DES JUTRA

**Mr. Marcel Proulx (Hull—Aylmer, Lib.):** Mr. Speaker, the third edition of the Gala des Jutra was held yesterday.

*S. O. 31*

The gala was an opportunity to salute the efforts made in the past year by those who work in Quebec's film industry. The evening was an energetic and lively affair and a reflection of our movie industry.

I am taking this opportunity to congratulate the organizers of the event and all the winners, particularly Denis Villeneuve and Marie-Josée Croze for the movie *Maelström*, which won eight awards out of eight nominations. Mr. Villeneuve has already won numerous international awards. Such a success will long be remembered.

There can be no doubt that Quebec is full of talent. We must continue to support such events, because they provide a golden opportunity for exposure to our performers and to those who will follow in their footsteps.

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[English]

### ABORIGINAL AFFAIRS

**Ms. Judy Wasylcyia-Leis (Winnipeg North Centre, NDP):** Mr. Speaker, it is time for the government to account for the mismanagement of the first nations and Inuit health branch of Health Canada.

It is time for an external review, an independent inquiry into the administration of that department. Not to do so would be to damage efforts to resolve serious health problems in aboriginal communities and would do irreparable harm to the goal of first nations and Inuit control of their health programs.

● (1410)

Throughout all the developments pertaining to the Virginia Fontaine Addictions Foundation at Sagkeeng, the Anishinaabe Mino-Ayaawin in Winnipeg and now the reported deficits for the non-insured benefits program, the government has shirked its responsibilities for the problems that are emerging and has tried to create the perception of wrongdoing anywhere but in its own department.

The roots of the problem lie within the government. The facts tell a story of chaos, mismanagement, lack of accountability and disregard of numerous recommendations made by the auditor general. It is a failure of accountability and good management practices by the government and a failure to support the first nations as they have taken on transfer agreements.

Time is running out. It is time for the government to act now, to recognize that—

**The Speaker:** The hon. member for Terrebonne—Blainville.

S. O. 31

[Translation]

### GALA DES JUTRA

**Ms. Diane Bourgeois (Terrebonne—Blainville, BQ):** Mr. Speaker, yesterday, the Théâtre Saint-Denis was the scene for a celebration of the cinema in Quebec. It was also an opportunity to get to know our cinema better, and an invitation to aspiring filmmakers.

The 3rd Jutra awards ceremony, a gala event ably hosted by Élyse Guilbault and Yves Jacques, gave us a glimpse of the latest fine offerings in this field of endeavour in Quebec.

Tribute was paid to master filmmaker Gilles Carle for the excellence of his work. Emotions ran high as the prolific Mr. Carle—who has 47 films to his credit—was warmly applauded.

*Maelström, Hochelaga, La vie après l'amour, La beauté de Pandore, La Bouteille, Le petit ciel, Full Blast, The Art of War, La moitié gauche du frigo, Stardom, Possible Worlds, Les muses orphelines* and more bore testimony to the original talent of Quebec's artistic colony and the ability of our creators to take our vision and make it universal.

The public is right to support the films Quebec has to offer.

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[English]

### CANADA LANDS

**Mr. Derek Lee (Scarborough—Rouge River, Lib.):** Mr. Speaker, I congratulate Canada Lands Company for recently winning the Grand SAM Award, the most prestigious award in the Canadian land development industry which honours the best of professional marketing, advertising, promotion, sales merchandising and sales presentation.

Canada Lands winning project, Garrison Woods, is a unique urban village seven minutes from Calgary's city centre on the former Canadian Forces Base Calgary. It is an integrated community where people can live, work, play and be educated. It celebrates and reflects Calgary's military roots and heritage. Most important, Calgarians planned it in the spirit of creating a very special community during a three year consultation process.

Canada Lands Company, on behalf of Canadians, carries out its mandate on a self-funding basis, encouraging innovative property development and environmental responsibility. In this way the Canada Lands award winning team is making contributions to the economic vitality of communities all across Canada.

### TAXATION

**Mr. Loyola Hearn (St. John's West, PC):** Mr. Speaker, today the Minister of Finance is meeting his provincial counterparts in Halifax. The main issue on the agenda is equalization.

Newfoundland and the other Atlantic provinces want changes. They want to make sure that the clawback arrangement is changed so that the federal government does not continue to claw back 75% to 90% of the resource revenues that the provinces take in.

We do not want to be the Cinderella of Canada. We do not need to be the Cinderella of Canada. We have found the glass slipper. All we want is the chance to wear it.

\* \* \*

[Translation]

### BIG SISTERS' MONTH

**Mr. Mark Assad (Gatineau, Lib.):** Mr. Speaker, I would like to make special mention of Big Sisters' Month and the organization for which it is named, which provides many services to our community.

The mission of Big Sisters is to offer girls quality relationships with responsible adult volunteers in order to assist them with their psychosocial development.

I wish to pay special tribute to the commitment of thousands of these volunteers, who give of their time, their talent and their resources, for a Big Sister is above all a friend who wants to share a few hours of her time each week with a girl from a single parent home.

A big thank you to all these individuals, who are helping to improve the quality of life of so many young people in Quebec and in Canada.

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[English]

### GUN CONTROL

**Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance):** Mr. Speaker, insiders tell us the RCMP's budget for the Canadian firearms registry has been cut by 40%. Twenty verifiers already have been laid off. Scenarios of up to 100% layoffs have been discussed with staff and union officials. Meanwhile, the staff has been directed to triple output.

In the past two years the RCMP has issued only 550,000 firearms registration certificates and the current backlog is over 180,000.

• (1415)

There are between seven million and twenty million firearms left to register in the next two years. The registrar says that there is a

*Oral Questions*

90% error rate in the applications received and that it will take until 2010 to register all the legally owned firearms in Canada.

Why is the solicitor general cutting the registry's budget and laying off staff? I wish it was because the Liberals were rethinking the billion dollars they will waste on this futile exercise and spending it on fighting real crime. Unfortunately the layoffs probably have more to do with the justice minister's privatization plans than common sense.

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**CURLING**

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, hearty congratulations to three time champion, Colleen Jones, and her Mayflower curling teammates, Nancy, Mary-Anne and Kim, on their Scott Tournament of Hearts Championship.

This hat trick for Colleen Jones places her in the extraordinary company of Sandra Schmirler, Connie Laliberte and Vera Pezer. As the then MLA for Halifax Chebucto, home to the Mayflower Curling Club, I had the thrill of welcoming Colleen home after her first national win in 1982.

I regret I am unable to be in Halifax for the homecoming celebration this week, but it gives me great joy to rise in the House today to congratulate Colleen and her fabulous team and to wish them similar success in the upcoming World Curling Championship in Lausanne, Switzerland.

Sandra Schmirler's legacy lives on through Colleen's athletic successes and those whom she inspires.

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**ORAL QUESTION PERIOD**

[English]

**IMMIGRATION**

**Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, we hope to hear directly today from the Minister of Public Works and Government Services because we want to ask the question again related to the fact that the government issued a visa to Gaetano Amodeo.

Mr. Amodeo is an alleged hit man and he is on Interpol's most wanted list. Why would the government allow safe haven to one of the world's most dangerous criminals?

**Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, once again the member opposite is wrong and he should know that visitors to Canada from western Europe do not require a visitor's visa to enter Canada.

As soon as it came to our attention that this individual was wanted, within three weeks he was behind bars and he is now awaiting a deportation hearing.

**Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, we are talking about a lot more here than just visiting. It is very clear that Mr. Amodeo's wife approached the public works minister to get assistance with the visa application in spite of the fact she is not a constituent of his. The issue could not have been language because in Mrs. Amodeo's constituency, which is different from that of the public works minister, those particular services are offered in Italian by that member of parliament.

What was it and why was it that Mrs. Amodeo felt she could get some special treatment from the minister rather than from her own member of parliament?

**Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, once again the Leader of the Opposition is wrong. I can say to him that my department received last year over 40,000 inquiries, requests for information from all members of the House.

He should also know that before anyone is granted permanent residence status in Canada, if he or she applies to the province of Quebec as an independent immigrant, under the Canada-Quebec accord Quebec must issue a selection document. That was done in this case. The processing time was the average processing time for visa posts around the world. There was nothing that was done in this case that was untoward or inappropriate.

[Translation]

**Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, the situation is not usual, because the letter is not usual. This is not the letter of an MP asking about the status of a file with Immigration Canada on behalf of a citizen of the riding. The letter clearly requests that a visa be, and I quote, "issued shortly".

Does the minister acknowledge having acted in this matter not as an MP but as an activist?

**Hon. Alfonso Gagliano (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, I tabled in the House this morning the memo my riding assistant sent, and I quote it.

● (1420)

I can table it again for the Leader of the Opposition. "Simply to discover what stage the permanent residence file has reached with the federal government, I know that the CSQ is valid until June 2000 and that the visitor's visa is valid until 2001. Have the audits come in? And what about the medical results? Do you think the visas will be issued shortly?"

There you have it, Mr. Speaker.



*Oral Questions**[English]*

**Mrs. Diane Ablonczy (Calgary—Nose Hill, Canadian Alliance):** Mr. Speaker, I appreciate the difficult position the minister is in and I think we want to be responsible in pursuing it. However, it does seem odd that this case ended up with the member who is not the member of parliament for the wife of this alleged mob figure. It does seem odd that the application was fast tracked after the letter was written.

Could the minister inform us if he knew this woman or her husband, the Amodeos, in any way prior to this memo being written to Immigration Canada?

**Hon. Alfonso Gagliano (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, I did not know the lady. I did not know the gentleman. My office did not know her before she came to the office.

I only found out about this case as there was a note in my office the day prior to the day *La Presse* issued the article. That means Thursday afternoon, because the journalist called my office. Otherwise I was not even aware that the file existed.

**Mrs. Diane Ablonczy (Calgary—Nose Hill, Canadian Alliance):** Mr. Speaker, the whole matter has arisen because someone who is on Interpol's 500 most wanted list turns out to have been in our country since 1998. Apparently the minister of immigration knew nothing about this. Canadians are a little worried about how these crime figures could be given safe haven in our country and apparently our officials are ignorant of their whereabouts.

I ask the minister to explain to Canadians why on earth this could have happened. How could this person be in our country unknown to the minister?

**Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, the member opposite should know that individuals from western Europe, from France, from the U.K., from Germany and from Italy do not require a visitor's visa in order to enter Canada. That has been a fact for a long time.

However, in this case, as soon as it was brought to my department's attention that this individual was wanted, within three weeks he was apprehended; he was detained; and he is awaiting a deportation hearing. That is what needed to be done and that is exactly what we did.

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*[Translation]***NATURAL RESOURCES**

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, the Minister of Natural Resources is in Washington right now to discuss the establishment of a North American energy pact with the Americans.

Since there has never been any discussion of such negotiations here in the House of Commons, will the Prime Minister tell us what position his minister will be defending during these discussions with U.S. representatives?

**Mr. Benoît Serré (Parliamentary Secretary to Minister of Natural Resources, Lib.):** Mr. Speaker, Canada and the United States have long had very amicable trade relations.

Today, the minister is going to ensure—and we have been very clear about this—that in any negotiation or agreement with any country, Canada's sovereignty and needs will always be paramount and defended as such.

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, that is very clear as an answer.

As we know, however, natural resources come under provincial jurisdiction.

Will the Prime Minister, or the parliamentary secretary in this case, tell us whether the provinces were consulted with respect to the negotiations the minister is undertaking with the United States on the issue of natural resources?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, the minister's visit is not for the purpose of entering into negotiations. Its purpose is for him to meet the new minister, former Senator Abraham. The first step is an exchange of views.

If, in due course, negotiations ensue, we will follow the normal procedures for informing the provinces.

• (1425)

**Mr. Serge Cardin (Sherbrooke, BQ):** Mr. Speaker, talks on an agreement dealing specifically with the various forms of energy should normally include discussions on oil and natural gas.

My question is for the Prime Minister. Can the Prime Minister assure us that drinking water will be excluded from any talks on a possible energy agreement?

**Mr. Benoît Serré (Parliamentary Secretary to Minister of Natural Resources, Lib.):** Mr. Speaker, as the Deputy Prime Minister just said, there are no formal negotiations at this point. However, I can assure the House and the hon. member that in all the trade agreements that we have signed with foreign countries, we have always protected the needs of Canadians, whether it is water or any other resource, and we will continue to do so.

**Mr. Serge Cardin (Sherbrooke, BQ):** Mr. Speaker, can the Prime Minister tell us if these energy issues will be discussed by one of the sectorial negotiating groups on the free trade area of the Americas? If so, is the trip made by the two Canadian ministers to Washington in preparation for the negotiations on the free trade area of the Americas as regards energy issues?

**Mr. Benoît Serré (Parliamentary Secretary to Minister of Natural Resources, Lib.):** Mr. Speaker, the United States have a new administration. It is normal for ministers from our govern-



ment to pay a visit to their American counterparts to get acquainted with the issues and discuss things in general terms.

The opposition will be informed when formal talks take place. Again, whether it is ministers or the government as a whole, we will always protect the rights and the needs of Canadians first and foremost.

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### SUMMIT OF THE AMERICAS

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, the public has a fundamental right to speak out and to demonstrate peaceably.

The attitude of governments to the summit of the Americas is of some concern. There will be barricades, absurd rules, control points and so on. Obviously, order and security must be maintained during the summit of the Americas.

We want assurance that peaceful demonstrations will be protected in Quebec City. Will the government give this assurance?

**Mr. Denis Paradis (Parliamentary Secretary to Minister of Foreign Affairs, Lib.):** Mr. Speaker, the summit of the Americas, which will be held in Quebec City in April 2001, will be an opportunity for all of us Canadians to reaffirm our commitment within the Americas and to increase opportunities available to Canadians in all sectors.

In the context of the preparations for this summit, just last Friday, the Minister for International Trade and the Secretary of State for Latin America and Africa met with members of civil society.

[English]

**Ms. Alexa McDonough (Halifax, NDP):** Mr. Speaker, let me repeat that Canadians want assurances that the rights of peaceful protesters will not be quashed at the Quebec summit, assurances that excessive force will not be used, including unlawful detainment, strip searches and pepper spray.

The RCMP is involved in the preparation of security at the summit, rightly so. Will the government assure the public that an appropriate balance will be struck between the responsibility to maintain order and security and the right of citizens to peaceful, meaningful protest throughout the summit?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, the answer to that question is yes. However, I should remind her that when Prime Minister Tony Blair of England was here with regard to this meeting he said:

However sincere the protests, they cannot be allowed to stand in the way of rational argument. We should start to make this case with force and determination.

### Oral Questions

That is the message from Prime Minister Blair of the Labour Party of Britain to members of the NDP in Canada. They should listen carefully to that common sense point of view.

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### BUSINESS DEVELOPMENT BANK OF CANADA

**Right Hon. Joe Clark (Calgary Centre, PC):** Mr. Speaker, my question is for the Deputy Prime Minister. He will know that the Business Development Bank of Canada Act came into force on July 13, 1995. It requires the designated minister to review the provisions and operations of the act in consultation with the Minister of Finance within five years. According to the law, that review should have started last July, seven months ago. A report has to be submitted to parliament no later than this July.

• (1430)

Will the Deputy Prime Minister tell the House whether the Minister of Industry has started the review? Will he tell us when the review will be brought to parliament in accordance with the law? If the minister has not started the review, will the Deputy Prime Minister tell us why he has not followed the law and started the review?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, I do not have all the information that he is seeking, but I am confident that the relevant ministers will meet the requirements of the law.

**Right Hon. Joe Clark (Calgary Centre, PC):** Mr. Speaker, let me try something else.

Before the president of the Business Development Bank was stripped of his power respecting loans, he had recommended that the bank consider calling the loan of the Auberger Grand-Mère, which at that time was a loan in default.

Can the Deputy Prime Minister tell the House—and I am sure it has been discussed in cabinet—did the Prime Minister know of that recommendation by Mr. Beaudoin to call the loan before the president's powers were changed? Did the Prime Minister know in advance of the action by the board of the intention of the board to strip the president of his normal authority respecting loans?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, I will get the hon. member a detailed answer to his question, but does he know that Mr. Beaudoin is the subject of a counterclaim in the pending court case, because the auditor general found that Mr. Beaudoin inflated his pension by some half a million dollars?

Why is the hon. member basing his questions on something as contentious as the comments of Mr. Beaudoin?

**Miss Deborah Grey (Edmonton North, Canadian Alliance):** Mr. Speaker, speaking of the Business Development Bank, on April 21, 1997, Yvon Duhaime wrote the Prime Minister begging

*Oral Questions*

for help with the Business Development Bank loan, one which it had recommended against.

We have obtained documents today that show that on May 6, 1997, the HRD said that funding was assured from the Business Development Bank. That is lightning speed. That is just a matter of days. It had already been recommended that this loan not be complied with.

The question is, how did it happen that through the maze of bureaucracy this loan found its way through and was assured in a matter of days at lightning speed?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, I do not accept the premise of my hon. friend's question that the loan went through with lightning speed.

I have been informed, however, that this loan was approved and participated in by the local caisse populaire and the Fonds des travailleurs du Quebec, both bodies not connected with the federal government nor with the Prime Minister, and their judgment was that the loan was a valid commercial transaction. She ought to take that into account before raising the kinds of empty questions she does whenever she has a chance.

**Miss Deborah Grey (Edmonton North, Canadian Alliance):** Mr. Speaker, let me quote from the actual document. It says:

[*Translation*]

Funding is provided by the Business Development Bank of Canada.

[*English*]

That seems pretty clear that the funding is assured.

We know that it was during an election time and the Prime Minister was in the political fight of his life. He was not only trying to retain his seat during that time, he was trying to retain the financial shares that he had in the neighbouring golf course of the Auberge Grand-Mère.

The question is very simple. Why was the Prime Minister interfering with the business of a crown corporation?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, the hon. member, who I commend for her French, did not make clear what she was quoting from. She should do so.

The ethics counsellor found that the Prime Minister was not interfering with the work of a crown corporation. He was doing no more than what members on all sides of the House do, making enquiries and making representations on behalf of a constituent.

If the hon. member thinks that is wrong, then I think she ought to make a fresh start on learning her duties as a member of parliament.

[*Translation*]

**INTERNATIONAL TRADE**

**Mr. Pierre Paquette (Joliette, BQ):** Mr. Speaker, the government has always maintained that the end of the softwood lumber agreement would signal the return to full free trade.

On Thursday, the Minister for International Trade left us somewhat confused by saying in this House that he anticipated transitional measures.

I would ask the Prime Minister if the government can confirm that Canada's position remains a return to free trade, pure and simple, and that no other solution may be considered?

• (1435)

[*English*]

**Mr. Pat O'Brien (Parliamentary Secretary to Minister for International Trade, Lib.):** Mr. Speaker, this is obviously a very complex issue. The views of all regions in Canada will be considered.

As my colleague knows, the Minister for International Trade is in Washington today meeting with trade representative Mr. Zoellick and commerce secretary Mr. Evans.

The minister and I have repeated several times that the long term goal for Canada is free trade in softwood lumber.

[*Translation*]

**Mr. Pierre Paquette (Joliette, BQ):** Mr. Speaker, I would like to ask the parliamentary secretary what he means by long term goal, but I will wait to do so.

I would like to know whether we are to understand from the government's position that, before negotiations even begin, the government will be stepping back from the position and the consensus held across Canada in the softwood industry.

[*English*]

**Mr. Pat O'Brien (Parliamentary Secretary to Minister for International Trade, Lib.):** Mr. Speaker, I am not sure what my colleague means by a stepping back. There is wide consultation underway now with people in the softwood lumber industry right across Canada. This has been the subject of discussions on a number of occasions with the provincial ministers of trade and with the Minister for International Trade. Today it is the subject of international discussion. The long term goal remains the same: free trade in softwood lumber.

*Oral Questions***BUSINESS DEVELOPMENT BANK OF CANADA**

**Ms. Val Meredith (South Surrey—White Rock—Langley, Canadian Alliance):** Mr. Speaker, I would like to restate the facts for a minute.

On April 21 Yvon Duhaime asked the Prime Minister to use his influence to help obtain a Business Development Bank loan for a hotel in which they both had an interest. Less than two weeks later the money was assured.

What did the Prime Minister or his office do so that those funds were assured within the two week period of time?

**Mr. John Cannis (Parliamentary Secretary to Minister of Industry, Lib.):** Mr. Speaker, it was said in the House over and over again by the ethics counsellor and the RCMP that there was no conflict. This party just simply does not get it.

**Ms. Val Meredith (South Surrey—White Rock—Langley, Canadian Alliance):** Mr. Speaker, quite simply, something happened in those two weeks. That loan had been refused by the Business Development Bank and two weeks later, after the Prime Minister's influence was used, the loan was granted.

I would like to ask again: What exactly did the Prime Minister or his office do to secure those funds within a two week period of time?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, the hon. member's question falls flat on the ground because it is based on alleging influence by the Prime Minister. It has been confirmed over and over that the Prime Minister did not use, "undue" influence, and I think that should be taken into account. She ought to make a fresh start of these questions and start with some facts.

\* \* \*

[Translation]

**SUMMIT OF THE AMERICAS**

**Ms. Francine Lalonde (Mercier, BQ):** Mr. Speaker, for several months now, the Government of Quebec has been asking for the Premier of Quebec to be allowed to address the heads of state at the Summit of the Americas in Quebec City next April 20 to 22.

Will the Prime Minister tell us whether his government still intends to deny Quebec's premier the right to address the heads of government at the Summit of the Americas in Quebec City?

**Mr. Denis Paradis (Parliamentary Secretary to Minister of Foreign Affairs, Lib.):** Mr. Speaker, Canada is the host country for the Summit of the Americas and I think that it is wonderful that we are able to welcome 33 other countries.

I believe Mr. Bouchard mentioned this wish to the Prime Minister during the trip to China. But, right now, the rules of the game are being discussed with Mr. Lortie, who is the Prime Minister's personal representative, and the folks in Quebec City.

