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OFFICIAL REPORT
(HANSARD)

Wednesday, May 30, 2001

Speaker: The Honourable Peter Milliken

CONTENTS

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

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HOUSE OF COMMONS

Wednesday, May 30, 2001

The House met at 2 p.m.

Prayers

• (1400)

[*English*]

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

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

STATEMENTS BY MEMBERS

[*English*]

ARMENIA

Mr. Sarkis Assadourian (Brampton Centre, Lib.): Mr. Speaker, on Monday evening members of parliament and diplomats joined with the Armenian ambassador and members of the Armenian community to celebrate the 83rd anniversary of the independence of the Armenian first republic.

Today, Armenia is a proud and independent country controlling its own destiny on the world stage. Following the genocide of the Armenians during the turmoil of the first world war and its aftermath, independence was gained from the Ottoman Empire on May 28, 1918.

Tragically, freedom was short lived. December 2, 1920 was the beginning of 70 years of tyranny at the hands of the communists. The 1918 independence, though brief, was the foundation of the modern Armenian state. Armenia regained its independence on September 21, 1991, following the collapse of the U.S.S.R.

Today, the survivors who immigrated to Canada and the contribution they and their children have made to our nation enrich our society in many diverse ways. Canadians of Armenian descent

continue to use their talents to build a better Canada through the arts and sciences as well as in business and in every walk of life.

* * *

YOUTH CRIMINAL JUSTICE ACT

Mr. Chuck Cadman (Surrey North, Canadian Alliance): Mr. Speaker, Bill C-7, the new youth criminal justice act has finally left this place. Unfortunately for Canadians it will, in the opinion of many, ultimately turn out to be worse than the much reviled Young Offenders Act that it is intended to replace.

The provinces who must administer the youth law have said that the federal government failed to properly consult and that no proper cost analysis was ever conducted.

The new act is riddled with discretions and loopholes. Its sheer complexity will lead to delays and soaring legal aid bills to the taxpayer. Violent and repeat offenders will be eligible for extra judicial measures. That is another term for avoiding court in favour of community programs.

Maximum custodial youth sentences for serious violent offences will actually be reduced. Murder, manslaughter, attempted murder and aggravated sexual assault will be presumed serious enough for adult sentences, maybe. Sexual assault with a weapon, armed robbery and kidnapping will not.

The government has taken over seven years to produce legislation that is doomed to failure. Unfortunately it is mainly our youth who will pay the price, and that is sad.

* * *

[*Translation*]

QUEBEC BIOTECHNOLOGY INNOVATION CENTRE

Ms. Carole-Marie Allard (Laval East, Lib.): Mr. Speaker, this week I represented the Secretary of State responsible for Canada's economic development at the fifth anniversary of the Quebec Biotechnology Innovation Centre, which is located in Laval, Quebec.

I was just amazed at how worthwhile and successful the business incubator approach has been. Inaugurated in 1996, the Quebec Biotechnology Innovation Centre in Laval has already been instrumental in the development and business success of eleven companies.

S. O. 31

I was able to make the announcement that this organization would be receiving \$350,000 in financial assistance, and I can tell hon. members that this funding from the Government of Canada was greatly appreciated by chairman of the board, Jacques Gagné, CEO Normand de Montigny and all the team.

Congratulations to the people of Laval and long live their Quebec Biotechnology Innovation Centre.

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[English]

CRASDALE FARMS

Mr. Wayne Easter (Malpeque, Lib.): Mr. Speaker, I am most pleased to congratulate Athol and Brian Craswell of Crasdale Farms of South Rustico, Prince Edward Island upon receiving the master breeder award presented annually by Holstein breeders across Canada.

This honour to Crasdale Farms marks the fifth time ever that a Prince Edward Island farm has been a recipient of this prestigious award. Crasdale Farms is the only recipient this year for all of Atlantic Canada.

The award symbolizes one of the key components of the strengths of the Canadian dairy industry, that is, exceptional breeding practices. The award itself is based upon the accumulation of points earned by animals bred by a farmstead that remain in Canada.

• (1405)

I congratulate the Craswell family for a job well done and for receiving this recognition. They indeed should be proud.

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OWENS-CORNING

Mrs. Brenda Chamberlain (Guelph—Wellington, Lib.): Mr. Speaker, I am proud to rise in the House today to congratulate and honour the management and staff of the Owens-Corning Guelph glass plant on the occasion of the plant's 50th anniversary.

Friday, May 25 kicked off the two day celebration with employees and members of the community coming together for an open house and barbeque. Tours of the operation and product displays were another highlight offered to all who came.

I am very pleased that Owens-Corning chose to reside in my riding. Owens-Corning is a valued member of my community and it is also recognized internationally as a good corporate citizen and a global leader. Not only does Owens-Corning maintain high environmental standards and encourage environmental performance goals within the company but it also gives back to our community in which it resides through its support of organizations such as Habitat for Humanity, the United Way and the Easter Seals Society.

I offer my congratulations to Owens-Corning and I wish them every success in Guelph for the next 50 years and more.

* * *

THE ENVIRONMENT

Mr. John Duncan (Vancouver Island North, Canadian Alliance): Mr. Speaker, we all know about the ongoing malignant environmental catastrophe at the Sydney tar ponds in Cape Breton.

Millions have been spent since the 1980s to determine the negative effects of the tar ponds and on the ineffective cleanup. A week ago the government announced yet another plan. It will be testing, analyzing, carrying out risk assessments, holding meetings and creating more plans. This removes no one from harm's way.

The government has no common sense priority for spending. A month ago \$560 million was given to the ministry of propaganda, oh, I mean the department of heritage, to spend on things like a virtual Internet museum when our museums already have Internet sites.

Some \$10 million was spent in my riding to relocate the families of the Ahaminquus Indian Reserve away from pulp mill discharges. Does the government think that the people of Cape Breton are less worthy?

* * *

FEDERATION OF CANADIAN MUNICIPALITIES

Mr. Bryon Wilfert (Oak Ridges, Lib.): Mr. Speaker, I would like to take the opportunity to congratulate my municipal colleagues from coast to coast on a very successful conference in Banff last weekend.

It was the 64th annual conference of the Federation of Canadian Municipalities which has been the national voice of municipal government since 1901. The FCM is dedicated to improving the quality of life in communities and promoting strong, effective and accountable municipal government.

Representing Canada's largest cities through to the smallest rural and remote communities, our elected municipal leaders work tirelessly on behalf of their constituents to ensure their quality of life.

The government has an impressive relationship in listening and working with municipal governments across the country: the adoption of a national infrastructure program; the establishment of \$125 million green enabling fund; the 20% club; the reduction of CO₂ emissions over 10 years; the payments in lieu of taxes legislation; urban crime; community safety programs, and I could go on.

I would like to thank Joanne Monaghan for her tireless work as president—

The Speaker: The hon. member for Quebec.

S. O. 31

[Translation]

[English]

YOUNG OFFENDERS

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, the Bloc Québécois tour of the various regions of Quebec in connection with Bill C-7 has garnered more support for a definite no to the Minister of Justice as far as the content of her young offender legislation is concerned.

I would remind hon. members of the repressive approach of this bill, which runs counter to Quebec's current rehabilitation based approach to young offenders.

I would like to express particular thanks to a young actor who volunteered his time to the tour and made a tangible contribution to raising public awareness of the impact of the federal legislation.

Marc Beauré, who plays Kevin in the popular series *Deux Frères*, spent some time with prisoners in order to get into his role, and has called our prisons schools for crime. He made an impassioned argument for the importance of vehemently opposing Bill C-7. His message could be summarized as follows "Young offenders will turned into criminals instead of being helped".

On behalf of the Bloc Québécois, I thank Marc Beauré for his commitment, and for his generosity in particular.

* * *

● (1410)

LIBERAL PARTY OF CANADA

Mr. Raymond Lavigne (Verdun—Saint-Henri—Saint-Paul—Pointe Saint-Charles, Lib.): Mr. Speaker, I am proud to mention the presence in Ottawa of the Liberal candidates of the province of Quebec in the last federal election.

Despite defeat, they are here today because each of them believes in our democracy and the importance of the role of MP.

These men and women are Canadians convinced of the need to work for our country's unity. They have put time and energy into making their experience and their knowledge available to their fellow citizens. Working with them during the campaign was rewarding, and we all came out winners.

In every election there are winners and defeated candidates. This message is for them. I thank them for coming to meet us. I ask them to continue their social involvement and follow their goals. Tenacity brings victory closer.

YOUTH CRIMINAL JUSTICE ACT

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Canadian Alliance): Mr. Speaker, the government has just passed a replacement for the Young Offenders Act called the youth criminal justice act. If there was ever an example of why the government is not competent to govern, then this is it.

Although many political analysts admit that the Liberals are without principle, the bill is the technical evidence that the Liberals have no canopy of principles to find a moral compass of direction.

The passage of this type of bill says that millions of signatures on petitions mean nothing. It means that safer communities or support for the provinces, with their constitutional responsibilities for social welfare and children in need of care and protection, are to be overruled. The government has imposed a central system agenda over the people's agenda.

Through the bill the Liberals show that they are out of touch with average Canadians and are not competent to govern.

* * *

MACK ALUMNI ASSOCIATION

Mr. Walt Lastewka (St. Catharines, Lib.): Mr. Speaker, on Friday, June 1, the Mack Alumni Association celebrates its 100th anniversary.

The St. Catharines Training School and Nurses' Residence was founded in 1874 by Dr. Theophilus Mack and was the first school for nurses in Canada under the Nightingale system. The alumni association was founded 26 years later.

The school continued until 1969 when government regulations precipitated changes. The new Mack School of Nursing carried on at the college level until 1974 when the last class of nurses graduated. That year the school ceased to exist and the nursing school was incorporated with Niagara College.

During its 100 years of existence, 1,862 persons graduated from the Mack nursing program. The alumni association has done much to keep the Mack tradition alive and I am sure the association will remain viable as long as there are living graduates.

I congratulate the Mack Alumni Association on its 100th anniversary and I look forward to participating in its celebrations this weekend.

*Oral Questions***PUBLIC SERVICE ALLIANCE**

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, I had the honour of taking part in an important work of performance art.

I walked on the picket line with members of local 70397 of the Public Service Alliance of Canada who have been on strike at the National Gallery of Canada and the Canadian Museum of Contemporary Photography since May 10.

They have painted their picket duty worn shoes bright red and placed them on the line beside them as visual reminders of their uniqueness and as a symbol of their passion and solidarity.

These 200 men and women do all of the preparation work for the exhibits as well as serve the visiting public from across Canada and around the world. They enjoy the work they do and they take pride in the quality and professionalism of the service they provide.

All they are seeking is the same wage increase given to their colleagues at other national museums. It is time that their employer recognized that they are equal to their counterparts at the Canada Aviation Museum and the Canada Science and Technology Museum. It is time to give this hardworking, proud group of cultural workers the recognition they have earned and so deserve.

* * *

[Translation]

INTERNATIONAL TRADE

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, the federal government denies through its actions having given verbal support for maintaining the supply management system.

When the Minister for International Trade issues import permits for additional breaded cheese sticks above the negotiated tariff quota, he is working against dairy producers, who asked him to stop issuing these permits.

Dairy producers do not think the federal government is honouring its commitment to defend and maintain supply management. They criticize the federal government's refusal to protect rights it enjoys under the WTO.

They also want the Minister for International Trade to stop discussions with the states on reciprocal cheese stick access, which were initiated without the consultation of dairy producers in Canada.

The Minister for International Trade represents a riding in Quebec which leads in Canada's dairy production, a fine example of the erratic defence of Quebec's interests by a federal minister from Quebec.

• (1415)

[English]

NATIONAL BIG SISTERS DAY

Mr. Gurbax Malhi (Bramalea—Gore—Malton—Springdale, Lib.): Mr. Speaker, this Saturday is National Big Sisters Day. Big Sisters of Canada has programs in more than 300 Canadian communities.

Women volunteer their time to become mentors to youngsters who can greatly benefit from having an adult role model to look up to. This program is a great success. Children who have been in the program go on to graduate from high school at a rate of 20% higher than the national average.

I commend the work of Big Sisters of Canada and I encourage the constituents of Bramalea—Gore—Malton—Springdale to volunteer and support the riding's local branch, Big Sisters of Peel.

* * *

DISABILITY AWARENESS WEEK

Mr. Greg Thompson (New Brunswick Southwest, PC): Mr. Speaker, in New Brunswick this week citizens will open their minds and communities by celebrating Disability Awareness Week, May 27 to June 2. The focus of this week's events is: Be active, be safe, be healthy.

In New Brunswick over 127,000 citizens have some kind of disability. They range from persons in wheelchairs to persons with less obvious disabilities such as hearing loss, epilepsy, learning or developmental disabilities.

Each day thousands of New Brunswickers struggle to cope with their disabilities while trying to get an education, get a job, perhaps have a family and live productive lives in their communities.

I congratulate all New Brunswickers for participating in this campaign of awareness.

ORAL QUESTION PERIOD

[English]

NATIONAL DEFENCE

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, despite the government's assurances to the contrary, we now know that the process to acquire new helicopters has actually been riddled with political interference.

The vice-chief of defence staff has instructed military planners to ensure that the new helicopters would not even have the combat

Oral Questions

capability of the aging 40 year old Sea Kings. Even the Federal Court of Canada says that there has been “patent politicization” of this process.

Why has the government interfered in this important process?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we need to replace the helicopters. There will be a bid. Every company that can provide the equipment we need will be invited to submit a bid. We want to have the best helicopters at the best price possible to do the job that needs to be done.

[Translation]

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, a fleet of helicopters is essential to our defence, as well as to rescue operations.

Yesterday, the government promised us that there was no political interference in the contract awarding process.

Will the Prime Minister admit in the House what everyone already suspects, which is that he cancelled, at considerable expense, the EH-101 helicopter contract negotiated by the Progressive Conservatives eight years ago, and now he is preventing this same company from getting the contract?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, of course, in 1993, the government was looking at a deficit of \$42 billion. The government could not afford helicopters back then.

Later we put out tenders for helicopters to patrol Canada’s shores. Bids were submitted and one company won the contract.

Now we need helicopters for another purpose. This purpose was carefully described for all those wishing to tender a bid. What we want is a helicopter that can do the job very well, but at the lowest cost possible, because this is not our money, but taxpayers’ money.

[English]

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, they will not be able to do the same work, and that is very clear.

The safety of Canada’s military personnel is being jeopardized by the aging fleet and also by what it appears the government will be ordering.

• (1420)

We need to send a signal not only to our NATO partners but, more important, to our military personnel that we support our armed forces in this country.

Why is the Prime Minister allowing the possible purchase of helicopters that will not even be able to perform as well as the 40 year old fleet that is there now?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we need a helicopter to do some operations. These operations

have been described and they have been made public. Now those who produce helicopters will bid on the contract.

Different companies build helicopters and different helicopters are used in different countries. The United States does not use the same type of helicopter as Great Britain. France does not use the same helicopter as another country.

What we want is a good helicopter at the lowest price possible.

Mr. Peter Goldring (Edmonton Centre-East, Canadian Alliance): Mr. Speaker, an internal Department of National Defence document contradicts the defence minister’s statement of yesterday. The document states that the required endurance of a mission to aid a vessel in distress could well be greater than three hours. Need I state that a rescue mission 50 miles short is no rescue at all?

Why would we politically compromise safety, go against advice and put lives at risk for a helicopter with only a two hour and twenty minute endurance? Why?

Mr. John O’Reilly (Parliamentary Secretary to Minister of National Defence, Lib.): Mr. Speaker, the world is changing so we must plan. Maybe this comes as a surprise to the opposition but we must plan for future force requirements, not 1960s’ technology but 2005 technology. The new helicopters will meet Canada’s national defence policy.

Mr. Peter Goldring (Edmonton Centre-East, Canadian Alliance): Mr. Speaker, public safety and domestic emergencies are not only cold war urgencies, they are minimum requirements for day to day needs. The minister believes that the cold war seeking rescue standards should be greater than those of today.

Why are standards being downgraded? What price are lives today? Poor political decisions unnecessarily risk lives. Why has the minister lowered himself to politicizing not only the lives of our military men and women but also the civilians they may be sent out to rescue?

Mr. John O’Reilly (Parliamentary Secretary to Minister of National Defence, Lib.): Mr. Speaker—

Mr. Randy White: The world is changing.

Mr. John O’Reilly: I am glad the member noticed.

There is no distance requirement in the new helicopter analysis. The fact of the matter is that a 30 minute fuel reserve, a 2 hour and 20 minute or 30 minute difference can be changed by climatic, operational and other conditions. The helicopters will be chosen on the basis of what the military has asked for, and that is exactly what they will get. The helicopters will be the very best, at the very best price and they will do the job that the Canadian forces needs them to do.

*Oral Questions**[Translation]***YOUNG OFFENDERS**

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, yesterday the Prime Minister pledged to review the new Young Offenders Act in a year if it poses problems.

This is much too long, because the situation is clear: Quebecers are unanimous in condemning an act that jeopardizes the rehabilitation of young offenders.

If the Prime Minister is not powerless as he said yesterday, why does he not immediately amend the act to allow Quebec to apply the existing act, which is useful to everyone, instead of waiting one year and creating thousands of young victims?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the bill was passed. The new act is very good for Quebec and it will allow the Quebec government to apply its system.

The Bloc members keep referring to some kind of unanimity, but we reviewed this bill, the Liberal members of this House examined it, and we are satisfied that it is what is needed at this point in Quebec and elsewhere in Canada.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, judges are not satisfied, defence counsels are not satisfied, crown attorneys are not satisfied, nor are police officers, educators, social workers and members of the Quebec Liberal Party. That is a lot of people. The Prime Minister himself told us that his act could be terrible.

Instead of assessing the risk, instead of doing its homework, the government claims that it is the only one to understand the situation. Instead of experimenting at the expense of young people, will the Prime Minister admit that his government should have done some thinking before legislating instead of the other way around?

• (1425)

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we spent four years thinking about this issue, unlike them, whose minds were made up beforehand.

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, the Prime Minister says that the law is clear and that Quebec will be able to continue with its approach.

It does not seem as clear as all that to the deputy director of youth protection, who has said that with this bill, 1% of youths are being sent to prison, where they can improve their skills as criminals, while we are losing the opportunity of intervening with the other 99%.

Does the Prime Minister understand that the new young offenders legislation is clear? From now on, by placing the emphasis on the 1% of young people involved in serious crime, we are, to all intents and purposes, abandoning the other 99% to their fate.

[English]

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the hon. member continues to misrepresent the intention and effect of the new youth criminal justice legislation. He talks about rehabilitation and reintegration. In fact, our new legislation puts an increased emphasis on rehabilitation and reintegration. We will provide additional resources to the government of Quebec to do just that.

[Translation]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I will give the Prime Minister another example so that he will understand clearly.

One weekend, a youngster steals a car, without giving it any thought in advance, and another steals a car in a very premeditated way on behalf of organized crime.

We have two very different behaviours involving the same offence, and therefore two very different approaches applied to the young offenders. With the minister's new law, however, everyone is the same, everyone is on the same footing.

Does the Prime Minister realize that for everyone in Quebec there is a difference between these two and that the law must be enforced differently, which the present Young Offenders Act allows?

Some hon. members: Oh, oh.

The Speaker: Order, please. It is impossible for the Chair to hear what the hon. Minister of Justice is saying.

[English]

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the hon. member misrepresents the intention and effect of the legislation. Far from being uniform in its effect, one of the main considerations we ask police, judges and others working with young people to take into account is the particular circumstance of the young person who has committed the offence.

* * *

[Translation]

THE ENVIRONMENT

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, my question is for the Prime Minister.

Across the country, people are calling increasingly for a national infrastructure program for drinking water.

Oral Questions

On the weekend, the Canadian Federation of Municipalities called for a permanent program and national water standards. The government's present program is not adequate. Everyone agrees on that.

Is the government going to act and put an adequate new drinking water program in place?

Hon. Lucienne Robillard (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, we have an infrastructure program at the moment, and its total cost is \$7 billion. As a priority, we have set green infrastructures, where we can improve air and water quality.

As the result of our agreements with the provinces, at least 50% of the money will be dedicated to this very problem, about \$3 billion. This speaks of this government's commitment.

[English]

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, the government refuses to recognize a crisis when it is staring them in the face. The minister pretends that the existing infrastructure program meets the need but she knows it is not true. Seventeen hundred municipal officials said so on the weekend. Saskatchewan's premier said so yesterday. Hundreds of thousands of Canadians who cannot drink their own drinking water safely know it to be so.

