



CANADA

# House of Commons Debates

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OFFICIAL REPORT  
(HANSARD)

**Thursday, October 18, 2001**

—  
**Speaker: The Honourable Peter Milliken**

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# HOUSE OF COMMONS

Thursday, October 18, 2001

The House met at 10 a.m.

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*Prayers*

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## ROUTINE PROCEEDINGS

• (1000)  
[English]

### CONFLICT DIAMONDS ACT

**Mr. David Pratt (Nepean—Carleton, Lib.)** moved for leave to introduce Bill C-402, an act to prohibit the importation of conflict diamonds into Canada.

He said: Mr. Speaker, it is a pleasure to introduce into the House the conflict diamonds act, an act to prohibit the importation of conflict diamonds into Canada.

Specifically the bill would prohibit the importation of rough diamonds and jewellery containing diamonds from countries that do not have a system of import and export controls.

This is an important issue and it deserves more public debate in Canada. I hope my bill will add to the important global discussions currently taking place through the Kimberley process.

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

\* \* \*

• (1005)  
[Translation]

### QUESTIONS ON THE ORDER PAPER

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

**The Speaker:** Is that agreed?

**Some hon. members:** Agreed.

\* \* \*

[English]

### POINTS OF ORDER

#### PRIVATE MEMBERS' BILLS

**Mr. Bill Blaikie (Winnipeg—Transcona, NDP):** Mr. Speaker, I rise on a point of order that has its origins in something that happened in the House on Tuesday when we were voting on private

member's bills. There was a procedure followed or a certain kind of behaviour allowed by the Chair at that time which I would like you to consider and rule on.

I will refrain from using any analogies that pertain to the political dimension of what happened and how it might have to do with sheep losing track of the shepherd, trained seals missing the cue from the trainer or anything like that. Far be it for me to indulge in such metaphors. However, I am concerned that members were allowed to vote after they had already taken a position; that is to say, after they had already abstained.

As you know, Mr. Speaker, on private members' motions we vote from the back. However what happened, I am sure by coincidence, on the government side was that people in the back row voted and then subsequently all the way down to the front row, and certain people abstained. They must have known that their row was voting. People on either side of them were rising to have their names recorded. They abstained and then, although I am not sure of the reason, there was a look of dismay on some people's faces in the fifth, fourth, third and perhaps even the second row when people in the first row voted in a way that was perhaps unexpected. Subsequent to that, after the vote had been taken, we had a somewhat appalling display of obsequiousness. People rose in their places to say that they meant to vote a certain way. Perhaps they were just daydreaming or mentally absent in some other way when the vote was taken.

That is fine but my concern is that those votes should not have been counted. Those people had a chance to vote. They abstained and their vote should not have been recorded. I believe it was recorded. I would certainly want to urge you, Mr. Speaker, to make a ruling or whatever it is in your wisdom you choose to do in order to make sure that kind of thing is not tolerated again.

• (1010)

**The Speaker:** The Chair had the advantage of having a brief opportunity to consider this matter because the hon. member did give me notice of his intention to raise this point of order before the House. I appreciate his references to lost sheep and so on.

*Government Orders*

The Chair has taken due notice of what has happened here. Sometimes in voting in the House members do forget to stand at the appropriate moment and miss the vote. We had for example the hon. the Deputy Prime Minister the other day stand up and indicate his intention to have voted for a government motion and the House gave its unanimous consent to allow his vote to be recorded. It was sought and obtained and the hon. member says it should be sought. Yes, in most instances I think it is, but not always.

The Chair, in anticipation of this question, last night made arrangements for words to be added to the instructions that were read out to the House before the vote was taken on private members' business last evening and I should perhaps read them for the hon. member for Winnipeg—Transcona and for the benefit of all hon. members. These words were added:

May I remind all hon. members that if they intend to vote, they must stand when their row is called.

I added again:

All members must stand when their row is called if they intend to vote.

Those words were added to those pious statements used by the Chair before a vote is called on private members' business. These are read out as instructions for all hon. members and I am sure they will be well heeded in future. If we run into this problem and the hon. member for Winnipeg—Transcona has to raise this kind of issue again, I feel confident that he will be able to make his point more quickly and perhaps ensure that if members are allowed to vote after their row has been called that the consent of the House is obtained first to permit that.

I notice that in this case, even if all the persons who stood and asked that their votes be recorded after the vote had been taken had been taken out, the result in terms of yeas or nays would have remained the same. In one sense I think the point of order is somewhat academic.

I know the hon. member is keen to stamp out this kind of wickedness. I know that effort is appreciated by all hon. members.

[*Translation*]

**Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ):** Mr. Speaker, on the same point of order, I would like to clarify something. I understand that the words were added, but what about the future?

Still, even if the words are read, they do not introduce a peremptory order; so, will you allow the vote of members to be recorded after the taking of a vote, as it was done? I think we need some clear guidelines on that point.

**The Speaker:** The idea is to ask that all members stand when their row is called if they intend to vote. If a member in the row being called does not stand at the proper time and later wishes to vote, that member will have to seek the unanimous consent of the House to do so. That is all. I hope this clarifies the issue for everybody.

**Mr. Michel Guimond:** It is very clear.

**GOVERNMENT ORDERS**

[*English*]

**ANTI-TERRORISM ACT**

The House resumed from October 17 consideration of the motion that Bill C-36, an act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other acts, and to enact measures respecting the registration of charities in order to combat terrorism, be read the second time and referred to a committee.

**Mr. Howard Hilstrom (Selkirk—Interlake, Canadian Alliance):** Mr. Speaker, we return today to speak on Bill C-36, the anti-terrorism legislation that the government has brought forward. Members of the Canadian Alliance have made it clear that we will support every effort to put in place legislation that is effective, efficient and does the job of reducing and containing the threat of terrorism in the country.

We know the effects are widespread. Today on the lawn in front of the House of Commons we have Air Canada employees at a special rally dealing with the tremendous impact that the terrorism has had on our airline industry. The Air Canada employees are seeking answers and solutions from the government. They not only want to know about the safety and security of the airline industry, they also want to know about their jobs and the impact on their families.

I will speak for a few minutes about Air Canada.

The government pushed forward the merger of the two airlines. Every time the government tries to do something in the area of running a business and making business decisions, it always seems to come back and bite it in the back end. What has happened this time is that Air Canada's debt is so massive and it has so many problems, partly resulting from the merger, that it could possibly result in bankruptcy.

In addition, when the government became involved, Air Canada ended up signing an agreement with their employees guaranteeing no layoffs for four years. No business would sign agreements like that except one that is tied in with the thinking that the government will forever take care of things. That is crazy.

My last point before I go directly to Bill C-36 is the situation with the Air Canada pilots. I have many Air Canada pilots living in my riding. They have pointed out that they have suffered and will continue to suffer as a result of merging the two pilot lists. It is totally unfair to the Air Canada pilots who have developed their careers and signed to work under certain situations, then, as a result of government actions, find it has been to their disadvantage.

I point this out because the terrorist acts have had a negative impact which has exaggerated the miscues of the government in that key sector of our economy.

I have a major concern with Bill C-36 is terrorists living in Canada. Certainly CSIS and the RCMP should provide intelligence gathering information on potential terrorists and make arrests at the appropriate time. There is a problem though.

*Government Orders*

I have noticed when Mr. Elcock has appeared before a committee, his position has been that he is an advisor to only the government and not to committees or anyone else. I find it strange that CSIS takes this position. Why can he not be more forthright with members of parliament who are also responsible for this anti-terrorism legislation?

Another area I have a concern with is the issue of the extradition of terrorists who are wanted in other countries and what the response of Canada will be to this, particularly when there is capital punishment in the country in which the terrorist has been charged.