**Ms. Francine Lalonde (Mercier, BQ):** Mr. Speaker, will the Prime Minister confirm to the House whether or not, during Team Canada's last visit to China, he or his chief of staff, Jean Pelletier, responded to Premier Bouchard's request by telling him that there was absolutely no question of the Premier of Quebec addressing the heads of state at any time during the Summit of the Americas?

**Mr. Denis Paradis (Parliamentary Secretary to Minister of Foreign Affairs, Lib.):** Mr. Speaker, I will simply remind the House that it is Canada which is welcoming 33 other countries to the Summit of the Americas. The meeting will be attended by heads of state from the all the Americas. The rules of the game are that the Prime Minister of the host country, the Prime Minister of Canada, hosts the prime ministers of other countries, and that is how it works.

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● (1440)

[English]

**IMMIGRATION**

**Mrs. Diane Ablonczy (Calgary—Nose Hill, Canadian Alliance):** Mr. Speaker, the immigration minister told the House today that citizens from a number of European countries do not need visas to come in or out of Canada. I am a little puzzled about this since Mr. Amodeo was in Canada on a tourist visa and his wife was in Canada on a visitor's visa. Clearly they did have visas.

I would like the minister to explain that and also tell the House whether people can come in and out of our country without any monitoring, any checking or any kind of process at all. Are our borders wide open?

**Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, I am surprised that the member knows so little. That might account for the fact that her question is so uninformed. In fact, there are some countries in the world where visitors visas are required and where security checks are done before those visas are issued.

However it is commonly known that for Americans, western Europeans and many countries in the world there is no requirement for a visitor's visa before someone enters Canada. Similarly, we have no exit controls. The member should know that.

**Mrs. Diane Ablonczy (Calgary—Nose Hill, Canadian Alliance):** Mr. Speaker, it is nice of the minister to be so condescending, but of course the purpose of question period is to get this information out.

*Oral Questions*

I have another question for the minister. Is Italy one of the European countries from which its citizens can come in and out of Canada at will? I would also like to ask the minister if there is no one from her department at the border running any kind of check at all on people coming in and out of our country?

**Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, as I said in my first answer, and it is important for the member to know and to understand, most of western Europe, including France, Germany, Italy and most of the other western European countries, although I will not take the time to name them all, their citizens can enter Canada without a visitor's visa.

Immigration officers at the port of entry make their judgment when people presents themselves. They then stamp their passport and give them the right to enter Canada.

I have one more thing to say to the member. The inquiry that was made by all members of this House numbered 40,000—

**The Speaker:** The hon. member for Winnipeg South Centre.

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**FINANCIAL MANAGEMENT**

**Ms. Anita Neville (Winnipeg South Centre, Lib.):** Mr. Speaker, my question is for the Parliamentary Secretary to the President of the Treasury Board.

In his recent report, the auditor general stated that the government has made significant progress in improving financial management in government. Could the President of the Treasury Board explain what other steps the government is taking to build on these achievements?

**Mr. Alex Shepherd (Parliamentary Secretary to President of the Treasury Board, Lib.):** Mr. Speaker, the President of the Treasury Board recently announced improved internal evaluation procedures throughout government. This will strengthen the fiduciary capacity of our government.

We know that Canadians work hard for their money. That is why the government is committed to making sure that expenditures within government are undertaken efficiently and wisely. These reports will be made available to the public, which will allow the public to judge and show that the government is transparent in the way that it spends money.

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**ABORIGINAL AFFAIRS**

**Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP):** Mr. Speaker, with every day that passes there is serious evidence of

mismanagement and chaos in the first nations and Inuit health branch in the Department of Health.

Recommendation after recommendation by the auditor general for proper accounting and good management practice by the federal government have been ignored. The result is the possibility of creating enormous damage on the ability of first nations and Inuit people to deliver health care services as they want to and need to.

My question is for the acting Minister of Health. Will he review the problems within the department and support an independent external investigation of this branch of government?

[Translation]

**Mr. Yvon Charbonneau (Parliamentary Secretary to Minister of Health, Lib.):** Mr. Speaker, as we know, health records administration for aboriginal people in remote areas is an extremely complex issue.

Some newspaper articles allude to deficits. I should point out that these were authorized deficits and that such deficits may be authorized for a number of reasons, both in this case and in other provinces.

When issues are raised, which the Health Canada official did, investigations are instigated and efforts are made to recover the money that may have been improperly spent.

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● (1445)

[English]

**HEALTH**

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, the big city mayors caucus is meeting today to draw attention to pressing urban issues like transit and the lack of affordable housing.

I also know that Vancouver Mayor Phillip Owen is here to seek federal support for his excellent report on a four pillar approach to the terrible drug problems in Vancouver. The Vancouver agreement is an important first step but much more needs to be done.

Would the Parliamentary Secretary to the Minister of Health indicate if the government has the courage to go further by acting on Mayor Owen's recommendation, including the implementation of clinical trials for heroin assisted treatment?

[Translation]

**Mr. Yvon Charbonneau (Parliamentary Secretary to Minister of Health, Lib.):** Mr. Speaker, let me assure the opposition member that the Department of Health is monitoring this situation very closely. It feels that, as a partner, it can help resolve these issues, in co-operation with provincial and local authorities in British Columbia.



*Oral Questions*

Health Canada provides all the advice, services and insight required to enable local authorities to fulfil their responsibilities regarding this serious problem.

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**TRADE**

**Mr. André Bachand (Richmond—Arthabaska, CP):** Mr. Speaker, a few hours after the United States lifted its ban on Brazilian beef imports, Canada decided to do the same.

Could the Minister of Agriculture tell the House if, at that time, he had received all the answers to the infamous questionnaire that triggered this quasi trade war between Brazil and Canada?

[*English*]

**Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.):** Mr. Speaker, the team of technical officials had agreed on a response to the risk management assessment. That was agreed to by all three countries. The conditions that were announced were agreed to by all three countries.

[*Translation*]

**Mr. André Bachand (Richmond—Arthabaska, CP):** Mr. Speaker, I have a very simple question for the minister.

We are hearing all sorts of things about what triggered this trade dispute between Canada and Brazil. During the three weeks spent in Brazil, did anyone ask the Brazilians why they omitted or refused to complete the questionnaire that the Government of Canada needed? Is there an answer to that question?

[*English*]

**Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.):** Mr. Speaker, it became evident to everyone on January 30, in particular, that Brazil said it had brought 4,100 head of cattle in from countries in the European Union where there is now known to be BSE. During the risk assessment that number rose with the investigation to 6,000 head of cattle.

The conditions that were put on for the lifting of the ban clearly stated that none of the product from those cattle would come to Canada. One of our main concerns was to protect the health and safety of Canadians.

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**ATLANTIC CANADA OPPORTUNITIES AGENCY**

**Mr. Charlie Penson (Peace River, Canadian Alliance):** Mr. Speaker, according to news reports there are at least 14 RCMP criminal investigations into recipients of ACOA funding. That is three more cases than last year. The original 11 were said to be worth almost \$4 million in taxpayer money.

Could the minister update the House on how many ACOA fraud cases are now actively being investigated by the RCMP? How many taxpayer dollars do they represent?

**Mr. John Cannis (Parliamentary Secretary to Minister of Industry, Lib.):** Mr. Speaker, let me point out that ACOA is not under investigation but the recipients. It is important to note that ACOA upon getting information referred these cases to the RCMP. That is the kind of work ACOA does.

Let me point out that 61,000 jobs were created in Atlantic Canada as a result of programs which the Alliance Party, as it said during the election, would have eliminated.

● (1450)

**Mr. Charlie Penson (Peace River, Canadian Alliance):** Mr. Speaker, the 14 fraud cases being investigated and a default rate by ACOA of 20% are simply not acceptable.

ACOA is not the only way the Liberal government wastes taxpayer money. It does that all over the country, not just at ACOA. According to the public accounts the three regional development agencies have written off over \$300 million since 1995. Now the Liberals want to give ACOA another \$300 million for the Atlantic innovation fund.

How could Canadians believe that ACOA would manage this fund any better than it has in the past?

**Mr. John Cannis (Parliamentary Secretary to Minister of Industry, Lib.):** Mr. Speaker, I overheard the member for Medicine Hat who said we should just eliminate it. Their complaints is a sign of their weakness, not their strength.

We will continue to support Atlantic provinces. We will create thousands of jobs there. Unemployment has gone down by 3%. These are good programs, but they do not want to talk about the 88% success rate. All they want to talk about is the 12% we are trying to straighten out.

\* \* \*

[*Translation*]

**NATIONAL FILM BOARD**

**Mrs. Suzanne Tremblay (Rimouski—Neigette-et-la-Mitis, BQ):** Mr. Speaker, some fifteen young filmmakers in Montreal have prepared a work of protest entitled “the last heritage minutes”.

This short video is strongly critical of the NFB’s lack of interest in supporting personal documentaries.

Does the minister agree that, by imposing cuts of 25% on the NFB, she herself presided over the decisions that have limited the NFB’s ability to support personal documentaries?



*Oral Questions*

**Hon. Sheila Copps (Minister of Canadian Heritage, Lib.):** Mr. Speaker, I support the principle that, when decisions are made, they must be made at the National Film Board.

No politician must ever meddle in these decisions.

**Mrs. Suzanne Tremblay (Rimouski—Neigette-et-la-Mitis, BQ):** Mr. Speaker, the minister is directly responsible.

By deciding to cut she forced the NFB to cut without actually intervening and saying “Do it”. She told them. There are limits nevertheless.

What does the minister intend to do to better support the NFB and to develop new creative talent in the area of film, by giving them funding, among other things?

**Hon. Sheila Copps (Minister of Canadian Heritage, Lib.):** Mr. Speaker, we may be proud of the fact that over the past five years, we have increased the Canadian Heritage budget in many areas, just about the opposite of what is currently happening in Quebec.

This explains the MAL movement in Quebec: “Ça fait mal chez Mme Maltais”.

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[English]

**THE SENATE**

**Ms. Lynne Yelich (Blackstrap, Canadian Alliance):** Mr. Speaker, last week Senator Eric Berntson lost his final appeal and promised to resign his seat in the other place. What about his replacement?

If the Prime Minister can appreciate the value in allowing Canadians to hold their representatives accountable, will the Prime Minister allow the people of Saskatchewan to elect their next senator?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, the obligation of the Prime Minister is to follow the Constitution of Canada. When there was a vote in the House for an elected Senate the Reform Party, now the Alliance Party, voted against it. The hon. member should remind her constituents of that and be reminded of it herself. This is a point that should be borne in mind.

**Ms. Lynne Yelich (Blackstrap, Canadian Alliance):** Mr. Speaker, however, it is not required to open the constitution or launch rounds of backroom discussions to reform the institution of parliament.

British Columbia and Alberta already have laws in place to elect senators. Saskatchewan would gladly welcome the same opportunity to elect its representatives. Would the Prime Minister commit today to allowing Canadians to elect their own senators?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, why does the hon. member say that it is democratic for someone to be elected until age 75 with no right of recall? That is not my idea

or most Canadians' idea of democracy. I think she ought to go back to the drawing board.

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**TRANSPORTATION**

**Mr. David Pratt (Nepean—Carleton, Lib.):** Mr. Speaker, my question is for Minister of Transport. The minister will know that there is a tremendous amount of local interest in having VIA Rail establish a new station in the western part of Ottawa. Meetings have occurred between VIA Rail and OC Transpo to examine the feasibility of this project on a site in south Nepean.

Could the minister tell the House the status of this project, what he thinks of it, and whether or not it is something that can be done in the near future?

• (1455)

**Hon. David Collette (Minister of Transport, Lib.):** Mr. Speaker, this is an excellent project the hon. member has pursued for over 10 years, first as a councillor in Nepean and now as the member for Nepean—Carleton. He should be commended for his tireless efforts on behalf of his constituents and on behalf of the travelling public by rail.

The arrangements are now being worked out between VIA and OC Transpo to establish a train station at Barrhaven. I hope this can be announced in the near future. I have also asked VIA to look at the feasibility of starting its Montreal trains at a new station in Barrhaven.

**Mr. Jay Hill (Prince George—Peace River, Canadian Alliance):** Mr. Speaker, under pressure from the Competition Bureau, Air Canada agreed yesterday to reinstate its previous air fares on three routes. However, a complaint launched by CanJet two weeks ago included two additional routes, one of which is its prime Toronto to Halifax corridor.

Even one week of predatory seat sales is devastating to an emerging airline, let alone two or more. Why is the government willing to sit idly by while Air Canada crushes its competition?

**Hon. David Collette (Minister of Transport, Lib.):** Mr. Speaker, I might remind the hon. member that his party joined with all parties in the House to support Bill C-26 in the last parliament to establish rules dealing with predatory behaviour and predatory pricing.

The Competition Act was amended. It is working. I am sure the commissioner of competition will be looking at each and every case very closely.

**Mr. Jay Hill (Prince George—Peace River, Canadian Alliance):** Mr. Speaker, it is a small consolation to the competition, in this case CanJet. In September 1999 CanJet filed an abuse of dominance complaint with the Competition Bureau, a complaint that has yet to be heard some six months later and could result in permanent protection.

*Oral Questions*

On the one hand, Air Canada wants protection from the big, bad American Airlines. On the other hand, Mr. Milton does not think that smaller domestic airlines that are just getting started need protection from him and his announced discount carrier. Will minister allow Mr. Milton to have it both ways?

**Hon. David Collenette (Minister of Transport, Lib.):** Mr. Speaker, I remind the hon. member that the Competition Bureau operates at arm's length from the government. The Competition Act was amended last June. His party worked with everybody in support of those amendments.

Let the Competition Bureau do its job and ensure that the air environment, which is improving in terms of competition, continues and all small companies have a chance to compete head on with Air Canada.

\* \* \*

[Translation]

**LAKE SAINT-PIERRE**

**Mr. Marcel Gagnon (Champlain, BQ):** Mr. Speaker, Lake Saint-Pierre is extremely rich in flora and fauna. For several years now, this body of water has been being polluted by the Canadian army, which has fired more than 300,000 shells since the 1950s.

In 1982, a man died after coming across a shell. We also know that children play with them. These shells are a danger to commercial and recreational fishers.

The Minister of National Defence is now looking at the possibility of cleaning up this body of water. Will he tell us what measures he intends to take to ensure that the public has safe access to Lake Saint-Pierre?

[English]

**Hon. Art Eggleton (Minister of National Defence, Lib.):** Mr. Speaker, since the early 1990s we have cut test firings in the area. We have put up a stop butt rather than firing directly into the lake. We now fire into an embankment so that we are preventing further pollution to the lake.

Meanwhile, a very detailed examination is being done to see what needs to be carried out in terms of cleaning up the pollution that existed prior to that, which was caused by the munitions that were fired into the water. We have changed the practice. We are determined to clean up the lake.

\* \* \*

**HEALTH**

**Mr. John Godfrey (Don Valley West, Lib.):** Mr. Speaker, as members are aware, heart disease and stroke are a leading cause of death and disability in Canada. As February is heart and stroke month, it is appropriate to ask the Parliamentary Secretary to the

Minister of Health to tell the House what new initiatives the government has undertaken to research these diseases.

[Translation]

**Mr. Yvon Charbonneau (Parliamentary Secretary to Minister of Health, Lib.):** Mr. Speaker, I thank the member for Don Valley West for asking this very important and very relevant question.

It gives me an opportunity to announce the Canadian government's decision to provide \$24.4 million in funding for research into heart disease. This is in addition to \$9.2 million already announced a while ago in Alberta for stroke research.

This funding is evidence of the Government of Canada's commitment to leading edge research in Canada in this very important field.

\* \* \*

● (1500)

**IMMIGRATION**

**Ms. Madeleine Dalphond-Guiral (Laval Centre, BQ):** Mr. Speaker, the Minister of Citizenship and Immigration has just said that Mr. Amodeo's presence in Canada was justified because, according to her, he had been accepted in Quebec's immigrant investor program.

Should we not be worried by the minister's answer when we know that, under this program, security checks are not Quebec's responsibility?

Are we to understand that she thought otherwise and that she was relying on Quebec to do her work for her?

[English]

**Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, I want to be clear. The process for applying for landed immigrant status is that if someone wants to apply to Quebec then he or she must receive a selection certificate called a CSQ from the province of Quebec.

The federal government maintains the statutory requirements, which include medical and security checks, but no one is granted permanent resident status in the province of Quebec unless he or she has received a CSQ. That is the Canada-Quebec accord. That is the way it works.

**Mrs. Diane Ablonczy (Calgary—Nose Hill, Canadian Alliance):** Mr. Speaker, I think the minister just confirmed that her department is responsible for the security checks, so I would ask her how someone on Interpol's 500 most wanted list got a visitor's visa to Canada in 1998 and is still in the country. How did he get that visitor's visa when she is supposed to be doing security checks?

**Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, the question of the member opposite is uninformed. I would also point out to her that the reason it is uninformed is that when individuals from certain countries, including western Europe, Italy, France and others, arrive at our ports of

*Routine Proceedings*

entry their passports are stamped. That is their visa. They do not have to apply for it in advance. They do not have to satisfy anyone except the port of entry official as to their reason for being in Canada.

That is different from permanent resident status. I would say to the member opposite—

**The Speaker:** I am afraid we have run out of time. That will conclude question period for today.

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## ROUTINE PROCEEDINGS

• (1505)

[English]

### CROWN LIABILITY AND PROCEEDINGS ACT

**Mr. Art Hanger (Calgary Northeast, Canadian Alliance)** moved for leave to introduce Bill C-277, an act to amend the Crown Liability and Proceedings Act.

He said: Mr. Speaker, it is with pleasure and optimism that I am reintroducing this bill today. Its purpose is to ensure that a person serving time in prison will not be able to sue the federal government or its employees under any federal legislation in respect of a claim arising while that person is under sentence.

If enacted, the bill will put an end to the practice of prisoners engaging in frivolous lawsuits against the federal government and to their abuse of the legal system.

I urge all members in the House to give serious consideration to the bill and to support it.

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

\* \* \*

### CRIMINAL CODE

**Mr. Art Hanger (Calgary Northeast, Canadian Alliance)** moved for leave to introduce Bill C-278, an act to amend the Criminal Code (prohibited sexual acts).

He said: Mr. Speaker, I am pleased to be able to reintroduce this private member's bill. It seeks to raise the age of sexual consent from age 14 to age 16. It would thus make it a criminal offence for an adult to engage in sex with children 16 and under.

The bill was first introduced in 1996 and was reintroduced in 1997 and again in 1999.

I rise again in the House and must unfortunately appeal to the better nature of every member of parliament. The widespread concern over child pornography and child prostitution in the country makes it even more urgent for enactment of the legislation

to protect the young and the vulnerable in our society from the predators among us.

For the sake of our children, I appeal to members of the House to give serious consideration to the bill and to lend their support accordingly.

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

\* \* \*

### VIA RAIL COMMERCIALIZATION ACT

**Mr. Jim Gouk (Kootenay—Boundary—Okanagan, Canadian Alliance)** moved for leave to introduce Bill C-279, an act respecting the commercialization of VIA Rail Canada Inc.

He said: Mr. Speaker, I am reintroducing this bill which I had introduced in the previous parliament. It deals with several problems with VIA Rail, the biggest one being the use of taxpayer money.

VIA Rail has a subsidy of \$500,000 a day 365 days of the year and had a recent injection of \$400 million in taxpayer money to keep it going.

It competes with the private sector. The private sector is able to operate this company. Why should taxpayer money continue? The bill will see an end to that taxpayer subsidy and put it in the hands of the private sector, which will run it without cost to the taxpayers.

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

\* \* \*

### CANADA HEALTH ACT

**Mr. Jim Gouk (Kootenay—Boundary—Okanagan, Canadian Alliance)** moved for leave to introduce Bill C-280, an act to amend the Canada Health Act (conditions for contributions).

He said: Mr. Speaker, this is also the reintroduction of a previous private member's bill in regard to our very dedicated emergency response workers in this country, who attend to accidents and deal with all kinds of emergency situations. On occasion they can be exposed to infectious diseases.

There is no official notification protocol for those people to be notified of the potential harm to themselves, their co-workers, their families and other community members. This bill puts into place a notification protocol system whereby those people will be notified while the confidentiality of the patients themselves will still be protected.

• (1510)

We owe it to the people who put their lives on the line for us to ensure that their lives are looked after as well.

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

### CANADA EVIDENCE ACT

**Mr. Ken Epp (Elk Island, Canadian Alliance)** moved for leave to introduce Bill C-281, an act to amend the Canada Evidence Act.

He said: Mr. Speaker, I am very pleased to introduce this bill which will do away with the confusion that comes now that the year 2000 is gone. What does the date 02:04:03 mean? Is it April 3, 2002? Is it March 4, 2002? Is it February 4, 2003? Is it April 2, 2003? The list goes on. There are six permutations.

My bill would cause people in Canada to begin thinking logically according to our international standard and give dates by the year, month and day. It would not be a requirement. It would amend the evidence act simply to say that if there is a date in dispute and there is no clear indication otherwise, then the year, month and day protocol would apply.

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

\* \* \*

### HOMEOWNERS' FREEDOM FROM DOUBLE TAXATION ACT

**Mr. Ken Epp (Elk Island, Canadian Alliance)** moved for leave to introduce Bill C-282, an act to amend the Income Tax Act (deduction of property taxes paid in respect of a principal residence).

He said: Mr. Speaker, the description of the bill is succinct indeed. It would provide that people who own homes could deduct from their taxable income the amount of money used to pay their property taxes. The impact and my theme in this bill would be that Canadians would not have to pay taxes on money they earn for the sole purpose of paying taxes.

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

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### ENERGY PRICE COMMISSION ACT

**Mrs. Bev Desjarlais (Churchill, NDP)** moved for leave to introduce Bill C-283, an act to establish the Energy Price Commission.

She said: Mr. Speaker, as I am sure most members who are sitting here today are quite aware, Canadians throughout the country in every province and territory are deeply upset and actually quite disgusted with the ongoing increase in fuel prices. They feel there must be some government intervention to ensure that no gouging or unfair practices are taking place.