The water quality crisis is plaguing more and more Canadians. What will it take for the government to act?

• (1430)

Hon. Lucienne Robillard (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, during the weekend we also had discussions with the mayors. I think four cabinet ministers were there for the discussions with the mayors. They agreed with us and they were pleased with our new program of infrastructure.

In the agreement that we have with them, a minimum of 50% of the funds should go to the green infrastructure, but it could be more than that. They agree with us also that it is not only an investment of money but that we should look at innovation and technology. We share with them their concern and we will help them to solve the problems.

* * *

NATIONAL DEFENCE

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, I have a question for the Prime Minister about helicopters. The government is buying helicopters that cannot stay in the air long

enough in bad weather. His parliamentary secretary said he justifies that because times are changing.

One thing that has not changed is an estimate by the Department of National Defence that says in bad weather helicopters might have to stay in the air at least three hours. That is longer than these helicopters can stay in the air in order to perform rescues 100 miles offshore the Atlantic coast. What is the policy of the government? Is it just going to let—

The Speaker: The Right Hon. Prime Minister.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, as I said earlier, we want to have a helicopter at the best possible price that can do the job.

There are different operations around the world by different countries and they do not all have only one type of helicopter. That means that many different types of helicopters can do the job. We want a helicopter that can do the job, because we did not make a deal like they did seven years ago.

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, we had a helicopter like that and the government cancelled it. What it is now proposing to do is to buy a helicopter that cannot save Canadians at sea.

The Prime Minister knows that when the government opened bidding to replace the Labrador it asked KPMG and Justice Dubin to conduct a review of the competitive process. In the case of the Sea King, the government has split the contract.

Has there been either an internal or an external study of the feasibility, the risk analysis, the fairness or the cost of the split? I ask because the department says there has not been.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I do not want the hon. member to die. We want to have the best price. We want the best price for the helicopter and we want the best price for the equipment.

If we have the equipment at the best price and the helicopter at the best price, the total package will be at the best price.

We do that because we are very preoccupied with spending the money well that taxpayers pay to the government.

Mr. Monte Solberg (Medicine Hat, Canadian Alliance): Mr. Speaker, the government is the one that put the hell in helicopter. According to the last edition of *Jane's Defence Weekly* Canada's navy is participating in a working group of the maritime theatre ballistic missile defence forum. It is a group designed to enlist allies to make missile defence effective.

Why is Canada participating in the missile defence forum when the Prime Minister is running around telling everyone that no decision has been made yet to support missile defence, let alone participate in it?

Oral Questions

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, unlike others I want to know what I am against or for, so I am sending people to find out the reality. When they report on the reality the government will be able to make a decision.

We want to know the facts first. That is not what they do in the Alliance.

Mr. Monte Solberg (Medicine Hat, Canadian Alliance): Mr. Speaker, the fact is that the Canadian navy is already participating in a group that is designed to make missile defence effective. I do not know if the Prime Minister has a clue on what he is talking about.

A U.S. admiral who is involved in this says that the U.K. currently does not have a policy decision on missile defence. That is why it is not involved in the forum.

We are involved in the forum. Does that mean that Canada has made a decision on missile defence? If so, why the charade? Why is he pretending?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we have not made up our mind. We want to know what the policy will be. We want to know what the Americans want to do.

I am not a person who does not want to know the facts. I want to know the facts. After that I will come back to cabinet and to the House of Commons, and a decision will be made. I will not pretend that I am not doing my job because I want to know all the facts.

* * *

• (1435)

[Translation]

YOUNG OFFENDERS

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the Prime Minister has just let us know what his vision of Quebec is.

It does not matter what judges, the police, lawyers, social workers, youth centres, the Liberal Party of Quebec, and the whole national assembly think about the young offenders issue. Ottawa knows how things should be done in Quebec.

Does the Prime Minister realize that his vision of Quebec has not kept pace with the times? It will not fly. Ignoring a social consensus such as the one Quebec has reached on this issue is behaviour unbecoming a Prime Minister.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the hon. member, who voted against distinct society in the national assembly and in the Parliament of Canada, has risen in his place to say that we do not understand Quebec.

Quebecers want to stay in Canada and Quebecers know very well that the criminal code is the responsibility of the Canadian government. They know very well that we are always there to do our job.

I am certain that the bill passed yesterday by the House of Commons will fully meet the needs of Quebecers and of all Canadians.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, when this party voted against the Prime Minister's resolution, it was because it was not worth the paper it was written on.

By refusing to accept a consensus, which was unanimous in Quebec, has the Prime Minister not just shown us that it is true that his distinct society resolution was not worth the paper on which it was written? Once again, he has deceived us.

Some hon. members: Oh, oh.

The Speaker: Order, please. We are wasting time.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, when we tell them that they voted against distinct society, the Bloc Quebecois does not like it.

Some hon. members: Oh, oh.

Right Hon. Jean Chrétien: I would also point out to the member that we too are speaking with Quebecers. They know that we have laws in Canada which are fair for everyone. They also know that this legislation will be very good, in Quebec as well as in the rest of Canada. Quebecers also know that the Bloc Quebecois did not win the majority of the votes in the last election.

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MINISTER OF FINANCE

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, the Minister of Finance, who is a Quebec member of parliament, attended a partisan meeting of the Ontario wing of the Liberal Party, with two assistants.

We learned that the cost of this trip done for partisan purposes was paid by the Department of Finance, and therefore by Canadian taxpayers.

Since the Minister of Finance is the one who manages public funds, will he do the honourable thing and pay back his department for his own partisan expenses?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the best thing to do is to go over my schedule.

I got there late on a Friday evening, and attended a few functions. On Saturday morning, after breakfast, I had a meeting with the president of a very important manufacturing company from the Hamilton region; later, I met a number of citizens who had particular issues.

Afterwards, I met with a local farmers' association, tobacco producers who were experiencing problems. Finally, I attended a meeting on major policies, before heading back to Montreal.

*Oral Questions**[English]*

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): That is a good one, Mr. Speaker. We all know what the finance minister was doing in Hamilton: schmoozing with future Liberal delegates.

What is the Prime Minister doing to get under control not just the finance minister but his leadership rivals who are criss-crossing the country at departmental taxpayer expense for partisan activities? Will he put an end to this practice and ask the finance minister to pay for his leadership campaign out of his leadership funds?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the Minister of Finance gave a very good explanation.

However last year that member of parliament spent all the points he had to campaign across the country against the leader of the day.

Some hon. members: Oh, oh.

The Speaker: The hon. member for Rimouski-Neigette-et-la Mitis.

* * *

• (1440)

*[Translation]***INTERNATIONAL TRADE**

Mrs. Suzanne Tremblay (Rimouski-Neigette-et-la Mitis, BQ): Mr. Speaker, yesterday, the Minister for International Trade said, with regard to cheese sticks, that it was not his intention to make a habit or a rule to exceed the quotas that were agreed on.

Why then is the minister trying to conclude a reciprocity agreement with the United States when it would be so easy to comply with the quotas that have already been negotiated?

[English]

Mr. Pat O'Brien (Parliamentary Secretary to Minister for International Trade, Lib.): Mr. Speaker, there has been absolutely no change in government policy on the issue of cheese sticks for the last 20 years.

We are now in active negotiations and discussions. The minister has raised this matter with trade representative Zoellick. We will see further development on it, but there is absolutely no change. This is not some sudden new problem.

[Translation]

Mrs. Suzanne Tremblay (Rimouski-Neigette-et-la Mitis, BQ): Mr. Speaker, we can only let things go so far.

Canada is letting in cheese sticks imports beyond the agreed quota of 5%. We are now at 7%, yet the government calls that no change.

Why is the government adversely affecting the Canadian industry when our producers can meet domestic demand?

[English]

Mr. Pat O'Brien (Parliamentary Secretary to Minister for International Trade, Lib.): Mr. Speaker, let me try again. Maybe, if the member's blood pressure would calm down, she could listen to exactly what I did say. There has been no change in government policy on this matter for the last 20 years. No change.

* * *

JUSTICE

Mr. Bob Mills (Red Deer, Canadian Alliance): Mr. Speaker, last Sunday Lisa Dillman and two young girls aged five and six became psychological victims of the justice system of Canada. I was there as these two little girls cried and clung to their mother's leg as they entered the Bowden penitentiary to visit their pedophile father. An RCMP officer in the prison was in tears.

How can the government brag about human rights and about protecting children? Will the minister change the law now and call it Lisa's law so that no children anywhere in Canada will be forced to visit sexual predators in jail ever again?

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, we all share the member's concern for Mrs. Dillman and her two children.

What I find very disturbing is that the official opposition would suggest that any minister, but in particular the Minister of Justice and Attorney General, would interfere with an order of the court.

In fact Mr. Justice Foster in his judgment on Friday suggested that Mrs. Dillman should return to the courts of Saskatchewan where there is jurisdiction over this matter and ask for a variation of the custody and access order.

Mr. Bob Mills (Red Deer, Canadian Alliance): Mr. Speaker, it is too late to change the law for these two little girls. They have already suffered a psychological impact. I am talking about future cases.

This is a single mother of four receiving no child support. She has received \$50 since 1998 from Schneeberger. The legal bills are almost impossible for this lady.

Schneeberger is serving a federal sentence in a federal prison and the Divorce Act is a federal issue. It is the Minister of Justice's responsibility to make sure this never ever happens again. All of us know that these girls are being psychologically impacted.

Oral Questions

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the hon. member refers to the Divorce Act. If one looks at the Divorce Act it is very clear that in making custody and access orders the court shall take into consideration only the best interests of the children.

• (1445)

I would suggest yet again that in this case Mrs. Dillman return to the courts in Saskatchewan, as Mr. Justice Foster suggested, and seek a variation of the access order.

* * *

LIBRARY OF PARLIAMENT

Mr. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, earlier this year the Library of Parliament issued a request for proposals for electronic news monitoring. A local firm referred the request for proposals to the Canadian International Trade Tribunal which agreed to review the matter. The case has not yet been heard, and certainly not ruled upon, yet the library insists on a June 1 deadline for filing proposals.

Since this is a rather important service for members of parliament, would the spokesperson for the Board of Internal Economy tell the House if the board has been seized of this issue and if not, will it be before June 1?

Ms. Marlene Catterall (Ottawa West—Nepean, Lib.): Mr. Speaker, normally the Board of Internal Economy would not deal with matters relating to the Library of Parliament. However, since this does deal with services to members and is related to the information technology services of the House of Commons, I would be pleased to raise it with the board when it meets later this afternoon.

I would also suggest that the member raise it with the chair of the Library of Parliament committee and have the Library of Parliament committee meet to deal with it as well.

* * *

ENERGY INDUSTRY

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, my question is for the Right Hon. Prime Minister. The Prime Minister will remember that Liberal governments were concerned about the level of foreign ownership in the energy industry.

I want to ask the Prime Minister, given the purchase of Gulf by American interests, whether this is any cause for concern on the part of the Prime Minister. Given the energy policies of George Bush, I wonder if he could indicate what level of foreign ownership the government would find unacceptable given the attention that Americans are now paying to Canadian resources.

Hon. Brian Tobin (Minister of Industry, Lib.): Mr. Speaker, the hon. member knows that both the investment act and the

Competition Act apply here. An independent and arm's length assessment will be done with respect to the delivery of both those acts.

With respect to the level of foreign ownership, the fact is that it is far less today than it was 20 years ago.

* * *

HEALTH

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, the devastating impact of mercury on children has been well known for years. That is why the list of health experts who are appalled by the government's failure to protect Canadians from mercury in fish is growing daily. One leading international expert on environmental health has called the need for precaution in this area an absolute no-brainer.

Will the health minister now mobilize the brains of Health Canada to take measures to keep mercury contaminated fish off the grocery shelves of Canadians?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, Health Canada has had for some time guidelines for mercury levels in fish that are among the most prudent in the world. In fact we are at half of the American permissible levels. That has been in place for years.

In addition we have consumer advisories for those fish that are rarely consumed, such as swordfish, shark and uncanned tuna. Those advisories draw to the attention of people who should take care that they ought to eat very little. That is a wise use of our resources to protect the health of Canadians.

* * *

NATIONAL DEFENCE

Mr. Bill Casey (Cumberland—Colchester, PC): Mr. Speaker, less than two weeks ago the Minister of National Defence told the House that a private company had been hired to bring home our military equipment from Eritrea.

At the time the minister stated that the company, Lewis and Clark, was the only company that had the kind of expertise needed. If this company had that expertise, could the minister explain why the tender was cancelled last Monday morning and then reissued on Tuesday afternoon? What were the technical reasons for the cancellation?

Mr. John O'Reilly (Parliamentary Secretary to Minister of National Defence, Lib.): Mr. Speaker, I would be more than happy to take the member's question under advisement and get back to him at a very early time.

* * *

JUSTICE

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, my question is for the Minister of Justice. Given

Oral Questions

the complexity and the mixture of subjects contained in omnibus Bill C-15 currently stalled on the order paper, the sections respecting child pornography and sexual exploitation of children clearly should have formed the subject matter of a separate bill. Protection of Canada's children should be paramount. Why is this subject not a priority for the government?

Will the Minister of Justice simply remove the controversial cruelty to animal provisions and the firearms provisions to allow the bill speedy passage through the House before the summer recess?

• (1450)

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I thank the hon. member and other colleagues for their representations in that regard.

There were negotiations yesterday and others as late as a few minutes ago. I will endeavour to continue these negotiations and perhaps we can find a satisfactory resolution before the end of the day.

* * *

NUCLEAR INDUSTRY

Mr. James Rajotte (Edmonton Southwest, Canadian Alliance): Mr. Speaker, the proposed Canadian neutron facility at Chalk River is an essential part of Canada's scientific infrastructure for the 21st century, yet the government continues to delay its approval month after month.

Will the minister responsible assure the House that a positive decision will be made on the project before the end of June?

Hon. Ralph Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, I am not in the position to project timeframes with respect to a decision.

The hon. gentleman is right in identifying the importance of this big science project. He has also raised on other occasions the severe challenge that all governments face in dealing with the complexity of big science decisions.

The government is proceeding to consider all the relevant options and will make its decision as quickly as it can based upon sound science, due diligence and fiscal responsibility.

Mr. James Rajotte (Edmonton Southwest, Canadian Alliance): Mr. Speaker, the Canadian neutron facility is required to give the country an advance materials testing capability, safer materials, better foods and medicines, and better science essential to the knowledge economy.

The Minister of Finance has spoken often about the knowledge economy and the innovation that is needed. This project needs a champion at the cabinet table and the Minister of Finance can be that champion. Will the finance minister champion this facility when it is considered by cabinet next week?

Hon. Ralph Goodale (Minister of Natural Resources and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, the hon. gentleman's knowledge of cabinet agendas is obviously a bit faulty.

In respect of the project, as the member will know from the government's red book three platform and also from the Speech from the Throne, it is our intention over the next 10 years to more than double Canadian investment in research and development to make sure that the country stays on the cutting edge of knowledge, research and innovation, not just in Canada but in the world. We will make the appropriate decisions to make that investment, which is critically important to the nation.

* * *

[Translation]

SHIPBUILDING

Mr. Antoine Dubé (Lévis-et-Chutes-de-la-Chaudière, BQ): Mr. Speaker, a group from the Quebec City region comprising, among others, the comité de sauvegarde des chantiers Davie de Lévis and the comité de développement économique régional Québec-Capitale, have appealed to the federal government to help the last two shipyards still open.

Why is the Minister of Industry not acting on the report entitled "Breaking Through", which proposed effective and innovative policies instead of subsidies to support the shipbuilding industry?

Hon. Martin Cauchon (Minister of National Revenue and Secretary of State (Economic Development Agency of Canada for the Regions of Quebec), Lib.): Mr. Speaker, throughout the Quebec City area, the Economic Development Agency of Canada has intervened with a vast economic development program to help it develop technologically.

On the issue of shipyards, one of the first acts of the Minister of Industry was to appoint a committee of experts in the field so certain recommendations could be formulated.

The recommendations have been tabled, and my colleague in industry will act on them in the best economic interests of not only the Quebec area, but of Canada as a whole.

Mr. Antoine Dubé (Lévis-et-Chutes-de-la-Chaudière, BQ): Mr. Speaker, the minister's first act was to speak. He has yet to decide and he has yet to act.

In the meantime, more and more of Canada's shipyards are closing. There are only 100 workers currently at the Davie yards.

Oral Questions

Why is the government not doing something for shipbuilding?

Hon. Martin Cauchon (Minister of National Revenue and Secretary of State (Economic Development Agency of Canada for the Regions of Quebec), Lib.): Mr. Speaker, I think the hon. member is trying to run down a very serious job done by the people from the industry.

These people tabled a report with recommendations. My colleague is currently studying it. I simply want to say that the government is already putting incentives in place for shipbuilding. We will make our position on the report known very soon.

* * *

[English]

TRADE

Mr. Charlie Penson (Peace River, Canadian Alliance): Mr. Speaker, yesterday the Prime Minister declared that Canada would fight fire with fire over Brazil's aerospace industry. However, only last week the minister responsible for wheat told grain farmers in western Canada they had to stop growing wheat because that subsidy war was unwinnable. Of course the Minister of Industry claims he does not believe in subsidies because they are not productive for the economy.

When will the Prime Minister develop a plan to end the dispute with Brazil that does not rely on using illegal subsidies?

• (1455)

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I tried to give an explanation yesterday that, yes, we want to terminate that, but we have to make sure that Brazil respects the international rules. Bombardier wants to respect them.

I would like to say, for example, that these complaints are coming but yet their deputy House leader, the member for Renfrew—Nipissing—Pembroke, was quick to praise a federal loan to Haley Industries, a subcontractor of Bombardier, located in her riding. I quote her:

I am pleased that the government of Canada has made this contribution to local employment. . . This repayable research and development investment will enable the company to—

The Speaker: The hon. member for Peace River.

Mr. Charlie Penson (Peace River, Canadian Alliance): Mr. Speaker, I really wonder where the consistency is in the government's policy. It seems that corporate welfare programs are only available to Bombardier's customers.

What about other Canadian industries facing unfair subsidies? What about agriculture? What about shipbuilding? What about the steel industry? What about the jobs in those sectors that do not get subsidized credit?

Could the Prime Minister tell us how he decides which jobs are the most equal and therefore the best able to qualify?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, if the hon. member is talking about being consistent, he should talk to his seatmate. She is the one who was praising the government for helping somebody who was producing goods for Bombardier to sell in competition with the Brazilians.

When I look around I think they have to work on consistency a bit. Do you not agree there in the back?

The Speaker: I know the Prime Minister intended to address those remarks through the Chair.

* * *

THE ENVIRONMENT

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, my question is for the Parliamentary Secretary to the Minister of Foreign Affairs. It concerns Canada's ratification of the United Nations Convention on the Law of the Sea, which is a 1993 red book promise.

Given the importance of this convention and given that two former ministers of foreign affairs expressed in recent years their firm intent to ratify, when could Canadians expect the ratification of the law of the sea to take place?

[Translation]

Mr. Denis Paradis (Parliamentary Secretary to Minister of Foreign Affairs, Lib.): Mr. Speaker, Canada intends to ratify the UN Convention on the Law of the Sea. The only question remaining at this time is when the ratification will take place.

Canada is going to ratify this convention on the law of the sea within the far broader context of the Canadian policy on offshore fishing. What we need is an effective regime that can be applied internationally on the high seas in order to protect the fish populations that straddle the 200 mile limit.

That is what we want and that is what we are going to get.

* * *

[English]

SPORTS

Ms. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance): Mr. Speaker, synchronized swimming is a sport involving thousands of female athletes across Canada. It was one of the few team sports to bring home a gold medal from the 2000 Olympics.

Yet recently the junior minister for amateur sport took the unprecedented and unwarranted step of withholding funding from

Synchro Canada in order to force the relocation of its national training centre out of Ontario to his own city.

Why is the junior minister discriminating against these female athletes and destroying their dream of swimming for Canada?

Ms. Sarmite Bulte (Parliamentary Secretary to Minister of Canadian Heritage, Lib.): Mr. Speaker, unfortunately the member opposite does not quite understand what she is talking about. The hon. member's facts are not quite correct. I welcome this opportunity to set the record straight.

In fact, Synchro Quebec appealed the decision to locate the sports centre of excellence that was established to take place in Etobicoke. The appeal committee recently handed down its decision and found that in fact there was bias at that time. Now Sports Canada is working with both Synchro Quebec and Synchro Canada to help them with mediation through two separate—

The Speaker: The hon. member for Renfrew—Nipissing—Pembroke.