●(1015)

The legislation does nothing to remedy the current extradition situation resulting from the Supreme Court of Canada decision referred to in the *Burns v Rafay* case. Since that decision, Canada has become a safe haven for criminals, including terrorists, who would seek to avoid the death penalty. The legislation is really needed to address this issue.

I do not know if the government fully appreciates the seriousness and the level to which we are open to terrorist attack in Canada. We have seen it around the world. Some countries have been living with it for years with events such as car bombings. These are the kinds of things terrorists do.

I do not know if the government is concerned to the point of bringing in legislation that is really required. Dealing with the issue of extradition is one on which we have to be black and white. A terrorist is a terrorist. If the evidence and charges are in another country, Canada should extradite the terrorist to stand trial, no matter what the penalty is, including the death penalty.

The legislation also has problems in guaranteeing reliable and long term funding for frontline workers in the war against terrorism. The frontline workers are the security people at our transportation points such as airports, railways and buses. We also have many people in the intelligence services of CSIS and the Royal Canadian Mounted Police.

I noted this morning that in the United States, and it may not be a terrorism issue, a bus was hijacked.

The second thing I would like to talk about briefly is Canada's food supply. I am the chief agriculture critic. This perhaps has not been spoken about to this point in any great depth. However, in the fight against terrorism, the United Nations FAO, food and agriculture, recently stated that it would put in place a rapid response type team to assist countries to immediately respond to bioterrorism in the world's food supply. This is not just for individual countries. Canada has the food supplies for our population. However, there are some countries that are not as fortunate. Whenever we have asked the agriculture minister what he is doing, we get a non-answer, and *Hansard* refers to that.

I will bring up the issue of our federal veterinarians, and I am sure the agriculture minister is listening to this. They have gone for years without a contract. If we have a bioterrorism attack against our livestock industry, has the government done anything about arranging for an agreement with veterinarians in the cities, who have cat and dog type services, to go where the main terrorism act would probably take place, and that is on the livestock industry?

These are questions that are not security sensitive in the sense that they cannot be released to the general public to reassure them that the government is taking good and proper action and is prepared.

●(1020)

It is time that the government was more forthright with Canadians and members of parliament on this whole terrorism issue.

[*Translation*]

**Ms. Monique Guay (Laurentides, BQ):** Mr. Speaker, before I get at the heart of the matter, I want to say that our thoughts, our prayers and our wishes for peace are with the Afghan women and children who are trying to find refuge at the moment in various countries—we saw this on television this morning. In many places, the borders are closed and they are unable to find refuge. My thoughts are with these women and children. I sincerely hope that they find refuge, food, shelter and, most important, decent care through this terrible crisis.

I believe we must be very realistic about Bill C-36. The winds of panic have blown around the world and I think we as legislators and elected representatives must spread a message of calm and logic in all this. It is true as well that we would never have thought of having to pass legislation on terrorism but we have to deal with the situation.

However the terrorist attacks in New York and Washington, must not change the principles guiding the way we live and do things. This would be the ultimate victory for the terrorists because we would have given in to terror.

We must, in our reactions, strike a balance between heightened security and freedom, which occupies a central and vital place in our society. We must protect ourselves, that is true, but to sacrifice our freedom would be to capitulate because freedom is something completely different. Our choices will not be about security. They will be about our society too, and it is in the context of this balance that we must analyze the bill.

We agree on the principle behind C-36. However, we have asked and continue to ask the government not to rush the bill through committee. It is an exceptional bill. It is new to the House, although we regularly vote on bills, but this one is not like the others and must not be treated like the others.

Yes, we must pass anti-terrorism legislation to deal with this crisis situation. However, we must also be logical. We must be sure that we are not violating the democratic rights of other groups. Let me give an example. If Greenpeace decided to stage a protest during an international conference taking place in Ottawa, and this law affected its democratic right to do so, and protesters were arrested based on provisions in Bill C-36, then it will not work. We must continue living in a democracy as we have done for years.

*Government Orders*

Yes, we must take exceptional measures, but once again we must respect the democratic rights of people, of the men and women who are here and who are law-abiding.

This being said, we are calling for a sunset clause. We want this legislation to be reviewed every year, if possible. Things will evolve. We do not know how the situation will change. We cannot tell what will happen tomorrow. We do not know if there will be biological attacks. We do not have any idea. There is a wind of panic blowing right now.

Clearly, everyone is becoming a bit paranoid. However, I believe that in time, calm will return. We must be careful. We do have to deal with the situation. However, this bill must not be carved in stone. A war should not last 100 years. I expect, I hope this situation is temporary. I hope we will find some solutions.

We are asking that the legislation be reviewed every year and that after three years it be brought back before the House for review and amendment, if need be. Things may evolve in a way that we cannot imagine today. Legislation such as this must not be left on the books indefinitely.

• (1025)

There could be a change of government. All sorts of things can happen. Therefore the act should automatically be brought back before the House so we can review it and make improvements, if necessary.

As we know, when we pass an act it is not always perfect. It is when we implement it that we can see whether it works or not. Therefore, we must make sure that we do not adversely affect the rights and freedoms currently enjoyed by people and groups of people.

In other words, we must continue to live normally while also protecting ourselves. If we have reasonable doubts concerning an individual or a group of people, we must be able to stop them before they commit terrorist acts.

I fully agree with that but we must also not go to the other extreme. A degree of balance is necessary and it could be achieved through a specific act within a well defined framework.

I suppose we will conclude second reading today and then the bill will be referred to the committee. What is worrisome is that the minister is already prepared to appear before the committee, this afternoon I believe, to discuss the legislation. Witnesses will be invited to submit briefs on this issue, but these people have not really had any time to prepare for this.

We know that preparation is important and that this is an exceptional act. It is unusual for us to make such decisions. We must give witnesses and the public time to properly examine the bill, and we must make the necessary amendments to protect the public and to protect democracy, because this is very important in a country like Canada or in a province like Quebec. We must absolutely be able to continue to live freely, while also making sure we can react quickly to terrorist groups or to specific terrorist acts.

I noticed in today's edition of *Le Devoir* that some Liberal members are also concerned about this bill.

We must be careful. Objections are already being raised, even on the government side. Members do not necessarily object to the bill, but there certainly is some resistance to it.

The bill should be amended and I hope that, for once, the government will listen to members, to its experts. These people know what they are talking about, many of them being lawyers, people who know the law. They say that we need a sunset clause because there is a concern. The bill must be in force only for a set number of years. Again, we must make sure not to carve this in stone. We must be able to react rapidly, to make changes.

Consequently, if many government members are prepared to put forward important amendments to the bill, the government may have no choice but to finally listen.

In conclusion, I hope that this bill, which seems to be unanimously supported in the House, will be much improved and that the proposals made by the Bloc Québécois will be taken into account, because they are crucial to democracy and freedom.

• (1030)

[English]

**Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance):** Mr. Speaker, the events of September 11 will forever be engrained in our minds. The lives that were lost will be mourned and remembered for years to come. Lives of entire generations have changed. Innocence, peace and security have been shattered. These terrorist acts need to be answered. To do nothing is to give these organizations the right to repeat these horrendous acts.

The United States has begun attacks on al-Qaeda training camps, communication stations and other known terrorist strongholds. I agree with its efforts as it seeks justice for the 5,000 plus men and women who died on September 11. Those lives must be remembered and their killers brought to justice. Canada must support the United States and its allies as they fight for freedom from terrorism for the whole world. Part of the struggle against terrorism must begin here at home.

A recent motion put forward by the Canadian Alliance made several key points. Those points were not extremist or discriminatory. We are not racists or bigots for asking questions on behalf of Canadians. Those points were put forward because this is a war like no other. There is no clear target or country. We are fighting against a militant and radical idea of extremism that seeks to destroy the freedom we so enjoy. This is a highly skilled effort that will see the terrorist element sought out and destroyed.