### Routine Proceedings

I think that the energy price commission would give the government the opportunity to ensure that it does have some say if companies are pursuing increased costs just for the sake of greed, not necessity.

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

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### CRIMINAL CODE

**Mrs. Bev Desjarlais (Churchill, NDP)** moved for leave to introduce Bill C-284, an act to amend the Criminal Code (offences by corporations, directors and officers).

She said: Mr. Speaker, prior to the last election and just prior to the summer break, the House and all parliamentarians supported the move for the government to introduce legislation to address the issue of corporate manslaughter.

Very few Canadians are not aware of the situation that took place in Westray a number of years ago in which 26 miners were killed when there was no question whatsoever that it was through the negligence and disregard of their managers, corporation and workplace inspectors as well as governments in general to ensure that there was a safe workplace. Safe practices were not followed.

Justice Richard at that time said that the government needed to bring forth legislation to hold those corporations accountable for criminal negligence. He also said that the corporations and corporation management should be charged and held accountable in a criminal court of law.

The bill would do what the government has neglected to do. The Liberals made a promise before the election and assured us that this would happen, but the minister has given no indication that she intends to address this issue now. Therefore, this private member's bill will once again give parliamentarians the option of voting on the bill.

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

\* \* \*

• (1515)

### PETITIONS

#### CHILDREN'S RIGHTS

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, I have the pleasure to introduce three petitions today.

The first petition seeks and calls upon parliament to repeal section 43 of the criminal code which is a very antiquated section that has been determined as a legal approval of violence against children. It is very contrary to our children's fundamental rights to

*Government Orders*

security of the person as outlined by our charter of rights and freedoms and the UN convention on the rights of the child.

## ADDICTION

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, the second petition was signed by a number of petitioners who are very concerned about the high cost on individuals and communities of not being able to find adequate treatment and responses for those in our society who face addiction.

The petition calls on all members of government to work together to provide what we call treatment on demand to ensure that there are adequate resources for those who are faced with this terrible situation.

## CHILD POVERTY

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, the third petition was signed by people in Canada who are very concerned about growing child poverty in our country, and the fact that parliament has not been able to fulfil its obligation put forward by Mr. Ed Broadbent in 1989 that the House of Commons should end child poverty by the year 2000. The situation is worsening. The petitioners call on parliament to provide the resources and attention to eliminate child poverty in Canada.

## DIVORCE ACT

**Mr. Rick Borotsik (Brandon—Souris, PC):** Mr. Speaker, I have the pleasure of presenting a petition on an issue that is important to all of us. We all recognize that in this era of divorce there can be custody battles for children with respect to the parents. However, we sometimes lose touch with the fact that this also affects grandparents.

I have a petition to present which asks the government to amend the Divorce Act to allow access for grandparents to their grandchildren when there are divorce proceedings. This is a very serious issue and I hope the government will take it as such.

## HEALTH CARE

**Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP):** Mr. Speaker, I am very pleased to present a petition signed by a number of constituents and other residents of Winnipeg, Manitoba who are very concerned about the state of our health care system. They have signed a petition calling on the government to make health care a priority and to take the necessary actions to preserve our public health care system.

The petitioners believe that the federal Liberals actually opened the door to two tier American style health care in Canada. They would like to see the government redress that situation and take meaningful steps to stop the slide toward privatization and for profit hospitals and clinics in Canada today.

[Translation]

## QUESTIONS ON THE ORDER PAPER

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

**The Speaker:** Is that agreed?

**Some hon. members:** Agreed.

## GOVERNMENT ORDERS

[English]

## IMMIGRATION AND REFUGEE PROTECTION ACT

**Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.)** moved that Bill C-11, an act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger, be read the second time and referred to a committee.

She said: Mr. Speaker, I am pleased to present Bill C-11, the immigration and refugee protection act to the House for second reading. When the business of the House came to a close because of the election call, the progress of Bill C-31, the previous immigration and refugee protection act that I introduced in the House last spring, was of course brought to a halt.

This time however has given me the opportunity to review in detail the many discussions that ensued and the many submissions which were received subsequent to the introduction of the previous bill.

• (1520)

In particular, the time has given me the opportunity to consider carefully what Canadians were saying about the bill, both in its broad orientation as well as in specific detail. I can say I was pleased to note that Canadians were generally quite supportive of the previous bill known as Bill C-31.

They also expressed a few concerns. I am happy to say that I have addressed many of those concerns and the issues that were expressed. In Bill C-11 we have addressed what I believe were the most serious of those concerns. I have incorporated a number of recent proposals and I will describe those momentarily. I want to be clear that Bill C-11 maintains the core principles and the provisions of the previous bill.

This is important legislation, legislation which will be of great benefit to the country. The reason why is quite simple. By saying “no” more quickly to those who would abuse our rules, we will be able to say “yes” more often to those immigrants and refugees who Canada will need to grow and prosper in the years ahead.



This new legislation flows from four years of consultation. We had consultation with our constitutional partners in immigration matters, the provinces and the territories and with others interested in immigration matters. Those consultations have been both substantive as well as extensive.

The provinces have been quick to point out that we will only be able to increase our overall immigration levels, as the government is committed to, if we are prepared to improve our ability to absorb and to integrate those increased numbers. I understand and I accept this completely.

We have also consulted wisely, widely and substantially with many non-governmental groups and others involved in the business of settlement services for immigrants and refugees. I have met with Canadians, with permanent residents, with those who have been here for generations and with those who are newcomers. We have consulted as well with business leaders about the need for skilled workers. We have worked out innovative new ways to see that highly skilled workers on the move around the world will identify Canada as their destination of choice, our communities, our culture and our society.

Our economy has benefited enormously from immigration in the past. The evidence is seen all around us. We must continue to welcome new arrivals so that Canada will continue to grow and prosper and continue to be recognized in the years ahead as the best place in the world in which to live.

Of course we know that Canada is increasingly being challenged by other countries that are competing for the world's best and brightest who are seeking opportunities abroad. This competition will only grow more intense in the years ahead as more countries desire the benefits of immigration and experience the demographic changes that I believe and I know most western countries are facing.

The new century will belong to those who are best able to develop and expand their collective human capital. The knowledge based economy has become a reality. If Canada is to compete and succeed, we must continue to attract skilled workers from across the globe, to share their knowledge and their skills and to build bridges with the rest of the world. This means attracting not just skilled and hardworking individuals, it means reuniting them with their families as quickly as possible and welcoming them into the Canadian family. It means honouring our proud humanitarian tradition which begins with our commitment to provide safe haven to those in genuine need of our protection.

In the recent Speech from the Throne the government committed to modernizing and streamlining Canada's immigration and refugee protection systems. With Bill C-11, we are doing it. The bill simplifies the current Immigration Act. It enhances the safety and security of Canadians and of Canada's borders. It strengthens our ability to attract the immigrants we need and reaffirms our traditional openness to newcomers.

### *Government Orders*

In short, it provides us with all that we need to fulfill our dual mandate, which is to close the back door to those who would abuse our generosity and not obey our rules, so that we can open the front door wider to the immigrants and refugees like those who came before them, who came here to build this wonderful country.

• (1525)

The bill will enable us to meet the challenges and take advantage of the enormous opportunities that the new century holds for this country.

Bill C-11 remains a tough bill. However, I want to emphasize that it is tough on criminal abuse of our immigration and refugee protection systems. The bill creates severe new penalties for people smugglers and for those caught trafficking in humans. These are deplorable activities. There will be fines of up to \$1 million and sentences of up to life in prison for persons convicted of smuggling and trafficking in humans. It will also allow our courts to order the forfeiture of money and other property seized from traffickers.

The bill clarifies our existing grounds for detention and our criteria for inadmissibility to Canada. It provides immigration enforcement officers with the tools they need to see that serious criminals, threats to national security, violators of human rights, participants in organized crime and members of terrorist organizations are barred entry to Canada.

Bill C-11 will introduce front end security screening of all refugee claimants, fewer appeals for serious criminals and suspension of refugee claims for those charged with crimes until the courts have rendered a decision. This is what Canadians want and this is what we have delivered.

Bill C-11 will also streamline the refugee determination process. Referrals to the immigration and refugee board will take place within three working days of a claim. By consolidating several current steps and protection criteria into a single decision at the IRB and, moreover, by combining increased use of single member panels at the board with an internal paper appeal on merit, we will see faster but fairer decisions on refugee claims.

Combining grounds for protection at our IRB, Bill C-11 will maintain due process and a fair hearing for refugee claimants, while offering fewer opportunities for protracted judicial review at the federal court. Once again, this is a good example of streamlining.

I should note that Bill C-11 does not expand on the existing grounds for protection. It simply consolidates several current protection criteria and corresponding protection decisions into a single step. Grounds for protection will remain the same as they are

*Government Orders*

at present in keeping with Canada's international human rights obligations.

Bill C-11 also takes steps to address the frustrating revolving door syndrome that has become associated with repeat claims. Failed claimants removed from Canada after receiving a fair hearing and due process, should they return to Canada to make a repeat claim, will no longer return to the immigration and refugee board. Instead, if they return to Canada seeking protection after six months, they will be given a pre-removal risk assessment to determine whether circumstances relevant to their previous claim have changed. Before six months, they are entitled to seek refugee protection only at our missions outside of Canada.

Bill C-11 will also strengthen the integrity of our immigration system. It will tighten up sponsorship provisions to see that those who sponsor new immigrants are both able and willing to meet their financial obligations. They will be required to keep their promises.

Bill C-11 will improve our ability to recover the costs of social assistance in the cases of sponsorship default. In regulations to accompany Bill C-11, we will deny sponsorship to those in default of spousal or child support payments, those on social assistance and those convicted of spousal or child abuse.

Bill C-11 will also establish a new class of inadmissibility for those who commit fraud or misrepresentation on immigration applications. It will create a new offence for those caught helping anyone to gain status in Canada through fraud or misrepresentation.

• (1530)

New arrivals would be required to demonstrate reasonable attachment to our country in order to maintain permanent residence status. Bill C-11 would require physical presence in Canada for at least two of every five years for new immigrants to maintain their permanent residence status.

These changes are very important for one very simple reason. It is about respect. In my many discussions with individuals and organizations across Canada, I can assure members that this point has been made abundantly clear. Canadians want a system that is based on respect, both respect for our laws and our traditional openness to newcomers. Bill C-11 would do just that.

I spoke of the steps to close the back door, but equally Bill C-11 would allow us to open the front door wider. We would improve our ability to attract skilled workers and speed up family reunification. In regulations authorized by Bill C-11, we would modernize our selection system for skilled workers. Independent immigrants would be selected for their adaptability, level of education and

training, language skills, experience and general level of employability.

In today's rapidly evolving labour markets we need people who are best able to adapt to new occupations as the needs of the labour market shift over time. These are people who would thrive and contribute to our prosperity in the economy of this new century.

Bill C-11 would also provide easier access for highly skilled temporary foreign workers so that Canadian businesses can stay competitive and seize every opportunity for expansion. Many skilled workers who come to Canada on a temporary basis are subsequently offered permanent positions.

The regulations to Bill C-11 would allow these workers to apply for landing from within Canada under certain conditions, just as it would allow foreign students who have graduated and worked in Canada also to apply for landing from within Canada.

Bill C-11 also recognizes that family reunification has always been a cornerstone of Canada's immigration policy. Canadians know that new arrivals establish themselves more quickly and much better when they have the support of their extended families. Bill C-11 and its supporting regulations would allow spouses, partners and dependent children to apply for landing from within Canada provided that they are already here legally and that they made appropriate admissibility provisions.

I started my remarks by making references to the improvements I made in the bill to address some of the concerns that had been raised in relation to Bill C-31. I will say a few words about the changes.

One key concern that I heard was that the previous bill had to do with the idea of framework legislation. I understand the concern but I consider it all the same. Framework legislation remains essential to the efficient administration of the immigration program, particularly in the context of changing global environment in which it operates and would continue to operate. Framework legislation allows us the flexibility to make changes through regulation when sudden, unforeseen circumstances require. However I made a commitment to see that all key principles and policies are set out explicitly in the act rather than in regulations.

Bill C-11 enshrines in the act the principles of equality, freedom from discrimination and the equality of English and French as official languages of Canada. It also makes explicit the provision that parents are members of the family class. There is, moreover, an explicit provision now in the act that sponsors spouses, partners, dependent children and refugees resettled from abroad, along with their dependents, would not be denied admission on grounds that they would create an excessive demand on our medical system.

Bill C-11 also affirms in legislation the principle that children should only be detained as a last resort. It provides a clear

*Government Orders*

definition of permanent resident to distinguish the rights of permanent residents from those of other foreign nationals.

• (1535)

Oral hearings have been reinstated for those facing loss of permanent resident status, and provisions have been clarified for allowing new evidence to be presented at those appeals.

Bill C-11 would also facilitate the return of permanent residents with expired permanent resident cards if they have been outside Canada for less than one year.

We have built in a higher threshold for examination within Canada related to inadmissibility and immigration officers would now require a warrant to arrest a permanent resident on any immigration matter.

Before denying access to the refugee determination system to persons convicted of serious criminal offences outside of Canada, the bill requires a ministerial danger opinion. This provision is a safeguard to protect those who may have been convicted of politically trumped up charges.

The bill makes explicit our policy that people refused refugee resettlement overseas by a Canadian visa officer would nonetheless be able to apply for refugee status from within Canada.

Finally, I am happy to say that the United Nations high commissioner for refugees will be allowed to observe IRB hearings and participate as an intervener in cases before the refugee appeal division. I believe these improvements both strengthen the bill's integrity and protects the rights of individuals before the immigration and refugee protection systems.

Bill C-11 gives us a balanced approach to immigration and refugee protection policy.

Since the initial passage of the current Immigration Act in 1976, I know we all agree that the world has changed dramatically. More than ever before, people are on the move for trade, tourism, investment and education in order to develop their skills, to share their knowledge, to pursue their dreams, to find safety and to reunite with family.

Canada has been the enormous beneficiary of this global movement of people.

The swift passage of Bill C-11 into law would allow us to modernize our immigration and refugee protection systems. It would allow us to meet the challenges and take advantage of the opportunities that lie ahead.

Let me assure the House that regulations in support of Bill C-11 will be developed in as an open and consultative manner as this bill has been developed. It will give members of the House, key

immigration stakeholders and individual Canadians ample opportunity to share their views.

Issues of immigration and refugee protection are very important to the country. They take us to many of our core values that we as Canadians share. An open and transparent regulatory process would ensure that Canadians support the rules that are put in place.

Let me also assure the House that Bill C-11 recognizes that immigration is an area of jurisdiction that the federal government shares with the provinces and territories. Bill C-11 would commit the Government of Canada to continue consulting and working with our partners, the provinces and territories, in these matters.

The government is fully committed to the social union framework agreement and recognizes that immigration does impact on areas of provincial jurisdiction, such as health care, education and social services.

However, immigration also brings enormous social, cultural and economic benefits to Canada, its provinces and cities, benefits that must be weighed against the short term costs. Indeed, it is one of the reasons that so many of our provinces are currently looking to attract more immigrants. They know as we all do that immigrants and refugees built this country.

Under the new provisions of Bill C-11, immigrants and refugees would continue to help build the country in the future. I am proud to move adoption and second reading of Bill C-11.

**Mr. Inky Mark (Dauphin—Swan River, Canadian Alliance):** Mr. Speaker, I want to take part in the second reading of Bill C-11, an act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger. The bill is really the reintroduction of Bill C-31 which died on the order paper with the call of the last election.

• (1540)

As this is my first lengthy speech in the 37th parliament, I thank the constituents of Dauphin—Swan River for returning me to the House. Congratulations to you, Mr. Speaker, on your election to the chair and belated congratulations to all members of the House. I welcome my two deputy critics who will assist me in this portfolio, the new member for Blackstrap and the member for Surrey Central.

I will outline to our viewers how I intend to use up the next 40 minutes in debating Bill C-11. I will touch on the Canadian Alliance immigration policy, discuss why immigration is everybody's business, examine the current problems that are daily encountered, review the harsh words of the auditor general, and look at what needs to be done to improve the system.

Before I begin I want to tell the House how privileged I am to be able to stand in the House in 2001 to debate the subject of immigration. Not only am I proud to represent the Canadian

*Government Orders*

Alliance Party. I am proud to say that I am an immigrant to this country.

My grandfather was a Chinese railway worker who arrived here in the late 1800s. My father came in 1922, a year before the implementation of the Chinese Exclusion Act, which incidentally happened right here in the House of Commons. The Chinese Exclusion Act refused the entry of Chinese immigrants for the next 24 years. The act was repealed in 1947.

I immigrated to Canada in 1955 as a seven year old. I do not believe for one minute that my grandfather would ever have envisioned that some day his grandson in the future would be standing in the House of Commons debating immigration legislation. I am doubly honoured to rise in the House today.

It is most unfortunate that a minister of the crown during the last federal election made some disparaging remarks about the Canadian Alliance. It was possible that these remarks were made in the heat of battle. We all do that from time to time. Unfortunately these remarks still irritate over three million Canadians who voted for the Canadian Alliance Party. I hope I am correct in saying that the minister did not mean what she said. I only wish the minister would do the right thing to resolve this issue.

The Canadian Alliance Party is pro-immigration. I will read our policy statements on immigration from the past election. Canadian Alliance promised to welcome new Canadians and at the same time keep out the criminals. Canada is a nation of immigrants. We have always been enriched by new arrivals to our shores. A Canadian Alliance government would maintain the current level of immigration. We would make it easier for immigrants who possess advanced skills and training to enter Canada, and we would make the family reunification process truly responsive.

Canadians are also angered by policies which have let dangerous criminals into our country and unscrupulous human smugglers who bring in illegal migrants, jumping the queue and hurting the integrity of the system. The Canadian Alliance immigration policy would accommodate legitimate immigrants and their families who seek to contribute to Canada, while locking it tight to those who would abuse the system.

Immigration is the story of Canada. Immigrants have been coming to Canada since Cartier and Champlain. Canada was built on the backs of the immigrants who came here from around the world. We are fortunate that after the 1900s, Canada adopted a somewhat open door policy to immigration.

Yes, as a country we have had our bleak moments, starting with the aboriginals, the Chinese, the Japanese, the Jews, the Ukrainians and the blacks. Despite all these bleak moments in history, we have fared quite well. Certainly over the last 50 years Canada has become an example to the world. Our diversity is a strength and not a weakness. We have shown the world that people from around the world can live and work together under one tent.

We should always see ourselves as Canadians first before our country of origin. Otherwise we will become a patchwork of ethnic communities, which will weaken our resolve as a nation. I agree with the author John Boyko who in his book entitled *Last Steps to Freedom* wrote:

Unity should be the goal of diversity rather than diversity existing as an end into itself.

In my opinion this is basically the weak link in Canada's multicultural initiative.

I applaud the member for Kitchener—Waterloo for his principal stand during the 36th parliament in his advocacy for those of us who are Canadians by choice in the citizenship act debate. There is no doubt the House will hear more from the hon. member for Kitchener—Waterloo when we debate Canadian citizenship in the future.

Canada needs to attract the cream of the crop around the world. In today's global economy, all countries are competing for skilled labour.

• (1545 )

Canada's only option for population growth is through immigration. Smart immigration policies will create the opportunities for the country to create wealth. We need to keep better track of the different groups to determine how they are doing in the country, both in the short and long term.

The Canadian Alliance believes there needs to be a balance between access to Canada and security of our country from the world's criminals and terrorists.

We need to emphasize integration into Canadian society for both immigrants and refugees. The act mentions integration but does not specify how it is to be carried out. Canada has had many integration initiatives, both long term and administered by the government. They all have some level of success and failure.

However, with a larger number of both refugees and immigrants we need to look at a consistent approach to helping immigrants integrate into Canadian society. We know that most refugees have many needs including language. A clear plan of action should be in place to ensure that refugees receive basic needs, language training, education and skill training so they can become integrated into all aspects of Canadian life.

There is a desire by the populace to see that new Canadians are distributed throughout the country so that they do not all end up in Toronto, Vancouver and Montreal. All parts of Canada need population growth. The federal government must come up with a new integration program in consultation with the municipalities and provinces.



*Government Orders*

The parliamentary secretary, the member for Gatineau, and I along with other members had lunch with a Danish delegation to talk about immigration issues. It was interesting that the Danish government had put in place new legislation called the integration act.

The Danish integration policy is based upon the fact that immigrants and refugees on the whole, and especially the newly arrived, have a disadvantage in linguistic and vocational fields which prevent them from participating in society on an equal footing with the rest of the population.

The Danish policy was necessary, while respecting the principle of non-discrimination, to implement special integration measures which aimed to ensure that immigrants and refugees would be able to participate fully in education, the labour market and all other areas of society.

The integration act shifted responsibility for integration measures for the newly arrived from the federal level to the municipal level, which it felt had the best capacity for implementing a comprehensive and co-ordinated set of integration measures concerning housing, community information, education, vocational training and an introduction to the labour market.

That makes a lot of sense. In Canada it is unfortunate that after the first year of arrival most immigrants somehow end up in big cities like Vancouver, Toronto and Montreal. It will be interesting to see the results of the Danish initiative.

The Canadian Alliance Party believes Canada needs to do its part in taking in refugees. We understand that refugees are not immigrants. Immigrants choose to move to another country. Refugees are forced to flee, often leaving family and belongings behind.

Eighty per cent of the world's refugees are women and children. In refugee determination, Canada should enforce section F(b) of article one of the United Nations convention relating to the status of refugees, which states that refugee status should not apply to those who have committed a serious non-political crime outside the country of refuge prior to his or her admission to that country. Canada cannot afford to take in another country's criminals regardless of whether they are an immigrant or a refugee.

The government calls the new Bill C-11 a framework document. I agree that all it has is the frame. It is short on content. This type of enabling legislation leaves a lot to be desired. Unfortunately the regulations are authorized by order in council and sometimes have little resemblance to the legislation. Enabling legislation like Bill C-11 leaves too much authority in the hands of the minister.