• (1500)

Ms. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance): Mr. Speaker, the junior minister for sport is completely disregarding the timely and transparent findings of the internal review panel set up to deal with this issue.

He has not spoken to nor met directly with the board of Synchro Canada, with members of the national team nor with synchro clubs across Canada. In short, he is beyond his depth and out of sync.

Will the Prime Minister tell the junior minister for sport that he will not be promoted in the next cabinet shuffle unless he stops micromanaging the affairs of Synchro Canada and discriminating against these female athletes?

Ms. Sarmite Bulte (Parliamentary Secretary to Minister of Canadian Heritage, Lib.): Mr. Speaker, let me try to repeat what I said. Before I do, I welcome the member's sudden interest in the heritage department and in Sports Canada.

Let me say again that the matter was appealed. The appeal decision was rendered in April. Sports Canada is now willing to assist both Synchro Canada and Synchro Quebec to come to an amicable resolution by two mediation processes, which have been set up.

* * *

[Translation]

AIR CANADA

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, today representatives of the Association des Gens de l'Air have shown, with figures to back them up, that francophones are under-represented at Air Canada.

Routine Proceedings

According to their figures, it will take Air Canada 32 more years to get to the 25% target for francophones it set itself 15 years ago. It will have taken then a total of 47 years. It is as if a policy set in the time of Louis St-Laurent were just getting implemented now.

What concrete action does the minister responsible for application of the Official Languages Act intend to take to correct this unacceptable situation, which has been going on at Air Canada for too long?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, I thank the hon. member for his question.

Air Canada is subject to the Official Languages Act. We constantly hear complaints about Air Canada's not respecting the Official Languages Act. Once again we have heard testimony. The Gens de l'Air as well as the Commissioner of Official Languages will be appearing before the committee this afternoon. We are going to lend an attentive ear.

The Government of Canada is greatly concerned about Air Canada's non-compliance with the Official Languages Act.

ROUTINE PROCEEDINGS

[English]

CHIEF OF DEFENCE STAFF

Mr. John O'Reilly (Parliamentary Secretary to Minister of National Defence, Lib.): Mr. Speaker, pursuant to Standing Order 32(2) I have the pleasure to table, in both official languages, two copies of "An Honour to Serve", the 2000-01 annual report of the chief of defence staff.

As members know, the chief of defence staff, General Baril, will soon retire and, as such, this is his fourth and final annual report.

I would like to take this opportunity to thank General Baril for his time as chief of defence staff and commend him on the outstanding job he has done serving his country and leading our armed forces.

I am certain all members of the House join me in thanking him and wishing him well in his retirement.

* * *

[Translation]

GOVERNMENT RESPONSE TO PETITIONS

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

Routine Proceedings

[English]

STATUTES OF CANADA

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, pursuant to Standing Order 32(2) I have the honour to lay upon the table of the House, in both official languages, proposals to correct certain anomalies, inconsistencies and errors, and to deal with other matters of a non-controversial and non-complicated nature in the Statutes of Canada, and to repeal an act and certain provisions that have expired, lapsed or otherwise ceased to have effect.

* * *

COMMITTEES OF THE HOUSE

FISHERIES AND OCEANS

Mr. Wayne Easter (Malpeque, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the third report of the Standing Committee on Fisheries and Oceans.

Pursuant to the order of reference of February 27, 2001, your committee has considered the main estimates for the fiscal year ending March 31, 2002.

• (1505)

[Translation]

JUSTICE AND HUMAN RIGHTS

Hon. Andy Scott (Fredericton, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the third report of the Standing Committee on Justice and Human Rights.

[English]

Pursuant to the order of reference of Thursday April 26, your committee has considered Bill C-24, an act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other acts, and has agreed to report it with amendment.

FINANCE

Mr. Maurizio Bevilacqua (Vaughan—King—Aurora, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the eighth report of the Standing Committee on Finance regarding its order of reference of Thursday May 10 in relation to Bill S-16, an act to amend the Proceeds of Crime (Money Laundering) Act. The committee has considered Bill S-16 and reports the bill without amendment.

INDUSTRY, SCIENCE AND TECHNOLOGY

Ms. Susan Whelan (Essex, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the first report of the Standing Committee on Industry, Science and Technology in

relation to Bill S-17, an act to amend the Patent Act. The committee reports the bill without amendment.

I also have the honour to present, in both official languages, the second report of the Standing Committee on Industry, Science and Technology on the main estimates 2001-02. The committee reports the main estimates without amendment.

[Translation]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

Mr. Bill Graham (Toronto Centre—Rosedale, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the second report of the Standing Committee on Foreign Affairs and International Trade.

[English]

Pursuant to the order of reference of Monday May 8, your committee has considered Bill C-6, an act to amend the International Boundary Waters Treaty Act, and has agreed to report this important legislation protecting one of our greatest natural resources with one amendment.

[Translation]

I also have the honour to present, in both official languages, the third report of the Standing Committee on Foreign Affairs and International Trade.

[English]

Pursuant to Standing Order 108(2), and on a motion from the member for Calgary East, the committee considered the situation in Afghanistan. It condemns the recent actions of religious intolerance in that country and recommends that the government work through the United Nations to promote and protect religious freedom in Afghanistan.

* * *

STATUTORY INSTRUMENTS ACT

Mr. Jim Pankiw (Saskatoon—Humboldt, Canadian Alliance) moved for leave to introduce Bill C-355, an act to amend the Statutory Instruments Act (regulatory accountability).

He said: Mr. Speaker, it is my pleasure to introduce this private member's bill entitled, an act to amend the Statutory Instruments Act.

The effect of the bill is that all proposed regulations made by ministers would have to be laid before the House of Commons so that the appropriate committee could study them, conduct inquiries or public hearings and then report back to the House. In effect, it would improve the accountability of the regulatory making procedure.

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

*Routine Proceedings***TOBACCO YOUTH PROTECTION ACT**

Mr. Clifford Lincoln (Lac-Saint-Louis, Lib.) moved that Bill S-15, an act to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada, be read the first time.

(Motion agreed to and bill read the first time)

* * *

• (1510)

MAIN ESTIMATES

The Speaker: The following motion, in the name of the hon. the Leader of the Opposition, is deemed adopted:

That, pursuant to Standing Order 81(4)(a), consideration by the Standing Committee on Foreign Affairs and International Trade of Votes 20 and 25 under Foreign Affairs and International Trade—Canadian International Development Agency in the Main Estimates for the fiscal year ending March 31, 2002, be extended beyond May 31, 2001.

(Motion agreed to)

* * *

[Translation]

COMMITTEES OF THE HOUSE

OFFICIAL LANGUAGES

Ms. Caroline St-Hilaire (Longueuil, BQ) moved: that the second report of the Standing Joint Committee on Official Languages, presented in May 2001, be concurred in.

She said: Mr. Speaker, to convince parliamentarians of this House that it is urgent to adopt the report without delay, allow me to make a few remarks on some recommendations.

The issue studied in the report is essentially that of the broadcasting and availability of debates and proceedings of parliament in both official languages.

In its analysis, the committee found, and I quote:

—that broadcasting of the debates and proceedings of Parliament plays an essential role in the democratic process in Canada . . . [and] that Canadians have a right to access to the debates and proceedings of their Parliament in their preferred official language.

The sixth and seventh recommendations of the report are of particular interest to me. They relate to the closed captioning in French of Oral Question Period and the closed captioning in both official languages of Senate committee proceedings, when they are broadcast.

[Editor's Note: Member spoke in sign language as follows:]

Captioning is important. By now my interest for captioning and for people who are deaf or hearing impaired is known. I take this opportunity to tell them that they have my support and to salute them.

I on this special Better Hearing Month, it is good to remind ourselves that 10% of the population is deaf or hearing impaired.

Some hon. members: Hear, hear.

[Translation]

Ms. Caroline St-Hilaire: Mr. Speaker, for one minute, you did not understand anything. Imagine that for a whole life. Personally I find it harrowing. That is why my struggle for captioning remains so actual and crucial.

As I was saying in LSQ, May is Better Hearing Month. I take this opportunity to remind the House that over three million Canadians live with a hearing problem, 750,000 of them in Quebec alone.

This problem now affects one in ten individuals. Deafness is the handicap that affects the largest number of people and, what is more, it is invisible. We cannot remain unconcerned about that alarming fact.

More than ever we must become aware of this fact and take concrete actions. We must not only express pious hopes but take concrete legislative actions.

Need I remind the House that television plays an essential role in the lives of a very large number of deaf and hearing impaired people, and for good reason, because some of them have no other means of communication: Not everyone can have a computer and access to Internet.

To deny them access to this source of information and entertainment could lead to isolation, not to mention all the various safety aspects.

Since these persons cannot hear the radio, television remains the only media of information in real time for them. Just think about weather warnings or disasters. Without captioning, these people will have no idea about what is going on. To learn about the events through the newspapers the next day would be too late in many instances and that could have serious consequences on their safety.

In Quebec, the deaf or the hearing impaired remember quite well the ice storm because they had no access whatsoever to real time information.

These are but a few examples to illustrate the very complex difference between those who are fortunate enough to hear properly and those who are not. I remain optimistic however and my goal is to obtain 100% captioning for television programs. Overall, I find the report of the Standing Joint Committee on Official Languages to be a good start.

I am very happy to see that the motion on captioning that I tabled in 1999, and which received unanimous consent of the House, is

Points of Order

finally echoed within parliamentary committees. The analysis of the Standing Joint Committee on Official Languages and its recommendations for mandatory captioning of all debates in the House are a clear example of that.

However, it is only a start, only one tool among others to truly facilitate the integration of deaf or hearing impaired persons into our society.

I was also pleased to hear the last Speech from the Throne because the federal government promised to increase its support for the CBC/SRC in order to help that corporation better play its role as public broadcaster serving all Canadians.

• (1515)

That is the end of the good news because, despite this fine inclusive speech, I still wonder about the priority given to those three million people with a hearing disability.

I am also concerned about the deaf and hearing impaired francophones who have access to a meagre 38% of the French network's programming of Radio-Canada, while the figure is 90% for the English network. These statistics are disturbing, to say the least.

It is totally inconceivable that, in a country that brags about respecting the two official languages, French closed captioning lags so far behind closed captioned programming provided in English.

I believe there is only one way to solve this sensitive issue of access to communications for those three million people: legislation to require broadcasters to provide closed captioning for their video programming in both official languages and to give the same rights to hearing impaired people. The federal government has full leeway to legislate quickly on this.

I remind the House that I introduced a bill, Bill C-306, which would amend the Broadcasting Act to require every broadcaster to provide closed captioning for its video programming. Unfortunately, my bill is still not on the House's priority list.

Since this is hearing and speech month, I challenge the government to show its true intentions regarding the priority it intends to give to deaf and hearing impaired people. To that end, I offer the government the opportunity to take over my bill so that members of parliament can debate it as quickly as possible.

For those very legitimate reasons, and I am sure members will agree, I ask unanimous consent of the House so that the second report of the Standing Joint Committee on Official Languages be concurred in now. In conclusion, I hope that the federal government will understand that closed captioning allows deaf and hearing impaired people to read what we hear.

The Speaker: Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

(Motion agreed to)

* * *

[English]

POINTS OF ORDER

BILL S-15

Hon. Don Boudria (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I rise on a point of order. Moments ago a bill was introduced, Bill S-15. I take this occasion to indicate to the House that it is my belief that the bill cannot proceed to the next reading because it is out of order.

[Translation]

Bill S-15, which was just introduced in the House, creates an independent foundation to provide funding for programs to prevent the use of tobacco products by young people. It is obviously a very laudable initiative.

The funds would come from a tax on tobacco products. The senator who introduced the bill expects that such a tax will bring in \$360 million each year to fund the foundation.

As members know, section 53 of the Constitution Act, 1867, states:

Bills for appropriating any Part of the Public Revenue, or for imposing any Tax or Impost, shall originate in the House of Commons.

Beauchesne's states:

A Ways and Means motion is a necessary preliminary to the imposition of a new tax, the continuation of an expiring tax, an increase in the rate of an existing tax, or an extension of the incidence of a tax so as to include persons not already payers.

Whether we are talking about imposing a new tax, continuing an expiring tax, increasing a tax or extending the incidence of a tax, a ways and means motion is necessary. Beauchesne's also states:

Only a Minister of the Crown can move a motion to impose a new tax.

• (1520)

[English]

Bill S-15 is essentially the same as a bill tabled in the first session of the 36th parliament, Bill S-13. The principal differences between Bill S-13 and Bill S-15 are a detailed preamble and the addition of part III which sets out what are claimed to be the bill's benefits to the industry.

However the new bill is the same in purpose and operation as was Bill S-13. The main purpose of Bill S-15 remains: to prevent the use of tobacco products by young people. Its mechanics to implement that purpose are completely identical. I therefore

Points of Order

suggest that the same treatment be reserved for this bill as for the prior one. The taxation powers of Bill S-15 of \$360 million per year are increased fivefold over Bill S-13, which would have raised \$70 million annually.

Mr. Speaker, your predecessor, Speaker Parent, concluded that Bill S-13 constituted a tax bill and as such constitutionally and procedurally could be initiated only in the House of Commons and only after the House had concurred in a ways and means motion tabled by a minister of the crown. The bill was therefore ruled not to be properly before the House.

I submit that the ruling on Bill S-13 applies to Bill S-15. As I have indicated, the two bills are in essence the same in purpose and operation. Like Bill S-13, Bill S-15 must be considered a taxation measure which should have been initiated and could only be initiated in the House and not the Senate after concurrence in a ways and means motion proposed by a minister of the crown.

The government and the House recently took action to address tobacco use, and in particular smoking by young Canadians, by passing Bill C-26, the tobacco tax amendment bill. I will quote a speech made in the other place by Senator John Bryden who noted that Bill C-26 and Bill S-15 both claim to reduce tobacco consumption to meet national health objectives. Senator Bryden said:

I have much difficulty making the difference between Bill S-15, which will charge \$1.75 per carton, and the bill that was introduced from the other place today, which will charge \$2 per carton. One is called an excise tax; the other one is called a levy.

Bill C-26 was introduced in the House after concurrence in a ways and means motion which was introduced by a minister of the crown.

I submit to you, Mr. Speaker, that although Bill S-15 has the laudable objective of reducing smoking by young Canadians, it is a taxation measure. As such it should have been initiated and can only be initiated in the House of Commons after concurrence in a ways and means motion which furthermore can only be proposed by a minister of the crown. The House did almost the same thing by introducing Bill C-26 which was preceded by a motion of ways and means that was concurred in prior to the bill's introduction.

I therefore submit that the bill cannot be introduced in the House. Now that the member has gone through the process of introducing it, it is not properly before the House, to use the language your predecessor used, Mr. Speaker. Therefore I ask the Chair to rule that the bill is out of order and not properly before the House.

Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance): Mr. Speaker, I rise on a point of order to ask for your indulgence. As official opposition we did not have notice that the bill would be introduced and discussed today. I would like some time to prepare an answer to what we have heard from the government House leader so that we may represent another point of view on the issue before you decide whether or not the bill is in order.

The Speaker: I will keep the member's comments in mind but there are other members who would like to make an intervention. I am prepared to hear them at this time.

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, I just want to remind the Chair that, notwithstanding the ruling it will make concerning the admissibility of the bill, the tobacco industry is in favour of this bill, and so are the health groups fighting against smoking.

In our mind, this is not a tax. We went through the same thing with the video industry, where a levy was imposed.

• (1525)

In common case law, a levy is a measure applying only to a specific industry and aiming at a very specific goal for the same industry.

The levy mentioned in the bill would be imposed on the tobacco industry. The industry wants this levy. Organizations trying to dissuade people from smoking agree with such a levy. Mr. Speaker, we respectfully submit that this is not a tax, but rather a voluntary levy. Therefore, the bill is in order.

The best thing we can do as parliamentarians is to refer the bill to committee and allow it to go through the various stages and then come back to the House so we can have a debate over the substance of the bill.

Mr. André Bachand (Richmond—Arthabaska, PC): Mr. Speaker, I will be brief.

First, I am not as knowledgeable as you are, Mr. Speaker, and I would like to ask you a question. At what point can the Chair decide that a bill is in order?

When the bill was introduced earlier during routine proceedings, nobody rose. We saw the very professional and credible look of the Speaker. He looked to see if the government House leader would rise then to debate the admissibility of the bill before its introduction.

The government House leader did not rise at that time. He was busy, and I understand that. He rose a few moments ago, as it is his prerogative to rise at any time on a point of order.

Here is my question for the Chair: since the bill has already been introduced, at what point can the Chair decide to refuse or accept a bill?

I am not as knowledgeable as you are with regard to procedural matters, but I would say that it should be before the introduction of the bill. It seems that the bill has gone through an important step

Points of Order

and, with all due respect, I would like the Chair to rule on that issue.

Second, my colleague, the House leader of the Progressive Conservative Party, the member for Pictou—Antigonish—Guysborough, is very much interested in everything that goes on in the House with regard to procedure, just like you are. We agree with the House leader of the official opposition and would ask the following of the Chair. We would like to have a little more time to prepare our response to the point of order raised by the government House leader.

This is an important bill. My colleague from the Bloc Québécois mentioned that there is practically unanimous support for Bill S-15. Yet, we are caught up in procedural wrangling between the two Houses. We would like to have time to react, knowing full well that the majority of members in this House have received dozens and hundreds of letters from people from their ridings asking them to support Bill S-15.

A decision has to be made which, we believe, has a historical value with regard to parliamentary rules, that is, whether or not the bill is in order.

With all due respect, I am asking the Chair to give us a little more time, at least 24 hours, to come up with the arguments that could help it make an informed decision for both Houses.

The Speaker: I appreciate the comments made by the hon. member for Richmond—Arthabaska. I can tell the House that the admissibility of a bill is an issue that can always be addressed in the House. A member can challenge the admissibility of a bill at any time before third reading.

I think the government House leader is right to raise the issue at this time. I have already indicated to the official opposition House leader that I will hear more on this later on.

[*English*]

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, based on your comments I would like to put on record some of our thoughts with respect to the point of order raised by the government House leader. I am certainly prepared to provide serious input into the matter.

• (1530)

I am pleased to participate in what I consider to be a very serious discussion on whether Bill S-15 is in order. The government House leader has suggested that you, Mr. Speaker, should not allow Bill S-15 to proceed further because it is, in his view, and I assume the government's view, in all important aspects, a public tax measure.

As such, he has argued that it should not be allowed in the House because it originates in the Senate and is missing the required warrant.

Members who spoke before me have put forward some compelling arguments why first reading of Bill S-15 would be in order without a royal recommendation.

Mr. Speaker, you will recall, and the government House leader referenced this in his remarks, that a similar debate arose in parliament on November 18, 1998, with respect to Bill S-13 which was the forerunner to Bill S-15. At that time I suggested we were dealing with a grey area in terms of procedures and constitutional and legal issues around a bill of this nature coming from the Senate.

Speaker Parent at that time ruled on the point of order on December 2, 1998 and stated:

The question that I must consider in relation to Bill S-13, that is whether or not the charge imposed by the bill is a tax, relates to the procedural rules and practices of this House as well as to the time honoured privilege of this House in respect of taxation measures.

Speaker Parent went on to give a very lengthy elaboration of the issues involved and made a very definitive conclusion indicating that he believed the point of order was in line and would be accepted. He said very clearly that he felt the bill included a tax measure that, because of its origins in the Senate and without royal recommendation, was not allowed for debate in the House.

Speaker Parent went on to state:

I am forced to conclude that the charge imposed by Bill S-13 is directed not toward any benefit to the tobacco industry but to a matter of public policy, that is, the health of young Canadians, a laudable purpose without doubt.

Simply put, any bill imposing a tax must originate in the House of Commons and must be preceded by a ways and means motion. Since Bill S-13 proposes a tax, did not originate in the House of Commons and thus was not preceded by a ways and means motion, I therefore find that it is not properly before the House.

I want to say this afternoon that since Speaker Parent's ruling and since the time that we discussed Bill S-13, or at least discussed whether or not it should be permitted for debate in the Chamber, the bill has been significantly redrafted. There are some very significant changes to Bill S-13 as now outlined in Bill S-15.

The first change is that a detailed preamble has been added to the bill that sets out the facts that define the problem of youth smoking.