*Government Orders*

As Canada sends in troops and equipment, I commend those men and women of the Canadian armed forces for their involvement and offer our sincere thanks and gratitude for their dedication to our country. Their patriotism and devotion must be applauded. We must stand behind these brave men and women as they risk all to ensure the safety of others. Our thoughts and prayers are with those Canadians who have joined the allied forces in this most important battle against terrorism and the evil that has invaded our world.

The citizens of Canada are upset and concerned about their role and place in this traumatic situation. How will we get through this war as a country? Will we ever feel safe again? My constituents and all Canadians want to know if the armed forces and our protective service agencies will be adequately funded. If our armed forces were properly funded, there would be no need for personnel to stand in line at food banks or have wheels fall off trucks.

The government has yet to make a definite financial commitment to this fight against terrorism. Without proper funding the proposed legislation does little to ensure the safety of Canadians. A budget must be presented. Legislation in other countries requires the commitment of funding for security measures. The government remains unwilling to make this a priority.

Why does the government insist on being secretive about the economic state of our country? The United States and Great Britain have put forward comprehensive anti-terrorism plans. The United Kingdom bans terrorist organizations and provides a list of 14 banned organizations. Canadian legislation does neither. In the U.K. compensation is provided where private rights are interfered with, property is taken or damaged and the owner is not convicted of an offence. Canadian legislation has no such provision. The United Kingdom legislation limits the power to grant bail to certain higher court judges, thus limiting instances in which bail will be given. Canadian legislation does not close that loophole.

The government must continue to implement policies and procedures that would ensure the safety of Canadians such as safety at border crossings, airport terminals, in the air and on our streets. Known terrorists in this country must be found and detained.

Currently customs agents in Canada lack the training and means to help the fight against terrorism. If they are suspicious of a particular person crossing into Canada, they are told to let that person in and contact the RCMP. Since the customs agency has been amalgamated with Revenue Canada into the Canada Customs and Revenue Agency, it would appear that the focus of the agency has shifted.

Customs officers in the United States act as law enforcement officers. In Canada they seem to be mandated to act as revenue collectors for the government. Are we to continue to allow terrorists entrance into Canada as long as they pay the duty on their purchases?

•(1035)

Our entire mindset must change. Life can no longer continue as it did before the events of September 11. Security measures must be put in place immediately, such as requiring secure identification for re-entry into Canada by all citizens and landed immigrants. All finances and assets of terrorists must be seized. Deportation

procedures must be reviewed and improved. We Canadians must do our part to keep North America safe and secure.

The United States anti-terrorism legislation places emphasis on deportation. The Canadian legislation seems to ignore this aspect. Current deportation practices in Canada are inadequate. They are, however, beneficial to terrorists who enjoy residing in Canada. Canadian deportation laws will continue to make Canada a most desirable destination for evil if the laws are not amended immediately. With 27,000 deportees currently unaccounted for, how can the government ensure the safety of Canadians? How are we to know the future of deportations and if they will be effective?

My constituents asked me many questions last week about the war on terrorism and our country's involvement. Today I will ask the Liberal government the same questions.

With the expected expansion of the new war on terrorism, Canadians deserve an accurate accounting of the state of the nation's finances. When will the finance minister bring in a budget? Will the government assure Canadians that conscription will not be used as recruitment for the armed forces? Did the Prime Minister rule out conscription when he talked with President Bush?

Why is the government not supporting agriculture in Canada when we depend on farmers across the country to feed our people and our forces? How are we to feed our people when we are losing farmers every day? How can we look after Canadian food concerns when we are not doing this properly?

Do we have definite emergency plans for biological attacks? When will vaccines and preventive medicines be made available to Canadians? Will the RCMP and CSIS get enough funding to be able to hire the necessary personnel to provide Canadians the safety and security they need?

Canada must do its part during the crisis, but all Canadians deserve answers. On behalf of the citizens of Saskatoon-Rosetown—Biggar I ask for definite answers from the government.

•(1040)

[*Translation*]

**Mr. Stéphan Tremblay (Lac-Saint-Jean—Saguenay, BQ):** Mr. Speaker, normally I always say that I am pleased to rise to speak but today I am not because war is hardly a cheery topic.

A little while ago I was speaking with the member for Repentigny in the Bloc Québécois caucus about the work of MPs, and for no particular reason I said to him that it must be quite something to be a parliamentarian when there was a war going on. I had absolutely no idea that I would find myself in that very situation in two weeks' time.

*Government Orders*

Naturally, such a topic arouses many emotions in us, particularly because I am one of those who felt there were already quite enough problems. I was very worried about the direction in which the world was headed. I questioned many things that were going on in this society and I think I was not alone in doing so. Now, we find ourselves in a situation where the huge social, environmental and democratic problems we had have all been set aside so that we can focus on another matter, which has nothing very constructive about it.

When I hear President Bush say that we are going to win, I do not agree. I think that we are all losers; we have all already lost. We have the proof today, with this debate about a bill which deprives us of certain freedoms. I am not saying that I oppose the bill but I do have certain concerns about our freedoms. I am concerned for us but also about those now living in fear of being bombed.

I know that I have had my breakfast this morning, that I will have my lunch at noon, and that I will eat again this evening, but there are a great many people who are not this lucky. And there were already many many such people. The images we are now seeing on television are terrible. The only interesting thing, and it is something very disturbing, is that this whole business has brought to light the scandalous treatment of women in Afghanistan and throughout the region. The lack of respect accorded women by men in this part of the world is, in my view, a crime against humanity.

If we can find something positive in current events, it would be a greater awareness of the situation there. But will that be enough to solve the problem? In my view, it is essential that we should be aware of this situation.

We must find the means to fight against terrorism and the bill before us aims at fighting terrorism. The government is telling us that its goal is to keep terrorists out of Canada and to protect Canadians from terrorist activities, to provide the tools to identify, prosecute, convict and punish terrorists, to prevent the Canada-U.S. border from being held hostage by terrorists, impacting on our economy, to co-operate with the international community to bring terrorists to justice and deal with the root causes of the hatred that motivates them. This last point is most important.

I will endorse my party's position, which is to co-operate to have this bill passed. We are ready to listen to what will be said in committee. This will be a crucial stage that should not be rushed. It is important that we get a sunset clause. I think we need a clause that would allow the legislation to remain in force for three years only, unless the House provides otherwise.

The definition of terrorist activity is very broad and there is a risk of excesses against groups of people who are not terrorists. This is quite a challenge. We should define what a terrorist is. What I fear is that, with the media excesses these days, people could be singled out as terrorists when they are not.

For example, two years ago, young people stirred up public opinion with regard to the multilateral agreement on investment. They went so far as to commit what was, to a certain extent, an act of civil disobedience by demonstrating peacefully but clearly to show their concern. Would these people be considered as terrorists today? I, myself, one day walked out of this Chamber with my chair, which

is certainly not something people normally do. Could that have been considered a terrorist act? There are many disturbing questions like that, involving restriction of individual freedoms.

● (1045)

This is why I say yes, we must go ahead with this but we need safeguards to ensure that we can regain control if things get out of hand.

The Minister of Justice and Attorney General of Canada will be able to withhold information normally accessible under the Access to Information Act and no safeguards have been provided for.

The Minister of National Defence will be able to intercept international communications simply by sending a written request to the centre. He will not even need a judge's authorization.

This bill includes all the provisions found in the bill on the registration of charities, which is a bad one.

Certainly many provisions lend themselves to criticism, but this does not mean that we are against taking measures to stop terrorism. However, as far as the fight against terrorism is concerned, I believe that the bill does so in a repressive way. If we want to be serious and to really get to the heart of the problem, we also have to look at measures to prevent terrorism.