Let us take a reality check on immigration happenings in Canada. As the House knows, I was appointed the Canadian Alliance chief critic for citizenship and immigration last August. Since that time there has been no shortage of immigration stories.

Most Canadians would agree that our immigration system needs a serious overhaul. Will the new Bill C-11 do the job at this stage? I do not think so. These stories occur almost daily and show the shortcomings of our immigration system.

Let us look at some of the problems that have occurred over the last year. Last August the supreme court ruled on the human smuggling trial in British Columbia. The trial should have sent a wake-up call to the federal government that it must revamp the immigration system. The federal government continues to tout its tough federal legislation, but after the verdict there is no doubt that Canada will remain a number one target for human traffickers.

In Bill C-11 there is a \$1 million penalty, but the problem is catching the culprits. Enforcement is the key problem. All the legislation in the world will not help if there are no resources to see things through. The staff must be commended for the job they do in spite of waning resources. It takes a long time to process those coming ashore, and quick action is needed to determine whether the immigrants are bona fide.

• (1550)

Foreign nationals without status should not be under the protection of the Canadian charter. The new immigration act will broaden the definition of who can become a refugee in Canada, which goes well beyond the United Nations' definition of a refugee. If they are criminals they should not be accepted by Canada as refugees. That is within the convention.

While most other western nations are working to tighten their laws, Canada will remain the easiest target in the developed world. We must not forget who is paying the bill: the poor taxpayer.

The government has learned very little since boatloads of illegal migrants from China made their way to Canada's shore last year. The auditor general's report of April 2000 noted serious deficiencies in the management and delivery of the Canadian immigration program. Such deficiencies led the auditor general to conclude that the program's integrity was at risk and to question whether the department could handle applications and ensure compliance under the act.

Last August 28, the media reported corruption allegations at Canada's high commission in Hong Kong amid reports that immigration officials accepted gifts while working in Hong Kong. There were also reports that the RCMP official who blew the whistle on the scandal may be fired. That should have been reason enough to call for a third party probe.

In September the department had to deal with health problems associated with testing. Following the report of a malaria outbreak in Quebec, the government should have beefed up standard health testing for refugees and overseas applicants.



*Government Orders*

The auditor general called 10 years ago for serious upgrades of health standards. Medical staff to conduct such crucial tests has been reduced and the results are outbreaks like the one we heard about in Quebec.

In the April 2000 report from the auditor general, several deficiencies within Canada's immigration program were brought forward. Questions were raised about the standard health tests used by the immigration department and the number of physicians involved in checking for infectious disease. Some 240 refugees who came to Canada from central Africa in August were exposed to the malaria virus. Several of them started turning up in hospitals after joining host families when they arrived.

Again in September the minister stated that she would act on Health Canada's recommendation to test immigrants for HIV and reject applicants who tested positive.

The threat of AIDS is nothing new. The government has failed to protect the health of all Canadians by not acting sooner. In 1994 the hon. member for Calgary Northeast raised a motion in the House calling for AIDS testing and the government voted it down.

Is that the kind of leadership Canadians can trust in the 21st century?

Five years ago there were 44 physicians to check for infectious disease. Today there are something like 22 and they are expected to process over 200,000 claims. The government has failed to address the work overload thrust upon immigration department physicians.

By November Canada had become the home of Mr. Lai Changxing, arrested for allegedly having smuggled billions into China. It was discovered that he had been residing fraudulently in Canada for the past 15 months.

Mr. Lai is a prime example of what is wrong with our immigration system. A wanted criminal from China simply walked into Canada without the benefit of a background check and in doing so compromised the safety of the people of this country. If he is a proven criminal beyond a reasonable doubt, then he should be deported to his home country which is eager to welcome him home.

The supreme court decision on deportation has really thrown a monkey wrench into the case. A wanted criminal of Mr. Lai's stature should never have been allowed into Canada. The court's decision served only to send a message that if people break the law they can hide here. That is why Canada is the most attractive destination for the criminals of the world. Under the current system people can claim to be refugees and immigration Canada will allow them to remain in the country regardless of their criminal record.

Are we about to create a new category called a criminal refugee?

My colleague, the hon. member for Provencher, the former attorney general of Manitoba and our Canadian Alliance justice critic, expressed strong disapproval at the Supreme Court of Canada ruling in *Minister of Justice v Burns and Rafay*.

• (1555)

The member for Provencher said it would create a haven for any violent criminal, Canadian or otherwise, who would come to Canada to escape the death penalty in the United States or any other country. He also stated that after this precedent setting decision Canada would become a sanctuary for murderers and other violent criminals, putting the safety of law-abiding citizens at risk.

I agree with the member for Provencher. I believe the decision rendered by the supreme court, if it was to have been made, should have been made in the House. There is no doubt the decision has tied the hands of both the immigration minister and the immigration legislation.

In December the people of Hamilton received a scare when it was reported that some 1,200 people had been exposed to a deadly strain of drug resistant TB carried by a new immigrant. That is another example of the quality of screening that takes place before entry into Canada. Again, the first priority of the government should be to protect the lives of its citizens.

Even after the Hamilton scare I wonder if immigration has fixed the problems relating to health testing standards. The auditor general in his April 2000 report made recommendations to improve co-operation between the immigration and health departments, to make adequate resources available to enforce the testing process, and to have a clear definition of what tests should be administered before entry into Canada is allowed.

The auditor general has been telling the immigration department there were serious risks and flaws in the system as far back as 1990. I believe very few improvements have been made since then. It is time the auditor general's advice was taken seriously. We need a defined list of diseases to be tested for, both here and abroad, and resources need to be made available to employ adequate numbers of physicians.

At the very least there must be a very clear and definitive minimum standard of health requirements for entry into Canada, a set of diagnostic procedures for each test administered and an accountable process to monitor immigrants admitted into Canada while undergoing treatment.

Other questions that need to be addressed regarding the health screen process followed by Immigration Canada in granting entrance to immigrants and refugees are: How is it kept up to date? Are there minimum standards? How are they enforced? Is there a process for follow up?

*Government Orders*

The auditor general made further recommendations for improvement, and here they are. The first one was to ensure in establishing a regular review system that the current list of prohibited diseases keeps pace with world health issues.

The second was to establish, review and ensure a minimum standard of health requirements for entrance into Canada that is strictly enforced.

The third was to establish minimum qualifications and requirements for physicians completing or interpreting test results that would certify an applicant's admissibility.

The fourth was to establish a minimum of diagnostic procedures that must be completed before entry is granted, i.e. TB skin tests, chest x-rays and blood tests.

The last was to establish standards and guidelines for follow up of those who are allowed entrance while undergoing treatment.

In April 2000 the auditor general also said:

We are also very concerned about the lack of rigour and consistency in the overall management of medical assessment activities, including the procedures for supervising the designated local physicians who perform medical examinations of prospective immigrants abroad.

I ask members of the House what is more important in immigration than health standards. Perhaps it is time to incorporate these core principles into the act.

Last week federal statistics were released which show the number of deported individuals is up and that there are about 15,000 missing individuals with warrants. Of the 8,640 deportees in the last year 2,000 were violent criminals who required a personal escort by Canadian officials as they posed a threat to the public. The missing 15,000 are believed to have gone underground and into hiding.

That should come as no surprise to anyone who follows the news. Rarely a day goes by without an article on immigration. Canadians should know that we do not keep exit data. We do not know how many foreign nationals are here at any given time. Even if they came into the country on a visa, we do not know if they left the country when their visa ran out. Why would Canadians therefore be surprised at the high number of individuals with warrants?

Canada is the number one destination for criminals to hide out from the law. We should not be surprised that with the recent supreme court ruling on deportation the numbers being deported will dwindle.

• (1600)

It looks like Canada will become the destination of choice for the world's criminals. Even Toronto police chief Julian Fantino agrees.

He said "You commit your crime in one place, you run from consequences and accountability and where do you go? You go to a place like Canada".

In Bill C-11, the government borrowed from private member's bill, Bill C-333, an act to amend the Immigration Act and criminal code, refugee or immigration applicants convicted of an offence on indictment. This was tabled in the 35th parliament by the member for Vancouver North.

I liked the tough talk from the minister last week in the media about deporting criminals. Unfortunately, it is tougher walking the talk, especially now that we are living in a post-supreme court period.

As recent as last Friday the Montreal *Gazette* reported that a suspected Italian Mafia hit man moved freely across the Canadian and U.S. border while courts in Europe were charging him with murder. Immigration Canada alleged that the man knew about the charges but failed to mention them while renewing his visa, a violation of Canada's Immigration Act.

According to the papers it appears that Canadian security and Interpol did not compare notes on this dangerous criminal. What will happen at this deportation hearing if this man claims harm and fears for his life if deported? The examples are endless. They all show the same thing. Our immigration system needs a major overhaul beyond the creation of a new act.

Even the lawyers in the country are not happy with the current immigration system. I will quote from the August-September 2000 issue of the *National*, a publication of the Canadian Bar Association. In fact, the minister of immigration is in that very publication. This was what some of the members had to say when asked what was wrong with Canada's immigration system.

The first quote is from Allen Ruben of Fredericton, New Brunswick. He said "The 1994 budget cuts at the immigration department sliced away one-third of its human and financial resources, leading to processing delays of up to three years in the entry of urgently needed foreign workers".

The second quote is from Isabelle Dongier of Montreal. She said "The immigration rules are so complicated and hard to understand that they are very irregularly applied and interpreted. If you present a case at the border you can sit there with five different officers and have five different interpretations of the same situation".

The last quote is from Michael Greene of Calgary. He said "There is hardly any regulation for unscrupulous immigration consultants, some of them disbarred lawyers who prey on ill-informed and vulnerable immigrants. It is astounding that a government department would take so little care of the people it deals with, especially when they know they are dealing with people who are particularly ignorant of our laws and customs".

*Government Orders*

Even the lawyers are frustrated with our immigration system. The most reliable scrutineer of the government of the day, as we all know, is the office of the Auditor General of Canada. Much of what was said 10 years ago by the auditor general on the immigration file was repeated in his April 2000 report.

For the record, I will read the auditor general's news release dated in Ottawa on April 11, 2000. It was titled, "Immigration services abroad are in trouble and need urgent attention", chapter 3. It said:

In his Report tabled today in Parliament, the Auditor General of Canada, Denis Desautels, notes serious deficiencies in the management and delivery of the economic component of the Canadian Immigration Program, whose aim is to recruit skilled workers and business immigrants. Immigration offices abroad are overtasked, controls to protect health and safety of Canadians are deficient, and the Department is vulnerable to fraud and abuse. In addition, the Department is open to criticism of the quality and consistency of its decisions.

"Immigrants provide a steady flow of talent and new skills to our labour force. The deficiencies we noted in our audit seriously limit Canada's ability to get the economic and social benefits that immigration affords and seriously weakens the level of protection for Canadians intended in the Immigration Act", said Denis Desautels. He added that it is highly questionable whether the Department has the capacity it needs to meet the annual immigration levels set by the government.

• (1605)

We know that immigration levels have been set for the past two years at between 200,000 and 225,000. In 1999 approximately 190,000 immigrants were admitted to Canada; 56% were economic immigrants, skilled workers, entrepreneurs, investors and self-employed workers.

Among the findings of the report were the following. First, selected criteria and process were not conducive to a rigorous selection of immigrants who were highly qualified and able to contribute to our economy. Second, applicants could wait up to three years for a decision. That is intolerable. Third, there were significant weaknesses in medical assessment of prospective immigrants. The same routine tests have been required for the last 40 years, despite the emergence of new diseases. Canadians should be concerned about their health. Fourth, some immigrants were admitted to Canada without reasonable assurance that they had not committed crimes abroad. Fifth, there were inadequate controls over revenue, visa forms and computer systems in offices abroad.

The auditor general urged the department and the government to take immediate action to address both policy and administrative issues. The statement of Mr. Desautels from April 2000 went on to say:

"It is disappointing to note that several of the problems we raise today are similar to those reported in 1990", said Denis Desautels. "Employees responsible for processing applications in offices abroad are deeply concerned about the present state of affairs and I share their concerns".

As hon. members can see, our immigration system is in dire need of a major overhaul. The question is how will the new act fix the

old problems that go as far back as 1990? How accountable will the minister be in getting these problems rectified. The buck does stop at the minister's desk.

The old saying goes that it is always easier to criticize. In other words, what would the Canadian Alliance do to fix the problems? Let me, on behalf of the Canadian Alliance, present some solutions. Let me begin by saying that we will make the system work. The current system of immigration is workable. It is just very badly mismanaged and underfunded.

The department works with at least three other federal departments; health, foreign affairs and human resources. Better co-operation and communication among all these other parties would be a good first step in correcting what is wrong with the department.

Staff at all levels need to be better educated as to their role. The roles need to be standardized across the board. Those with the most experience in security, for example, should probably handle security matters. If the RCMP and CSIS are on board to help at all immigration offices around the world, then their expertise in determining security risks should be utilized. If the RCMP and CSIS are not using their expertise in determining security risks, then it is high time they were.

It is long overdue for an overhaul of the Immigration and Refugee Board system, beginning by making this system more transparent, less partisan and more credible. Members of the IRB should be hired on merit, not politics.

The department needs to undergo a full financial audit to determine areas of overlap and waste. There is currently not enough staff to handle the workload. The latest budget cuts have reduced the medical staff both in Canada and overseas assignments. It is interesting that the auditor general made these same complaints 10 years ago. There must be put in place an evaluation process to determine whether the system is working as a unit. There is no doubt that better co-ordination needs to take place between overseas offices as well as those in Canada.

The definition of what a bona fide refugee is must be clear. We need to follow the UN convention to which we are a signatory. As is currently happening, almost anyone entering Canada can claim refugee status. By the time they are processed and heard, many years have passed. Most Canadians agree that refugees should not be detained for long periods of time and that the determination process must be compressed.

Canadians want an immigration system that protects their borders from the criminals and terrorists of the world. Our security system needs to be addressed. Proper training in criminal background checks and risk assessments should be mandatory for all these officers.

As I have illustrated throughout this debate, there are numerous problems with the issue of security. The question which is always raised is how did these undesirables get here in the first place? Our research shows that there is very little communication or information sharing, sometimes none between the RCMP, CSIS and other international security agencies such as Interpol. A recent Montreal case is a good example.

• (1610)

Another problem we learned is what information is shared is sometimes undisclosed in a court during an appeal on an application. Therefore, visa officers are reluctant to decline applications on the basis of inadmissibility for security reasons. It is very difficult to prove the standards of inadmissibility. Further, there is no deterrent against applicants repeatedly submitting false applications, therefore increasing their chances of getting through the system. There needs to be sharing of information between RCMP, CSIS and visa officers.

The Standing Committee on Citizenship and Immigration in its report entitled, "Refugee Protection and Border Security: Striking a Balance", recommended that the Government of Canada increase resources for Citizenship and Immigration Canada, the Canadian Security and Intelligence Service and the RCMP so that they would be able to meet the challenges posed by traffickers in people and ensure the safety and security of Canada and its people. Perhaps it is time Canada stationed members of both the RCMP and CSIS permanently at our overseas locations.

We believe that once an applicant has been found to have willingly turned in a false application, which is a breach of the act, that person should not be allowed to reapply for entry into Canada. If we take our security seriously, the penalty for lying needs to be equally harsh. The minister should have the authority to deport an individual or decline the entry of an individual based on criminal, violent or terrorist acts without question or appeal.

The whole system of processing refugees must be addressed. We need to process refugees expediently. It is inhumane to detain or lock up refugees for long lengths of time, as was the case on the west coast where foreign nationals who claimed refugee status were locked up for over a year.

We would make the process work smoother if we adhered to the definition as written by the United Nations, that a refugee arrives, not by choice for economic gain but is here due to persecution based on race, religion, ethnic origin or political opinion. I must say that 95% of the refugee claims are credible. It is the 5% that we are concerned about and many of them are criminals who we do not need.

One way of dealing with these criminals who claim refugee status is that we should not be giving them full charter status until

### *Government Orders*

they have been declared bona fide refugees. Canadians wonder how foreign nationals can have full charter protection when they are foreign nationals before being declared bona fide refugees.

Penalties for those abusing the refugee claimant system should be steep and serve as a deterrent for all future would be fraudulent claims.

There is another point I would like to raise. Perhaps it is time that Canada should keep exit data so that we know who is in the country. Otherwise Canada is a pretty easy place to hide once inside its borders. Maybe it is time to photograph all those entering across our borders.

The minister must be more accountable for the operation of her department. Canadians are tired of hearing immigration problems almost daily on the news. They are asking the question, who is minding the store. There is a consensus that the immigration system in the country needs a major overhaul. Bill C-11 is only one step to help rectify the problems. It is long overdue that the government of the day to introduce new legislation since this current act is of 1976 vintage. The bill needs changes like all bills at second reading.

I close by saying that immigration is everybody's business. I would say that most Canadians can relate personally to immigration, if not in their immediate family, then certainly in the heritage of their parents, grandparents or great-grandparents. We all know that immigration will play a major role in the future of the country.

The Canadian Alliance will take a constructive approach to Bill C-11 at committee. We will continue to hold the government accountable for its lack of action. We will put forth amendments to strengthen the bill. We will listen to Canadians as they come forth with their ideas for improvement. Immigration is everybody's business. All Canadians need to be aware that a new immigration bill is in the making. Persons wanting a copy of the bill should contact their member of parliament.

I invite our viewers and all Canadians to communicate with their members of parliament, or with me as chief opposition critic, concerns and changes that they would like to see in this draft piece of legislation called Bill C-11.

• (1615)

The standing committee will be travelling across the country, probably in the spring, to listen to Canadians. Perhaps anyone who cannot attend these hearings would like to send in a written presentation to the clerk of the Standing Committee on Citizenship and Immigration, and anyone who would like to appear before the standing committee could please contact their member of parliament, myself or the clerk of the standing committee.



*Government Orders*

[Translation]

**Ms. Madeleine Dalphond-Guiral (Laval Centre, BQ):** Mr. Speaker, as the citizenship and immigration critic for the Bloc Québécois, I am pleased to rise at second reading of Bill C-11, an act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger.

This bill, introduced for first reading on February 21, is almost identical to Bill C-31, which was introduced in March 2000, in the previous parliament.

I will come back later on to the differences between Bill C-31 and Bill C-11 now before the House.

The current immigration act came into effect in 1976 and has been amended about thirty times since then. It is therefore important to undertake an in-depth review of the legislation in order to meet the needs of immigrants and refugees in the 21st century.

In early February, the Minister of Citizenship and Immigration tabled in the House of Commons her department's projections for the levels of immigration to Canada in 2001 and 2002.

A brief review of the figures for the last 20 years shows that 150,000 applications for immigration were approved in 1980. In the next five years, the number of landed immigrants dropped. In 1985, there were less than 100,000 immigrants. Starting in 1986, the number increased, until it reached an all time high in 1992, with well over 200,000 immigrants. In the following years, the number decreased to fewer than 175,000 people.

According to the department's estimates, Canada will receive 200,000 to 225,000 immigrants and refugees in 2001, nearly 18% of whom will settle in Quebec. For 2002, the estimates are increased by some 10,000.

Canada and Quebec are welcoming nations. The bill before us should be aimed at establishing a fair and equitable framework to meet the needs of newcomers as humanely as possible, whether they are immigrants or refugees, in accordance with international conventions and with the values that are important to both Canadians and Quebecers.

With free trade, with the breakup of political structures, like in Eastern Europe for example, with serious conflicts raging in Asia, Africa and Europe and with the globalization of communications, more and more people will be tempted if not forced to embark on the adventure of trying to starting a new life in a new country.

This new legislation should open the door so they can contribute to the enrichment of the community of which they will become part. Their skills, their experience and their personal qualities are all essential to the development of both Canada and Quebec as nations.

The Bloc Québécois supports the principle of the bill. However, we will have to look at this bill more closely in committee because certain aspects of it need to be changed.

As was the case with its predecessor, Bill C-31, the main thrust of Bill C-11 is harshness towards illegal immigrants. Indeed, a large part of the bill puts the emphasis on closing the door to illegal immigrants, strengthening the measures designed to fight fraud, false statements and abuse, prohibiting criminals and those who present a security risk from entering Canada, and imposing harsher penalties.

At first glance, this bill, as drafted, seems to suggest that Canada has been invaded by all kinds of criminals and that the door is too wide open.

The Bloc Québécois does not share that view, which can only serve to reinforce prejudice against refugees and immigrants.

With this bill, the minister is seeking among other things to respond to a strong current of public opinion in the United States which feels that Canada has become a kind of Club Med for terrorists.

● (1620)

Among the measures aimed at discouraging illegal border crossings, the bill includes the imposition of heavy penalties, namely fines of up to \$1 million and a life sentence for human traffickers and smugglers.

Revision of the act, as well as cracking down on illegals, is also intended—and this is good news—to lighten the load on a system that does not allow Canada to achieve its annual objective of 300,000 newcomers.

At this time, there are more than 400,000 people within Canada and elsewhere who are awaiting word on whether they will be able to settle in Canada. Canada is a popular destination. So, there is a problem with delays and I am sure that many members of this House could provide examples in their own ridings.

Speeding up the refugee determination process is one of the most positive measures contained in this bill. Indeed, the minister has indicated that, from now on, it will take 72 hours instead of 3 months—this is nothing short of extraordinary—for a refugee claim to be filed with the Immigration and Refugee Board, which will have to bring down its decision within six to nine months.

The minister also pointed out that her bill would significantly streamline refugee claim processing in order to reduce the maximum time frame from five to two years.

New measures will also be put in place to modernize the procedure for selecting skilled immigrant workers and temporary workers. It must be said that these measures will never apply in Quebec, since under the Canada-Quebec agreement of 1991, Quebec selects its own economic immigrants.



Refugee selection and family reunification remain under federal jurisdiction. It is time, however, the law explicitly recognized Quebec's jurisdiction. In this regard, section 10 of the current law is very weak.

As a signatory to international human rights documents, Canada has obligations as well with respect to the rights of non citizens. The new bill must take the standards established in these texts into account. Unfortunately, and although it refers to them, the bill does not incorporate the relevant texts.