The second change is that an entirely new part has been added to the bill which lists the number of benefits to the tobacco industry. The sponsor of the bill has indicated that one of the most important benefits is that the tobacco industry would be seen to be involved in an initiative dealing with the problem of smoking.

Points of Order

Mr. Speaker, I would argue before you today that given those changes we are back to dealing with a grey area in our House procedures and that you are now faced with a very new challenge in ruling on this point of order.

● (1535)

I will try to make the case that Bill S-15 ought to be pursued in the Chamber and that the House of Commons needs to debate the merits of this legislative initiative.

I base this argumentation on several factors. First, I believe that Bill S-15 is a serious attempt to address a critical problem in our society today, that being the high incidence of smoking, particularly among young people. The sponsors of the bill have been vigilant in their pursuit of changes in this regard and in their attempts to provide a reasoned public policy response dealing with a serious problem.

Mr. Speaker, if your rulings were based simply on dogged determination then you would have no problem ruling on this one in a flash, but obviously such argumentation does not factor in. What is relevant though is whether Bill S-15 is in the public interest, whether or not it is a public bill.

Bill S-15, as has been said, seeks to create a public agency and proposes collecting dollars from rich tobacco companies to spend it on community measures which are supported by a host of public agencies.

Evidence of the bill being in the public interest has been brought forward to all of us in the House by the number of letters, faxes and phone calls that we have received from individuals and organizations in our own constituencies and from across Canada. I have personally received dozens of letters and faxes from constituents and other Canadians in support of this initiative.

This is not to say that from a procedural point of view this initiative is necessarily a public bill. If one were debating the merits of the bill, which obviously we are not doing today and not able to do according to the rules of the House, we would expect to hear concerns from members in my caucus about the perception that the bill caters to the needs of the tobacco industry. We would also point to evidence that the bill is in the industry's interest based upon the amount of money and energy being spent by tobacco companies to support the legislation. We would also talk about the campaigns against youth smoking being run by tobacco companies in the United States and Europe which are very similar to those that Bill S-15 proposes to fund.

The point of saying this is not to debate the merits of the bill but to highlight a question that you, Mr. Speaker, must address, and that is whether this is an industry bill that benefits the public or whether it is a public bill that benefits the industry itself. Whether or not we like the changes in the bill, the fact is that you are left with the fundamental question about the nature of the bill. As it has

been changed from Bill S-13 to Bill S-15, it can now be argued that the financial implications of the bill constitute a levy and not a tax.

Mr. Speaker, I would suggest that your task is to look at the very fundamental question of whether the bill is in the public interest. Your task is to look at whether the bill is a public bill benefiting not only the industry but other broader objectives in our society today or whether it is an industry bill benefiting the citizens of the country and being done in the interest of good public policy.

Speaker Parent's ruling in December 1998 clearly stated that Bill S-13, at that time, was dealing with a public policy matter and that the money being generated through the provisions offered in the bill constituted a tax.

● (1540)

The bill has now been fundamentally changed. It is a bill that is much more clear about benefits to the tobacco industry. We are talking more specifically about a levy as opposed to a tax. I think that is something you, Mr. Speaker, must seriously consider.

Our party certainly has major concerns about any attempt to cater to the tobacco industry and to support it in its efforts to win public support. However, the real question at hand is whether or not this initiative should be debated in the House and on what basis should a bill from the Senate be allowed into this Chamber.

I would be remiss if I did not point out in my argumentation that the government seems to want it both ways when it comes to using the Senate in terms of the whole legislative process. As I said in November 1998, and I am now more firm in my beliefs than ever in this regard, it is curious that the government, in rising on this point of order, actually expressed concerns about the democratic right of the elected House of Commons versus the rights of the unelected Senate. Certainly it is causing us some concern because we know that this is a government that has resurrected the undemocratic practice of routinely introducing government bills in the Senate before doing so in the House, something which the New Democratic Party has vigorously protested.

Since we are dealing with a new bill that has changed substantially from Bill S-13, the ruling by former Speaker Parent may no longer apply to the situation at hand and therefore you, Mr. Speaker, must revisit this situation and look for precedence in order to make a determination based on these new factors.

I would suggest that we are again in a very grey area in terms of whether the bill is eligible for debate in the House. On that basis and without quoting, I would refer you to some of the references I made in the House in November 1998. I cited references in Erskine May, 21st edition, at page 716 and Beauchesne's at page 97, citation 324. Further, I made reference to Bourinot's two principles outlined on page 491 and other citations which can be found in my speech at that time.

It would be in the interest of the House and of all Canadians that we have a debate on the ideas being proposed in Bill S-15. We are

Points of Order

all concerned about smoking and how our young people are being addicted to cigarettes at an early age. We want to do everything in our power to correct that situation. We need to look at the circumstances surrounding Bill S-15 and the history of tobacco legislation. We must consider the public interest and the health of children in these deliberations. Mr. Speaker, I recommend this position to you.

[*Translation*]

Mr. Clifford Lincoln (Lac-Saint-Louis, Lib.): Mr. Speaker, I am pleased to comment on Bill S-15, which is a redraft of Bill S-13 that was ruled out of order by your predecessor. Bill S-13 was followed by Bill S-20, which was quite similar to Bill S-15 but died on the Order Paper before the election.

Bill S-15 would incorporate a foundation that will be working at arm's length from the government, one that will be funded by money that will not come from the government and not go into the consolidated fund.

On the face of it and under its terms, the bill is in the interest of the industry that is making the commitment to ensure that people who take up smoking are of legal age.

The third goal of this bill is to provide the foundation with \$360 million to carry out its activities.

• (1545)

[*English*]

Is it a tax or is it a levy? A tax bill originates only in the House of Commons and is preceded by a ways and means motion. Only a minister can move such a motion. We agree with the House leader on this.

Levies, being much rarer, are recognized by the U.K., by Australia and by ourselves. In Canada the levy must satisfy two conditions: it must be imposed on the industry involved and it must serve a beneficial industry purpose. In the British practice there is one additional condition, that is, the levy must not form part of the government revenue. Bill S-15 not only meets the two Canadian conditions, that a levy is imposed on the industry and that it serves a beneficial purpose to the industry, but it even meets the third criteria, a U.K. one, that the revenues will not form part of the consolidated revenues of the government.

There are many previous bills in our own history that have been adopted without a ways and means motion. In the copyright amendment act of 1997, which your predecessor, Mr. Speaker, referred to in his judgment and which was a levy on blank tapes in favour of performers and recording artists, there was no ways and means motion and it was seen as a levy. Again, in the Canada Shipping Act of 1987 there was no ways and means motion. It was a levy against shipowners to deal with oil spills caused by tankers

and other ships. As well, in regard to the Canada Petroleum Resources Act in 1985 there was no ways and means motion. There, owners would pay into an environmental studies research fund. In the British house, Erskine May cites 13 precedents of levies for industry purposes between 1917 and 1994 that did not require ways and means resolutions.

The previous ruling said it could not be a levy for an industry purpose because it would reduce industries' future markets. I refer to the House leader who said Bill S-15 is exactly the same as Bill S-13 except that a preamble has been added in part III. Surely that is a significant addition. The preamble in part III is not that same as that in Bill S-13. The preamble quite clearly sets out the facts defining the problem of youth smoking and the publicly stated objective of the tobacco industry to stop youth smoking because it is not in its favour to promote illegal smoking by people not entitled to do it. There is an entirely new part added to Bill S-15, which lists the benefits to the tobacco industry.

This is a procedural question which we must decide. We must decide whether the bill on its face it is a tax or a levy for industry purposes. The bill expressly provides that the foundation is established for the industry and that the purpose of the bill is to meet the industry's objective. Inquiring beyond the face of the bill and questioning its express provisions goes well beyond the realm of procedure and enters into the area of law. I respectfully suggest that the Speaker is exceeding his proper jurisdiction if he addresses legal questions in the substance of the bill.

The coincidental fact that youth smoking reduction also happens to be a public policy objective in no way interferes with the procedural acceptability of the bill. There is nothing in the precedents, Canadian or U.K., that prevents the basic industry purpose from coinciding with a public policy objective. As a procedural matter, the Speaker's responsibility is limited to determining whether or not the bill meets the two criteria set in Canada for a levy as outlined by authorities such as Erskine May. I suggest that in arriving at this determination we should not go beyond the express provisions of the bill, leaving the substance of the bill for the House itself to decide.

• (1550)

Not all of the tobacco industry is in favour of the bill, but 80% of it is, and the bill meets the criteria of a levy. In the case of the copyright law where blank tapes were instituted through a levy that went to artists and recording artists, it was also opposed by a lot of the recording media associations.

The minimum requirement in the criteria is that the levy must provide a benefit to an industry. There are no provisions or precedents that beneficiaries must be one specified group or another. The fund is not used to finance activities except activities that are strictly within the purview of the bill itself.

Points of Order

Before now, there were flaws. There was an objection as to where the funds would go if tomorrow the foundation ceased to exist. Would they have to go back to the consolidated revenue fund? So another clause, subclause 33(3), has been added, which states clearly that in the case of the foundation ceasing to exist the funds will be returned to the council for the tobacco industry, therefore the tobacco industry itself.

There has also been the argument that if we produce the bill in the House of Commons then it would open the floodgates to such bills. I would point out that since 1917 British practice has produced only 13 such bills involving levies.

It was interesting when, in the first instance of Bill S-13, when Bill S-20 was crafted, Senator Kenny, who was the sponsor of the bill, asked me to consult with the authorities of the House. I went to see the clerk of the House, then Mr. Marleau. Mr. Marleau referred me to the senior legal officer, Mr. Walsh. Mr. Walsh commissioned through the funds of the House of Commons a legal opinion from Mr. Michael Clegg.

The legal opinion from Mr. Michael Clegg is clear. He says that in his opinion it is not a tax but a levy. He also says that on the face of the bill and its express conditions we have to give the benefit of the doubt to the bill being a levy. This opinion was confirmed by several experts: Mr. David Gussow, a long serving procedural adviser to the House of Commons itself; Mr. Mark Siegel, a tax specialist counsel at Gowling in Ottawa; Mr. Joseph Magnet, a constitutional expert from the faculty of law of the University of Ottawa; and Mr. Raymond Du Plessis, Q.C.

It is interesting to hear what Mr. Michael Clegg said:

It is one of the basic canons of the construction of statutes that where there are clear and direct words in a statute, they should be interpreted literally unless they result in absurdity, illegality or impossibility.

That is not the case here.

He says further:

Where there are two possible approaches to the interpretation of a bill, it should be given the meaning that follows its literal and specific provisions.

May I submit that the argument here should not be the objective or part of the process or to surmise as to the moral or ethical reasons for the tobacco industry to set this up, but really it should be whether or not the bill institutes through its wording a levy.

I should explain my own position. I am not a defender of the tobacco industry, very far from it. My first act as environment minister of Quebec was to produce a bill for the protection of non-smokers. It was the first such bill in Canada.

However, what I think we need here is the decision of a right to debate this bill here and not use some sort of obtuse procedural excuse not to debate it here. Is a foundation created by an industry under suspicion because it carries out objectives that are completely different from those of the industry itself?

• (1555)

I could give the examples of the Rockefeller Foundation, which was built on big oil, or the Ford Foundation, which was built on car revenues. These foundations create all kinds of programs that are beneficial to others.

What would happen, for instance, if a big TV empire like Sony created a foundation separate from itself through levies, whereby it would provide education for banning TV addiction in young people? Would that be illegal or unfounded? It is perfectly acceptable that it would be so, that an industry could create a foundation that would serve a purpose which on the face of it might seem contradictory.

We have done a lot of research on this issue. Our research and the five or six legal opinions by leading experts show clearly that the bill represents a levy and not a tax, based on the wording of it. This is what we must be seized with rather than the substance of it or the moral or ethical considerations of why the foundation is being created. On the face of it we must accept this bill as debatable, as imposing a levy, and therefore not meeting the criteria for a ways and means motion.

We have put a lot of research into this. I would like to offer this book to you, Mr. Speaker, if you wish to accept it, so that you can find out what our case is built upon. I believe that upon reading it you will come to the conclusion that we are imposing a levy for an industry purpose and that the bill does not need a ways and means motion. It should be debatable in the House. I hope we can proceed to second reading stage and a debate in the House.

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, very briefly I will attempt to submit for your consideration a few thoughts in support of the admissibility of Bill S-15 and which would in essence answer two questions.

The first question is this: is the bill a tax? I submit to you, Mr. Speaker, that Bill S-15 does not require royal recommendation because it does not appropriate public money. Bill S-15 does not appropriate public funds, there is no authorization of any kind for the expenditure of money from the consolidated revenue fund, and all moneys are spent by the proposed foundation. Moneys are raised through a levy imposed on the tobacco industry and, I understand, through gifts and grants.

Second, the moneys are collected by the proposed foundation and placed in its own account and distributed by the foundation alone. There is no government involvement in the process.

Points of Order

Third, specific clauses of the bill expressly state that the foundation is not an agent of the government and that its funds are not public funds.

Fourth, on dissolution any surplus of funds is returned to the tobacco industry as identified in subclause 33(3), as was indicated earlier by my colleague.

Fifth, even the annual audits of the foundation's accounts by the Auditor General of Canada must be paid for by the foundation itself. The money does not come from the consolidated revenue funds.

The second question that arises in this debate is whether the bill is the same as Bill S-20. As other colleagues have already identified, the answer is in the negative. First, there is a comprehensive preamble that has been added to this bill. Second, there is a refinement to the purpose clause, namely clause 3. Finally, there is the addition of part III, namely clause 34, which spells out the industry benefits.

• (1600)

Finally, it is worth quoting the opinion expressed by Professor Magnet of the Law Faculty of the University of Ottawa, which has already been mentioned very briefly. I will quote from his letter to Mark Audcent, the law clerk in the other chamber. In a 16 page long overview, he concluded:

This means that the levy in the Draft Bill is not a tax in the constitutional sense; it is a regulatory charge adhesive to a regulatory scheme that provides benefits to the industry by ameliorating a problem that the industry caused, for which it is blamed by the public and which it wishes to address. Because the levy, in my opinion, is a "regulatory charge" and not a "tax" in the constitutional sense, it is not subject to the discipline of sections 53 and 54 of the Constitution Act, 1867, as interpreted by the courts.

In the result, in my opinion, there is no constitutional impediment to the introduction of the Draft Bill to Parliament first in the Senate Chamber.

I submit these observations, Mr. Speaker, for your consideration, and I thank you for your attention.

The Speaker: We seem to be getting a bit repetitious in the arguments on this point, so I am prepared to hear a bit more. However, I urge hon. members who want to make interventions to deal with some new point that we have not heard raised in the submissions by others. The Chair does not need to hear umpteen submissions on the same point.

[*Translation*]

Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, I take good note of your comments to the effect that we should not repeat arguments that have already been presented in the House.

I am greatly comforted by the remarks of the hon. member for Lac-Saint-Louis and I fully support what he proposed.

I will simply touch very briefly on two issues. First, is this a tax or a levy? Dictionaries clearly define the word "tax" as "a contribution to the revenues of the government that is compulsory for taxpayers, goods or businesses".

The levy mentioned in Bill S-15 does not in any way contribute to government revenues. It comes from the tobacco industry and it is paid to the foundation without ever being part of the treasury, even if the foundation were to be disbanded. At that point, the balance would be transferred to the Canadian Tobacco Manufacturers Council.

My second point is whether or not this is a matter of law. Such issues usually come under the jurisdiction of the House of Commons. As we know, according to our tradition and rules, the Speaker of the House does not rule on constitutional or legal issues.

If we listen to the debates on the point of order raised by the Leader of the Government in the House of Commons, we begin to see that this may be a legal issue. Therefore, I urge the Chair to simply look at the Canadian precedents on the issue of levies, at the two conditions that are proposed and see if this bill does meet these two criteria. If so, I call on the Chair to deem the bill in order, thus allowing the debate to continue in the House.

[*English*]

Mr. Rob Anders (Calgary West, Canadian Alliance): Mr. Speaker, I am responding to the point of order made by the government House leader earlier today.

It seems that he is looking for ways or mechanisms to weasel his way around routine proceedings. He seems rather fond of that. He is looking to procedurally disable his own caucus members and their bills.

We heard from the members for Notre-Dame-de-Grâce—Lachine, Davenport, Lac-Saint-Louis and Peterborough.

• (1605)

I would like to add that this was done without notice. It is something that our opposition House leader mentioned and I think therefore merits 24 hours of notice.

Finally I would like to add that the government House leader seems to enjoy following the rules when it is convenient for him. Yesterday he asked for unanimous consent and I denied it.

The Speaker: This is a procedural argument that we are hearing, not one on personalities or arguments about the conduct of members or the reasons why they raised the points.

If the hon. member has some point to make in respect of the admissibility of this bill, I would like to hear it. In fact I will not hear questions regarding the conduct of other members from him on the point of order we are now discussing. I want to hear about the admissibility of the bill. If he has a point on that I will hear him. Otherwise we will move on.

Mr. Rob Anders: Mr. Speaker, I will just wrap up by saying that I think some of the government House leader's actions with regard to procedures over the last few days have called into question not only my judgment of his pronouncements on these things but also the judgment of his own fellow caucus members.

The Speaker: I have indicated that I will hear submissions from two other hon. members on this point tomorrow, that is, the hon. member for Pictou—Antigonish—Guysborough and the House leader of the official opposition. That should conclude the submissions on the point. The Chair will take the matter under advisement and get back to the House in due course.

* * *

PETITIONS

CRIMINAL CODE

Mr. Lawrence O'Brien (Labrador, Lib.): Mr. Speaker, I am presenting a petition endorsed by over 200 residents of Happy Valley-Goose Bay, Nain, Davis Inlet, Makkovik, Sheshatshiu, North West River, Mud Lake, Paradise River, Rigolet, Churchill Falls and Cartwright, all in my riding of Labrador.

The petitioners call on parliament to prohibit corporal punishment of children by repealing section 43 of the Criminal Code of Canada.

I am pleased to bring their concerns and my support to this House on their behalf.

HUMAN RIGHTS

Mr. Rob Anders (Calgary West, Canadian Alliance): Mr. Speaker, I have three pages of petitions from people who are rather concerned about some aspects of coercion. Nurses, pharmacists, physicians, students and health care workers are being coerced into participating in practices they consider to be against their ethical or moral standards or religious beliefs.

These petitioners call upon the government to ensure that these people are not dictated to, that they have freedom of conscience,

Routine Proceedings

that they are not discriminated against and that they not be asked to do anything they do not feel meets with their beliefs.

I would like to submit this on behalf of all those who do not wish to experience discrimination for their own ethical standards and beliefs.

LABELLING OF ALCOHOLIC BEVERAGES

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, I am pleased to be able to present several petitions signed by citizens both in my constituency and other parts of Canada pertaining to an issue I have raised previously in the House, for which I had support of members, and that is warning labels on all alcohol beverage containers and the problem of fetal alcohol syndrome.

The petitioners are very supportive of action in this regard. They point out that consumption of alcoholic beverages causes health problems. They are concerned about fetal alcohol syndrome and other related birth defects which they believe are preventable by avoiding alcohol during pregnancy.

They call upon the House to mandate the labelling of all alcohol products to warn pregnant women and other persons of certain dangers associated with the consumption of alcoholic beverages.

* * *

QUESTIONS ON THE ORDER PAPER

Mr. Derek Lee (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the following questions will be answered today: Nos. 36 and 38.

[Text]

Question No. 36—Mr. John Williams:

With regard to the child tax benefit calculated by the Canada Customs and Revenue Agency and its predecessor Revenue Canada for each of the tax years from 1994 to 1998 inclusive: (a) how many taxpayer files were reassessed because the child tax benefit was originally calculated using the income of one spouse instead of both spouses; (b) what is the total dollar amount that was reassessed because the child tax benefit was originally calculated using the income of one spouse instead of both spouses; (c) how many taxpayer files cannot be reassessed even though the child tax benefit was calculated by the Canada Customs and Revenue Agency/Revenue Canada using the income of one spouse instead of both spouses because the reassessment was statute barred having been over three years since the original assessment; and (d) what is the total dollar amount that should have been reassessed but cannot be reassessed even though the child tax benefit was calculated by the Canada Customs and Revenue Agency/Revenue Canada using the income of one spouse instead of both spouses because the reassessment was statute barred having been over three years since the original assessment?