What causes such actions? What brings people to go so far? Therein lies a great challenge for humanity. Even if we have the best security systems in the world, our freedom will be affected. That is not the type of world I want to live in. What I want is to turn to those people who hate the United States and the western world so much. I want to understand countries like Afghanistan where people live in a terrible state of destitution.

Social problems are the breeding ground for fundamentalism. Over there, young girls and some boys too are not allowed to go to school, people cannot lead a fulfilling life, have no access to some degree of wealth and cannot satisfy their basic needs; it is not surprising that the powder keg explodes at some point.

I have always thought like that, probably after reading about what Nelson Mandela said "Security for the few is insecurity for all". I think this was proven right on September 11.

As far as access to education is concerned, I for one believe that education is the antidote to the problems of this world, to poverty and terrorism. I am a fervent supporter of education.

The other aspect is the religious one, and I will speak to that in a future speech because, unfortunately, my time is up.



*Government Orders*

• (1050)

[English]

**Mr. Maurice Vellacott (Saskatoon—Wanuskewin, Canadian Alliance):** Mr. Speaker, I am thankful for the opportunity to speak to the bill before us. We do want to get it into committee so that we can have it addressed there and move things along.

I will remind both our viewing audience and other members here, who are probably well aware of it, that the bill picked up on some good ideas from other parties, some from our Canadian Alliance. I think that is the way parliament should work. Many of the recommendations were made by the Canadian Alliance on our supply day not so long ago, recommendations such as providing for the naming of terrorist organizations, the ratification of the international convention for the suppression of the financing of terrorism and a ban on fundraising activities in support of terrorism. It is great when the House works that way and we are able to bring the pressure to bear on the party in power such that we get some of the legislation, some of the good stuff in there. I believe the bill is a direct result of that kind of pressure that we have been able to bring to bear on the government.

The minister emphasizes that the bill meets the reasonable test of the charter of rights. We feel that the emphasis should be on whether the legislation protects Canadians from terrorism. As the minister says, it should meet the reasonable test of the charter of rights, but more important, it should actually and practically do something to protect Canadians from terrorism with very concrete and specific measures rather than just offering feel good assurances.

As a caveat, the legislation will be of little value if the Liberals do not provide the adequate resources to our frontline forces in the fight against terrorism. It might be so much fine rhetoric and look good on paper, a nice piece of legislation to have sitting there, but we cannot actually do anything with it without resources. We cannot implement it and follow through if in fact we do not have the resources applied. There are plenty of areas where there is waste and squandering of money and those dollars could be set aside and prioritized for this very crucial fight against terrorism.

The Liberal government failed to ratify both the suppression of terrorist financing convention and the suppression of terrorist bombing convention until now. We have been after them. We were saying prior to this that it should have been done. It is regrettable, in a sense, that it took a tragedy of this proportion to finally get to the point now where these have been ratified and we are moving on to other things in the fight against terrorism.

If government had listened to frontline workers, to those who are out there day by day and know what kind of threats we face, if it had been listening to those workers who protect Canada from the terrorist threat and have over the years, but without adequate legislation and without the proper tools, this type of legislation would have been enacted quite some time ago. The United Kingdom legislation was enacted in July 2000. There is a good democracy in the world that often we follow when we see what good things it is doing. We should have been much quicker on the uptake.

Unfortunately, the legislation does not ban membership in terrorist organizations. We are basically hearing minister and others say that as long as people are not too active they can have a membership, that

they can even acknowledge that they have a membership, but as long as they keep inactive and not do it a lot, then that is quite okay. However we believe that if these are known terrorist organizations membership in such bodies should be banned outright.

We have called on the government to put in place laws which would ensure that criminals are extradited promptly and without reservation to countries that respect the rule of law. We are talking about countries that honour rule of law as we do. There may be some things that we can quibble about in terms of their laws being written slightly differently or even in terms of things like capital punishment and so on, but that should not be a reason not to extradite to those countries.

Bill C-36 does nothing to address that problem. As a result, Canada is now being regarded internationally as a safe haven for criminals, even though members on the other side may protest. It is a known fact that many people regard Canada this way, especially as our laws in respect of these things are not as tough as those of some of our neighbouring countries. Canada would be the place of refuge or the haven to come to as they plan and prepare for terrorist acts.

• (1055)

Another concern we have and which we want to have pursued and addressed in committee is that it seems the minister and her department have been sneaking in provisions limiting access under the Access to Information Act. This is of concern. We often have complaints because we are denied certain information that in our role as members of parliament we want to get at and need access to. That is bad enough, but it is especially bad when it comes to this area as to why the government cannot proceed or move on something. We would be denied access to the information by way of some of the provisions limiting access that have been snuck into the bill.

Compared to some other jurisdictions, Canada's bill simply falls short. The United Kingdom legislation provides a list of names of banned organizations. We think that should be done. Canada does not do it. It is a little too open, general and generic. We should providing at least a starting list of names and it could be filled out, amended or have additional names added to it by regulation along the way. We think our legislation should be that specific and that it would be more helpful for law enforcement and those who will have to be on the front lines in the fight against terrorism.

The United Kingdom legislation also provides for compensation where private rights are interfered with or property is taken and an owner is not convicted of an offence. Canada does not do that. We believe that is a safeguard. Authorities may with reasonable grounds pursue a threat with respect to terrorism and yet it may be found out in the aftermath that they overreached and did not have a thorough enough basis, so we think there should be something of an offset or compensation or way of making it up to those who have been in some way unduly interfered with. The process would be better if compensation or recompense could be given to those people. Canada's legislation does not do that and we like to hold up the example of the United Kingdom legislation which has that provision. We think is a reasonable one.

*Government Orders*

The United States legislation places extensive stress on deportation issues and Canada has long been lax in this. Canada has not addressed the reality that it has become a safe haven for those seeking to avoid the death penalty. People may commit some very heinous crimes, but by getting up into Canada quickly afterward they are out of reach of these other countries where the crimes may have been committed. We do not think that is right. If there is the general rule of law with good standards and so on, we should not forbid or prevent extradition to those countries.

The American legislation also requires the administration to commit resources. I mentioned that before. I think any reasonable common sense person would say that if we have some fine sounding words and rhetoric on paper and yet there is no backup, no follow through and no resources then it is so much wind. It is just that, rhetoric, and it does not actually create the result that we want. We believe that the Liberals need to make a concrete and specific commitment in terms of resources and actually follow through and get some of this stuff done. It may sound very good on paper but does not amount to much if in fact there are no resources.

In the days ahead it will be the bounden duty of the Canadian Alliance, the official opposition, to point out those shortcomings. We will be pressing in committee to try to get a good piece of legislation so that we can combat and defeat terrorism. We should do it together. I am grateful for the comments that other members have made and we will as a party press these issues and point out those shortcomings to in the end improve the legislation.

**Mr. Rick Borotsik (Brandon—Souris, PC/DR):** Mr. Speaker, I will open my remarks by saying I am disappointed that I have to stand in the House today to speak to this piece of legislation.

We know, and it is a well worn phrase unfortunately, that since September 11 our lives have changed, our country has changed and our freedoms since then have changed as well. It is a reality, unfortunately, that we have to look at ways of being able to protect ourselves, ways of being able to put forward laws and legislation that would prevent these types of things from happening in this great country of ours.

Prior to September 11, I think we took for granted the rights and freedoms that we had in this great country. We took for granted our ability to travel not only throughout the country but throughout the world. As of September 11 that has changed. We had a splash of cold water thrown on us, one that we have to deal with.

However I would also with some caution suggest that there is a balance in how we as Canadians react to the circumstances of today. We should react to it, absolutely, as we have, and I will talk to Bill C-36, but we also should be cognizant of the fact that we cannot overreact. There is still a life that we have to live, that my constituents have to live, that my family and members' families have to live and we should make sure that we continue to be able to practise those freedoms that we have. There is a fine balance, not only in our own lifestyle but also in the legislation before us now.