There are three international conventions. The first, the 1959 convention relating to the status of refugees, provides that the mandate of the high commissioner for refugees to protect refugees falls as well to the countries signing the convention, including Canada.

The basic instrument, indeed the cornerstone of the international refugee protection system, is respect for the principle of non return recognized by the countries and enshrined in article 33, which provides that "No Contracting State shall expel or return, refouler, a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion".

The bill currently before the House should also include sexual orientation, specifically, as grounds.

Subclause 97(1)(a) of the bill refers to the convention against torture and provides for the protection of persons threatened with torture, as defined in article 1 of the convention. However, the bill does not fully respect article 3 of the convention, which prohibits the return of any individual to face torture. In fact, the present bill does not prohibit returning people deemed inadmissible for reasons of serious criminality and security.

• (1625)

Article 3 of the convention on the rights of the child requires governments to give the child's best interest primary consideration in all actions that concern him or her. Bill C-11 proposes that the best interest of the child be taken into account.

This bill provides for the automatic detention of any person entering Canada as part of an organized operation. The previous bill gave no special status to refugee status claimants who were minors. Under Bill C-11, a minor child shall be detained only as a measure of last resort.

I have many more quotes concerning the rights of children that I would love to read to the House, but since I have several pages left in my speech, I will not do it. However, I would be more than glad to provide them to any member interested.

### *Government Orders*

The Inter-American Commission on Human Rights recently published a report on the Canadian refugee determination system. Bill C-11 before us today addresses two of the report's recommendations by linking the appeal on the merits for refugee status claimants to the pre-removal risk assessment part of the decision taken by the Immigration and Refugee Board of Canada.

However, there are many other recommendations which the bill completely fails to address and which aggravate the existing situation. For instance, the report recommends that the decision as to admissibility should be the responsibility of the Immigration and Refugee Board of Canada. The bill widens the categories of people whose claims will be deemed inadmissible and who will therefore never have an opportunity to be heard by the Immigration and Refugee Board.

The Bloc Quebecois is particularly concerned by the fact that the bill provides for the automatic detention of any person who arrives in Canada in the context of an operation organized by traffickers.

The Bloc criticized Bill C-31 because it did not grant any special status to refugee claimants who are minors, in spite of the fact that the UNHCR recently pointed out to Immigration Canada that it was contrary to the international rules governing the detention of young refugees, except in certain cases and for very short periods of time.

The minister seems to have heard the message since Bill C-11 provides for the detention of young refugees only as a last resort. However, the notion of "last resort" has yet to be defined.

In addition to illegal immigration, the bill mentions three main reasons for detention, namely the risk that the person will flee the country, the fact that the person may be a threat to public security, or cases where it is not possible to establish the person's identity. These three reasons are already included in the current act. However, in several respects, the bill broadens the scope of the provisions on detention.

The bill gives new powers to immigration officers to detain individuals at points of entry for purposes of "administrative expediency". The officers may also detain people when they have reasonable grounds to suspect that they are inadmissible on grounds of security or on grounds of human rights violations. One might wonder whether this addition of new grounds for detention based on expediency and suspicion is not a cause for concern. It seems to us that the grounds of danger to the public and the risk of failure to appear already cover all the situations in which detention is necessary.

The bill also broadens the provisions with respect to detention on grounds of identity. Any requirement to provide proof of identity poses a serious obstacle for many refugees. In fact, these people are often forced to flee without their papers because their identity is precisely what exposes them to persecution.

*Government Orders*

At the present time, detentions for lack of identification can only take place at entry points. With this bill, a person will now be able to be detained within the framework of any procedure covered by the law if he or she does not establish identity.

• (1630)

This means, for instance, that refugee claimants could be detained if they do not establish their identity at the hearing to determine refugee status.

In Bill C-11, what are presently two distinct decisions, refugee status determination and review of the risk of removal, will be a single decision made by the Immigration and Refugee Board. For every claim for refugee protection, and every application for examination of risk of removal, the board will decide whether the claimant is a convention refugee, whether the claimant is a person in need of protection, that is to say a person who would be subject to a danger of torture in their country of origin and, finally, whether the claimant is a member of a class of persons whose need for protection is recognized through regulations.

It should be noted that the exception clauses in the convention on refugees apply to refugees in the meaning of the convention, and to persons in need of protection. These exceptions are aimed at criminals, those who have committed serious common law crimes in another country and anyone convicted of actions contrary to the goals and principles of the United Nations.

The centralization of decision making within the Immigration and Refugee Board of Canada will no doubt make for a more effective and rapid process.

Reference to the convention against torture is new and significant. We should note, however, that the definition of protected person contained in the bill is not absolutely consistent with the provisions of the convention against torture, which, unlike the convention on the status of refugees, contains no exclusion clause. Article 3 of the convention against torture prohibits the return of any person who may be subject to torture, regardless of what the person may have done in the past or may do in the future.

According to the bill and consistent with the situation currently, only claims for refugee status approved by citizenship and immigration may be heard. However, the bill provides that an examination of an applicant's criminal records potentially leading to an inadmissible claim will now be conducted on entry into the country and no longer at the end of the process, once the claimant has been given refugee status. The bill also expands the categories of persons whose claims are deemed unacceptable, which means they will not be referred to the Immigration and Refugee Board of Canada for a hearing.

At the moment, the claims are inadmissible only for reasons of criminality and if the minister issues a certificate of public danger. Now, claims will be considered inadmissible if the claimant has been found guilty in Canada of a crime punishable by a maximum term of imprisonment of at least 10 years and for which a sentence of at least two years was imposed. A claimant will also be ruled ineligible if he has been convicted of an offence outside Canada that, if committed in Canada, would constitute an offence under an act of parliament that may be punished by a maximum term of imprisonment of at least 10 years.

It is important to point out that automatically excluding persons convicted of offences outside Canada poses a threat to refugees. Too often, the criminal justice system is used as a means of persecution. It is not unusual for victims of persecution to be sentenced on the basis of false accusations manufactured in order to convict them of crimes they did not commit.

Under the bill, applications for protection will be heard by the refugee protection division. Applicants will have a hearing before a single board member, whereas at present a panel of two hears the case. Appeals against a decision by the refugee protection division may be submitted to the new refugee appeal division by the applicant or the minister. This division will not hold a hearing, but will base its decision on written submissions. We also deplore that this bill does not include any change to the appointment process of board members.

• (1635)

Over the past several years, the Bloc Québécois has repeatedly criticized the Liberals for making political appointments to the Immigration and Refugee Board. We believe it is essential that any change in the asylum claim process should seek to guarantee the integrity of the refugee status determination system.

In order to achieve that, it is critical to establish a transparent process to appoint and replace IRB members, so as to ensure full impartiality and selection based on the candidates' qualifications and professional experience, and not, as is often the case now, on their political affiliation. Since the bill provides that the decisions will be made by a single member, it becomes even more important and in fact essential that all the decision makers have the highest qualifications.

The introduction of appeals on the merits addresses one of the fundamental weaknesses of the present refugee determination system. The absence of an appeal mechanism was very recently criticized by the Inter-American Commission for Human Rights in its report on the Canadian refugee determination system. It should be noted, however, that the proposed appeal provides only limited protection to refugee claimants because it is based on written submissions only.

A large percentage of claims are ruled ineligible on grounds of credibility. It will therefore be extremely difficult to challenge such rulings of non-credibility in writing. Furthermore, written submissions also raise the problem of claimants without representation, which is often the case because of the inadequacy of legal aid.

The bill provides no guarantee of the independence of the refugee appeal division or of the greater expertise of its members with respect to refugee determination. If an appeal is to adequately correct the errors of the first level, the appeal division must obviously be a distinct and higher level.

In fact, it seems hard to guarantee the impartiality or appearance of impartiality of the process when the members of the appeal division are called upon to judge decisions made by their own colleagues in the section of first instance. Such a structure, in which members of the division are required to review themselves, does not imply a critical eye and cannot therefore in our opinion present the necessary guarantees of independence.

The Bloc Québécois regrets the harsh tone used by the government in presenting this bill and in the related public announcements. The government's approach seems designed to reassure the Canadian right and strengthen prejudice against refugees and immigrants. It is thus encouraging division and fanning the flames of xenophobia and racism in society.

In recent years the Bloc Québécois has said on several occasions that Canada's refugee determination system should have two essential features: it must be quick and fair to a person who is legitimately seeking asylum and it must deter those who overburden the system with unjustified claims.

This slowness in processing claims results in unacceptable human tragedies and puts people and families in extremely difficult situations.

For example, the average time to process a claim at the IRB's Montreal office is 10 months. Moreover, at the end of December 1999, there were over 7,000 asylum seekers in Montreal alone who were waiting for a hearing. That is one third of all cases in Canada.

We also believe that the new bill on immigration does not reflect explicitly enough the actual scope of all the powers gained by Quebec in this area. According to Quebec's former minister of public relations and immigration, Robert Perreault:

The act will have to include firm commitments in this regard. Provisions will have to be added to the current bill to ensure, among other things, the respect of Quebec's powers regarding the selection of immigrant workers or the maintaining of a distinct program for immigrant investors.

The bill will therefore have to contain a specific provision to this effect. In addition to the issue of Quebec's jurisdiction, it is

### *Government Orders*

important to mention that, although the bill proposes amendments with respect to refugee claims, nowhere does Ottawa undertake to assume the costs resulting from its handling of those claims.

● (1640)

In fact, if the federal government believes in the effectiveness of the measures proposed in its bill, it should be able to undertake to assume these costs, and to do so until those affected have been granted refugee status, have been granted permanent residence, or have left the country.

Last year, in February, it will be recalled, Quebec joined with Ontario and British Columbia in criticizing the federal government's handling of the movement of asylum seekers, calling for major changes, and demanding that the federal government, which is responsible for the entire refugee determination process, assume all the costs of providing services to these individuals, including social assistance, legal aid, education and so forth.

I would remind members that, right now, it is costing Quebec over \$100 million annually to look after people waiting for a ruling from the federal government's Immigration and Refugee Board.

In conclusion, the Bloc Québécois is greatly concerned by the fact that many crucial points are relegated to the regulations rather than being part of the bill itself. This means that the government is basically excluding these rules from the scrutiny of the House. This also opens the door to many changes, at the whim of the government, or because of public pressure or discontent with a court decision.

At second reading stage, the Bloc is supporting the principle of this bill. However, a lot remains to be done. We sincerely hope that, instead of just rubberstamping the legislation, the Liberal government will consider improvements to it, at committee stage, in order to meet the needs of those who have chosen to settle here to build a better life for themselves.

[English]

**Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP):** Mr. Speaker, I will be splitting my time with the member for Winnipeg Centre who has served as the NDP critic for immigration and citizenship over the past year. He has played a very important role in providing insight into the forerunner of the bill. He will continue to play a role in ensuring that we get the best possible legislation out of this process.

I am very proud to be here today as the new NDP critic for immigration and citizenship. I have much to learn as we begin this process. I am sure the Minister of Citizenship and Immigration and other colleagues in the House will understand if I make any errors of fact, or if I have not clearly understood all of the issues at hand. I

*Government Orders*

trust that there will be understanding and patience as we work on it together.

I want to indicate what drives me and what perspective I bring to this debate. It is a perspective that I share very much with the member for Winnipeg Centre partly, because of the kinds of constituencies we represent. It is fair to say, if we look at the ridings of Winnipeg Centre and Winnipeg North Centre, that together we represent two of the probably most diverse areas in the country with a very high number of ethnocultural groups represented in our communities.

Winnipeg North Centre has an incredible diversity of ethnocultural groups. It is an area with very strong multicultural roots that has always welcomed immigrants from every continent. Historically it experienced a large influx of people of Ukrainian, Polish, Jewish and German heritage. More recently immigrants have come in large numbers from the Philippines, India, Portugal and from many Asian, Latin American, African and Eastern European countries.

My constituency is home to many ethnocultural groups, many multicultural organizations, and many services involved in the preservation and the celebration of our rich and diverse heritage.

• (1645)

Together, those kinds of contributions, that kind of makeup, make for a very active, very vibrant community working to ensure an understanding of the differences among us and a respect for one another. There are many churches, synagogues, temples, gurdwaras, service groups and volunteer associations, all devoted to immigrant settlement, refugee sponsorship and anti-racism programs. I very much value the contributions of those organizations to my community and I value what they have taught me in terms of understanding the broad parameters of policies pertaining to citizenship and immigration.

In the course of this debate and the committee meetings to follow, I hope I will be able to reflect and represent the values of my constituents, which I believe are the values of Canadians everywhere. Having listened carefully to the critic for the Alliance, who was very careful in his choice of words around the policy issue, I would dare to say that if there is one thing that unites us in the House today it is that we all very much believe in the value of multiculturalism in the country today. We all want to continue the tradition that Canada has established for itself around the world in terms of being a country that is open to new citizens and that operates on the basis of humanitarian principles, offering refuge for people seeking asylum, for people in need and for people wanting to be reunited with family.

I also bring to this debate a personal conviction from my own background. Many of us in the Chamber today have a makeup of

many ethnocultural backgrounds, each and every one of us. In my own case, I am proud to say that my mother is Dutch, married to a Ukrainian Canadian, and that I am married to an Amish Mennonite. I say that because for me it is part of who I am and part of what I bring to this debate and what I hope to transmit to other members in the Chamber. It is something I value and cherish.

I raise this also because I get concerned when I hear members of the media or even members of the House suggesting that we have to be watchful and mindful of all the different pockets of ethnocultural groups in the country today because that can lead to a patchwork of groups across the country and take away from the goal of national unity.

I look at it from another perspective. I think this is where my colleague, the critic from the Alliance, and I will have to disagree. I tend to believe that the richness of my background and of so many other Canadians in terms of ethnocultural diversity is a positive, an added benefit, something to be celebrated, not worried about. In fact I feel I am doubly endowed as a Canadian with the kind of background I have.

Rather than worrying about pockets of ethnocultural groups, I think we need to reflect on the value of diversity. We then need to work to ensure that our policies encourage the celebration of that diversity so that we, as a nation, gain strength from it and are able to meet challenges we would not otherwise be able to meet.

I say all of that because my biggest worry about Bill C-11 is the same worry that my colleague for Winnipeg Centre raised with respect to Bill C-31, that is, it seems to be more preoccupied with keeping people out of the country and protecting Canada from the world as opposed to reuniting families here in this country and ensuring that we respect our humanitarian traditions.

I know some changes have been made by the minister. I know she has made some improvements to the bill based on suggestions by members of the House and representations from various groups, but there is an overriding concern that we all share, at least those of us in the NDP caucus, about the tone and tenor of the bill and its focus on protecting Canada from the world as opposed to reuniting families in Canada today.

Sometimes that happens, in fact, when members in the House, as has happened quite regularly with the Alliance, tend to focus on the exceptions to the rule, on those few examples where a criminal element has entered our society or where people may have brought a disease into this country, as opposed to looking at the benefits from the thousands and thousands of immigrants and refugees who have helped to make this country what it is today.

• (1650)

Because of that focus and that kind of dominant thrust the minister is facing daily from the Alliance and other extreme



*Government Orders*

elements in our society today, I worry that we will in fact lose sight of the important humanitarian role Canada has played on the world stage and of the extent to which those who have received sanctuary have contributed to our country's economic, social and cultural development.

Mr. Speaker, I cannot believe I have only two minutes left to give some opening remarks on the bill. I do want to say that there are a number of concerns which have to be addressed in the process surrounding the bill. I hope the committee process for receiving the bill will in fact be open to the many organizations and groups that have great knowledge and enormous interest and expertise in this area.

The NDP will be looking for some answers on issues not addressed by the bill. For example, there is the whole question of visitors' visas, an issue we deal with on a daily basis in our constituency offices. There is the issue of the ongoing head tax. Although the government has lifted it in regard to refugees, it still is an ongoing concern in terms of it being a barrier to people who want to come to Canada and settle here.

We will be raising concerns about the live-in caregiver program. We will be raising concerns about the adherence of this country to the Geneva convention around refugees in ensuring that our country provides the appropriate travel documentation for and acceptance of refugees here in Canada.

We will be raising concerns about the family class issue, acknowledging that the minister has moved parents into this group. This is a concern we have raised before and we appreciate the change. However, given the need in this country for a significant increase in immigrants, we still wonder why this government is not looking at a broader definition of family class and why we are not taking more steps to reduce the barriers to immigrants and refugees, to ensure that in fact this country is respectful of our past and is prepared to celebrate the diversity that makes it so strong.

**Mr. Inky Mark (Dauphin—Swan River, Canadian Alliance):** Mr. Speaker, I rise to refute the assertions of the NDP member, who said that the Canadian Alliance focuses its point of view on the criminal element and that this element is a small number. I would say to the hon. member that 15,000 people out on warrants is not a small number, far from it.

In fact, the Canadian Alliance Party takes a very balanced view. We have a pro-immigration platform and we agree with the auditor general that the health of Canadians is very important and needs to be protected. This is why the screening process has to improve.

As well, Canadians do not want migrants coming to our shores claiming refugee status to be locked up for a year or more. Number one, it is unfair to the individual. Number two, it is taxing on the Canadian taxpayer.

I will close by asking the hon. member if she does not agree with the auditor general's report of August 2000 pointing out these shortcomings.

**Ms. Judy Wasylcia-Leis:** Mr. Speaker, I will start by saying that I was certainly not singling out the Alliance or the member for Dauphin—Swan River in terms of these broad pronouncements that are being advanced to the minister and are therefore having an influence on her policies.

I was suggesting, in fact, that in terms of the issues raised by the Alliance in the House and in terms of many media reports about the exceptions to the rule, we end up with a situation in which this government feels it necessary to emphasize the protection and enforcement elements of the bill as opposed to ensuring that our policies, programs and practices are conducive to people who want to come to Canada, so that they are able to settle here without financial and other barriers.

● (1655)

My point is that if we do not deal with that kind of negative message and this continual focus on enforcement, we fuel, by a process that just flows from that, the flames of racism and xenophobia. I think that is the last thing we want to do. Instead, through this bill and this process we want to educate and inform Canadians about the need for immigration, about how we have to get the numbers up in terms of the demographics of the country, and about how much we value our past immigration and refugee policies.

There is no question that we all share concerns about the auditor general's report. We all want to make sure we have the best practices in place to deal with any bad apples in the system, but we cannot let that be the dominant theme. We cannot let that fuel any sense of intolerance and racism in the country today.

We have to work together to send the minister and the government a clear message that what they ought to do is use this moment in our history as an opportunity to expound upon the virtues of immigration and to ensure that we do everything possible to reduce barriers and encourage settlement of people who want to live here, who want to reunite with their families and who want to make a contribution to this country.

[*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 Pictou—Antigonish—Guysborough, Health; the hon. member for St. John's West, Natural Resources; and the hon. member for Edmonton Centre-East, National Defence.



*Government Orders**[English]*

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, I would like to start by complimenting the member for Winnipeg North Centre for an excellent first speech in her new critic area as the NDP caucus critic for citizenship and immigration.

She very accurately laid out some of the concerns we in the NDP have about Bill C-11, not just about content but, as she said, in tone and about the overall impression we are sending by a bill that is overwhelmingly preoccupied with enforcement.

In fact, we have been critical for years. The Liberal government seems to be yielding to the voices of those who are against immigration, period. It is yielding by putting a disproportionate allocation of energy and resources to keeping people out of the country or to catching people who may have been sneaking into the country rather than promoting Canada as a destination for more immigration.

It is the clear point of view of the NDP caucus that we welcome immigration. We recognize immigration as an engine for economic growth. In fact, in areas like the ridings of Winnipeg Centre and Winnipeg North Centre we feel we are not getting our fair share of new Canadians. By ratio and proportion, Manitoba should in fact be getting 8,000 to 10,000 new immigrants per year as our share of the overall number of people who come to Canada. We are actually getting less than one half of that.

Certainly in our ridings and in our world view we welcome more new Canadians. We would hope that the government would use the introduction of a new immigration bill to send that message to the world: that Canada has an open door policy and we welcome new immigrants and the contributions they can make.

We are critical as well of the tone of the bill, which seems to concentrate on welcoming people with specific skills to fill specific skills shortages. In other words, it is immigration driven by the labour market. This illustrates a fundamental shift in policy over the years. This never used to be the case. We would invite immigrants to come to our country and, regardless of their skills or literacy levels, they could begin to make a contribution the very day they got here by being active consumers and purchasing goods. Then they could make the contribution they were able to make as they grew with our economy.

Today it is amazing how many entrepreneurs, business people and people who have made enormous contributions started from those humble roots. I believe that by being too selective not only are we limiting the overall numbers of people we are welcoming, but we may be missing a lot of awfully good talent. I am fond of reminding the people from the Canadian Alliance that Einstein was

a refugee. A lot of skilled and qualified people are. Our own Governor General was a refugee. Members of my staff were refugees. No one asked them what their post-secondary education was before they were welcomed here. They started making a contribution when they arrived on these shores.

● (1700)

We were hoping that Bill C-11 would be fundamentally different from the previous Bill C-31. We did hear a number of quality presentations at the committee stage where shortcomings of Bill C-31 were cited. The minister took note and we thought that we had pretty broad agreement, at least on some of the issues.

To be fair, one of the things that we would have moved as an amendment was incorporated into the new bill, that is, considering parents as part of the family class. Family unification is one of the three legs of immigration policy in this country. We certainly welcome that change within the bill and not just within the regulations.

There are other things that we do not see addressed. We pointed out repeatedly the aspects of the bill that would bar entry to any person who had been convicted of a serious crime. By definition, a serious crime is one that is punishable by 10 years in prison or if a person serves two years or more of a penalty of up to 10 years. A person who has been convicted of a crime like that in their country of origin would never be allowed entry into this country. We pointed out the anomaly, in that somebody like Nelson Mandela would have been barred from entering this country as a refugee.