Hon. Martin Cauchon (Minister of National Revenue and Secretary of State (Economic Development Agency of Canada for the Regions of Quebec, Lib.): The Canada Customs and

Government Orders

Revenue Agency, formerly the Department of National Revenue, does not record the income tax data related to the Canada child tax benefits in ways that would provide the information requested. Presently, the agency does not have an automated system or mechanism that will track the number of changes made or their dollar value for specific adjustments such as the recognition of spousal income. This is only one of several reasons for an adjustment. Other reasons include the addition of a newborn child or custody change and advice that a child has left home. In order to identify the implications of any specific reason for change, it would be necessary to manually review the details for any change in the three million monthly payments to families.

Question No. 38—**Mr. Howard Hilstrom:**

With respect to the agreement reached during the Uruguay round of international trade negotiations for a single tariff rate quota of 20,412 tonnes of cheese imports into Canada, tariff heading 0406, what are the reasons the government has allowed, through supplemental import licences since 1995, imports of dairy product, such as breaded cheese sticks and cheese waste, over and above the limits previously agreed upon?

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): Cheese sticks are produced by coating cheddar and/or mozzarella cheeses with either batter or bread crumbs. The overall finished product contains less than 50% dairy product and is primarily used in the food service industry served as appetizers or finger foods. For over 20 years Canada and the U.S. have had bilateral trade in this product. After the 1995 implementation of the WTO agreement, Canada customs ruled that battered cheese sticks should be classified under the same tariff item as cheese and would therefore have been captured by the cheese tariff rate quota (TRQ). As these products had not previously been subject to the cheese quota, and as the U.S. continued to allow imports from Canada, Canada continued imports through the issuance of supplemental permits. Supplemental permits for imports of cheese sticks containing less than 50% cheese are issued on request. Without these permits a duty of 245% would apply. In October 1999, the U.S. customs service notified a Canadian exporter of breaded cheese sticks that the product was being reclassified and would be subject to the U.S. cheese quota. We have been pressing the United States to restore access for Canadian exports, given the longstanding reciprocal treatment for imports of this product. We have made it clear to the U.S. that its action has necessitated Canada reviewing its current policy of issuing supplemental permits for cheese sticks.

Waste cheese is used in animal feed, mink feed. Cheese waste is an important ingredient as it is high in protein, which is required to produce top quality mink pelt. The product is low valued and not regularly available from domestic sources. All customs documentation for this product is labelled "Cheese scrap and mink feed" and not fit for human consumption. Sources of Canadian waste cheese for use in mink feed have not been located.

The issuance of supplementary import permits for breaded cheese sticks and waste cheese does not undermine the control and enforcement of Canada's tariff rate quota for cheese imports. These supplementary imports represent approximately 0.5% of the cheese production in Canada.

[English]

Mr. Derek Lee: I ask, Mr. Speaker, that the remaining questions be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

* * *

MOTIONS FOR PAPERS

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

• (1610)

[Translation]

IMMIGRATION AND REFUGEE PROTECTION ACT

The House proceeded to the consideration 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, as reported (with amendments) from the committee.

SPEAKER'S RULING

The Speaker: There are 12 motions to amend on the notice paper with respect to report stage of Bill C-11.

[English]

Motion No. 11 is the same as an amendment presented and negatived in committee. Accordingly, pursuant to Standing Order 76.1(5), it has not been selected.

The Chair has considered and reviewed all the other amendments and finds them to be in order and accordingly they will be grouped for debate as follows.

Group No. 1, Motions Nos. 1 to 4.

[Translation]

Group No. 2, Motions Nos. 5 to 8.

Government Orders

The voting patterns for the motions within each group are available at the table. The Chair will remind the House of each pattern at the time of voting.

[*English*]

I shall now propose Motions Nos. 1 to 4 to the House.

MOTIONS IN AMENDMENT

Hon. Lucienne Robillard (for the Minister of Citizenship and Immigration) moved:

Motion No. 1

That Bill C-11, in Clause 3, be amended by replacing lines 1 to 7 on page 3 with the following:

“(i) to promote international justice and security by fostering respect for human rights and by denying access to Canadian territory to persons who are criminals or security risks; and”

(j) to work in cooperation with the provinces to secure better recognition of the foreign credentials of permanent residents and their more rapid integration into society.”

Ms. Madeleine Dalphond-Guiral (Laval Centre, BQ) moved:

Motion No. 2

That Bill C-11, in Clause 5, be amended by deleting lines 1 to 4 on page 5.

Motion No. 3

That Bill C-11, in Clause 19, be amended by replacing line 11 on page 11 with the following:

“resident or a protected person to enter Canada if satisfied following”

Hon. Lucienne Robillard (for the Minister of Citizenship and Immigration) moved:

Motion No. 4

That Bill C-11, in Clause 30, be amended

(a) by replacing, in the French version, line 7 on page 15 with the following:

“30. (1) L'étranger ne peut exercer un emploi”

(b) by replacing, in the French version, line 14 on page 15 with the following:

“exercer un emploi ou à y”

Mr. Inky Mark (Dauphin—Swan River, Canadian Alliance): Mr. Speaker, it gives me great pleasure to rise to debate Bill C-11 at the report stage. Let me begin by complimenting the members of the committee for doing a great job during the public hearings. We heard from over 150 witnesses. We travelled from Vancouver to Montreal and received excellent presentations from a very broad spectrum of witnesses.

When we came back to the House and the committee met, we spent three long days going over the amendments. I must say that it was an atmosphere of co-operation on all sides of the House. Government members as well as opposition members worked on

this bill. That is about the amount of positive input that I will make today.

Unfortunately the good work of the committee through the hearing process is not reflected in the bill.

It is so unfortunate that House committees spend so much time and effort on the road at the expense of taxpayers and then find that other than a few cosmetic changes to the bill, the bill has basically remained intact.

I must say at this point that these are the kinds of public responses that we received from the 150 plus witnesses who represented various organizations throughout the country. Witnesses stated that they felt the language of the bill placed undue emphasis on enforcement and criminality, as opposed to language that highlights the waffly nature of Canada's immigration and refugee program. That is very true.

The irony is in the amendment put forth in this first group of amendments. The minister wants to amend clause 3 by replacing lines 1 to 7 with:

(i) to promote international justice and security by fostering respect for human rights and by denying access to Canadian territory to persons who are criminals or security risks; and

• (1615)

We certainly agree with that. In fact we know that is what needs to be done. The minister could do the same thing without the legislation. She could do it by putting more people in the field and putting in a good front end screening vehicle so that we keep out criminals.

The minister always talks about closing the back door. Maybe the government needs to close the front door a little so that we let in people who we think will become positive contributors to the country. The irony is that the system creates its own problems.

This is a good time to reflect on the Sklarzyk case that happened during the past couple of weeks. The Sklarzyk family had its visitor visa extended three times. That makes absolutely no sense. If Canada did not want the family here in the first place back in 1994, it makes sense that the family should have been told to leave and go home.

Why did the government extend the visa? At that time two of the children had been born in Poland. By extending the visitor visa three times the government was extending a sign of welcome. It makes absolutely no sense. The government creates a lot of these problems. After the family had two children here and had been here from 1994 to 2001, close to seven years, the government asked the family to leave.

Government Orders

Through the public hearings we have heard many witnesses say they were stateless. In other words, they had no status. Some have been in Canada upwards of 10 to 15 years. They came here as refugees. They have had children here. Their children are in school and they still have no status.

One of the points raised continuously throughout the hearings was the whole issue of permanent residence. People who have permanent resident status are referred to in the bill as foreign nationals. Many witnesses who came before the committee were offended by that approach. It is unwelcoming and un-Canadian. We should not be doing it.

I will tell the House what the changes were to the definition section. Under interpretation a foreign national will be changed to mean:

—a person who is not a Canadian citizen or a permanent resident, and includes a stateless person.

The irony is that throughout the bill permanent resident and foreign national are printed side by side. This is worse than leaving it the way it was. I cannot understand it.

One amendment that members of the opposition all agreed with was that changes needed to be made and in a positive manner. They should be made in a manner that deals with different classes. A member on the government bench indicated that if a person lands in Canada we should perhaps give him or her landed status as in the old days. However that has not happened in the bill.

Another concern raised was the whole issue that this was framework legislation. As framework legislation much of the authority to carry out immigration and refugee objectives would be found in the regulations. The regulations would therefore be substantial and would contain much of the detail regarding implementation of the act. Many witnesses supported the idea of all new regulations being reviewed by the House of Commons Standing Committee on Citizenship and Immigration.

Even government members agreed. They agreed that the regulations should come before the standing committee and be reviewed. I compliment the chairman of the committee for the good work he did throughout the hearing process. He stated that the committee should be scrutinizing the regulations.

● (1620)

What do we see in the new bill? We see nothing, absolutely nothing in terms of the amendments. I think many members of the opposition were led down the garden path with the clause by clause exercise we went through.

Ten minutes does not give anyone a lot of time to deal with the complexity of the bill. I will close by again noting that a number of witnesses suggested creating and including in the bill a mechanism whereby members of the general public could submit complaints about any aspect of the new legislation. Several witnesses sug-

gested creating an ombudsman to organize and centralize submissions and report regularly to CIC and to parliament.

I did that very task. The Canadian Alliance put together an amendment to allow the minister to create an ombudsman vehicle for people with complaints. We need oversight for the department and I look forward to speaking to the second group of amendments.

Mr. Joe Fontana (London North Centre, Lib.): Mr. Speaker, it is a pleasure to rise at report stage of Bill C-11. I will begin by complimenting all members of the committee who undertook some very hard work in a very short period of time.

The last time Canada had a good look at the Immigration Act was in 1978. The committee acted in a very co-operative manner, as critics from the Alliance and all the other parties have suggested. As we travelled we were impressed by the commitment of Canadians to immigration. They spoke in glowing terms about the value of immigration to the country in terms of its history and how it has contributed to our social, economic and cultural well-being. They spoke about how Canada had been built by immigration from all parts of the world and how much that immigration had been appreciated.

Bill C-11 and its predecessor Bill C-31 would build upon our great tradition of inviting people from all over the world and continue our great historical tradition of being one of four countries in the world that recognizes its responsibility to protect refugees, people who are persecuted or displaced, people who find difficulties where they live and resort to all kinds of unusual methods to leave their homelands.

The fact that this great country has been home to thousands of refugees is a tribute to the generosity of all Canadians in each and every region of the country. When we travelled that is exactly what we heard from witnesses. They told us how we could improve Bill C-11. They told us that our present Immigration Act was a great foundation but that we needed to move forward.

Bill C-11 would do that. It would open the front doors even wider. It would make it possible for families to be reunified because it would expand the definition of family class to mothers, fathers, parents and grandparents who would be able to be sponsored. It even talks about working with our partners, not only the provinces but stakeholders, municipalities, all the communities that have a part to play in welcoming immigrants and helping them resettle.

Throughout our trip from Vancouver through to Montreal, and speaking also to the people in Atlantic Canada, I heard one constant message: We need more immigration. We need to make sure the front doors are opened wider in terms of the family reunification independent class to attract the best skilled people and professionals from around the world.

Government Orders

• (1625)

We have a great need for people who can help build our economy, meet the needs of our businesses and meet our labour requirements. Most people indicated that we need more immigration, not less, and that we ought to do more in terms of the compassionate part of the bill, which is refugee protection.

The amendments introduced by the opposition and the government at the committee level have improved Bill C-11. We can recognize the great worth of immigration and make sure permanent residents who want to be Canadian citizens are further protected.

We all heard a term that was rather un-Canadian. Everyone who was not a citizen would be referred to as a foreign national. We heard loud and clear that this was not how we wanted to define ourselves. We have amended the bill to recognize the status of landed immigrants and permanent residents who we hope will want to be citizens. Everyone else who comes to our country on a temporary basis, be they visitors or students, would be referred to as foreign nationals because it is a term that is recognized around the world.

The bill would also give landed class opportunities to students or temporary workers who come to Canada and decide to stay. The process must be improved so we can process the paperwork better, more efficiently and more fairly.

We hope the committee will talk about resettlement and resources that we give to our foreign posts. The committee heard loud and clear from people across the country that they want to be involved and they want the committee and parliament to be involved in the regulatory aspects of the bill.

Motion No. 1 from the minister says that one of the bill's goals and objectives is to acknowledge that people, when they come to Canada with great professional attributes, be they doctors, nurses or skilled workers, should have their accreditations quickly recognized. Even though accreditation is a provincial jurisdiction, we must work closely with provincial governments, stakeholders, organizations, regulatory bodies and associations to make sure that people who come to our country can achieve their full potential.

We need to work with our partners to make sure we do a better job. Motion No. 1 would ensure that people's professions and careers are recognized and that they will be able to work in their professions in Canada.

Motion No. 2 from the member for Laval Centre and Motion No. 3 in terms of regulations were well received. For the first time our committee will be very involved in the making of regulations. We will be able to hold public hearings before regulations are put in place because we understand that the regulations will determine how we implement the bill.

The bill is framework legislation. It talks about values and principles but the regulatory framework is perhaps the most difficult and challenging. We must be very vigilant in reassuring the hundreds of witnesses, who talked to us about the regulations, that the regulations will be set up in a fair, equitable and compassionate manner. The committee will be involved in the fall with the make-up of those regulations. It will invite members of the public to again look at the regulations and it will put in place a process to ensure the regulations are fair and equitable to all people.

The bill, in its final form as we debate it today, with the amendments the government and members of the opposition have put forward, has been greatly improved. We wanted to make sure that people who, for one reason or another, were denied a refugee claim but whose circumstances had changed or who could not disclose the true reason they were being persecuted, could receive a second hearing.

• (1630)

We have built into the bill another layer where a second hearing could take place to ensure that a person who was perhaps denied protection or had been denied a refugee claim but could not put forward all the reasons could essentially come back for a review.

The bill would provide greater assurances in terms of permanent resident status. As we know, the old act says that if people leave the country for 180 days they could lose their permanent resident status. The bill now says that permanent residents do not have to worry if their jobs or families take them out of the country or that they have to be in Canada two years out of five.

We understand the global economy and that people have to travel. Sometimes people have to leave Canada but at the same time they have not given up on Canada. Their families and businesses are here. We must understand that in a global economy people have to be mobile. That is why we would protect permanent residents by assuring them that if they are outside Canada they do not have to worry about losing their permanent resident status.

The government has put forward a number of positive amendments in the bill. I look forward to debate on the other amendments members will put forward, but there is a good reason we cannot support them. In fact we believe we have taken them into consideration under Bill C-11.

[*Translation*]

Ms. Madeleine Dalphond-Guiral (Laval Centre, BQ): Mr. Speaker, for the benefit of television viewers and perhaps of members in the House, I would just like to briefly recap how the minister introduced Bill C-11 in February.

What the minister said at that time was that Bill C-11 was a bill that could be described as tough. Its purpose was, of course, to open the door wide to the hundreds of thousands of people who want to come here and whom we need if Canada and Quebec are to

Government Orders

continue to make progress. However, the government also wanted that door to be tightly closed to people unacceptable to our societies.

What I can say is that the great majority of the witnesses we heard were in agreement with the minister. The bill is extremely tough. In fact they are concerned. People are concerned.

In committee, we considered the bill clause by clause. There were hundreds of amendments presented by the opposition parties or by the government.

I must agree with my colleague for London North Centre that there have been improvements. I acknowledge that. They are not enough, however. They are very much insufficient, and this bill continues to be an object of concern. It is perhaps the fashion, however, in this Liberal government, to take a hard line. Last night, for instance, the bill we voted on in third reading, Bill C-7, was another fine example of this hard line.

In the first group there are four amendments, two presented by the government, which I can assume will be passed with great unanimity. Two others are presented by the Bloc Québécois.

The first amendment by the party in power, which I shall read for the benefit of our audience, is really within the framework of what this bill is about. The amendment proposed by the minister at clause 3(1)(i) is to promote international justice, and I quote:

—and security by fostering respect for human rights and by denying access to Canadian territory to persons who are criminals or security risks;

Understandably, no one can be opposed to such an addition, and this focuses on the importance Canada attaches to human rights. We can only hope that the proof of this will be forthcoming in future years, and that there will not be any slip-ups as far as the respect of human rights is concerned.

What the second part of the Liberal amendment is really about is replacing the word *néoquébécois*, which is not anywhere in the bill, with the term permanent resident.

● (1635)

The second amendment, this one brought forward by the Bloc, is much more important. My colleague from London North Centre mentioned that under this bill the minister will have to table the regulation in the House and refer it to the committee.

All of the witnesses we heard were concerned about the fact that much of the enforcement measures will be dealt with in the regulation. The legislation itself is rather vague.

However, in the bill as amended in committee, under clause 5 that stipulates that the regulation will be laid before the House and then referred to the appropriate committee, we have noticed that a small provision, clause 5(4), was tacked on, which reads as follows:

5.(4) The Governor in Council may make the regulation at any time after the proposed regulation has been laid before each House of Parliament.

Therefore, the governor in council would be able to make the regulation as soon as it is tabled. In some ways, this provision undermines that amendment agreed upon in committee.

What we want is for clause 5(4) to be completely deleted. Since the previous speaker referred to this amendment, I do hope that the government will understand that clause 5(4) needs to be deleted.

The third amendment is also from the Bloc Québécois. I may still be naive and somehow that makes me proud, but I truly believe that we will have the unanimous consent of the House on this one, because all it does is add the words a protected person. Clause 19, which this amendment deals with, refers to the right to enter and remain in Canada. The current provision only mentions the right of entry of permanent residents.

What we are proposing is that the officer allow a permanent resident or a protected person to enter Canada, a protected person being someone who has refugee status, if satisfied following an examination on their entry that they have that status.

It must be noted that in committee the minister clearly indicated that obtaining refugee status could indeed be considered as a travel document. Therefore we think this amendment must be passed by the House.

Finally, the last amendment in this first group is from the government. It is rather interesting, because it is of a cosmetic nature. We have before us a most important bill that affects people and families, that will have an impact of the future of tens of thousands of people, and the government is bringing forward a cosmetic amendment. It is replacing the word *travail* by the word *emploi* in the French version.

Now that I have gone over the four amendments, I will continue to speak about this bill, which is aimed at dispelling certain theories that we hear out there, particularly in western Canada. What we hear is that Canada has really become a haven for people who have something to fear from the justice system, very often for good reasons.

It is perfectly understandable that a country such as Canada would not want to have such a reputation. However, this has nothing to do with reality. Recently, we had the Amodeo case. Clearly, he should never have entered the country, but he did.

● (1640)

However, does a single case become a majority? No, there are a few cases, as there are everywhere. We have to realize that people in organized crime and professional terrorists are highly intelligent

and very capable and that the best organized law will probably never keep them out entirely.

The dangerous part in this bill arises from our desire for an impenetrable border, which means we risk rejecting honest people who want to contribute to Canada's economic and social growth. In this regard, for Canada to do without this essential support, which is a bit like oxygen, is a very poor choice.

As I said earlier, at the moment hundreds of thousands of people are awaiting approval. Will they or will they not be able to come to Canada? Four hundred thousand people is a lot. We know the minister puts the figure at 300,000 a year. We never reach it.

The aim of the bill is to perhaps improve the record management process, and we support this goal, because everyone here, especially members from large cities, knows that we have an incredible number of people waiting months and years.

[English]

The Acting Speaker (Mr. Bélair): It is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Cumberland—Colchester, Health; the hon. member for St. John's West, Finance.

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, I am pleased to participate in the debate on report stage of Bill C-11 and to put on record our continuing deep concerns with the legislation.

Before proceeding I want to indicate how positive the process was at the committee level. It is not often that we have reason to make positive comments about the standing committee process in the House of Commons. However, in the case of the Standing Committee on Citizenship and Immigration, the chair, the member for London North Centre, provided very good leadership. The participation of all members from all parties on the committee was productive and respectful.

I want to put on record our thanks for all the work done by the staff tied to the committee and for the help we received from the research staff of the Library of Parliament and from the drafters in the legislative counsel office who provided us with remarkable turnaround on our proposed amendments. I also want to put on record my thanks to two individuals in the legislative office of the House who did an incredible job of writing and drafting some 80 amendments in a very short period of time for myself and my colleagues in the New Democratic Party. Those two individuals are Amadou John and Susan Manion.

We were operating close to the wire. We were under considerable pressure to move quickly after the public hearings. We had very little time to craft our amendments and to have them drafted

Government Orders

properly. Again I thank the two individuals I have mentioned and many others. We were able to ensure that thorough consideration of the bill was executed and that many amendments were proposed.