The events of September 11 dealt with and have made us focus on quite a number of areas that perhaps we did not focus on. Earlier I mentioned security, not only that of our own families but of our nation. We have heard about immigration issues in the House many times and we do know that there is immigration legislation coming

forward. We know that now the focus has also been put on food security, something that we have taken for granted in our country in the past. Now we look at food security as a very major issue. It is something that we have to look at not only as parliamentarians but certainly in our own lives.

Trade has been impacted substantially. We recognize now in the global world we have, and I know in my field of some expertise with respect to agriculture, that without having open, globalized trade, our producers would not be able to produce what they do at the present time. They would not be as successful as they are. That trade has been impacted because now we have some issues with respect to open trade and open borders.

We have talked about customs services in the House. It has been impacted, with the focus placed on border crossings that I have in my constituency, that others have in their constituencies which have been closed or if not closed certainly impacted to the point where the access to those borders has been lessened.

I do not have to mention air travel in the House. The majority of members here travel from their constituencies to Ottawa on a fairly regular basis and I know that they have recognized and certainly have identified certain issues with respect to travel, whether it be by air or even by other modes of transportation that have been impacted by what happened on September 11.

To say the least, there is the impact on the economy. Every day now since September 11 when we turn on a television set or look at any of the markets around the globe we recognize that there have been impacts on the economy, on businesses and on the employees of those businesses.

The point is that there are a lot of issues that have now come into a very clear focus because of what happened, but as I said earlier we must put it all in balance. Part of that balance is the legislation we have before us today, Bill C-36, the anti-terrorism legislation that has been brought forward.

First, I congratulate the government in bringing forward the legislation. I think that Canadians must recognize that there was a substantial amount of effort put forward by the government and the staff of the department in order to bring the legislation to the House today in the form in which it has been presented.

● (1100)

This does not just happen. Literally hundreds of people and thousands, perhaps tens of thousands, of man hours go into the presentation of this type of legislation. It was done on a fairly limited timeline. Perhaps we should have had a more extended term but we did not have that luxury. It had to be done and brought forward on a fairly concise timeline. Because of that there are certain areas we must look at fairly carefully before we send this piece of legislation through the House and Senate and make it law.

Let us talk about Bill C-36. It is 175 pages. I am not a lawyer, thankfully. However there are a number of lawyers in the House and elsewhere who will help us wade through the legislation. It is 175 pages and it affects 28 acts. I have never seen such an omnibus bill. In my experience, which has not been terribly extensive, I have not seen a bill of this nature come before the House. We must tread carefully and softly with it.

*Government Orders*

My colleague in the opposition coalition, the member for Pictou—Antigonish—Guysborough, is an accomplished individual. He is a lawyer and he is responsible for making our coalition cognizant of the issues in the legislation. I have a lot of faith in and respect for the member for Pictou—Antigonish—Guysborough. I will be taking his lead as to where we in the opposition coalition should be heading with the legislation.

Canadians and parliamentarians know that after the debate and second reading the bill will go to committee. There will be an opportunity for members of parliament and all individuals in the country to come before the committee as witnesses to put their views forward. This will be absolutely mandatory. The legislation would impact on our rights and freedoms. That must be brought out. We must know what we are dealing with in the legislation.

A pre-study is going on in the Senate which will look at all the nuances of all the clauses in the bill's 175 pages. It will look at how Bill C-36 would interact with the 28 other acts being affected and how that may or may not impact Canadians.

I talked about the need for balance. Let us not overreact to the point where we cannot live our lives the way we did prior to September 11. We not only need balance in our lives, we need balance in the legislation. As Canadian citizens we must make sure we are protected but we must also make sure our rights are protected.

I suspect there will be charter challenges. The Minister of Justice has already indicated that she believes the legislation will be able to withstand any charter challenges. That is yet to come and we will wait to see.

There are still questions which will need to be raised by my colleague and others. One of them is what the definition of a terrorist is. There is no real definition of terrorism in the legislation. There are clauses that indicate what cannot happen with respect to the terrorism component. It is important that we look at those.

Under Bill C-36 the Minister of Justice would be given absolute power with respect to the Access to Information Act. I have concerns about this because I use the Access to Information Act. Some ministers are unfortunately not terribly forthcoming with information. The Minister of Justice would have absolute power. There would be no opportunity for anyone else to adjudicate. Canadians run a severe risk by putting such power into the hands of one minister. This in itself would be difficult for the House to do.

I agree with the bill's preventive arrest measures. Perhaps I do not understand them as well but I know there are safeguards. We must make sure those safeguards are in place and that ability to extend detention from 24 to 48 hours has safeguards with respect to judicial access. That clause is important.

● (1105)

In closing, I thank the House for bringing forward this piece of legislation and ask all Canadians to please take a deep breath. We will get through this as we should. We Canadians offer all the people of the United States, particularly in New York City, our best wishes and sympathy for the events of September 11.

● (1110)

[*Translation*]

**Ms. Diane Bourgeois (Terrebonne—Blainville, BQ):** Mr. Speaker, I too cannot say that I am pleased to speak to this bill this morning.

Truly, it is with a heavy heart that I rise this morning. I am fully aware that we must fight against terrorism. When I say fight, I am using a metaphor, meaning that we must counter terrorism. However, I would like to draw the attention of the House to what women think of this legislation.

As members know, I am the status of women critic for the Bloc Québécois. As a woman and a critic, I believe it is my duty to draw the attention of the House to what women think of this issue and to their ideas, all the more so since they came to meet with us this week.

A number of Canadian women came to Parliament Hill to meet the party leaders and members. They came with suggestions, as they too are fully aware that we have to take action against terrorism.

This morning, I saw pictures of Afghan women and children in places where there is practically no water and no food, being bundled trucks to be sent back, sent away. Very often, those people have no food, they have no education and they have been living in dire need for 20 years.

For 20 years now, the Afghans have been fighting to go return to their lands and enjoy some freedom. This is heartbreaking. I think we have every right to ask why there are people living in such conditions? And this situation is not new.

What happened on September 11th—and I will once again use a metaphor—only lifts the veil on an area of the world where life is full of violence.

That said, on this day commemorating the date on which women became persons under the law—on October 18, 1929 the Government of Canada recognized women as persons—I say to myself, seeing all the women and children who know nothing but poverty, who are living in hovels, or even in vehicles, that they are not being treated like persons. They are living like animals.

When the women came to see us this week, they told us that they agreed there should be an anti-terrorism law. They are fully aware that the present situation is a highly exceptional one. They passed messages on to us, but they also spoke of the need for balance, prudence and co-operation with the international community, in order to deal with the causes of this terrorism.

The Bloc Québécois has heard and understood their messages. That is why, like my party and like these women, I agree with the principle of the bill we are debating today. There are, however, certain elements of it which require the prudence and balance to which they referred.

*Government Orders*

•(1115)

When the root causes of terrorism were mentioned, my colleague for Lac-Saint-Jean—Saguenay spoke of poverty and of education. This bill could perhaps include what those women asked us for, namely an aspect relating to co-operation with the international community on the aid to be provided.

I will move on to a few points that I will try to touch on quickly. What the women did not like about this bill was that it will be re-examined only in three years. That is too long a time. They are cautious and wonder what could happen in the next three years. What could happen during that time? The law could lead us to certain prejudicial actions. It could, perhaps, be revisited yearly, but this would be up to the parliamentarians to do so, by seeking a certain consensus and holding discussions with the public. Women are present in all segments of the population, and in particular in areas concerned with people's welfare.