We have to recognize that some people who have been branded criminals in their own country are political dissidents who are standing up for the rights and principles that we would be proud to have in our own country. We should be recognizing the fact that many of the migrants in today's world are decent people who were forced into activities that may be considered criminal in that country. There is no denying that Nelson Mandela was part of an armed insurrection to overthrow a despotic state. That is just one example.

The increased penalties and the absolute zero tolerance rule for anybody who is engaging in any kind of trafficking of human beings can also be unfair. Canada is proud of its history with the underground railroad. What was that if not the trafficking and smuggling of people from persecution into freedom? The people who hid Anne Frank in their attic would have been guilty of taking part in the illegal trafficking and movement of people.

We have to recognize that there are political situations in the world today where desperate people are taking desperate measures to seek asylum and freedom. We do not see the protection in the bill where we recognize the realities of many places in the world.

*Government Orders*

We believe that Bill C-11 should have taken steps to change the previous Bill C-31 and to modify other aspects. It was pointed out by a number of people who made presentations to the committee that risk assessments should be conducted by CIC officials rather than the Immigration and Refugee Board. We fail to see that recommendation incorporated into Bill C-11 even though we thought there was broad consensus that it would be an improvement.

We also point out that Bill C-11 should have responded to the numerous presentations that we heard which would spell out specifically that we do adhere to the United Nations convention against torture and that under no circumstances would we ever send anyone back to a situation where they would face torture. When challenged at the committee stage, where officials came and made representations, as to whether they could point out a single other country in the world, which is signatory to the UN convention against torture, that even contemplates the idea of sending people back to where they may face torture, they were unable to answer. They said that they could not think of a single example where that was the case. Again, we were hoping that Bill C-11 would have reflected that at least.

• (1705)

Another amendment we would have made dealt with the UN convention on the rights of the child. As was pointed out in the speech by the member from the Bloc Québécois, we fall short of the language called for in the UN convention. It says that the rights of the child must be the primary consideration for any decisions made on the future of the child. We say that the UN convention on the rights of the child must be of principal consideration. Not being a lawyer I do not know how that would hold up when we compare the absolute primary consideration versus a principal consideration. I think it is far weaker. I do not know why we would hesitate to use the strongest of language in that laudable concept.

I want to share the concerns voiced by the member for Winnipeg North Centre. We do not want to pander to the xenophobia that we saw in this country, where it raised its ugly head just 18 months ago when the Chinese boat people landed on the shores of British Columbia. At that time we saw the Canadian Alliance members stand up and call for Canada to not follow through with the supreme court's decision on the rights of a refugee, which was that when they placed a foot in Canada, they should be given a hearing.

Members of the Canadian Alliance held a press conference saying that the refugees should be put on a boat and sent back to where they came from. They said that we should not waste money on jail time or feeding these people while they waited for their hearing. They wanted to put them on that leaky tub and did not care if it sank. That was the kind of hysteria we saw whipped up by irresponsible people in the Reform Party or Alliance Party, and that is what the hon. member for Winnipeg North Centre was making reference to.

We do not want policy shaped by xenophobic hysteria whipped up by people who are simply against immigration period.

**Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, I have been in the House listening very carefully to the critics from the opposition parties. I will start by saying that while I do not agree with everything that was said, I do appreciate the thoughtfulness of the presentations and I am looking forward to answering their questions and to being at committee for a full review.

The predecessor to Bill C-11, Bill C-31, was referred to committee last June but it did not have the kind of full public debate and hearing at committee, as members know, because of the election call. We had the opportunity, over the course of the summer and the fall, to give careful consideration to briefs received by the department and by my office.

I believe Bill C-11, which is before the House today, responds at great length to many of the issues and concerns that were raised regarding the original immigration and refugee protection legislation.

Having listened to my very thoughtful critics, I believe there are a number of areas, which they have addressed, that are actually addressed in the bill, or which could and would be addressed by the regulatory package that would accompany the bill.

For those people who are unaware of parliamentary procedure, it is important to know that the formal regulation making process does not begin until after the bill is enacted. However, I have made a commitment, as I did with the previous legislation, that we would have a discussion paper at the committee so that we could start to discuss what the regulations would look like and how they would inform the debate and the policies enshrined in this framework legislation which is so important.

I thank my critics for their thoughtful comments. I look forward to debate at committee. I wanted to take this opportunity during questions and comments to say how much I appreciate everything that they have had to say and look forward to further discussion at committee.

**Mr. Pat Martin:** Mr. Speaker, I appreciate the minister's remarks and the fact that she did stay to listen to all of the critics speak about Bill C-11.

As we were dealing with Bill C-31, the predecessor to Bill C-11, we were often told that the issues we raised would be dealt with in the regulations and that we should not be concerned because we would probably get satisfaction on our issues. We never did get a chance to get to that stage with Bill C-31. In a sense we were being

*Government Orders*

asked to buy a pig in a poke because we had no real assurance or any guarantee that the issue would be dealt with.

• (1710)

If what the minister says is accurate, and I have no reason to believe it is not, would she table the draft regulations now at this early stage of Bill C-11 so that we might have a more informed review of them rather than what happened to us with Bill C-31?

**Mr. Inky Mark:** Mr. Speaker, I find it astounding that the member for Winnipeg Centre would spend his time attacking another member of the opposition and continue to call the official opposition Reform. The official name of this party is the united alternative.

**Some hon. members:** Oh, oh.

**Mr. Inky Mark:** The Canadian Alliance Party. My mistake, Mr. Speaker.

The point I raise is that as a member of this side of the House I would suggest it would be more productive if he would spend his time criticizing the actions of the government. That is why we are called the opposition.

**Mr. Pat Martin:** Mr. Speaker, the reason I called the official opposition the Reform Party is that at the time the Chinese boat people landed on the shores of British Columbia and at the time all those press conferences were held calling for these people to be sent back where they came from without even a basic hearing, the CA was in fact called the Reform Party. I know the name of the party. I have the name clear in my mind but I am not sure the member does.

**Mr. John Herron (Fundy—Royal, PC):** Mr. Speaker, it is my pleasure to have the opportunity to participate in this afternoon's debate.

I, like the critic for the NDP, have just taken on the responsibilities for our party for cartage of the immigration file. I must say that there is indeed a large learning curve which I have been rather proactive at trying to acquire over the last little while.

Before I begin my remarks I want to compliment the minister on the tenor of the approach she has taken so far with respect to this particular debate in seeking input and listening to the different perspectives from all members of the House.

The Conservative Party and the government will concur in a vast majority of the bill, but it is also our job in opposition to point out where the bill goes in the wrong direction, where it needs improvement and, in some cases, where sections of the bill may not be as warranted as they could be.

The tenor of the minister has been quite co-operative but I wish to send a signal that my colleague from the NDP touched on as well. I caution the minister and people within her department not to get drawn in or eclipsed by the debate surrounding immigration.

I was quite concerned when I read the very first press release out on the bill. It states that the Minister for Citizenship and Immigration tabled the immigration and refugee protection act in the House of Commons today reaffirming her commitment to be tough on criminals first, while strengthening efforts to attract skilled immigrants.

I do not believe that to be the tenor of the minister on this particular issue but immigration in this country is a Canadian necessity. It is something to which we should extend our hands in welcome. We need to have more confidence in and respect for human diversity so that we do not get sucked into the debate of always having to add the word criminal in a paragraph related to immigration. I would like to flag that particular aspect.

The object of the bill is to provide an efficient framework for immigration while at the same time ensuring that Canada, being the society that we are, remains a safe haven for refugees who are escaping persecution for a myriad of reasons. That is our job, our human responsibility, as a responsible society.

• (1715)

Today I am going to talk about areas in which the bill progressively steps ahead with measures that are great additions to the country's immigration and refugee protection policy. I would also like to discuss some problems that are not part of the bill which should be included. They are problems of status quo which the bill does not necessarily resolve.

I would like to touch on the refugee issue. I refer to the Singh decision of 1985. We as a society established for the first time that we needed to have immigration and refugee board so individuals could make oral presentations that could have an effect on their lives. It was a step in the right direction. Before that decision, I am sad to say that we made those determinations based quite often on files and paper. At the end of the day when it comes to refugees, we are actually dealing with people. That is what this particular aspect is about.

We know that immigration is a demographic necessity for Canada. We must continue to improve the framework which administers this very important aspect of our society. The importance of Bill C-11 has exponentially increased due to such things as the fact that as Canadians we are human resource hungry.

Baby boomers are very well aware of the fact that not too long from now that they will begin to retire en masse. We are going to need to attract many individuals in order to address that demo-

graphic shift in our economy so that our society and our country can continue to grow in a manner that is necessary.

The key foundation of Canada's program is that it is colour blind. We have access points across the world to enable immigration and refugee protection. That is the noble goal of this egalitarian policy but the administrative reality is quite different.

I would like to point this fact out to the minister. Of all the offices that Canada has abroad, there are very few in regions where we take in most of our immigrants and refugees. They are in countries such as Africa, India, the Philippines, China and even Hong Kong. There are offices in big cities like Manila, Bangkok, Beijing, Shanghai and New Delhi. There are offices in African cities like Nairobi or Pretoria, despite the fact that there are over 30 countries in Africa.

How can we expect thousands of people to make their way across borders to a few places where Canada actually has an office? We cannot simply state that we have a colour blind system, if we do not make access to the system much more universal. Canada needs more offices and access points for immigrants, now. The minister needs those resources in order to do just that.

Not only do we have few offices in areas swamped with immigrants and refugees but those that do exist are swamped. The auditor general in his April 2000 report said:

We found that immigration offices abroad are overtasked. They have much difficulty in coping with the volumes of work and responsibilities assigned to them. Immigration levels set by the government not met and applicants are waiting longer and longer for the applications to be finalized.

I can point out another red book promise. The other day we voted down a red book promise but I will try to keep this on the straight and narrow for this particular debate. This red book promise states:

A new Liberal government will move Canada's immigration levels closer to 1% of the population each year and ensure that sufficient resources are available to help families settle properly in Canada.

I hope the minister appreciates the favour I am doing for her in this speech. The political heat that she is taking at this moment is clearly an indication that the minister does not have the financial resources abroad or domestically in order for her to carry out her mandate, as required and as outlined by the Liberal Party of Canada. The Progressive Conservative Party of Canada is always very willing to help the Liberal Party and show it the way as we did with free trade and other initiatives in that regard.

● (1720)

Latest figures show that around 225,000 immigrants or refugees landed in the year 2000, with expectations of a slight increase for the upcoming year.

### *Government Orders*

The auditor general also pointed out one deficiency which should be highlighted. The audit revealed:

—significant weaknesses in the management of medical assessments of prospective immigrants. Since our last audit in 1990, the Department of Health Canada have been unable to take a position on whether changes to standards for medical examinations are required to determine if an applicant poses a danger to public health and safety, or could place excessive demand on health care systems.

During the context of debate, we are going to have to address this particular issue in terms of what tests, what diseases and what maladies should or should not be tested for. It is imperative that we bring this forth and look at this in the context of the year 2001. The fact is we are really using a framework that is essentially a quarter of a century old.

I raise this particular issue because I know the government is going to be somewhat uncomfortable with the fact. The Progressive Conservative Party and a number of opposition parties find it very draconian that the government still has its \$975 entrance fee. I hate the term, but like it or not, this is still a head tax on new Canadians. If this \$975 were an administrative fee, it would be in a stand alone account. It would be utilized as a servicing account to provide for language training and other things which new Canadians need assistance with. If money goes into general revenues and is not set aside, by definition it is a head tax.

Another aspect which I would like to speak about is the issue of credentials. However, to be honest I believe this is outside the purview of Bill C-11. I applaud the government in its approach to this. It has gone away from an occupation based criteria in attracting economic immigrants to a skill based scenario. Skills need to be transferable in the context of a modern economy. That is a step in the right direction.

I would ask the minister to work in collaboration with the Minister of Labour, the Minister of Human Resources Development and the provinces to ensure that the credit agents, whether they be from engineering, or medical or other professional designations, have some way of being integrated into our Canadian economy. That way immigrants will have a larger capacity to make more of an impact right from the start. They will be able to contribute to the growth of this great nation.

I would like to raise a concern that the Progressive Conservative Party has with respect to division 4, clause 36(3)(b) of the bill which states "inadmissibility cannot be based on a conviction in respect of which a pardon has been granted". How can we judge if it is a valid pardon. What about violent crimes? What about situations where an individual has been pardoned within some form of regime for consistent and habitual spousal abuse or something of that kind?

Clearly, the minister would have the flexibility and the purview to block that particular issue because she could conceive that the individual could be of a violent nature and a harm to Canadian society.



*Government Orders*

● (1725)

I would like to see during the course of committee an amendment or something with respect to the pardon. If an individual has been pardoned for a serious or violent crime, he or she should go through a higher degree of scrutiny than is outlined in the bill. This is something the minister should consider as we debate this.

Another clause I am concerned with, although I think the government is in the right direction in its approach, is a when foreign national, other than a permanent resident, is inadmissible on grounds that another family member is inadmissible. I am talking about a situation where an individual has lied or misrepresented the facts in some shape or form and that individual was deemed to be inadmissible and sent back to his or her country of origin.

Let us envision this situation. As it is in the bill right now, family members, whether they be a child or a spouse, would be deemed inadmissible as well. Also, there might be a situation where a 20 year old has in Canada for quite some time. However, after a long time we find out that one of his or her parents should not have been granted admissibility into Canada. That 20 year old could be sent back to the country of origin. That child could have lived here all his or her life. We are concerned about that possible connector. We think that would be wrong.

I give credit to the minister and her department in that there is less room in this bill for regulations compared to the previous attempt in Bill C-31. There is a fair amount of legislative license afforded to the minister. We would like to be able to find out a little more about the regulatory regime before we have a blind faith in the bill. The minister has been quite genuine in that she would share that regulatory regime with us. We will clearly take her at her word. We will work in conjunction with the regulations and the bill. It is a step in the right direction.

We applaud the government's initiatives with respect to stopping multiple claims, where foreign nationals, other than the permanent residents, must answer truthfully all questions put to them and produce all documentation that the officer reasonably requires. This particular initiative is something that deserves some accolades as well.

Another house cleaning item in the bill, which the Progressive Conservative Party firmly supports, is the government would update the statute for same sex partners. That is a step in the right direction and is in the context of the modern, open and tolerant society.

Bill C-11 goes on to conclude that people would be inadmissible if they lie or omit information, or if they commit an act referred to in the Crimes Against Humanity and War Crimes Act, or if they are convicted of a crime or an offence outside of Canada which would be punishable by more than 10 years of imprisonment in Canada. Some individuals who may actually consider that particular approach to be draconian. At the end of the day, if a person has been

sentenced to a crime of that nature, it is clearly in the purview of the Canadian government to take appropriate steps and deport that individual immediately.

\* \* \*

● (1730)

**GOVERNMENT BUSINESS NO. 2**

## NOTICE OF CLOSURE MOTION

**Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, I wish to give notice that with respect to the consideration of the motion under government orders, Government Business No. 2, at the next sitting I shall move, pursuant to Standing Order 57, that the debate be not further adjourned.

\* \* \*

**IMMIGRATION ACT**

The House resumed consideration of the motion that Bill C-11, an act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger, be read the second time and referred to a committee.

**Mr. John Herron (Fundy—Royal, PC):** Mr. Speaker, as I was saying with respect to those very rare exceptions, the situations that do not happen every day, contrary to what our colleague in the Alliance has stated in his speech, it is clearly in the purview of the Government of Canada to make initiatives when required.

There are some safeguards in the bill as well. The case was mentioned of Nelson Mandela. Clearly the Government of Canada would address trumped up political charges of that nature. There is enough ministerial licence to be able to address such concerns.

I compliment the government with respect to its approach toward human trafficking and toward the people who profit from such initiatives. I think the government has stepped in the right direction in terms of addressing such completely unacceptable actions.

In conclusion, the Progressive Conservative Party will be supporting the bill at second reading and reserving our judgment on support at report stage and at third reading, subject to our capacity to augment the bill and ensure we have the best piece of legislation for Canadians.

**Mr. Inky Mark (Dauphin—Swan River, Canadian Alliance):** Mr. Speaker, I applaud the member for Fundy—Royal on his call for the elimination of the head tax. Members of the Canadian Alliance take the same position.

*Government Orders*

Hopefully the country will learn the lesson going back 100 years, that a head tax is exactly that. As the member for Fundy—Royal indicated in his speech, the money is thrown into general coffers. The last thing new Canadians need is another tax they cannot pay, even though under the current circumstances the government will lend them money to pay the head tax. It makes no sense.

It is estimated that there are 150 million migrants on the move around the world. There is no doubt that Canada is a major destination. What position does the member's party take in terms of the immigration numbers we should accept into the country?

**Mr. John Herron:** Mr. Speaker, immigration into the country is an economic necessity. With respect to the numbers we have right now, an academic study shows the numbers of immigrants we are currently taking in are drastically too low.

The Liberal Party of Canada set the minimum number at 1% of the Canadian population. It needs to be more aggressive in hitting that target. Sometimes, however, the target number can be somewhat negative. There is an exponential amount of room to increase the numbers we have now, and we must recognize the economic necessity of immigration.

To be square with the hon. member from the Alliance, I do not have a specific number. Something in excess of the government's number of 1% of the population would be comfortable for us.

• (1735)

I think the hon. member would agree that we need more co-operation with the provinces to ensure we get a fair share of new Canadians in all regions of the country and not just in the urban centres.

I would say to the member from the Alliance that we are doing the minister a direct favour by attacking the head tax. If it is not a head tax then the moneys should be allocated directly within the purview of her department. If it is an administrative surcharge in some form it would rest with her department.

That would not satisfy the Progressive Conservative Party or, I believe, the Canadian Alliance. We would rather do away with the \$975 charge altogether. Until it is in a stand alone account in the Department of Citizenship and Immigration, it is a head tax.

**Mr. Gurmant Grewal (Surrey Central, Canadian Alliance):** Mr. Speaker, I rise on behalf of the people of Surrey Central to participate in the debate on Bill C-11, an act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger.

The purpose of the bill is to replace the Immigration Act of 1976. The current bill takes into account various facets of the standing legislation and attempts to make the legislation much stronger.

While the legislation may be well intended, our analysis shows that the outcome will not serve its stated purpose. That was very eloquently mentioned by our chief immigration critic in his speech a while ago.

Before I analyze the speech in depth, I would like to tell the House and Canadians who are watching that I am a new immigrant to Canada.

The Canadian Alliance and I respect the multicultural diversity of our country. I and my party also respect the contribution made by immigrants to our great country. Canada is a country of immigrants.

Contrary to remarks made earlier by some members in the House during debate, our policies are pro-immigration. I would remind the House that approximately two to three years ago I moved a motion at the immigration committee that the discriminatory head tax should be removed. Government members in committee opposed the motion. The government has taken away the head tax on refugees. The discriminatory head tax still continues for immigrants. That shows that I and my party supported the right measures whenever we needed to.

In the past I spoke to Bill C-31 a few times, probably at all readings. In my first speech three years ago I used the analogy that we should open the front doors to immigrants but diligently monitor them. I also mentioned that we should close the back doors, including the windows and ventilators.

Today in the House the minister used my analogy. She said that she intends to open the front doors and close the back doors. However, I believe that by messing with the act she has lost the opportunity to fix it again. She has not opened the front doors, nor has she been able to close the back doors.

I will justify what I am saying. The minister has installed a third door in the House, a revolving door. The people who enter through the back door are stuck in a revolving door in Canada. People trying to immigrate to Canada through the front door are also stuck in the revolving door, as are their sponsors. There are unnecessary delays. People are harassment on medical grounds. Those people suffer various kinds of harassment.

• (1740)

The minister has not been able to open the front door or close the back door, but has instead installed a revolving door in the bill which will cause further problems.

I will talk about the kind of approach we should take to the immigration legislation. We need an immigration system that is faster, but we also need fairness in processing. We need a system that shows openness to newcomers but also addresses abuse of the system. We need a system that demonstrates clearly our social and humanitarian values but gives due consideration to Canada's

*Government Orders*

economic interests. Therefore we need a balanced immigration and refugee legislation to meet our immigration needs.

On the weekend, at the consultations in Ottawa for the World Conference Against Racism, the statement by the immigration and refugee caucus expressed huge dissatisfaction with Bill C-11. According to the statement, of which I have a copy, the criticisms are due to issues ranging from negative language and stereotypes to discrimination against certain groups. They also mentioned the lack of protection for stateless persons and the detention and imprisonment of children.

The statement also highlighted that Bill C-11 falls short of Canada's international commitments to human rights. I was surprised when I saw that even at the World Conference Against Racism the legislation was not appreciated. It received criticism from all over, including from the auditor general.

The bill has little transparency. So many things in it are not clear. The lack of real enforcement behind the legislation will ultimately cause more trouble than the legislation it purports to replace, simply due to a lack of clarity in the bill and its reliance on a myriad of regulations.

The bill has not addressed the discriminatory head tax placed on prospective immigrants. It also has not addressed the recognition of foreign academic credentials by the immigration department, by other departments and by industry.

The recent supreme court ruling also has serious implications on any power the minister of immigration had in the past to deport people. Therefore the efficiency, effectiveness and toughness of the bill is nullified.

The bill allows extended absence from Canada. It will limit the number of humanitarian and compassionate applications to one per year. As well, the sponsorship period for new prospective immigrants has been reduced from 10 years to 3 years.

Some things in the bill are reasonably good but let us see how we can make the existing system work. The way the Liberals run our immigration system is like a clogged plumbing system in a house. It needs to be cleaned up and made workable. Improvements, additions and elimination of overlap need to take place.

Staff at immigration postings is in short supply, inadequately trained and overworked in coping with the demands. That creates unacceptable delays and mess ups.

An important aspect of the bill is security. Staff problems also create security risks, as we have seen with Mr. Lai Changxing, the accused kingpin smuggler. He landed in Canada through queue

jumping and was not detected by the visa officer. There is also the example of a fellow who came to Canada with an active case of tuberculosis and exposed some 1,500 people to the deadly bacteria.