• (1645)

It was a pleasure working with colleagues from other political parties such as the chair, the member for London Centre and the member from Mississauga. I also want to mention the member for Dauphin—Swan River, the member for Laval Centre and the member for Fundy—Royal. We worked hard and covered a lot of material in a short period of time. One of our greatest regrets was that the bill was pushed rapidly through the process, and we did not have adequate time to deal with the significant topics at hand.

I too want to thank the 150 or more witnesses who gave serious and thoughtful testimony before the committee regarding the bill. We had a remarkable committee process covering many parts of the country. It was an enlightening experience for all of us.

However, given these niceties and having congratulated and thanked members for a productive process, we failed in making a bad bill into a good law. We all say that we failed in improving a piece of legislation that was seriously flawed and was far from visionary. It is far from the kind of bill we thought was necessary after the 25 year period since the bill was first introduced and passed in the House of Commons.

We tried hard to convince the government to improve the bill. It was not for lack of trying. In the case of the New Democratic Party, we proposed over 80 amendments. However most of them were defeated by the Liberals at committee. I am grateful for the few that were accepted. However the amendments which were approved at committee were relatively minor in nature. Our concerns about the bill remain.

We have to put on the record the concerns of Canadians. In reviewing the evidence presented to us at committee and the testimony of the 150 or more individuals and organizations, there was very little support for the bill. Canadians who spoke out on Bill C-11 were very upset, disturbed and angry that the government failed to use this golden opportunity to put forward a bill on immigration and refugee policy that was visionary, progressive, inclusive and clearly a benefit to Canadians who wanted and believed in maintaining our traditions for an open immigration policy and always operating on the basis of humanitarian, compassionate grounds.

It has always been the vision of members of my caucus that we maintain as much as possible an open immigration policy, that we be respectful and responsive to the needs of refugees and displaced persons around the world, that we always, at all costs, ensure due

Government Orders

process and that human rights are respected and adhered to. On all those grounds we failed.

The bill does not meet the task at hand. The amendments before us today go a little further toward improving the bill. We will support them, but we have not dealt with the fundamental flaws of the legislation. We hoped Bill C-11 would dramatically improve our immigration and refugee policy and programs, which are under serious scrutiny and evoke great concern on the part of Canadians. This has placed us in some disrepute internationally because of our failure to abide, in full force, by the international conventions to which Canada is a signatory.

• (1650)

We analyzed the bill from the point of view of several perspectives.

First, was it true to Canada's traditions and set of values around openness to immigrants and refugees from around the world? Did it fulfil our commitment to celebrating, respecting and enhancing the multicultural diversity of this land? That was the first criteria we brought to the bill.

The second was the issue that was raised by my other colleagues this afternoon already and that was: Did the bill, the new law, which we would have for many years to come, ensure that the authority rested in this place and that true democratic process was followed and adhered to?

The third criteria we brought to the bill was the belief that no bill could be entrenched into law that maintained any kind of bias, whether we were talking about gender, race or undue emphasis on wealth and economic position in society. If so, that bill would have to be changed to reflect those concerns.

I want to end on the three points I raised as priorities, which were: progressive immigration policy, along with of course an open humanitarian approach to refugees; legislative authority in this place with democratic process and adherence to human rights and civil liberties; and the eradication of any bias within the law itself. Those were our objectives and we failed miserably. The government failed Canadians by not ensuring that we went forward with a bill that had addressed all those concerns.

I look forward to continuing the debate and trying to improve the bill with the time remaining.

[*Translation*]

Mr. John Herron (Fundy—Royal, PC): Mr. Speaker, it is a pleasure to have the opportunity, especially at this point in time, to speak to Bill C-11 at report stage.

[*English*]

I have concerns with respect to the legislation which we are discussing at report stage. The Liberal Party of Canada has had a very strong reputation with respect to new Canadians throughout its history. After all, this is the party of Wilfrid Laurier, Mike Pearson and indeed Pierre Trudeau. From what we saw at committee for the most part, the irony was the Liberal Party of Canada was most reticent to support the rights of permanent residents and immigrants and moreover, the human responsibility with respect to refugee protection. As we go through report stage we will flesh out a couple of those issues on which clearly we should have spent more time.

I want to compliment the hon. member for London North Centre. He was very welcoming and collaborated in putting our debate together. The two immigration critics for the Canadian Alliance, who represent ridings in Saskatchewan and Manitoba, provided first class representation. I saw that across the board with the Bloc and very much with the NDP. We had an opportunity to have a very pioneering piece of legislation.

The reality is this the bill falls short of that particular mark. These days the government of this multicultural, multilingual land built on immigration sounds disappointingly less welcoming than it should. The minister of immigration's proposed reform of the 25 year immigration act, Bill C-11, falls far short of the standards which Canada should use in treating immigrants and refugees to this country.

• (1655)

As Progressive Conservative opposition critic on the immigration committee, I sat and listened to the testimony of over 150 witnesses and groups. They almost all repeated the very same serious concerns. They were concerned that parts of the bill were draconian and even un-Canadian. Even Liberal members on occasion referred to the bill as being un-Liberal. That was the result of the testimony which we heard.

We had a myriad of caring Canadians, who embraced human diversity and human rights, say that this bill missed the mark to protect refugees to the degree that we should. I would like to add quite clearly and succinctly that refugee rights are in fact human rights. Our inability to protect refugees in need, and by perhaps not having the appropriate checks of due process in place, can result in the torture, injury and even death of individuals. That is why due process is a fundamental aspect of our judicial system. That is why due process is something we believe this particular piece of legislation is short on. I will have more to say as we proceed toward the next days.

I will refer to the particular motions in play that we have.

Government Orders

The first motion, Motion No. 1, by the government is somewhat technical and replaces lines 1 to 7 on page 3 of the bill. The original legislation stated “to promote international justice, respect for human rights and security”. The government is advocating a reversal of that. It is saying that we would, in co-operation with the provinces and territories, and of course we would agree with that part of it, secure better recognition of foreign credentials of new Canadians to make their integration more accessible.

Essentially the first motion, by reversing the language, speaks to the potential security risks as opposed to the well-being and the good fortune the country has with respect to immigration.

The second motion, proposed by the Bloc, refers to lines 1 to 4 on page 5, clause 5. The motion calls for the Government of Canada, parliamentarians and particularly the immigration committee to have far more input and a much larger opportunity to participate with respect to reviewing the regulations.

Members may be aware that this piece of legislation is framework legislation. This means that it is not necessarily what is in the act that governs the bill, it is the regulations themselves. If these issues were done order in council and not scrutinized by the committee, the role of parliament would be usurped.

I commend the chair, and the immigration minister who is doing something that is quite uncommon. She is willing to provide the regulations to the committee for scrutiny before they are implemented and published in the *Canada Gazette*. That is not very common. I must give proper credit to her for what I consider a very progressive, yet conservative initiative.

• (1700)

I would like to refer to Motion No. 3 which is also a Bloc motion. It is an amendment to clause 19 on page 11, at line 11, which is the right of entry of permanent residents. This initiative actually dovetails with an amendment passed at committee which was introduced by the Progressive Conservative Party. I want to thank all members of the committee who supported that initiative.

Essentially it would provide a status document to all permanent residents. Once they obtain that particular position it would ensure that they could travel, work and make a valuable contribution, and their children could go to school in certain circumstances. As we know, there are a number of individuals who are sometimes caught in limbo and do not have the capacity to work or to educate their children and so on.

The Bloc motion refers to the right of entry for refugees in addition to permanent residents so that they would have a status card, a travel card so that they could actually have the capacity to re-enter Canada. This recognizes that in this global world people do travel. Those people are protected. Those refugees clearly need to be able to get on with their lives after they have escaped persecution.

The fourth motion is quite simple. It is a technical amendment on an issue related to translation.

[*Translation*]

The wording must be consistent in both official languages, which is why the Progressive Conservative Party is in favour of this amendment.

[*English*]

I thank the House for the opportunity to participate in debate on Group No. 1. There are two more groups to go. We look forward to the debate.

Mr. Steve Mahoney (Mississauga West, Lib.): Mr. Speaker, thank you for the opportunity to put my comments on the record at this stage, as other members have done. I think I am the longest serving member of the citizenship and immigration committee and I must say that I have seen quite a change in the function of that committee.

I do not think there is another issue that causes such ranges of emotion and passion to come out, not only from Canadians who come before the committee but from members of parliament on all sides. I say that not having sat on the justice committee, which might be equally interesting and entertaining at times, or on the health committee in regard to certain issues.

Immigration is such a passionate issue for all of us because at the end of the day we are all immigrants or sons and daughters of immigrants or, at the very least, grandsons and granddaughters of immigrants. That is what this nation is built upon. The very foundation of this country is that over the years, regardless of who is in office, we try to develop policies that will allow for resettlement of people from other parts of the world. Whether it is the people who came here in the fifties, who could be called economic refugees in some instances, or the people who are coming here now from places in Africa or China who are modern day refugees, they are coming here looking for new opportunities and new hope. In my view, hope is probably the number one issue in citizenship and immigration.

I say that because I have seen such a change in the committee from the first year I was on that committee four years ago. It was incredibly partisan. We could not have a debate on any issue without shouting, frankly, even in committee. Often it happens in here and we know this is a little mini theatre from time to time, but it should not and often does not happen at the committee level. That is where MPs roll up their sleeves and get to work trying to work out the best solution for all Canadians. In my view the committee was dysfunctional at best in the first year.

• (1705)

I do not want to be unfair or unkind, but I have seen a terrific change that I think is due partly to some changes in personalities

Government Orders

and getting away from the clashes. Also, we have grown together as a committee to understand the importance of immigration to Canadians and to understand that partisanship, in the case of immigration, should be put on the back burner.

I extend congratulations. I tremendously enjoyed working with members opposite. The member for Fundy—Royal was great fun to work with and insightful. He put forward suggestions, a couple we might have adopted and many we did not, but he understands the process. The member for Winnipeg—North Centre, representing the New Democrats, did a tremendous job in representing her caucus and in putting forward arguments that of course many of us did not agree with, but that is the democratic way and the process. We had an opportunity to debate back and forth as to why we did not agree. Those members, with the member for Laval Centre, the member for Dauphin—Swan River and the member for Blackstrap, who was at most of the meetings I was at, all made contributions that are extremely important.

Those contributions are particularly important today because we are functioning in a political atmosphere that is in danger of becoming dysfunctional. What do we read in the newspaper every day? It is either something an MP said on this side of the House about someone, or a battle with internal caucus fights on the other side of the House, or something that someone did wrong. It is just not stuff, frankly, that should be of consequence or important to Canadians.

This is what is important to Canadians: amending the immigration bill and changing the system. I know that members opposite get tired of hearing the catchphrase about closing the back door to open the front door, but that truly is what the minister wants to do. It truly is what we on this side of the House want to do, and I believe members opposite want to accomplish the same thing.

How do we get there? We will arrive at this through a process. I unfortunately was unable to travel with the committee as there was a death in my family and I had to attend a funeral in England, but I did read the briefs. I certainly listened to many people who appeared before us here in Ottawa. As a person who has been on the committee for four years, I like to think I have some familiarity with the issues of concern.

However, the committee travelled in good faith across the land and met with people, but it did not have the luxury—and this is perhaps one of the downfalls of committee travel—of taking with it senior citizenship and immigration staff, the deputies and the lawyers, to respond to the issues put forward, whether they were from the Law Society or an immigration consultants association or just a Canadian concerned about immigration.

It all seemed like a great idea at the time. It sounded fair and reasonable, but when we finally got into the clause by clause back here in Ottawa, in which I had the pleasure of participating, we got the answers to the questions that were put forward and realized that

while it might have seemed like a good idea it posed some problems and difficulties.

It is not that we did not listen to Canadians at all. The member for Winnipeg North Centre says we have failed. I appreciate her perspective as a member of the opposition, but I strongly disagree with that statement. In fact I think we have succeeded beyond what I thought we might be able to accomplish in terms of making changes and amendments to an incredibly important act that affects every one of us and every one of our constituents. At the same time, we built some goodwill among members of all parties, even with me on the committee, so there is something to be said for that.

I want to address a couple of issues on which we spent an almost inordinate amount of time. One of them was the issue of foreign nationals. People from across the country who came before us in Ottawa said they did not like to be referred to as foreign nationals but as landed immigrants. If were to go to the ceremony at Pier 21 in Halifax or to Pearson airport in my community of Mississauga, we would meet people who have applied, who have sweated, who have gone through the proper process. They have not come in the back door. They have applied to become landed immigrants.

● (1710)

I look across the floor right now and I suspect there are people sitting there, including you, Madam Speaker, who took that step of becoming a landed immigrant before applying for Canadian citizenship.

People said they or their parents or grandparents were landed immigrants, not foreign nationals. It was almost an affront; people were offended to be referred to as foreign nationals and the government agreed with that. I certainly agreed with that.

What we are talking about in terms of definition might seem inconsequential and a small point, but philosophically it says to people who live in this country as permanent residents, which is exactly the same thing as a landed immigrant, that we recognize that landed immigrants are permanent residents. It is such an important thing.

Foreign nationals are referred to in the bill. If we are talking about refugees or illegal migrants who we are dealing with through a detention system or something of that nature, then we have to use that terminology because it is used internationally when dealing with other people around the world.

I know I have run out of time, but I just want to close on this section by saying that one of the major differences in themes in this bill, which we dealt with and disagreed with, is in regard to dealing with people who are permanent residents, who have been convicted of a crime punishable by 10 years and who actually served 2 years in jail, the 10 and 2 rule. We dealt with whether or not we should have the authority to deport those people without giving them a myriad of opportunities to appeal all the way up to the supreme court. It is a reputation that Canada has to change. This bill would

Government Orders

change it. If a person lives in this country as a permanent resident and commits a crime serious enough that the person goes to jail for two years, then the government would have the opportunity to deport that person without that person abusing the legal system. It is one of the key issues in this section of the bill.

Mr. Gurmant Grewal (Surrey Central, Canadian Alliance): Madam Speaker, I rise on behalf of the people of Surrey Central to participate in the report stage 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.

Before I begin I would like to thank the 150 witnesses, a broad spectrum, who appeared before the committee. They have given us insights into the practical life of dealing with immigrants and into the various angles or perspectives from which they looked at the immigration process.

I would also like to extend my thanks to the members, the staff and the researchers of the committee. Appreciation is also due to the chair of the committee, who has been very fair so far. I guess he would have been more fair if he had accepted all 30 amendments put forward by the official opposition, but I appreciate the work done by all the members as well as the co-operation that existed. The process was very productive and positive and really it was fun to work with the committee.

However, I am really disappointed that the output is not proportional to the input in the committee. Everyone worked hard, but the outcome could have been much better. I am a little disappointed with the efficiency ratio of output versus input in the committee.

While we are on thanks, I would also like to thank the chief critic for the official opposition of Canada, the hon. member for Dauphin—Swan River, who really worked very hard on the committee. He put forward over 30 amendments. All those amendments were to the point. They were very serious and non-partisan amendments and I regret that most of them were not accepted by this weak Liberal government.

• (1715)

While the bill has much needed changes with respect to immigration to Canada, which I acknowledge, it also has serious flaws. I will be talking about those flaws at third reading of the bill if I get the opportunity. For the time being I will say that while the legislation may be well intended its outcome may not serve its stated purpose.

Immigration to Canada should be simple. It is a matter of common sense. Either the criteria to enter are met or are not. When legislators are working hard on the bill they need to use common sense and put various aspects of the bill in perspective.

The lack of clarity, prudence and real enforcement behind the legislation will ultimately cause more trouble than the legislation it purports to replace. Bill C-11 will not deliver what it intends to deliver without proper accountability and management in place.

The minister has been talking about front door and back door scenarios. Let me remind the House, although I am sure members who have been here for a long time will remember, that when I was first elected in 1997 I gave an analogy in my first speech on immigration that the immigration system in Canada was just like a home.

When a person knocks on the door or rings the doorbell the owner of the house has the opportunity to open the door and invite or welcome the person into the home. Sometimes the person is offered tea or coffee, a conversation may take place, and he or she becomes a guest.

On the contrary, it is surprising if the homeowner wakes up one morning and finds a stranger sitting on the couch in the living room having a cup of coffee. Perhaps the stranger discovered that the back door was opened, entered the house while the owner was asleep and sat on the couch.

I remind the House that with respect to our immigration process we have to open our front door so that legitimate immigrants similar to the ones who built the country can enter Canada through the front door and be productive. We should welcome them. We should also welcome legitimate refugees who come to Canada through the front door.

At the same time we must close the back door because we do not know who is entering through it. It could be a criminal, a bogus refugee, or anyone who is not wanted in the country.

In my speech in 1997 I urged the then immigration minister to open the front door and monitor them but to close the back door and plug the loopholes.

The minister borrowed my analogy and repeatedly made references to the front door and the back door. However she installed a revolving door between the front and back doors and prospective immigrants are caught in it for a long time because the system is plugged. The plumbing system in the immigration system is comparatively clogged.

There are many instances of appeal after appeal, just like someone peeling an onion one layer at a time. Sometimes people are caught in the system for eight, nine or ten years. I have given a list of 40 of my constituents to the minister who have been caught in that revolving door for 10 years or so. I am a little disappointed. To use my analogy, the minister should eliminate the revolving door, close the back door and open the front door.

Government Orders

● (1720)

There are four motions in this grouping. I will deal with Motion No. 4 first. It is an amendment to the French version. It is technical in nature. It is a housekeeping type of amendment. I do not have any problem supporting it.

Motion No. 3 in the name of the hon. member for Laval Centre deals with the right of entry of a permanent resident and reads as follows:

That Bill C-11, in clause 19, be amended by replacing line 11 on page 11 with the following:

“resident or a protected person to enter Canada if satisfied following”

In her amendment the words protected person and resident are added. Those who are under Canadian protection are refugees. They should be afforded the full extent of our protection. It should not be limited to those with status only.

When talking about refugees, Bill C-11 is a direct attack on legitimate refugees. We support and reaffirm our policy of taking in our share of genuine refugees but subclause 3(2)(d) states that Canada is:

—to offer safe haven to persons with a well-founded fear of persecution based on race, religion, nationality, political opinion or membership in a particular social group, as well as those at risk of torture or cruel and unusual treatment or punishment;

This translates into meaning that every criminal or otherwise undesirable person entering Canada who claims to be a refugee would be under Canadian protection from extradition to another country if there is reason to believe they would be under a threat of harm.

Motion No. 3 would improve the effectiveness of the bill. Our party will support the amendment.

The definition of refugee in the bill needs further clarification. Most Canadians know what a true refugee is. We will do 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 and years. The bill also gives refugees, as well as refugee applicants, full charter protection.

Motion No. 2, also in the name of the hon. member for Laval Centre, takes away the regulation making authority by order in council. Regulations should be made in committee. I was the co-chair of the standing committee on scrutiny of regulations. I can say that the government is in the habit of governing through the back door and not by debating regulations in the House.

[Translation]

Mr. Bernard Bigras (Rosemont—Petite-Patrie, BQ): Madam Speaker, thank you for allowing me to take part in debate on Bill C-11, even if my time will be quite limited.

Bill C-11 deals with immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger.

I am very glad to have this opportunity to speak to this bill. I remind the House that when I was the critic for my party a couple of years ago, I had the opportunity to debate this bill, which was called Bill C-31 at the time.

The purpose of Bill C-31 was to amend Canada's immigration law, which dated back to 1976.

We all agree that the time has come to review the legislation. Why? Because, as my colleague from Laval Centre pointed out earlier, those who live in an urban riding, especially in Quebec and in the greater Montreal area, realize that many citizens and families must face incredible tragedies and go through hardship because of the inconsistencies in the current immigration legislation.

● (1725)

With regard to the Immigration and Refugee Board, the minister tells us that from now on it will take 72 hours for a refugee claim to be filed with the IRB, which will have to bring down its decision within six to nine months. Why do we support an improvement in the process? Because the present system is much too slow.

IRB figures from December 1999 indicate that the average time to process a claim is about ten months. Right now, there are 7,000 asylum seekers waiting for a decision from the Immigration and Refugee Board, and this is in Montreal alone.

We can imagine that while a person is waiting for a decision from the IRB a certain degree of integration into the Canadian and Quebec society inevitably occurs, and we must not be indifferent to that. We agree that it is important to reduce the processing time.

Motion No. 2, brought forward by my colleague from Laval Centre, is an attempt to prevent the government from making regulations outside the legislative process. We would like the government to include these regulations in the future federal immigration act. Why? So that the legislation will be understandable and consistent with needs.