This bill has been criticized by charities because of the secrecy of the legal procedure and the evidence provided by CSIS, which could avoid saying exactly why an individual was being imprisoned or why someone was considered a terrorist. Women that do not normally go on strike, such as nurses, for example, could do so, chant slogans and defy the law. According to this bill, they would be considered terrorists. This is what women are criticizing.

As concerns Quebec, women there were upset—as they told us clearly on Monday—that the bill was not drafted in co-operation with the government of Quebec. This government, it will be recalled, has social democratic policies. The women of Quebec believe that their government could have some power and direct the work of the minister in terms of international co-operation to fight the causes of terrorism.

Women did not just realize yesterday that actions were needed. But they do not like actions to progress. They want to be careful and tend to favour a certain balance. They want discussion and a public review of the law within a year only. They want a democratic and transparent process and to take part in the debate.

This reminds me of a story. I do not know whether those watching us know the story of Lysistrata. Aristophane wrote a play 2,411 years ago, in which Lysistrata was the central character. She was the wife of an important citizen of Athens, who, tired of finding herself alone in the house educating the children, cleaning and serving as general factotum, while the men were constantly at war, mentioned it to some of her women friends. They spoke of it to the women in the village. She had an idea. People are going to laugh. It is a bit of a comedy. Her idea was not to—

•(1120)

**The Acting Speaker (Mr. Bélair):** I would have loved to hear the conclusion but unfortunately I must interrupt the hon. member.

[*English*]

**Mr. Dick Proctor (Palliser, NDP):** Mr. Speaker, I am pleased to take part in this very important debate on Bill C-36. If we were to poll members of the House and ask them if they would want to ensure that at the end of the day we have struck an appropriate balance between eliminating terrorist activities and the protection of civil liberties, the vast majority of members on all sides of the House

would say yes. In other words there would be no substantial disagreement on that point.

However there would probably be some difference of opinion between where we find the appropriate balance between ensuring that Canada is doing everything that it needs to do to keep the undesirable terrorist elements out of the country while protecting the liberties that we have come to enjoy, respect and expect in our country.

I heard in the last few minutes some things that would suggest the balance might be difficult to find. I heard concern from the member from the Bloc Québécois about the need for parliament to examine this law earlier than three years, which is what is being proposed.

I heard concern from the Conservative Party that the Minister of Justice would be the one responsible for dealing with all elements of access to information. I believe that raises a bit of caution. My colleague from Saskatoon—Wanuskewin repeated yet again that Canada is known around the world as a safe haven for terrorists. It was noteworthy this morning to have heard Ward Elcock from CSIS saying before the immigration committee exactly the opposite, that it was not only unhelpful but untrue to characterize the country as a safe haven for terrorists.

I suspect the balance will not be all that easy to find and some of the critics of the bill have not been shy about coming forward and saying that this is a gross overreaction to the situation we have. They point to things such as preventive detention. While it is not as draconian as some, it moves Canada well along that road.

When I walked over to the House today I noticed the large demonstration that was taking place on Parliament Hill by Air Canada employees who were concerned about their future, partly in the wake of September 11 and partly by the problems that existed well before September 11.

One wonders whether in the future and after the bill becomes law those kinds of protests would be able to take place as freely and as openly as we would want to see happen and should happen.

I would be concerned for farmers, who have publicized their concerns about what has happened to the farm economy over the last few years by taking up protests and slowing traffic down on highways. Is that something that will continue to be allowed?

We have also had roads blocked in rural parts of Canada by environmentalists preventing lumber companies from going into the forests. One has to be concerned about the balance and how far the legislation would go. I am not trying to get people excited but we do have to be cautious. Other people are being very good in pointing out some of those potential concerns.

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● (1125)

The definition of terrorism or terrorist activity, because terrorism is not defined in what is proposed, is both vague and impossibly broad. It states that any action taken or threatened for political, religious or ideological purposes that causes property damage or disrupts an essential service facility or system would be considered a terrorist activity, and the police would have the power to arrest or detain anyone it believes may have information. This is a significant change from where we are now and where we have been for many years in this country.

It has been stated that the potential for abuse is high. For example, a former employee of the Atomic Energy Control Board of Canada was released after September 17 because he had the same first and last names as those suspected in either the terrorist attacks of September 11 or was on an FBI or Interpol list. That individual has not been reinstated. The company is not talking at all to the media or to anyone else. These are the kinds of problems we need to be very concerned about.

Bill C-36 suggests that police and other law enforcement agencies in Canada do not have sufficient powers to arrest. The civil libertarians who are speaking out against the bill remind us that is simply not true.

Will the curtailment of certain civil liberties win the fight against terrorism? I would point out that recent history is not particularly kind to those who hold that view. I reference the experience of the British and the Irish Republican Army in the mid-seventies and thereafter when the forces against terrorism continued in ever increasing amounts but the bombing continued.

It was only after the government went on a different course of action to find a political solution that it began to find a better solution to what transpired over the last 25 or 28 years in Northern Ireland and the U.K.

I consider myself to be a civil libertarian. There have been highly emotional and charged times when certain citizens in Canada had their civil liberties curtailed to a very large degree. I am speaking of the Ukrainians after the first world war; the Japanese Canadians before, during and after the second world war; and the militants in Quebec in 1970.

I was at an event in Toronto in 1970. Then Solicitor General of Canada Jean-Pierre Goyer demanded that the audience, who was very hostile to the introduction of the War Measures Act, name one person outside the province of Quebec who had been detained or had his or her civil liberties infringed upon as a result of the introduction of the War Measures Act.

There was no question that there were many thousands of people in the province of Quebec whose civil liberties were definitely violated at that time. We were able to point out to the solicitor general that there were indeed people in Ontario and other provinces who had problems in that area.

Whether they are Ukrainians, Japanese Canadians or Quebecers, as Tom Walkom from the Toronto *Star* pointed out yesterday:

In all cases the general public applauded these actions at the time. In all cases the general public decided later that the country had made a terrible mistake.

● (1130)

It is important that the bill go now to committee and be appropriately studied to make sure that at the end of the day we have a bill which protects the country and Canadians against terrorist activities but at the same time guards our civil liberties to the greatest extent possible.

**Mr. Monte Solberg (Medicine Hat, Canadian Alliance):** Mr. Speaker, I appreciate the opportunity to speak to Bill C-36. Eternal vigilance is the price of freedom as Thomas Jefferson once said. Members are correct to be concerned about the implications this legislation has for civil liberties.

I will point out that over 6,000 people died in the attack on the World Trade Center, the Pentagon and flight 93 which crashed into a field in Pennsylvania. This means that as legislators we should be prepared to take steps to ensure that Canada is not in any way open to those sorts of things in the future. We must do whatever we can to stop the scourge of terrorism in the world.

We are happy to see that the government has reacted in some way to some of the issues that the Canadian Alliance raised in the past. Government members will acknowledge that the Canadian Alliance on many occasions pressed some of these issues. We have made known our concerns about the lax screening of refugees and the inability of the government to keep track of what was happening to refugees who were denied refugee status in Canada. After raising these concerns we were roundly condemned and people accused us of having all kinds of motivations that simply were not true.

We pointed out that Canada had an inadequate military to protect its own sovereignty or our allies. This is what is happening now. When we raised these issues many people said they were unnecessary. It would be irresponsible if I did not point out that we have already raised these concerns.

We suggested that if these concerns were not dealt with they could have an impact on our ability to trade with our American neighbours. This is a very important relationship for the prosperity of Canada. Eighty five per cent of our exports go to the United States and NAFTA. This accounts for approximately 33% of our total wealth as a country and our trade relationships around the world.

If Canadians are to feel secure in allowing our border with the United States to stay open then they want to know we are doing a good job on the perimeter. The government has to ensure that people with malicious motives do not get into Canada and use our country as a launching ground for attacks on the United States.