• (1745)

Having enough well trained staff to enforce the legislation is a must in order to effectively do the job. Visa officers, our frontline defence team, need to be properly trained to identify undesirables from immigrating to Canada. They should have clarity of law and a clearer criterion for processing immigration cases. In her speech the minister mentioned front end screening. This security clearance check only applies to refugees and not to immigrant applicants. This is what we heard when department officials gave us a briefing.

There is no indication in Bill C-11 as to whether or not staff will get the proper training to enforce this security clearance check. The bill contains no deterrent from repetitious fraudulent applications that cause endless paperwork for our visa officers.

There have been numerous incidents of fraud by the staff, particularly locally hired staff, in our foreign missions abroad. In certain instances they can make more money than their whole year's salary by defrauding a single immigration case. There is no punishment in the bill for the applicants or the staff committing fraud.

The bill promises to deliver better enforcement of security measures for both refugees and immigrant applicants, but there is no plan of action set out in the bill to explain how it will work.

There should be mandatory communications among the RCMP, CSIS and other international criminal investigation units. I do not see anything mentioned in the legislation about that. That is very important, particularly in the light of the question during question period about someone who came to Canada without being detected at the entry port.

The auditor general is critical in his report that this type of communication is imperative. Mr. Lai Changxing may never have got into the country if there was communication with Interpol because he was one of the most wanted persons on the Interpol list.

No one should be allowed into Canada without proper checks concerning the possible risk they may pose to our country. That is a legitimate request that we have for the minister.

Immigration into Canada should be simple: either they meet the criteria or they do not. It is one of the two. There is nothing in between. Either they meet the criteria or they do not meet the criteria.

Immigration is an important aspect. We have to look into the bill very seriously. If we do not meet the immigration targets or quotas

promised by the Liberals in any given year it is not a crisis. Quality must not be compromised or sacrificed for quantity. We have to be careful who are coming to Canada. Of course we welcome genuine refugees with open arms. We welcome immigrants with open arms, but it is the bad apples we are talking about that should not be entitled to come to Canada and put our citizenry at risk.

The government should be encouraging open and accountable discussion that needs to take place between CIC, Health Canada, HRDC, DFAIT, as well as the provinces and non-government immigration organizations, the NGOs. It is missing that opportunity with its proposed changes to the bill.

The criminal code would include human trafficking and smuggling as federal offences for a change. Conviction of this offence would be life imprisonment or a fine up to \$1 million. Repeated offences of these crimes, such as possessing fraudulent passports, visas or any other travel documents, would also receive monetary fines and jail time. That is a good thing in the bill.

The bill proposes a very stiff penalty for human traffickers.

• (1750)

Individuals convicted of political crimes or other serious crimes can now be considered for risk of removal assessment. This may turn Canada into a haven for those criminals.

In regard to refugee processing, one of the key changes proposed in this bill includes referring refugees to the immigration refugee board within three working days. However, the processing time of the claim will remain the same, at 90 days or more. Our experience has shown that the UN convention relating to the status of refugees is simply too vague. The refugee definition needs to be clear.

Most Canadians know what a true refugee is and we support doing our part to help those who are truly in need. Keeping them clogged in the system is not helping them, especially when they are found not to be genuine refugees and are deported. Their lives are ruined after so many months or even years.

I know this from practical experience in my own constituency. I have been dealing with about 45 refugee cases where those refugees are in the revolving door I mentioned; they have been in the revolving door for seven, eight, nine or ten years. In the meantime, they cannot unite with their families, they cannot work properly and they cannot have peace of mind. They are in the revolving door. They do not see the world the way the rest of us do.

The bill also gives refugees as well as refugee applicants full charter protection, so if someone is either denied access to Canada or is refused refugee status for any reason, he or she is entitled to a full set of appeals. It is like the layers of an onion; he or she can

### *Government Orders*

keep peeling one layer after the other. It also means he or she is given full rights as a citizen of Canada. No other country in the world does that, not a single country in the world.

The bill of course provides an elimination of appeal for those who are serious criminals, for people who present security risks, are members of criminal organizations or war criminals, and for both fraudulent and seriously criminal applicants.

Health testing is another important ingredient for prospective immigrants when they come to Canada. There is no provision in this legislation to update the standard tests performed on all immigrant applicants, nor is there anything in the bill to increase the number of department physicians, either here in Canada or abroad in our missions. There are currently 22 department physicians, 11 here and 11 abroad. These physicians are responsible for the paperwork at the completion of the health testing. They are also responsible for contracting out to local physicians who do the actual testing.

These standard tests I am speaking of are up to 40 years old. We know how the world has changed in 40 years and how technology has evolved, particularly in the medical field, in the last 40 years. Often, local doctors abroad are not aware of the criteria that need to be met for admittance into Canada.

Foreign local doctors also need to be periodically audited to ensure that no form of malfeasance is occurring. There have been many complaints in my constituency office about the ethics of the testing physicians abroad, from bribery to all kinds of malpractice.

Currently Canada will accept applicants who do not pose a danger to the Canadian public or place a strain on the Canadian health system. A list of what conditions and ailments we will and will not accept is needed and it is not in the bill.

There is nothing to streamline medical testing for families. I have seen a number of cases in my constituency office where medical testing of all family members was not co-ordinated. They tested one member of the family, waited for three or four months and then started processing. By that time, the medical testing has expired. Then they went on to the other members. They keep on juggling the medical tests, sometimes for four years. I have one applicant in my constituency office whose family has been medically tested three times. They passed every time. Each time they had to go for medical tests it cost them money, real money in their country's local currency. It not only puts unnecessary financial strain on prospective immigrants but also causes long delays.

• (1755)

As I am running out of time, Mr. Speaker, let me sum up.



*Government Orders*

Under discretionary powers in the bill, the dual intent of the applicant is now recognized. That means someone can be a visitor to Canada and an immigrant to Canada at the same time. I believe this will put a strain on the visitor visa. The visitor visa, which is never addressed in any of the legislation, will have serious problems.

Without a more open system and a far more communicative department, the bill will not achieve its intended goal.

There are no set standards for operation of any of our overseas offices.

The health standards, as I mentioned, have not been updated.

In the end, I would like to say that the Canadian Alliance would increase the number of staff, as I mentioned earlier.

Bill C-11 promises to modernize the selection system, but unless the amendments are accepted we will be unable to support the bill.

**Mr. Ken Epp (Elk Island, Canadian Alliance):** Mr. Speaker, I enjoyed the speech our colleague made. Of course he has a lot of first-hand experience with immigration issues, and I would like him to just expand on the last part of his speech. He seemed to run out of time, and I think he still had some really important things to say. I wonder whether he has any further comments to make before he gives his notes away.

**Mr. Gurmant Grewal:** Mr. Speaker, thank you very much. I think I need unanimous consent to go on for another 10 minutes, but I will try to finish in the little time I have.

I want to mention the accountability part, which is another very important aspect of the bill. Positions on the Immigration and Refugee Board along with all positions within the Department of Immigration, such as citizenship judges, department physicians and visa officers, need to be publicly advertised before people are hired. It should not be up to the minister to appoint someone to these important positions, because the criteria lack accountability, clarity and efficiency for the system.

Another thing I want to mention is that the minister in her speech this afternoon mentioned regulations. There are 89 pages of regulations attached to the bill. When we have a bill in the House with not much solid content, where only the intent is there but there is no solid plan of action, we have to govern ourselves, or the legislation has to be effective through the back door, which I call regulations. That is never effective.

I have been co-chair of the House and Senate Standing Joint Committee on Scrutiny of Regulations. There are over 900 regulations in the pipeline. Hon. members will be surprised to learn that

many of them have been in the pipeline for the last 25 years. They have also not been tackled.

Governance by regulation is not the right way to do it. All those regulations should be brought back to the House in their respective bills so that we can debate them in the House. We cannot debate the regulations. None of the members in the House will ever get the opportunity to see those regulations and debate them.

Another important aspect is about a court decision. The Canadian Alliance supports deporting undesirable individuals without question or delay in the cases of criminal activity or non-compliance with the Immigration Act. Bill C-11 purports to do the same. However, the minister, who had little power to do so before, is now completely stripped of her right to deport those who have either broken the law or have come to Canada to escape the law. The Supreme Court of Canada ruling in the case of the Minister of Justice v Burns and Rafay, which came down on February 15, 2001, applies to those individuals who face a threat to their person if deported from Canada. I believe this ruling will limit the minister's authority to deport any undesirable element from Canadian society.

• (1800)

I could make more points, but I will leave some time for members to ask questions.

**Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, I think it is important that all members and people who are watching the debate realize how important it is for the bill to go to committee so that the public can have its say.

Bill C-31, its predecessor, had extensive debate in the House. I know many questions were raised in the House which do not accurately reflect what is in the bill. Some are changes that have been made to the bill, and I know that the public will want to have its say. Those who are experts in immigration will want to have a chance to come to committee and to be heard.

However, there is one point that I wanted to make. Canada is a world leader in our ability to remove those who do not have the right to stay in Canada. We believe as a matter of policy and principle that we can live up to our human rights obligations, that we can abide by the rule of law in Canada and still deport those who do not belong in Canada. Those two principles, rule of law and human rights, go hand in hand. They are Canadian values and we believe that the bill would enshrine those principles.

**Mr. Gurmant Grewal:** Mr. Speaker, I can boast here a bit. I have extensive experience dealing with immigrants. My constituency of Surrey Central is the largest constituency in Canada in terms of population since the constituencies are divided based on registered citizens who can vote, the electors. It has a high population of immigrants.

*Government Orders*

I went through Bill C-11 very thoroughly. I also attended the minister's briefing. The briefing was very good. I appreciate that. The minister mentioned that the bill is going to committee. We appreciate the opportunity to come forward with amendments, but I hope the minister will listen to those amendments.

Last time when we were debating the same bill in its previous form, Bill C-31, we did not have opportunity for the minister to listen to us properly and accept our amendments. Our chief critic for immigration came forward with very good amendments but they were not accepted. That is why we are in this mess and dealing with it again.

Also the minister mentioned that Canada is a leader in removing the people who do not belong in Canada. That is not true. According to the auditor general we have 15,000 people still in Canada but whose whereabouts are not known. Could the minister track those people? No, she has been unable to track those people. They do not belong in Canada but they have been consumed in the system. They are hiding but they are there somewhere and we cannot remove them.

According to the auditor general's report, 60% of visitors who come to Canada to apply for refugee status come without documents. When they board the plane they have documents because the airlines will not allow them to board without them, but when they land in Canada 60% of them land without documents. What has the minister done about it? Nothing. The auditor general's reports for the last 10 years have been critical one after the other, but the minister has chosen not to take any strong action.

During this debate we are hearing some good intentions, but we appeal to the minister to come with a proper action plan. Let her address the real hot buttons in the bill so we can make the system more efficient, effective, absolutely accountable and clear.

[*Translation*]

**Mr. Bernard Bigras (Rosemont—Petite-Patrie, BQ):** Mr. Speaker, I am very pleased to speak today on Bill C-11 dealing basically with immigration and refugee protection. I am rather familiar with this bill, on which my colleague very eloquently expressed her point of view just a few minutes ago. This bill is quite similar to former Bill C-31.

I want to address a number of issues during my speech, including the population movements which occurred in the 20th century and which were important often for economic reasons, but also for political reasons.

• (1805)

I also want to talk about the detention of children. During consideration of Bill C-31, I was among those who thought it was crucial to address this particular issue for all kinds of reasons, for

instance, because Canada has signed the international convention on the rights of the child. In my mind, it was important to uphold the rights of the child, but also the international conventions signed by Canada.

I think the whole issue regarding the detention of children should be clarified in Bill C-11, the Immigration and Refugee Protection Act, and not in future regulations, as the government intends to do.

I would also like to touch on another issue, namely the administrative slowness of the Immigration and Refugee Board. This is a reality we have to deal with in urban ridings. It is part of our life. People come to see us in our constituency offices because they are facing unacceptably long delays, which, we have to admit, causes terrible human tragedies.

Families are often the main victims of this administrative slowness in the application review process by the Immigration and Refugee Board.

I will also say a few words about illegal immigrants. When the government introduced Bill C-31, it was more or less responding to an alleged new reality that was emerging mostly in western Canada, where more and more illegal immigrants were coming to our country, particularly from Asia.

Members must realize that this phenomenon, which is indeed new, is marginal. It is not true that the majority of those who want to come here, either as permanent residents or as refugees, do it by illegal means. Yes, this phenomenon exists, but it is marginal. Unfortunately, the government is trying to use legislative amendments to the Immigration and Refugee Protection Act to respond to a new current in western Canada even though it is in fact a minor problem.

Another aspect of the question are the costs entailed by the slowness of the Immigration and Refugee Board of Canada process. I will come back shortly to a number of figures that are specific to the Montreal offices in terms of claimant waiting time and the number of claimants waiting.

Inevitably, this time frame and the slow administrative pace result in significant administrative costs to the provinces and the Government of Quebec for which the federal government should assume responsibility at some point, insofar as the law does not speed up the process and satisfactorily address the claims currently before the Immigration and Refugee Board.

The last part of my speech concerns the objectives Canada is setting for itself in terms of immigration, the number of new immigrants.

We know that the government has just reached, for the first time in many years, its immigration objectives for Canada.

*Government Orders*

Quebec too has its objectives, it must be pointed out, which go far beyond the thirty thousand or so immigrants it would like to take in. Often, the slow pace of the process blocks claims currently being made abroad.

• (1810)

I am thinking, among others, of immigration and the embassy in Paris, where Quebec would like to attract francophone immigrants. Unfortunately, Quebec cannot achieve its objectives because of the substantial amount of time involved in the administrative process.

I come back to what I was saying before. The first point concerns the matter of population movement. The movement of people in search of a land of refuge has been a striking phenomenon of the 20th century, which, far from improving, has increased in recent years, through an increase in situations of organized violence, of violations of human rights, of wars and of conflicts on the international scene.

In 1996 the Office of the High Commissioner for Refugees estimated that there were 26 million refugees in the world and 30 million displaced persons. Because western countries will take them in only in very small numbers, the great majority of refugees head for the poorest nations, those close to their own.

Nevertheless the governments of these nations are beginning to feel that the demand exceeds what they can offer. Many have adopted very restrictive deterrence measures which have shifted the demand to other countries.

Today Canada is one of the rare western countries to which those in danger may still try to apply for asylum under the Geneva convention.

The Geneva convention confirms the right of an individual to request asylum in a third country, but does not oblige the country to which application has been made to grant the request, in accordance with the rights and privileges of nations, whence the common notion that asylum is not a right but a privilege.

However, the welcome reserved for those seeking asylum is becoming increasingly limited, as can be seen from policies and procedures with respect to entry, application for refugee status and permanent residence, and from the policies regarding the support programs and services for which they are eligible.

The 1980s saw an increase in the number of people requesting asylum in Canada. The average since 1989 has jumped from 25,000 to 30,000 a year, one third of whom have settled in Quebec.

While they only represent a small proportion of the world total, these people in distress, who are largely from southern countries and therefore more visible than those who came in previous

decades, because of their unfamiliar cultural and linguistic profiles, did disturb government authorities and the public in general.

That is when we politicians, the media and the public, in Quebec and throughout Canada, began using expressions such as phony refugees, abusers of the system and cheaters. Ten years later, these expressions are now commonly used but are not enough to move public opinion. This is why the government must now also protect the public against terrorists and criminals.

This is one of the new arguments used by Canada to justify the implementation of increasingly harsher policies against people seeking refuge here. The major argument used remains the economic weight of these asylum seekers.

While recognized throughout the world for its humanitarian traditions, Canada quickly developed, in the eighties, a tendency to restrict its open door policy for these people.

Today those who apply for refugee status from abroad or in Canada must overcome numerous obstacles before being allowed to settle here. The federal government has put in place measures to intercept, in transit areas abroad such as airports, people who have fled their country without first obtaining the documents required by Canada.

• (1815)

Yet those who flee their country often do not have access to these documents, either because they would risk their lives if they tried to get them from the authorities that deliver these documents, or because there is no place where they can get these documents given the country's political instability or state of war.

When they finally make it to Canada, the people are faced with a cumbersome and very slow legal process that can have a severe anxiogenic effect on them. First, the refugee status claim process is complicated and also costly since the claimant needs legal counsel to prepare and present his or her claim before the Immigration and Refugee Board. Then, the operations of the board need to be taken into consideration, including the way the hearings are carried out, the attitude of the commissioners and the nature of the arguments presented if a claim is rejected. Also, when a claim is turned down, no appeal on the merits can be made, the claimant can be sent back to his country of origin even if his life is in jeopardy because his country is at war or is guilty of massive violations of human rights.

It is important to note that Canada no longer deports claimants to Burundi as of June 1993 and to Afghanistan and Rwanda as of April 1994. Following many representations by the Canadian Council for Refugees and the Table de concertation des organismes de Montréal, Canada stopped deporting claimants to Algeria and the Democratic Republic of Congo, formerly Zaire. However, Canada has found a way around its commitment by sending back to the U.S. claimants who have come here through the United States,

*Government Orders*

who have no qualms about deporting them to their countries of origin.

Even when claimants are granted refugee status, after being either selected overseas or recognized by the Immigration and Refugee Board, policies concerning permanent residency applications and family reunification can become a major disincentive to settle in Canada.

In short, precisely when asylum seekers are most in need of services they are not entitled to them. During the crucial period when they begin to adapt to their new environment and build their own perception of this new society, they are denied the right to be supported.

When they are destabilized the most, and when the risk of experiencing mental and physical health problems is the highest, they would be completely shut out, were it not for the human and social conscience of non governmental organizations working for the recognition of their rights. This is another issue I dealt with when Bill C-31 was debated.

I raised another issue in committee, and I remember asking a number of questions to the government, the officials and the minister. It had to do with the detention of minors and children.

Canada has signed the international convention on the rights of the child, which prohibits the detention of children in a number of situations. I asked the government to recognize this protection in a clause of the bill, and not in regulations, like it intended to do. I am forced to recognize that this will not necessarily be done this time around either.

• (1820)

I will point out that this bill, and this is important, must in this respect correspond to a number of articles and not simply lead us back to a number of regulations.

What is basic is to have this bill correspond to the convention, and more specifically to article 37(b) of the convention on the rights of the child, which provides that States Parties shall ensure that:

No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

The other aspect of the convention is article 22, which provides:

States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention—

We want this protection enshrined in the law. Naturally we will have work to do in committee, and I am sure my colleague will see that these guarantees are clearly written into the law so that Canada may be consistent with the convention it signed.

The other aspect is the whole issue of the Immigration and Refugee Board. This bill and the minister's statements clearly show a willingness to improve the claim review process by the board.

We are totally open to this willingness to improve. Looking at the current situation, it is clear that the system is not working. We do not have to watch our words because it is clear. All those of us who have had to deal with refugee claimants in our ridings know that the system is not working.

In the Montreal office of the Immigration and Refugee Board, the average time for processing claims is estimated at ten months. People have to wait an average of ten months to have their claims processed. This means that, while these people wait, terrible human tragedies unfold. The other aspect is the whole issue of claimants. Their number exceeded 7,000 in the Montreal office at the end of 1999.

Overall, we are open to this bill. We hope the willingness shown by the government will lead to positive results in the application of the act. We will certainly work to improve this bill in committee.

[English]

**Mr. Inky Mark (Dauphin—Swan River, Canadian Alliance):** Mr. Speaker, I thank the member for Rosemount—Petite-Patrie for his comment that sometimes the numbers do not reflect reality.

He used the example of the boat people on the west coast over the last couple of years. When we look at the real numbers, there were approximately 600 refugees that came via the boat route. When we look at the big picture, we had about 24,000 refugees enter during that same time period. Therefore sometimes the reporting is out of balance. That is the way I would put it.

Another good example occurred during the last federal election. I do not need to tell members that one of our Canadian Alliance candidates by the name of Betty Granger made the statement "Asian invasion" in her comments in Winnipeg. I truly believe that it was taken out of context. I assure the House that comment was pretty common language, going back to the late seventies and early eighties when the economic class of Hong Kong were scrambling to leave that country for fear of the Communist takeover.

• (1825)

In my own family, my older sisters who are about 20 years older than I am did the same. They liquidated all their assets and brought all their money into Canada during that same time period. It made



*Adjournment Debate*

sense and people used the statement “Asian invasion” quite frequently during the late seventies and early eighties.

Unfortunately when it is taken out of context and in light of what happened in the last federal election it can be disastrous as results have shown. Unfortunately, again, a lack of balance in reporting, too focused on one way of looking at two simple words, creates a lot of problems. Worse still, it creates an image that Canada is not a tolerant society. I think that is the sad part about the events that occurred, because in large part we are a tolerant society and we do accept migrants from all over the world.

I wish to ask a question of the member for Rosemont—Petite-Patrie. He talked about supporting the people that come to this country. I believe that is a shortfall of the government. We need better planning. I looked at the history and I know that in the past we have had both voluntary and government programs that were sometimes piecemeal. What kinds of support programs are in place for integrating new Canadians into the province of Quebec?

[*Translation*]

**Mr. Bernard Bigras:** Mr. Speaker, I want to come back to what my colleague first said. The numbers speak for themselves: 600 people arrived by boat, as he just said, out of 24,000. It is a mere 2 to 3%. It is a minor current. This is in fact the problem. We tend to let a few minor currents like this one influence us to strengthen legislation. This is dangerous.

I still think that the illegal arrival of boats, particularly on the west coast, is a minor current and nothing to worry about. There are of course a number of shortcomings in the system itself, but I think strengthening the legislation and creating a detention process is going too far. I also agree with my colleague when he says that we will also have to strengthen our policies in general to make sure that we can integrate the newcomers in a society that really meets modern needs.

I am thinking in particular of the situation in Quebec. Quebec needs important resources to help the immigrants and the newcomers to Quebec society to integrate into the French community in a sensitive, warm and responsible way. In this respect, federal government resources are essential, particularly for those who are responsible for the integration of the newcomers into Quebec society.