When I was my party's citizenship and immigration critic, I remember meeting privately with organizations such as the Canadian Council for Refugees, which is located in my riding. I took the trouble to meet with them in my office.

I started off by asking them “What do you think of the bill to amend the Immigration Act?” Representatives of these organiza-

tions replied “This is not an easy question to answer, because the bill is difficult to evaluate. The government wants to pass a series of regulations, rather than include important measures within the bill”.

This is why the member for Laval Centre’s Motion No. 2 is important. As parliamentarians, we must not be cut out of the loop. We must ensure that the bill is as complete as possible and not leave a large number of measures outside the process, outside the bill, in draft regulations.

Another important aspect of this bill has to do with automatic detention. It will be recalled that when the minister announced her bill a few weeks before the last election was called, her intention was clear. She was introducing a tough bill. Why? Because she naturally wanted to respond to the repeated demands from certain provinces west of Quebec seeking a tougher law.

This is consistent with other legislation, such as Bill C-7, which aims for tougher treatment of children. When I asked the government in committee to exclude minors from the detention process, I was told that this would be included in future regulations. What I wanted was for this to be a provision in the act. This would be a clear sign of the government’s willingness.

A number of international conventions are mentioned in the bill. I am thinking of the convention on the rights of the child—

• (1730)

The Acting Speaker (Ms. Bakopanos): The hon. member for Rosemont—Petite-Patrie will have three minutes and twenty four seconds left.

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

PRIVATE MEMBERS’ BUSINESS

[*Translation*]

INCOME TAX ACT

The House resumed from April 4 consideration of the motion that Bill C-209, an act to amend the Income Tax Act (Public Transportation Costs), be read the second time and referred to a committee.

Mr. John McCallum (Markham, Lib.): Madam Speaker, as I said a few weeks ago, I agree in many respects with the objectives of this bill, which would allow individuals to deduct a portion of their public transportation costs for environmental reasons.

The purpose of this legislation is definitely in line with the objectives of the government. Measures dealing with public trans-

Private Members’ Business

portation provide greater hopes than before, particularly since the President of the United States has rejected, at least for the time being, the Kyoto agreement.

[*English*]

In principle it is definitely on the right wavelength and certainly on the same wavelength as the initiatives of the government. The measures the government has put in place are arguably superior to the proposed bill in terms of achieving the desired consequences for the environment.

I will outline briefly a number of the government’s measures. I am not suggesting they are in and of themselves fully adequate so I will comment on possible future directions in which the proposals in the private member’s bill could play a part. However it would be premature to adopt the bill before considering all the alternatives.

In general, the government has committed \$1.2 billion over five years to environmental projects of one kind or another. I will mention just a few of these. The government has committed \$100 million to the sustainable development technology fund, principally to reduce greenhouse gas.

The government has also committed \$25 million and \$100 million respectively to the green municipal enabling fund and the green municipal investment fund which are both administered by the Federation of Canadian Municipalities. These funds help the municipalities to determine the feasibility of and best approaches to renewable energy, building retrofits, water conservation and so on.

The green municipal investment fund also supports projects in areas such as energy and water savings, urban transit, which is related to the proposed private member’s bill, and waste divergence to strengthen the sustainability of communities.

Other measures announced in the budget tried to achieve similar ends. The budget provided \$210 million over three years for the renewal of the climate change action fund and other federal energy efficiency and renewable energy programs.

Finally, the budget expanded the existing federal green energy procurement pilot initiatives. These measures were supplemented in the fall economic statement and update with the announcement of a \$500 million federal contribution toward the national implementation strategy on climate change.

When we put all those measures together they will contribute in a substantial way to reducing gas emissions in the transportation, electricity, oil and gas, buildings and agriculture sectors. They will also support Canadian projects in other countries.

The government also announced a \$2 billion infrastructure Canada program to support municipal infrastructure development. Most urban transit investments are eligible for assistance under this program. Eligible projects include fixed transit assets, such as bus

Private Members' Business

lanes and rail lines, as well as transit vehicles which use alternative fuel.

• (1735)

All these measures show that the environment is a high priority for the Government of Canada. They are the result of extensive consultations with various stakeholders and we in the government think they are likely to achieve a greater impact at lower costs than the proposal in the private member's bill.

I do not want to give the impression that everything is done and that no more initiatives are needed. Because of the difficulties in the Kyoto area, initiatives involving public transit as a means of attacking air emission problems should receive a high priority.

What the member suggested is one alternative. The National Round Table on the Environment and the Economy is studying a large number of alternative tax measures under the general rubric of green taxes. There is also the possibility that initiatives in the area of public transit will come out of the task force on urban relations as well.

[*Translation*]

In conclusion, while the objectives of this bill are laudable, more studies conducted with the tools I mentioned are required to develop a program that will have a broader scope before we can decide whether or not we accept this proposal.

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Madam Speaker, it gives my great pleasure to speak to a motion put forward by my colleague from Jonquière, whose great concern for the environment has endeared her to everyone in this House.

So that everyone knows what we are talking about today, let me remind especially the heritage minister that we are dealing with Bill C-209, which would provide tax benefits to those who use public transit. I am told that the heritage minister likes to use public transit, that she takes the subway or the bus every time she can and that this brings her closer to her constituents.

The hon. member for Jonquière has introduced a private member's bill that would allow Canadians to deduct certain public transportation costs from the amount of tax payable.

This is an important piece of legislation that comes at a time when environmental issues are of great concern to society. As parliamentarians, we have to wonder how we can, individually and collectively, promote public transit. To promote public transit is to take any measure possible to reduce greenhouse gas emissions. In essence, the bill introduced by the member for Jonquière deals with pollution.

Let me tell you something. I am 39 and I have never owned a car. Early in life, I decided that I would use public transit. I never really had a car. I went to write the test and I had three months to practice. I have to admit that I was not a very good driver. It is out of courtesy for the community that I do not own a car. Beyond the wisdom of such decision, however, is concern for the environment.

Of course when you live in Montreal, it is easier to organize your life around public transportation.

I would like to digress for a moment, Madam Speaker. Every Sunday, from three to five o'clock, whenever I have a chance, I visit your constituency, because I train at the Claude Robillard Centre. I know that you share my loyalty to that institution, which provides Montrealers with access to equipment of great value.

I now go back to my main point. If, as parliamentarians, we were to adopt the bill put forward by the member for Jonquière, that would give us an opportunity to show our solidarity towards public transportation.

• (1740)

I want to cite one statistic that will particularly enlighten this debate: 80% of workers have access to subsidized parking. The fringe benefits package offered by employers includes the possibility of a parking spot.

We can imagine the kind of competition public transportation is against. This is why the member for Jonquière says that if nothing is done to correct the situation, there will be an increase in the use of cars.

The member for Jonquière was telling us about the following experience: in Quebec, all the cars that are driven to work would, bumper to bumper, represent a line from Montreal to the Gaspé peninsula. People are used to driving to work. The member for Jonquière is quite right to wish that as parliamentarians we could provide benefits that would be a little competitive.

I hope that all members in this House will want to immediately give a good hand of applause to the member for Jonquière, who has been forward looking and who is proposing through her bill that public transportation be competitive. I also ask the President of the Treasury Board to share our enthusiasm, because she is also from Montreal.

I have my own card here. A transportation card, that we call a CAM in Montreal, costs \$48.50. I buy it at the beginning of every month. I always use public transportation. According to studies, public transportation users pay about \$1,000 a year, while car users pay \$8,000. Can members see how it could be socially beneficial to reinforce public transportation and to have tax deduction measures accordingly?

Private Members' Business

The most interesting thing when we compare pollution generated by cars, as is the case for all those people who are driving to work, is that public transportation is responsible for 32% of greenhouse gas emissions. I know people living in the suburbs cannot always do otherwise. It is different for them than for people living in Montreal, in Quebec City or all those living in urban centres.

In these statistics, I noticed that a single bus can carry as many passengers as 40 or 50 cars. In addition, its toxic gas emissions per passenger kilometre are a mere one-quarter of those produced by the cars. When efforts are made to use public transit, it means as many as 40 or 50 fewer cars on the road.

Public transit is interesting not only from the point of view of savings, but also from an environmental point of view, since greenhouse gas emissions are reduced to one-quarter. I think this is the most valuable aspect of the bill introduced by the hon. member for Jonquière.

There is a link we should establish with Canada's international obligations. I think the hon. member for Jonquière was our environment critic when Canada signed the Kyoto protocol. If my information is correct, when the Kyoto agreement was ratified, Canada undertook to reduce by 6% domestic greenhouse gas emissions by 2010. If we compare the 1990s to the 2010 decade, we, as Canadians and Quebecers, should reduce our greenhouse gas by 6% under that international agreement.

However, the hon. member for Jonquière told us that if the present situation remains unchanged and nothing is done for public transit, Canada will not only be unable to keep its commitment, but emissions will actually increase by 35%.

● (1745)

What does that mean? It means that, in the end, we do not have much choice but to encourage more people to use public transit. Among the solutions available to us to meet the targets agreed to in Kyoto is the need to increase the use of public transit.

It is also interesting to note that the United States, a country to which we like to compare ourselves with regard to certain social measures, has measures similar to what the member for Jonquière is proposing.

I am happy to tell members that in the United States non-taxable bus passes have led to a 25% increase in the number of people who use the public transit system. That experience was conducted in a society similar to ours, with large cities and extremely busy roads. That initiative was successful in discouraging people from using their cars.

Since my time has expired, I will conclude by saying that I am hopeful that all members of the House will support Bill C-209 and that a few years from now when we assess the success of

environmental measures, we will be able to say that we as parliamentarians helped to reduce pollution.

[English]

Mr. Alex Shepherd (Parliamentary Secretary to President of the Treasury Board, Lib.): Madam Speaker, I am very pleased to enter the debate on Bill C-209. I congratulate the member for Jonquière for bringing this very important issue to the floor of the House of Commons.

I live not too far from Toronto and have occasion to go there from time to time. One thing we have in that area, which I am sure Montreal and other urban centres in Canada have, is traffic gridlock. There is an inability to travel down the roads in any kind of meaningful timeframe. More important, as other members have mentioned, is the impact on greenhouse gases and the fact that the family automobile is contributing to our environmental problems.

I am told that the average automobile will inject the amount of CO₂ emissions into the atmosphere equal to four times the weight of the vehicle every year. We can see that this is a detriment to our health and also to our road safety.

There are many different ways to deal with the whole issue of greenhouse gases. An area I am involved in is what we call ecological tax reform. That is the ability to shift taxes toward polluters and away from people who are undertaking environmentally friendly practices. It is in that vein that I look at this legislation and enjoy the ability to engage in the debate.

I have had the advantage of being on public transit systems all over the world. When I was in Moscow I was amazed that its subway moved about a million people a day. This is really a tremendous feat. It shows what could be accomplished if we could get more people onto the public transit system. It is a very useful piece of legislation.

The problem we have when we deal with these kinds of issues is the question of the choice. In this case it is the choice of different types of policies to achieve the objective of lowering greenhouse gases.

I started to study this legislation and some of the other studies which have been around. For instance, recent studies showed that on average a tax subsidy of this nature would only increase ridership by 15%. This was in view of the fact that ridership was at a very low level in the first place, with only 19% of available people using public transit. People who have studied this issue have said that this kind of incentive would have a very low effect on increasing ridership.

● (1750)

We have to look at it in that vein, because if it only increases ridership by 15%, it means that the other people who are already taking public transit are the ones who will get the lion's share of the benefit. We really have not influenced public policy or the culture

Private Members' Business

of people to be more sensitive to the environment and use public transit as opposed to vehicles. It is that issue which is essential to the whole issue of greenhouse gases. We need to change our culture toward how we handle ourselves in the environment and how we use our automobiles and so forth.

When I look at the legislation, it is unclear to me whether it will have that impact on changing people's choices about how they carry on in the environment.

I will take it one step further. This is an overview of the environmental concerns. When I started to read the legislation I got a little confused because it talked about providing receipts for transportation costs. For instance, from time to time I take OC Transpo. I buy some tickets at the store. I give the bus driver the tickets when I get on the bus but I do not get a receipt. That is the normal course of business on most public transit systems. The reality is in a majority of cases people do not have receipts. However the legislation requires people to provide receipts for this tax deduction.

It talks about reasonable amounts paid by the individual in the year for the use of public transit. I do not know what reasonable means. However it is clear to me that the income tax system is designed to find people's taxable income, and taxable income is usually considered to be earnings from employment. We do give some a blanket deduction for employment expenses. The bottom line is that we pay tax on the balance.

The legislation would change that to some significant degree in the sense that it would allow people to claim expenses which would be personal in nature. For instance, if somebody went to a hockey game in Montreal, presumably they would use the public transit and this would be allowed as a tax deduction. This seems a very strange way to reward people. I presume we are saying that if somebody else walked or whatever they would not receive a benefit from this. For that reason, these kinds of changes to the Income Tax Act would help one group of people and would be a detriment to another group.

Another issue we are talking about is that of people who live in urban areas where there is public transit available. My riding is fairly large and has about 125,000 people. However we have very little public transit. The only public transit we really have is when Toronto's GO system sends a bus to our area from time to time. In other words, it is basically a rural or semi-rural area. These people have no choice but to use their cars to go to work.

What the legislation says is that people who live and work in urban centres will be given a benefit and those who live or work in rural areas will not. For that reason it is a terribly unfair piece of legislation.

There is no question that we need more people using rapid transit. The question is, how do we do it? It may be effective for

rapid transit systems to use more alternative fuels like ethanol as opposed to gasoline driven engines. This might have a more positive effect.

There is a whole gamut of different policy tools that governments could look at in the fuel cell technology. The government has been very supportive of Ballard Power and developing that kind of technology. There are all kinds of other different technologies out there that desperately want our support.

• (1755)

Government to me has always been about choices. We obviously cannot accomplish all the wonderful things we would like to do to reduce greenhouse gases. It is clear that we must start doing more than we are today.

The member has not mentioned it, but I suspect we are talking about millions of tax dollars going into a project of transit passes, only to attain an increased ridership of no more than 15%. We may well ask if we could take the same money and use it more effectively in new types of technology to reduce greenhouse gases.

Vancouver is debating municipal legislation that would require a special driver's licence to drive in the city. That would represent a quota system in which only so many licences would be issued and a person could not drive in downtown Vancouver without one. It is a way of pushing traffic out of the downtown core.

We need to put more emphasis on public transit. One of the things I am trying to do in my riding is get the VIA Rail train to be a commuter train. That would be a positive way to get people off the roads and onto the rail system.

First, giving an incentive for transit passes would not achieve a great deal. Second, it would give benefits to people who already use public transit. Third, it seems unfair because a lot of communities in Canada do not have the advantages of public transit.

In conclusion, I am opposed to the legislation although I thank the member for Jonquière for bringing the issue to the floor of the House of Commons.

Mr. Gurmant Grewal (Surrey Central, Canadian Alliance): Madam Speaker, I rise to participate in the second hour of debate on Bill C-209. The purpose of the bill is to allow tax reductions for users of public transportation services in Canada.

I begin my remarks in support of the bill by congratulating my colleague, the hon. member for Jonquière, on her hard work in bringing the matter before the House. It is a notable effort to protect our environment. People where I come from highly appreciate the opportunity to weigh in on the matter.

Private Members' Business

It is a very simple bill. It proposes to enable Canadians when filling out their income tax returns to subtract a percentage of the money they pay for public transport from the amount they owe in taxes.

In 1999 the House of Commons, by a vote of 240 to 25, adopted a motion asking the weak Liberal government to review the issue of tax exemptions for users of public transportation. However the Liberals have done absolutely nothing about it since passing the motion.

In the lower mainland of British Columbia where I come from, transportation is a very serious problem. The city of Surrey is one of the fastest growing cities in Canada and traffic congestion is a very real concern for the people there. Transportation is a very serious issue for all the population of British Columbia's lower mainland.

The Greater Vancouver Regional District is planning to extend the TransLink service deeper into our lower mainland to connect commuters to downtown Vancouver. In fact, construction is going on. However there is no federal government support to encourage this type of extension which would take traffic off our already congested highways and streets.

To assist in paying for the infrastructure extension, the Greater Vancouver Regional District was planning to levy a vehicle tax on users.

• (1800)

Members can imagine how annoying it was. It was a very irritating idea. People were very upset about a levy on their vehicles. There was a huge public outcry for even suggesting that another tax must be paid by transit link commuters. I am surprised that this public outrage has not made any impact on the Liberal government in Ottawa. From its point of view, all the money it collects from gasoline taxes goes to general revenues. The government does not have the courtesy to put money where its mouth is, where there is a high demand, a high need, in our infrastructure development and public transportation.

Last November during the election the finance minister flew in a helicopter over the city of Surrey. He wanted to get a tour of the city. Probably he saw there was not enough support for him and his party in that area, so he chose to tour the city by helicopter. He admitted to the media that he was not aware of the transportation needs of this area. Talk about alienation. I do not want to elaborate on that, but he is a federal cabinet minister and claims he was not aware of the transportation concerns of British Columbians living on the lower mainland.

I challenge the finance minister on what he saw at that time. He is aware of the needs of transportation in that region. What has he done so far or what is he planning to do in due course? I am asking today: what is he prepared to do about the problems he saw during his trip?

When we compare the tax on gasoline with the tax in the United States of America, we see that 95% of the revenue in the United States is spent on roads, on highways and, most important, on public transportation. In contrast, in Canada something like only 3.5% of the revenue from gasoline taxes is invested in roads, highways or public transportation. On one side, south of the border, it is 95% and here at home in Canada it is just 3.5%. There is a big divergence or gap in the way that revenue is invested in transportation and so on.

This is a very good motion. At least it encourages commuters to use public transportation. Again, though, it is the responsibility of all levels of government to make sure that infrastructure development is there and that the public transportation system is there when the public needs it.

There are many benefits of adopting this motion, particularly in terms of pollution control, health and the environment. I will give some statistics on what is happening in Canada with respect to these three things I mentioned. Seventy-five per cent of Canadians consider that air pollution affects their health and 16,000 Canadians die prematurely every year because of the poor air quality. Between 1980 and 1990 the number of children hospitalized because of asthma increased by 23%. Health costs resulting from automobile use in Canada reportedly total over \$1 billion a year. Motor vehicles are the principal source of greenhouse gas emissions, accounting for 32% of the total amount. A single bus can carry as many passengers as 40 or 50 cars. It is equivalent to that. Its emission percentages per kilometre are only one-quarter of those of cars and other vehicles.

This bill is an ideal tool for meeting our Kyoto commitments. We promised that by the year 2010 our emissions would be 6% lower than 1990 levels, but if the current situation continues Canada will actually exceed those levels by 35%. Rather than a decrease of 6%, experts estimate an increase of 35%. That is very alarming.

• (1805)

There are certain economic benefits. Some 80% of people who travel to work are entitled to a subsidized parking space, while very few workers receive any benefit for using public transportation. When workers do receive such benefits they are required to pay taxes on them whereas most people who are entitled to a subsidized parking space pay no taxes on that benefit. This situation greatly discourages the use of public transportation.

Public transportation provides access to urban centres, thus promoting the development and economic growth of those centres and communities. The bill would increase the use of public transportation services. In the United States, for example, tax free bus passes led to a 25% increase in the number of public transportation users.

In the U.S. there is a \$500 billion initiative to develop the transportation infrastructure during the next five years. I ask the weak Liberal government what its plan is. How much money does it want to put into this big investment area? Canada is the only G-8

Private Members' Business

country that does not have a national transportation infrastructure program. The Liberals have no plans to implement one. Bill C-209 offers one solution. I urge the Liberal government to stop resting on its laurels and do something to provide incentives to promote the use of public transportation in Canada.

I will also very quickly highlight the fact that I had a meeting with the disgruntled B.C. public transportation employees who are on strike. Of the three levels of organizational structure, they did not know who their bosses were. There is no responsibility at any level of public transportation organizational structure. I urge the federal government to show leadership and address the issue.

[*Translation*]

Ms. Madeleine Dalphond-Guiral (Laval Centre, BQ): Madam Speaker, I am very pleased to take part in today's debate on second reading of Bill C-209, an act to amend the Income Tax Act.

It is not every day that we have a private member's bill with such an objective. Why would the Income Tax Act be changed? To provide tax credits to people who use public transit to go work or for occupations other than work. We know that there are now a lot of volunteers.