These issues were pointed out in the past and were dismissed by the government. I am willing to overlook this, but I expect that from now on when we raise these concerns they will not be dismissed. It should not be suggested that we have other motives for raising these issues.

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I take issue with some of the comments made by the previous speaker from the NDP. He mentioned that he was a civil libertarian. He should know that civil libertarians do not believe that one should be cast in chains and sent to prison for the crime of selling one's own wheat. That is what the NDP believes. It believes that upholding the wheat board is more important than upholding the individual rights of people to sell their own property. I point out that inconsistency which my friend raised a few minutes ago.

The civil liberties concerns are real. I am a member of a party that believes in individual freedom. We believe in the long history of common law and the establishment over a period of 900 years of some very basic and important rights such as habeas corpus and property rights. We have to raise some of those concerns and point out that while we may feel we are in a time of emergency it does not mean that the government has carte blanche to trample over individual freedoms.

• (1135)

The member from the NDP pointed out some examples that we have seen in the past where the government has gone too far in trying to protect the public, to the point where it has trampled individual liberties and has gone over the line.

I acknowledge that it is always difficult to know where the line is but I am personally concerned about the idea of preventive 72 hour detention without the usual protections afforded in law. I think we should try to find some way of going to a judge ahead of time and having to meet some kind of evidentiary standard in order to get a judge to give us the go ahead to make those kinds of arrests. It is a 15 minute process, that is all, but it would ensure that someone outside the political system, outside the police, makes a judgment about whether or not somebody's fundamental rights are being trampled on. I am concerned about that. I raise that and want the House and the government to note it and take it into account so that when we go into committee those sorts of things can be addressed.

Other people have suggested sunset clauses for certain components of the legislation so that when this period of crisis has passed and things have settled down we can revisit whether or not that 72 hour preventive detention aspect of the legislation is completely necessary.

Because the legislation was drafted quite quickly, we may find other problems within the legislation. It may overstep the bounds of individual liberty. If that is the case, then I think the government should be prepared to revisit the legislation and take away some of the more odious aspects of it. We probably will not know that for some time because it was drafted very quickly and we have not seen all the consequences of what is entailed in the legislation.

Having said that, I also want to point out to members of the Bloc and NDP who have been pretty reluctant about some aspects of Canada's involvement in what amounts to a war in Afghanistan, that it is critical that Canada stand by its ally, the United States, and do what it can to support it in this war against terrorism.

That does not mean we should rubber stamp every decision that the United States makes with respect to going to battle or its own security. Not at all. I do think we have an obligation as right thinking people to stand by the U.S. in the face of an attack on its country. We

need to root out people like Osama bin Laden and, frankly, the Taliban people who support him. We must send a powerful message that this cannot happen again. That means devoting some of our own troops to the cause. We know that in the past the Americans have stood by us, going back to the second world war. We know they have stood by us when we have needed them. We have to be with them in their hour of need.

There are reasons beyond just the moral imperative for doing this. We also have a huge trade relationship with the Americans and they have to know that we will be with them all the way, no matter what. They need to know that we are prepared to secure our borders so that people who come to North America with the intent of reigning terror on the continent cannot just waltz through lax security at the Canadian perimeter. If the Americans have that assurance then this very profitable trade relationship that we have with them can continue.

If it was not for our ability to trade with the U.S., Canada would be in dire straits indeed. It is because we have this wonderful relationship that Canada is a relatively prosperous country. We must not forget that.

I say to the government and the foreign affairs minister that they should not be so dismissive of the idea of having a secure perimeter. They should not call it simplistic. It may not be sufficient but it is necessary.

• (1140)

We need to have a secure perimeter, one that has laws similar and harmonious to those of the United States, if we are going to keep that border between Canada and the U.S. open.

In closing, I will simply say that the official opposition supports these efforts of the government but with the caveats that I have mentioned. I encourage my friends in the NDP and the Bloc to be mindful of our moral obligations to our friends within the NATO alliance and certainly below the Canada-U.S. border.

[*Translation*]

**Mr. Odina Desrochers (Lotbinière—L'Érable, BQ):** Mr. Speaker, from the outset I would like to say that, when I got elected in June 1997 and when my constituents renewed their confidence in me in November 2000, I never expected that, as a member of parliament, I would have to take part in a debate on the security of Canada and Quebec.

On September 11, the terrible attacks on the United States have changed the world. Since that tragic day in our contemporary history, the people on the North American continent and those of the major allied countries involved in the fight against terrorism are worried. American media broadcast 24 hours a day images and news programs reporting on the fragility of world peace.

Here, in parliament, our work has changed. We now have to devote more time to House proceedings. On that subject, I have been very clear with the people of my riding of Lotbinière—L'Érable, when I told them that the time split between my riding and Ottawa had changed in response to that historic situation.

As a federal member of parliament, I find it important and even essential to take part in all proceedings, to debate and vote on every decision taken here in this House to combat terrorism.

First, I want to reiterate the position of our party following the September 11 events. The leader of the Bloc Québécois said, and I quote:

We must remember that the attack on September 11 is an attack not only on the United States, but on democratic values, on freedom and on every country that defends these values. It is an attack on all peoples of the world who aspire to justice, freedom and democracy, and especially those living under the yoke of tyrants and cranks, such as the people of Afghanistan, who face the totalitarian terror of the Taliban daily.

He also said:

A response is required—

The response must reflect and respect our democratic values. We must not fall into the trap of a civilization or religious war.

Already back then, our party was saying that a response and some measures were required. It asked the government to legislate to combat terrorism.

Our party also supported the efforts made by the federal government to freeze the bank accounts of groups or individuals directly or indirectly connected to the Islamic fundamentalist terrorist groups supported by bin Laden.

The Canadian government, like the governments of all the countries affected by the September 11 events, just introduced a bill, Bill C-36, which seeks to provide tools to fight terrorism more efficiently.

I want to say that I will support the principle of the bill at second reading. However, there are several irritants in this legislation.

First, can anyone say how long this conflict will last? The bill sets a rigid three year period, and this is dangerous. At a time when the situation is changing by the day and even by the hour, it is very important that parliament legislate with a degree of flexibility, so as to adjust to the daily or monthly changes of events.

We are currently in a crisis and we know that. However, Bill C-36 must not go against everything that was done to protect the fundamental rights that relate to individual freedom.

I am very concerned about this issue. This morning, I read in the newspapers that arrangements are already being made to ensure that the Senate begins its review of the bill at the same time as the House of Commons.

• (1145)

A special Senate committee was formed yesterday, before the Minister of Justice had even appeared before the Standing Committee on Justice. This is a departure from the normal procedure in the passage of a bill. It is a sign that the government means to move quickly.

I realize that this is an urgent situation, but the legislator should not take advantage of this context to make amendments the ramifications of which we will have to live with for years to come. I get very worried when I see that the Senate has already begun looking at the bill. There are fewer and fewer agreements reached with the other side of the House and now we see the federal

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government fast-tracking. I know that legislation is required. But we must take the time to analyze the situation.

There are a number of irritants in this bill. However, the best thing would be if we began right now by at least saying that we will introduce this bill for one year. At that end of that period, it will be brought back to parliament, analyzed and the necessary amendments made.

As I mentioned earlier, no one knows how long this conflict will last. Could the present strikes and the economic action being taken against terrorist movements produce results more quickly? If they could, so much the better, but the Canadian parliament will be stuck with a rigid piece of legislation cast in stone for three years. It makes no sense to proceed in this way.

Furthermore, according to this morning's edition of *Le Devoir*, there was even dissension on the other side of the House. The newspaper reported that:

—the member for Mount Royal, an ardent defender of human rights, expressed certain concerns about the new powers of investigation the legislation will confer: "Preventive detention and mandatory court hearings are two of my concerns, and perhaps a sunset clause is needed for provisions such as these—"

That is where the hon. member for Mount Royal stands. Some members opposite have at least enough courage to speak out. We are proceeding too fast with Bill C-36. While being fully aware that this is a matter of urgency, we must take the time to listen to experts and to ensure that we are not giving too much power to the Minister of Justice and this government.