**The Acting Speaker (Mr. Bélair):** The hon. Minister for Citizenship and Immigration has asked to speak. I must advise her that there are two minutes left before the end of the debate. I ask her to be brief in her remarks and also in her answer.

[*English*]

**Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, I would like to comment on the excellent

remarks from my colleague, the former critic for immigration. He says the numbers speak for themselves. I think it is important that some statistics be on the record.

For example, the targets that Quebec established for itself for immigration have been met over the last numbers of years. My department has made a concerted effort, and last year we achieved the levels that had been established the year before. We did so with the additional \$139 million that was in the budget and because of the tremendous effort to ensure that Canada’s targets were met not only for immigration but for government sponsored refugees and privately sponsored refugees.

I hope all of my critics would take a moment to thank the officials who work so hard around the world to help us achieve those goals which are in Canada’s interests.

• (1830)

[*Translation*]

**Mr. Bernard Bigras:** Mr. Speaker, we too hope that it will continue. We hope the federal government will recognize the distinct character of Quebec programs as far as supervision is concerned.

That is a repeat request from the Quebec government, through its minister. He is asking for greater control over the selection of temporary workers.

Yes, we must go farther in the area of resources, recognize the distinct character of Quebec programs, and ensure also that Quebec have a responsibility in selecting temporary workers.

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## ADJOURNMENT PROCEEDINGS

[*English*]

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

HEALTH

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Mr. Speaker, I asked a question of the Minister of Health sometime earlier in the session with respect to the Virginia Fontaine clinic in Manitoba receiving a \$37 million grant through the government. The clinic itself is owned by an individual by the name of Perry Fontaine.

*Adjournment Debate*

Evidence of highly questionable funding and spending practices accompanied the exorbitant amount of money that was approved by Paul Cochrane, assistant deputy minister of health at the time. Mr. Cochrane later resigned in January. It came to light that his wife had in fact purchased condos at Mont Tremblant on behalf of the same Mr. Fontaine who received the government grant.

On February 6 when I asked the Minister of Health about this situation and if he could explain how his former assistant deputy minister could authorize such an enormous amount of cash with little or no departmental scrutiny, the minister's response was that the transactions were the subject of an inquiry by the police, auditors, or both, and that the matter was before the courts in Manitoba. This would ensure that the department would get access to all documents and would understand exactly how the public funds were spent.

He assured the House that the department would do everything possible to trace every one of those public dollars, if any was misspent, and to recover them on behalf of the public. We would like to know whether the minister was aware of this at an earlier time and what he did. Why was there a delay with respect to this important question? We have seen over the last seven years massive funding cuts to health care, while at the same time there is increasing evidence of irresponsible spending on the part of the government.

With the HRDC scandal we found that being close to the Prime Minister in the Liberal government is often of great benefit and a great privilege to those who are in receipt of this kind of money. Whether it is extravagant cruises, water fountains in the Prime Minister's riding, canoe museums, monkey pavilions or a hotel, all these things raise great doubts and great concerns on the part of Canadians when it comes to the spending of taxpayer money.

I asked the minister at the time whether a forensic audit would inquire into why department officials delayed so long before acting on this matter. There was no response forthcoming. The minister simply gave a non-answer, stating that the department had suspended further payments to the centre until all questions were answered. There are still a number of questions outstanding.

The Virginia Fontaine clinic simply provides another example of highly questionable spending practices on the part of the Liberal government, which also leads to a question of ethics, which again brings back questions on the HRDC scandal, the case of Pierre Corbeil who was criminally convicted in his fundraising activities, and the Prime Minister's bank loan controversy concerning the auberge. All of these raise questions of ethics and raise questions of government priorities and how it is spending taxpayer money.

Nothing is wrong with the traditional job fund that is out there, but it is the way in which the follow up is done or not done. It raises alarm bells when it comes to the amounts of money that hard working taxpayers are paying to the government only to see these programs go awry and the money being spent in a highly questionable fashion.

I appreciate the indulgence of the Chair and the opportunity to make these points on a question that I raised in the Chamber.

[*Translation*]

**Mr. Yvon Charbonneau (Parliamentary Secretary to Minister of Health, Lib.):** Mr. Speaker, as the Minister of Health indicated, this issue was dealt with in a very transparent manner.

Indeed, as soon as the minister was told about allegations of improper use of funds, he immediately took three measures.

• (1835)

[*English*]

First, he directed the forensic audit to take place. Second, he told lawyers for the government to go to court and ensure that we had every document needed to trace the funds. Third, he directed that no further funds be paid to the Virginia Fontaine Addictions Foundation until all outstanding questions were answered.

The government believes strongly that all public money be accounted for carefully and the department assures the House that it will do whatever is required to trace public spending by this organization.

[*Translation*]

Health Canada firmly believes that the best health programs are the ones provided by those who are most closely involved. This transfer is often made through contribution and transfer agreements, including the agreement signed with that foundation.

Transfers are a relatively new initiative that has experienced some growing pains. With the support of first nation and Inuit leaders, Health Canada has striven to strengthen accountability provisions in the transfer agreements.

In the fall of 2000, Health Canada began developing an internal management control framework to improve the management of negotiations and the enforcement of agreements.

Moreover, all new agreements over \$100,000 will now be scrutinized by a review committee and, as of April 1 of this year, all new agreements will comply with the new Treasury Board policy protecting the interests of the state.

[*English*]

The allegations concerning the Virginia Fontaine Addictions Foundation are disturbing. Let me assure the House that Health Canada has taken these allegations seriously and has acted quickly to ensure that all information is gathered so that any misspent public moneys can be recovered.

*Adjournment Debate*

## NATURAL RESOURCES

**Mr. Loyola Hearn (St. John's West, PC):** Mr. Speaker, some time ago I asked a question of the Minister of Natural Resources concerning the construction of a transmission line between Labrador and the province of Newfoundland. I was basically asking about the proposed development of the lower Churchill.

The minister talked around the answer, mainly because at the time he could not remember the exact status in relation to the specific question which was more or less on a study undertaken by his department into the feasibility of the construction of such a line.

In March 1998 the then premier of Newfoundland, who is now a minister of everything in the House and the then premier of Quebec, met in Labrador for what turned out to be a photo op to talk about the development of the lower Churchill. Their plans were disrupted by the native people who were extremely upset, and rightly so, because they had not been brought in on the discussions.

As part of all this a commitment was made by the Prime Minister and the then premier of Newfoundland and Labrador to conduct a feasibility study into the construction of a transmission line from the lower Churchill development to the island of Newfoundland.

Many people fail to realize that Newfoundland does not have a lot of clean power left. Nor does perhaps the rest of the country. The lower Churchill is one of the greatest, if not the greatest, supplier of clean power that is left in Canada.

A transmission line to the province would provide the island of Newfoundland and the Labrador section with a tremendous amount of cheap, regular, clean power which is in such demand. Just recently we heard concerns expressed by the United States, specifically in California, when it had a number of power shortages.

Many of the major IT companies made it quite clear that they could not continue to operate in an environment where there was a shortage of power because of the dependency on their industry. They were to look at setting up backup support in areas that could provide cheap, clean, regular power. A place such as Newfoundland could do that.

• (1840)

The Government of Canada has to understand that different regions, whether it be in the west or in the Atlantic provinces, have a tremendous amount to offer when it comes to natural resources but they need help in developing them. The minister, in his response to me, and I thank him for following up on my letter, talks about a deal between Quebec and Newfoundland. There are many other partners besides Quebec to help develop our resources. The study that was requested is extremely important in setting the groundwork for this work.

I hope the minister has dug into this a little bit more and can shed a little more light on the status of the study that was commissioned

by the Government of Canada and the government of Newfoundland.

**Mr. Benoît Serré (Parliamentary Secretary to Minister of Natural Resources, Lib.):** Mr. Speaker, on behalf of the minister, it is my pleasure to reply to the hon. member for St. John's West, who raises some legitimate questions.

The potential of the lower Churchill River as a source of electricity supply to the North American market is well known. It is a renewable cost-competitive source with low or zero greenhouse gas emissions.

The Government of Canada recognizes that the development of hydro electricity can be an important option to reduce greenhouse gas emissions in Canada.

[*Translation*]

The federal government is determined to fulfil its stewardship role to ensure that the Labrador projects are carried out with full respect for the environment. The government has made considerable progress in the development of a standard environmental assessment process in co-operation with the governments of Quebec and Newfoundland.

The government also stressed the importance of direct participation by aboriginals who have an interest in the project and whose land claims are currently under review.

[*English*]

Turning to the issue of the transmission line from Labrador to the island of Newfoundland, the province of Newfoundland and Labrador and the Government of Canada agreed that federal and provincial officials would work together to carry out economic and financial feasibility studies of electricity supply options.

Joint Canada-Newfoundland studies were undertaken to determine the best option for meeting Newfoundland's future electricity demands. Two options were examined: one, building a transmission line, in fact, from the proposed new Labrador hydro electric project; or two, expanding on-island capacity and selling all the Labrador power to other markets.

This work proceeded until May 2000 when the governments of Quebec and Newfoundland issued a joint statement announcing the scaling back on negotiations and work on the Labrador power in light of uncertainties over electricity pricing in the deregulated U.S. markets.

With the decision by the premiers of Newfoundland and Labrador, and Quebec to scale back negotiations on the Labrador power project, work on the joint feasibility studies on electricity supply options was suspended until the scope and the structure of the hydro development project are finalized. Since the size, ownership and financing of the project remain fluid, the transmission line study cannot be completed at this time.

## NATIONAL DEFENCE

**Mr. Peter Goldring (Edmonton Centre-East, Canadian Alliance):** Mr. Speaker, I rise in response to comments made in question period by the Minister of National Defence on February 21.

I believe that his response failed to encompass the full scope of the situation of Canada's military preparedness and readiness. The comments I made were based on the fact that since the Liberal government took over in 1993, the Aurora and Arcturus patrol aircraft patrol time has been cut from 19,200 hours to just 11,500 hours, and the minister wishes to cut that further, to an unacceptable 8,000 hours a year. This is in spite of a written recommendation by the chief of the air force who states emphatically that less than 11,500 hours would result in an "unacceptable impact".

I believe that the response did not encompass the real problem and one of the main purposes for the patrols, arctic sovereignty. I believe that with the Northwest Passage being used more and more and polar overflights increasing in number on a day to day basis, one might argue for more patrolling hours, not less, in order to assert our presence and our sovereignty in the far north. We must remember the *Manhattan* and how it challenged our Arctic presence not too many years ago.

• (1845)

However, the Liberal cuts have also decimated our military readiness in many other areas. Our trucks cannot tow the howitzers or cannon because they do not have serviceable wheels. We cannot always have the local motor league towing company that we have available in Ottawa. What do we do overseas in Bosnia? Does the Canadian Automobile Association maybe have a European chapter?

That is one additional problem. As well, our CF-18s have been shown to have moisture problems. They have water embedded in the honeycombing in the wings, so there is a definite problem with the wing flaps. They are without real spare parts, so they are scavenging other units for the spare parts that they do need.

There is also the report of the Leopard tanks whose hulls have worn so thin on the bottom that they can put screwdrivers through them. They have overplated and welded up that condition, but that too is a 1970s vehicle with some serious concerns.

It was recently reported that barracks in Alberta were being abandoned after only four years because of hundreds of dangerous cracks appearing in the foundations. PMQs in Edmonton are in need of major repairs.

Then there is the government's less than stellar treatment of our soldiers, who are told that their illnesses are their own fault,

*Adjournment Debate*

apparently because they are stressed with worrying about their illnesses.

For these and other reasons, the minister must respond to these concerns, the concerns of northern sovereignty patrols being cut, army truck wheels, moisture in our CF-18 wings, wear on Leopard tanks, new barracks crumbling, PMQs in need of repair, soldiers' health concerns, lack of heavy lift capability and, of course, our ongoing helicopter issue.

The public needs answers to these questions about our military readiness and our Canadian armed forces.

**The Acting Speaker (Mr. Bélair):** I was going to be very generous with you, as I was with my colleague, but you chose not to continue.

**Mr. John O'Reilly (Parliamentary Secretary to Minister of National Defence, Lib.):** Mr. Speaker, I know you will give me the same time tonight that you give all parliamentary secretaries so that I can go through all of this.

The hon. member raises concerns and questions about the operational readiness of the Canadian forces. The government is committed to ensuring that the Canadian forces has the people, equipment and training it needs.

In fact, we have undertaken a new far-reaching program aimed at preparing the Canadian forces for the 21st century, including an investment of \$2.5 billion in new funding in the last two budgets. To this end, a number of initiatives are underway to ensure that the CF can fulfil its mandate into the future.

To continue our investment in people, equipment and training, we must identify the essential capabilities needed to perform the CF's core tasks and missions, and this is what we are doing.

I believe all Canadians should take great pride in the work performed by the men and women of the air force at home and abroad. Every day Canadian forces aircraft operate throughout the country and around the world, performing various and demanding missions.

One of their most important roles is performed here at home, patrolling the world's longest coastline, maritime approaches and territory, a tall order that requires an aircraft with a tremendous endurance. This task is fulfilled by the CP-140 Aurora, a long-range patrol aircraft able to fly over 9,000 kilometres without refuelling.

The CF-140 fleet procured in 1980 is based in 14 Wing Greenwood, Nova Scotia and 19 Wing Comox, British Columbia. In classic mythology Aurora was the goddess of the dawn, the goddess of light. From surface to subsurface surveillance, the Aurora plays a dynamic role for the Canadian forces.



*Adjournment Debate*

Designed originally for anti-aircraft warfare, the Aurora is also capable of assisting in a wide variety of government tasks, including: surveillance of Canada's airspace, territory and maritime approaches; search and rescue; disaster relief; and assisting other government departments in areas such as fisheries protection, environmental surveillance and drug interdiction.

An excellent example of the capabilities of our Auroras and their crews with respect to this latter role was witnessed just this past Wednesday, when an Aurora from 19 Wing Comox played an

integral role in assisting with the U.S. coast guard arrest of a suspected drug smuggling vessel on the west coast.

[*Translation*]

**The Acting Speaker (Mr. Bélair):** It being 6.50 p.m., the motion to adjourn the House is deemed to have been adopted. Accordingly, the House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24.

(The House adjourned at 6.50 p.m.)

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# CONTENTS

Monday, February 26, 2001

## Privilege

### Immigration

Mr. Gagliano .....	1131
Mr. Solberg .....	1132
Mr. Gagliano .....	1132
The Speaker .....	1132

## PRIVATE MEMBERS' BUSINESS

### Income Tax Act

Bill C-244. Second reading .....	1132
Mr. Benoit .....	1132
Mr. Cullen .....	1134
Mr. Bellehumeur .....	1135
Mr. Bellehumeur .....	1136
Mr. Martin (Winnipeg Centre) .....	1136
Mr. Herron .....	1138
Mr. Epp .....	1138
Mr. Benoit .....	1140

## GOVERNMENT ORDERS

### Standing Orders

Mr. Boudria .....	1141
Motion .....	1141
Mr. Bellehumeur .....	1141
Mr. Boudria .....	1141
Mr. Bellehumeur .....	1141
Mr. Boudria .....	1141
Mr. Blaikie .....	1143
Mr. Boudria .....	1143
Mr. Epp .....	1144
Mr. Bryden .....	1146
Mr. Epp .....	1146
Ms. Beaumier .....	1148
Mr. Epp .....	1148
Mr. Stinson .....	1150
Mr. Epp .....	1150
Mr. Blaikie .....	1151
Mr. Epp .....	1151
Amendment .....	1153
Mr. Gauthier .....	1153
Mr. Gauthier .....	1154

## STATEMENTS BY MEMBERS

### Samuel de Champlain

Mr. Paradis .....	1155
-------------------	------

### Aboriginal Affairs

Mr. Pankiw .....	1155
------------------	------

### Natural Resources

Mr. St-Julien .....	1155
---------------------	------

### Curling

Mr. Regan .....	1155
-----------------	------

### Curling

Ms. Marleau .....	1156
-------------------	------

## Justice

Mr. Cadman .....	1156
------------------	------

## Trade

Mr. Savoy .....	1156
-----------------	------

## Quebec Athletes

Mr. Lanctôt .....	1156
-------------------	------

## International Plowing Match

Mr. Jackson .....	1157
-------------------	------

## Trade

Ms. Skelton .....	1157
-------------------	------

## Gala des Jutra

Mr. Proulx .....	1157
------------------	------

## Aboriginal Affairs

Ms. Wasylcia-Leis .....	1157
-------------------------	------

## Gala des Jutra

Ms. Bourgeois .....	1158
---------------------	------

## Canada Lands

Mr. Lee .....	1158
---------------	------

## Taxation

Mr. Hearn .....	1158
-----------------	------

## Big Sisters' Month

Mr. Assad .....	1158
-----------------	------

## Gun Control

Mr. Breitzkreuz .....	1158
-----------------------	------

## Curling

Ms. McDonough .....	1159
---------------------	------

## ORAL QUESTION PERIOD

### Immigration

Mr. Day .....	1159
Ms. Caplan .....	1159
Mr. Day .....	1159
Ms. Caplan .....	1159
Mr. Day .....	1159
Mr. Gagliano .....	1159
Mrs. Ablonczy .....	1160
Mr. Gagliano .....	1160
Mrs. Ablonczy .....	1160
Ms. Caplan .....	1160

### Natural Resource

Mr. Duceppe .....	1160
Mr. Serré .....	1160
Mr. Duceppe .....	1160
Mr. Gray .....	1160
Mr. Cardin .....	1160
Mr. Serré .....	1160
Mr. Cardin .....	1160
Mr. Serré .....	1160

### Summit of the Americas

Ms. McDonough .....	1161
Mr. Paradis .....	1161



Ms. McDonough .....	1161
Mr. Gray .....	1161
<b>Business Development Bank of Canada</b>	
Mr. Clark .....	1161
Mr. Gray .....	1161
Mr. Clark .....	1161
Mr. Gray .....	1161
Miss Grey .....	1161
Mr. Gray .....	1162
Miss Grey .....	1162
Mr. Gray .....	1162
<b>International Trade</b>	
Mr. Paquette .....	1162
Mr. O'Brien (London—Fanshawe) .....	1162
Mr. Paquette .....	1162
Mr. O'Brien (London—Fanshawe) .....	1162
<b>Business Development Bank of Canada</b>	
Ms. Meredith .....	1163
Mr. Cannis .....	1163
Ms. Meredith .....	1163
Mr. Gray .....	1163
<b>Summit of the Americas</b>	
Ms. Lalonde .....	1163
Mr. Paradis .....	1163
Ms. Lalonde .....	1163
Mr. Paradis .....	1163
<b>Immigration</b>	
Mrs. Ablonczy .....	1163
Ms. Caplan .....	1163
Mrs. Ablonczy .....	1163
Ms. Caplan .....	1164
<b>Financial Management</b>	
Ms. Neville .....	1164
Mr. Shepherd .....	1164
<b>Aboriginal Affairs</b>	
Ms. Wasylcia—Leis .....	1164
Mr. Charbonneau .....	1164
<b>Health</b>	
Ms. Davies .....	1164
Mr. Charbonneau .....	1164
<b>Trade</b>	
Mr. Bachand (Richmond—Arthabaska) .....	1165
Mr. Vanclief .....	1165
Mr. Bachand (Richmond—Arthabaska) .....	1165
Mr. Vanclief .....	1165
<b>Atlantic Canada Opportunities Agency</b>	
Mr. Penson .....	1165
Mr. Cannis .....	1165
Mr. Penson .....	1165
Mr. Cannis .....	1165
<b>National Film Board</b>	
Mrs. Tremblay .....	1165
Ms. Copps .....	1166
Mrs. Tremblay .....	1166
Ms. Copps .....	1166
<b>The Senate</b>	
Ms. Yelich .....	1166

Mr. Gray .....	1166
Ms. Yelich .....	1166
Mr. Gray .....	1166
<b>Transportation</b>	
Mr. Pratt .....	1166
Mr. Collenette .....	1166
Mr. Hill (Prince George—Peace River) .....	1166
Mr. Collenette .....	1166
Mr. Hill (Prince George—Peace River) .....	1166
Mr. Collenette .....	1167
<b>Lake Saint-Pierre</b>	
Mr. Gagnon .....	1167
Mr. Eggleton .....	1167
<b>Health</b>	
Mr. Godfrey .....	1167
Mr. Charbonneau .....	1167
<b>Immigration</b>	
Ms. Dalphond—Guiral .....	1167
Ms. Caplan .....	1167
Mrs. Ablonczy .....	1167
Ms. Caplan .....	1167

## ROUTINE PROCEEDINGS

<b>Crown Liability and Proceedings Act</b>	
Bill C-277. Introduction and first reading .....	1168
Mr. Hanger .....	1168
(Motions deemed adopted, bill read the first time and printed) .....	1168
<b>Criminal Code</b>	
Bill C-278. Introduction and first reading .....	1168
Mr. Hanger .....	1168
(Motions deemed adopted, bill read the first time and printed) .....	1168
<b>VIA Rail Commercialization Act</b>	
Bill C-279. Introduction and first reading .....	1168
Mr. Gouk .....	1168
(Motions deemed adopted, bill read the first time and printed) .....	1168
<b>Canada Health Act</b>	
Bill C-280. Introduction and first reading .....	1168
Mr. Gouk .....	1168
(Motions deemed adopted, bill read the first time and printed) .....	1168
<b>Canada Evidence Act</b>	
Bill C-281. Introduction and first reading .....	1169
Mr. Epp .....	1169
(Motions deemed adopted, bill read the first time and printed) .....	1169
<b>Homeowners' Freedom from Double Taxation Act</b>	
Bill C-282. Introduction and first reading .....	1169
Mr. Epp .....	1169
(Motions deemed adopted, bill read the first time and printed) .....	1169
<b>Energy Price Commission Act</b>	
Bill C-283. Introduction and first reading .....	1169
Mrs. Desjarlais .....	1169
(Motions deemed adopted, bill read the first time and printed) .....	1169
<b>Criminal Code</b>	
Bill C-284. Introduction and first reading .....	1169



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