Before going into this bill in more detail, I would like to take this opportunity to recognize the work done by my colleague from Jonquière. The hon. member for Jonquière was an extremely dynamic and active critic when she was involved with environmental issues. Everyone in the House surely remembers the determination and the passion with which she pursued the government on the issue of MOX. Our colleague is someone who believes that the environment is everybody's business, that it is the responsibility of each and every one of us.

If it is an individual responsibility, can you imagine what an essential responsibility it is for governments? There was a predecessor to the bill introduced today, which was proposed in 1999 by the hon. member of the NDP, Nelson Riis, who was a colleague of ours, as far as I am concerned, from 1993 to 2000.

At that time, the motion introduced by Mr. Riis called on the government to examine the issue of a tax credit for the use of public transit. That motion was very clearly passed: 246 yeas, 25 nays. It was quite a surprise.

• (1810)

What is even more surprising is that, since 1999, after recognizing the need for such a study, the government that was re-elected for a third term with a huge majority has forgotten everything about it. They do not talk about it any more.

We know that governments are like citizens. Sometimes they need incentives. The bill introduced by the member for Jonquière acts as an incentive. Will the government agree to consider and implement this bill? I wish I could count on it, because it would send a clear message to everyone in Canada and in Quebec.

We realize that the environment is increasingly deteriorating, especially in overindustrialized countries, like Canada and Quebec that are in the shadow of the United States.

The recent decision by President Bush to ignore the commitments made in Kyoto is very worrisome, just like the lack of a strong response from Canada to that decision.

Vehicles are accountable for 32% of all greenhouse gas emissions. Thirty-two per cent is a lot.

I have been living in Laval since 1967. In the last 30 to 35 years, I must say that the number of cars has increased. Of course, with the development of the suburbs traffic towards downtown Montreal has increased significantly.

In 1976, I could leave Laval at 7 a.m. and get downtown in 20 minutes.

Now when I come to Ottawa, and I do it at least once a week, I must be in my car by 6 a.m., and I can assure hon. members that I am not speeding; I cannot drive fast. It takes me between 40 and 50 minutes to leave the island of Montreal at 6 in the morning.

Does this mean that ten years from now people will have to get up at 5 a.m. if they want to avoid spending two hours to cover 20 kilometres?

My colleague is asking that there be a tax credit. The hon. member for Hochelaga—Maisonnette referred to subsidized parking spaces. Of course, here, as members of parliament, we have a parking space that is in addition to our salary. It is the same at General Motors. My point is that there are many places where this is provided.

The alternative is to get a bus pass. However, if I live in Laval and work in Montreal, I must spend twice as much money on that pass, because I must go from Laval to Montreal. Worse still, if I live in Laval and work on the south shore, I must get three different passes. These costs add up.

Why not recognize that a tax credit should be given to those who are lucid enough to decide to leave their car in the driveway and do their bit to help reduce pollution? Why not do that?

I know that the Minister of Finance has tremendous responsibilities. I know that tax abatements are very difficult to implement, but I also know that certain large corporations already enjoy sizeable ones.

Why not average citizens? Why do people who earn their living and must travel not get a break? Perhaps this would have some

Private Members' Business

effect on the thousands of motorists who jam the Jacques-Cartier, Champlain, highway 15 and highway 13 bridges every morning. Perhaps this would motivate them to do their bit too.

• (1815)

Personally I hope that the government votes in favour of this bill. We are about to head off for the summer and it would perhaps be a nice thing we could all do for ourselves to pass this bill and be able to look forward to a cleaner environment.

We know that asthma and allergies are on the increase. This would eliminate these problems for our young people. Our seniors, for whom air pollution is a big concern, particularly for those suffering from pulmonary or cardiopulmonary problems, as many do, might perhaps be able to enjoy a quiet walk through the parks in metropolitan Montreal. They could say "My God, the air is a bit better".

I know that I am dreaming, but when one stops dreaming, one has already died a little. I claim to be full of life, just as full of life as the member for Jonquière, and just as full of life as the majority of the members who are going to vote in favour of the bill introduced by the member for Jonquière.

Mr. Raymond Lavigne (Verdun—Saint-Henri—Saint-Paul—Pointe Saint-Charles, Lib.): Madam Speaker, I am pleased to speak to Bill C-209.

I am listening to members of the Bloc Québécois, who want tax deductions for public transportation. They talk of greenhouse gases and pollution. When people drive behind a bus and it sends a blast of air into their car, that is not very healthy.

My riding of Verdun—Saint-Henri—Saint-Paul—Pointe Saint-Charles is located near the Champlain bridge. While it takes the member for Laval 45 minutes on the autoroute to reach Laval, it takes an hour and a half to cross the Champlain bridge. Members can imagine how much greenhouse gas a body takes in there.

Before a tax credit is given, a proper public transportation system is needed. The member for Jonquière wants a tax credit, but I think we need light, rapid and pollution free, meaning electric, public transit to eliminate the greenhouse gases we get daily.

We have a light train project that starts at autoroute 30 and goes downtown; it will eliminate the greenhouse gases the buses emit. We have Mr. Chevrette's bill to restructure public transit. The member for Jonquière must have heard Mr. Chevrette say light trains were needed throughout Quebec.

Monorails, light, quiet and pollution free trains exist throughout the world. We in Quebec are 20 years behind in public transit. It is

therefore time to do something. It is time for new projects that will eliminate greenhouse gases.

Before tax credits are given, we must set up modern public transit, which the public will want to use, as is the case around the world.

• (1820)

When the Deux-Montagnes trains were put on the rail again, the number of cars had to be doubled. Imagine, twice as many cars had to be put on the commuter trains to Montreal. Let us not forget that there is still the problem of greenhouse gases.

Imagine if tomorrow we could have a public, electric, light rail transit system which could move about Quebec without noise and without pollution, like the one that is going to be put in using the Champlain bridge structure to carry commuters downtown. There ought to be another one, which would go east-west under boulevard Métropolitain, taking in Pie-IX, Henri-Bourassa, Avenue du Parc, joining Mirabel and Dorval, Dorval and downtown. Can we imagine what the Quebec of the future would be like?

In my opinion, before we start thinking about tax credits it is very important to invest in public transit in Quebec. In this connection, Mr. Chevrette has undertaken a magnificent initiative for improving mass transit, and I congratulate him on it. He did not increase the number of buses and cars by putting in more bridges. The commission looking into public transit said no to the construction of new bridges, and thus yes to modern noise and pollution free mass transit, electric transportation with no greenhouse gas emissions.

A bill such as the one we have before us today ought to focus more on a mass transit system that would be free of greenhouse gas emissions.

I heard the hon. member for Surrey Centre say earlier that the Liberals had no project. I regret to inform him that had he looked at our red book, if he had read it, he would know that it contains a paragraph referring to the need to encourage public transportation and those who are interested in creating modern noise free and pollution free transportation so that greenhouse gas emissions may be eliminated.

[English]

Mr. Scott Brison (Kings—Hants, PC): Madam Speaker, it is a pleasure to speak today to Bill C-209. I congratulate the hon. member for Jonquière for her consistent and strong commitment to environmental policy in the House.

I heard the Liberal member opposite boast of his government's commitment to public transit. The party that he represents actually

Adjournment Debate

committed a paragraph of verbiage to the public transit issue. I am certain that paragraph committed by the Liberals to the public transit system of Canada probably has not had the extraordinary level of impact on encouraging Canadians to take public transit that he may have expected. It is not the first time members opposite have been delusional about their party's red book commitments.

I commend our party's critic, the hon. member for Fundy—Royal, who has been so effective and instrumental in the development of our party's policies on environmental issues. In the last election our platform was highly rated by groups, including the Sierra Club, for its commitment to environmental policies.

On the specific issue at hand, that of incentivizing public transit through the tax system, my first gut reaction from the perspective purely of a tax system is that I do not like to see a tax code complicated through this type of Pavlovian tax policy where we encourage one kind of behaviour with one sort of tax policy and discourage another with a different sort of tax policy.

• (1825)

That being the case and given the overwhelming evidence that public transit is far less deleterious to the environment than individual automobile transit, the member's proposal is quite innovative and should be seriously considered.

I also see the potential for a tax break. Whether or not it complicates the tax code, we should always try to look for any tax break we might eke out of the Liberals. They are not biologically predisposed to lowering taxes by and large, so we should be supportive if they are embracing a tax reduction in any area.

I did hear the Liberal member opposite speak a few minutes ago of the emissions from public transit vehicles. He was disputing the information we heard earlier today relative to the overwhelming positive impact of public transit versus individual automobiles. He should remember that the emissions produced by a bus for the number of people in that bus on a comparative level have about 40 to 50 times less impact on the environment than individual automobile traffic.

While it addresses a very important environmental issue in urban centres, we also need a greater commitment to public transit in terms of a national infrastructure. It is a great notion to create incentives to encourage public transit, but we need a greater commitment on a national level to our public transit infrastructure.

This is becoming an increasingly important issue in smaller or growing cities and municipalities such as the greater Halifax area in Nova Scotia. From a fiscal perspective, if we look at the degree to which the federal government has cut back in recent years from transfers to the provinces, we see that the provinces have been forced into a position of cutting back transfers to cities. We as a country must take a serious look at a federal and provincial strategy to improve public transit infrastructure not just in the large urban

centres but in cities such as St. John's and Halifax to serve a wider cross-section of Canadians.

This brings into play the whole issue of how the federal government will deal with the growth or the emergence of city states in Canada, the consolidation of municipalities and the commensurate increases in responsibilities. Some would say that due to the commensurate increase in responsibilities there needs to be an increase in the level of power of some of the consolidated cities that have emerged.

That debate is fraught with all kinds of constitutional landmines. We should not allow the fear of constitutional difficulties to prevent us from looking at real solutions. We should work with our provinces, not ram solutions down their throats, to develop joint strategies to address infrastructure issues, in this case public transit.

All of us who have experienced increased traffic levels and environmental damage by growth in our cities realize that the hon. member's initiative could go a long way to improve the situation in terms of attracting more people to public transit. However we must make sure that we do not ignore the greater issue of ensuring through federal and provincial co-operation that the moneys are there for better public transit infrastructure across Canada.

• (1830)

[*Translation*]

The Acting Speaker (Ms. Bakopanos): The time provided for the consideration of private members' business has now expired and the order is dropped to the bottom of the order of precedence on the order paper.

ADJOURNMENT PROCEEDINGS

[*English*]

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

FINANCE

Mr. Loyola Hearn (St. John's West, PC): Madam Speaker, the question we are to debate this evening is one I asked of the Minister of Finance about the equalization process, especially as it affects the Atlantic provinces and in my particular my province of Newfoundland.

When I raised the question it was shortly after the Minister of Finance had met with the provincial ministers of finance in Halifax. The indication given by the press was that he had said he would not look at the equalization process.

The minister in responding said that was not the case, that he was always ready and willing to keep looking at the equalization process and that there was more money going into equalization

Adjournment Debate

today than ever before. To that I say whoop-de-do because as our budgets increase undoubtedly more money will go into the various programs.

The minister failed to mention the \$10 billion capped equalization fund. This past year the cap has been taken off and hopefully taken off for good. It is like a baseball cap in the wind: throw it away and let it blow away and go from there. It will give the provinces at least some extra funding at a time when funding was reduced significantly percentage-wise in relation to their total budget over the years.

The main part of the question I was asking in relation to equalization was that the clawback provisions be disregarded completely for provinces that were developing new resources. The provinces could hold on to the new royalties from these resources to build up infrastructure so that they could get on their feet economically and start being contributing partners in Confederation.

What happens right now in places like Newfoundland and Nova Scotia where they are developing the rich oilfields off their coasts? From every dollar they make Ottawa takes back 75 cents or 80 cents. In some cases as they develop new, rich mineral finds Ottawa claws back up to 90%.

If a person works and makes \$100 and on the way home someone takes \$90 away, it will be difficult for the person to step up in society, to be a contributing partner. We see examples of that with people who receive social assistance from governments. They try to find employment and when they do they make a few dollars, only to find that whatever they make on the one hand is taken off their cheque on the other. They are no further ahead and they give up in despair. That does not help them financially, socially, emotionally or in any other way.

It is the same way with the provinces. Our poor provinces will always be poor unless Ottawa plays a part in letting them use their own money and not Ottawa money to get on their feet.

I said to the minister that a precedent had already been set. When Alberta came under the equalization program for a period of approximately eight years it received equalization as well as held on to its full royalties. The minister said that Alberta was subjected to the clawback and that I was wrong. I was not wrong. For a period of eight years Alberta received equalization payments while holding on to its royalties.

Basically the point the minister did not address was how we were to make the country better. We could make it a better country by

making all provinces contributing partners. We could do that if the government changed the financial arrangements under which we now operate.

• (1835)

Mr. Yvon Charbonneau (Parliamentary Secretary to Minister of Health, Lib.): Madam Speaker, we have to get the facts straight. Alberta received equalization for a short period of time prior to 1962 when resource revenues were not included in the calculation of equalization.

In 1962, when resources were brought into the formula, Alberta's equalization entitlements were clawed back. Accordingly, after 1964-65 Alberta no longer received equalization.

In 1967 equalization became a comprehensive program and virtually all revenue sources were included in the calculation of equalization entitlements.

[*Translation*]

Newfoundland and Nova Scotia want to be less dependent on transfers. It is a laudable goal, but these two provinces also want to keep all their revenues from natural resources, as do Alberta and other provinces. That is the situation at the present time.

Newfoundland and Nova Scotia want equalization payments to be maintained at the same level despite the fact that they are getting richer. That is a problem.

The equalization formula is applied in a fair and equitable manner to all the provinces. As fiscal capacity varies from province to province, so do equalization payments. These variations reflect each province's capacity to raise revenues.

[*English*]

Furthermore, Newfoundland and Nova Scotia resource revenues already receive special treatment: equalization payments are not reduced dollar for dollar but only by 70 cents.

In conclusion, to provide more generous treatment to Newfoundland and Nova Scotia would be patently unfair to other equalization receiving provinces which do not have the benefit of rich natural resource sectors.

[*Translation*]

The Acting Speaker (Ms. Bakopanos): The motion to adjourn the House is now deemed to have been adopted. Accordingly this House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 6.37 p.m.)

CONTENTS

Wednesday, May 30, 2001

STATEMENTS BY MEMBERS

Armenia		Mr. Duceppe	4396
Mr. Assadourian		Mr. Chrétien	4396
Youth Criminal Justice Act		Mr. Bellehumeur	4396
Mr. Cadman		Ms. McLellan	4396
Quebec Biotechnology Innovation Centre		Mr. Bellehumeur	4396
Ms. Allard		Ms. McLellan	4396
Crasdale Farms		The Environment	
Mr. Easter		Ms. McDonough	4396
Owens—Corning		Ms. Robillard	4397
Mrs. Chamberlain		Ms. McDonough	4397
The Environment		Ms. Robillard	4397
Mr. Duncan		National Defence	
Federation of Canadian Municipalities		Mr. Clark	4397
Mr. Wilfert		Mr. Chrétien	4397
Young Offenders		Mr. Clark	4397
Ms. Gagnon		Mr. Chrétien	4397
Liberal Party of Canada		Mr. Solberg	4397
Mr. Lavigne		Mr. Chrétien	4398
Youth Criminal Justice Act		Mr. Solberg	4398
Mr. Forseth		Mr. Chrétien	4398
Mack Alumni Association		Mr. Chrétien	4398
Mr. Lastewka		Young Offenders	
Public Service Alliance		Mr. Gauthier	4398
Ms. Lill		Mr. Chrétien	4398
International Trade		Mr. Gauthier	4398
Mr. Crête		Mr. Chrétien	4398
National Big Sisters Day		Minister of Finance	
Mr. Malhi		Mr. Kenney	4398
Disability Awareness Week		Mr. Martin (LaSalle—Émard)	4398
Mr. Thompson (New Brunswick Southwest)		Mr. Kenney	4399
		Mr. Chrétien	4399
ORAL QUESTION PERIOD		International Trade	
National Defence		Mrs. Tremblay	4399
Mr. Day		Mr. O'Brien (London—Fanshawe)	4399
Mr. Chrétien		Mrs. Tremblay	4399
Mr. Day		Mr. O'Brien (London—Fanshawe)	4399
Mr. Chrétien		Justice	
Mr. Day		Mr. Mills (Red Deer)	4399
Mr. Chrétien		Ms. McLellan	4399
Mr. Goldring		Mr. Mills (Red Deer)	4399
Mr. O'Reilly		Ms. McLellan	4400
Mr. Goldring		Library of Parliament	
Mr. O'Reilly		Mr. Bélanger	4400
Mr. White (Langley—Abbotsford)		Ms. Catterall	4400
Mr. O'Reilly		Energy Industry	
Young Offenders		Mr. Blaikie	4400
Mr. Duceppe		Mr. Tobin	4400
Mr. Chrétien		Health	
		Ms. Wasylcyia—Leis	4400
		Mr. Rock	4400
		National Defence	
		Mr. Casey	4400
		Mr. O'Reilly	4400

Justice	
Mr. MacKay	4400
Mr. Boudria	4401
Nuclear Industry	
Mr. Rajotte	4401
Mr. Goodale	4401
Mr. Rajotte	4401
Mr. Goodale	4401
Shipbuilding	
Mr. Dubé	4401
Mr. Cauchon	4401
Mr. Dubé	4401
Mr. Cauchon	4402
Trade	
Mr. Penson	4402
Mr. Chrétien	4402
Mr. Penson	4402
Mr. Chrétien	4402
The Environment	
Mr. Caccia	4402
Mr. Paradis	4402
Sports	
Ms. Gallant	4402
Ms. Bulte	4403
Ms. Gallant	4403
Ms. Bulte	4403
Air Canada	
Mr. Sauvageau	4403
Mr. Dion	4403

ROUTINE PROCEEDINGS

Chief of Defence Staff	
Mr. O'Reilly	4403
Government Response To Petitions	
Mr. Lee	4403
Statutes of Canada	
Ms. McLellan	4404
Committees of the House	
Fisheries and Oceans	
Mr. Easter	4404
Justice and Human Rights	
Mr. Scott (Fredericton)	4404
Finance	
Mr. Bevilacqua	4404
Industry, Science and Technology	
Ms. Whelan	4404
Foreign Affairs and International Trade	
Mr. Graham	4404
Statutory Instruments Act	
Bill C-355. Introduction and first reading	4404
Mr. Pankiw	4404
(Motions deemed adopted, bill read the first time and printed)	4404
Tobacco Youth Protection Act	
Bill S-15. First reading	4405

Mr. Lincoln	4405
(Motion agreed to and bill read the first time)	4405

Main Estimates	
The Speaker	4405
Motion	4405
(Motion agreed to)	4405

Committees of the House	
Official Languages	
Ms. St-Hilaire	4405
Motion for concurrence	4405
Ms. St-Hilaire	4405
(Motion agreed to)	4406

Points of Order	
Bill S-15	
Mr. Boudria	4406
Mr. Reynolds	4407
Mr. Ménard	4407
Mr. Bachand (Richmond—Arthabaska)	4407
Ms. Wasylcia-Leis	4408
Mr. Lincoln	4410
Mr. Caccia	4411
Mrs. Jennings	4412
Mr. Anders	4412
Mr. Anders	4413

Petitions	
Criminal Code	
Mr. O'Brien (Labrador)	4413
Human Rights	
Mr. Anders	4413
Labelling of Alcoholic Beverages	
Ms. Wasylcia-Leis	4413

Questions on the Order Paper	
Mr. Lee	4413

Motions for Papers	
Mr. Lee	4414

GOVERNMENT ORDERS

Immigration and Refugee Protection Act	
Bill C-11. Report stage	4414
Speaker's Ruling	
The Speaker	4414
Motions in amendment	
Ms. Robillard	4415
Motion No. 1	4415
Ms. Dalphond-Guiral	4415
Motions Nos. 2 and 3	4415
Ms. Robillard	4415
Motion No. 4	4415
Mr. Mark	4415
Mr. Fontana	4416
Ms. Dalphond-Guiral	4417
Ms. Wasylcia-Leis	4419
Mr. Herron	4420
Mr. Mahoney	4421
Mr. Grewal	4423
Mr. Bigras	4424

PRIVATE MEMBERS' BUSINESS

Income Tax Act

Bill C-209. Second reading	4425
Mr. McCallum	4425
Mr. Ménard	4426
Mr. Shepherd	4427
Mr. Grewal	4428

Ms. Dalphond-Guiral	4430
Mr. Lavigne	4431
Mr. Brison	4431

ADJOURNMENT PROCEEDINGS

Finance

Mr. Hearn	4432
Mr. Charbonneau	4433

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