If the bill, as drafted, is ever passed at third reading, history will deal harshly with Canada, and its parliament, because it will be said that, contrary to other countries, in order to benefit from an exceptional situation, it sacrificed some vested rights to protect Canadian citizens.

I was a reporter for 16 years and I know how important it is to know the meaning of the words we use. But I am very nervous when I look at the present definition of terrorist. It is so vast that it makes no sense. Right now, Bill C-36 does not have a clear definition of terrorist.

This is why the political party I belong to is supporting Bill C-36 in principle, but has serious reservations about several irritants that are included.

In conclusion, let me say that once we have studied and debated this legislation, we will have to deal with what is at the root of terrorism.

*Government Orders*

• (1150)

[English]

**Mr. Bill Casey (Cumberland—Colchester, PC/DR):** Mr. Speaker, once again I rise to talk about certain aspects of the terrorism circumstances we find ourselves in these days. Today we are talking about Bill C-36, the anti-terrorism act which affects, among others, seven laws: the Criminal Code of Canada; the Official Secrets Act; the Canada Evidence Act; the Proceeds of Crime (Money Laundering) Act; the National Defence Act, the Access to Information Act; and the Registration of Charities Act. It is hard to determine the impact on all those acts just by referring to Bill C-36. It is very complicated and it is going to take quite a while to go through it.

When I first learned of the reaction of the government by bringing in the bill, I was pleased with the idea and I still am. It is the right thing to do. But the bill is very complicated and it appears that the government moved a little too hastily in drafting it.

All of us recognize the very definite need to balance civil liberties with terrorism actions. In certain circumstances specifically, it seems that the government really missed the boat on the bill with respect to restrictions on civil liberties. Ordinarily I would probably be arguing the other way, that there is not enough attention to controlling terrorism and the criminal code directions and changes. In this case, some things are quite alarming and disconcerting to me. I am not a lawyer but I can read and I do find things in Bill C-36 which I do not like.

As a member mentioned previously, the definition of a terrorist activity is “an act or omission that is committed in whole or in part for a political, religious or ideological purpose, objective or cause, and in whole or in part with the intention of intimidating the public, or a segment of the public” and so on.

It is far too broad. I can think of lots of circumstances which are legitimate protests, demonstrations and actions by people that sometimes may be cumbersome and a nuisance, but they are part of our civil liberties and part of our right as Canadians to speak our mind and raise concerns.

Under the Canada Evidence Act changes, the bill states:

A minister of the crown in right of Canada or other official may object to the disclosure of information before a court, person or body with jurisdiction to compel the production of information by certifying orally or in writing to the court, person or body that the information should not be disclosed on the grounds of a specified public interest.

That means the minister can say that evidence cannot be made available because it affects a specified public interest. That could be anything from a political interest to a government agency or even a golf course. That is one clause we will be looking at to have changed and to focus on more closely in committee.

Under the Firearms Act, one of the clauses states:

Subject to subsection (4), the governor in council may exempt any class of non-residents from the application of any provision of this act or the regulations.

Canadians are required to comply with the Firearms Act but that clause says that non-residents may be exempt based on whatever reason they may come up with. I take exception to that.

With respect to the Registration of Charities Act, I get involved with this quite a bit. There are a lot of charities in all of our ridings that apply for special tax exemptions and incentives to attract donations to charitable organizations. This really homes in on the charitable organizations and certain things about it make me uncomfortable. It says:

The certificate and any matters arising out of it are not subject to review or to be restrained, prohibited, removed, set aside or otherwise dealt with—

• (1155)

That is a scary statement. Another clause states:

Notwithstanding subsection (2), the applicant or registered charity may apply to a judge for an order directing that the identity of the applicant or registered charity not be published—

If someone objects to a charity, that charity cannot even find out who is making the application to stop it from being a charity. I do not think that is the way we do things in Canada.

Another clause states that an order is not “subject to appeal or review by any court at the instance of a party to the application” and that the Minister of National Revenue may hear all or part of that evidence or information in the absence of the applicant and any counsel representing the applicant.

So many aspects of the bill seem to be secret and there is no opportunity to contradict or defend the statements that are being made. The decisions are not subject to appeal. The information is not subject to access to information. People who are challenged cannot find out who put forth the challenge and they have no access to the information afterward. It seems a lot of the information and regulations are contradictory to our way of thinking.

The bill states that the determination of the court is not subject to appeal or judicial review. The other day I read that the Canadian Bar Association said that the failure of legislatures to guarantee any review of circumstances and processes is unprecedented, unnecessary and inconceivable. That is exactly what this does. Over and over again the bill says that these decisions are not subject to review, not subject to appeal or any other avenue of reconsideration.

There are a lot of aspects about Bill C-36 about which we do not approve. Although it has obviously been rushed into existence, I am glad that the government has acknowledged that it has to go to committee. It will be reviewed there and perhaps the government will be more open to amendments than in the usual cases. It is important that issues dealing with civil liberties be addressed and protections be included for people who are challenged by unknown parties, unknown countries or unknown individuals.



*Government Orders*

Our position is that we support the concept of the bill. However, it will take a lot of work to amend it and we are glad it will be going to the justice committee.

Other aspects of the terrorism response by Canada concern me. One is that until recently the government continually stood and said that we have not yet been asked to participate, that we have not yet been told what to do. The government actually said that.

The government should be deciding what to do. The government should not be waiting for the Americans to tell us what to do. It should not be waiting to react. We should be a part of the plan. We should have been in on the planning from the beginning. Instead we got this incredible response by the Prime Minister who said that we have not yet been told what to do. To me the government has made a fundamental mistake in not being involved with the planning of the response to the terrorist actions on September 11 right from the very beginning.

The bill will be followed by another bill focusing specifically on transportation. That will have to address a lot of different aspects of our borders, our transportation, our safety and everything to do with our relationship with the United States in particular. We look forward to that bill to complement the bill that is before us today.

In any case, when this bill goes to committee we will ensure there is a balance between protection of civil liberties and an appropriate response to terrorism and that our law enforcement officers are given the appropriate tools to work with. We look forward to that.

• (1200)

**Mr. Keith Martin (Esquimalt—Juan de Fuca, Canadian Alliance):** Mr. Speaker, Bill C-36 is a groundbreaking bill which potentially will radically change the face of Canada, our rights and our security.

I want to discuss what September 11 was and what it was not. September 11 was an act of urban terrorism on a grand scale. The war in Afghanistan, although necessary to go after the cells of al-Qaeda and Osama bin Laden, is more for domestic consumption in the United States to show that something forceful is being done. That had to happen. Only a military option is going to be effective in going after the terrorists who have said that they are not going to negotiate, that they are going to blow up the negotiating table. That is what they have done.

Let us also deal with some myths. Was this an issue of American foreign policy? Those who claim that are dead wrong. American foreign policy was not responsible for what took place on September 11. It was an act of murder by people who are interested in power. It is true there are religious overtones to it but that is not what Osama bin Laden and his groups are after. They are after the removal of western influence from Arab states and Muslim dominated states. They want to ensure that those countries become in what their vision is nirvana, which would be a country like Afghanistan under the Taliban.

Under the Taliban the people are worse off than they were before, even under the horrible conditions the Afghans have endured for many years. The fundamentalist Islamic regime as supported by al-Qaeda and Osama bin Laden, as represented by what happened under the Taliban in Afghanistan, represents the worst that possibly

could happen and the worst perversion of the Islamic faith in a country. That is what he wants to do. He wants to make sure it happens in Arab states.

This was not an issue of poverty. Osama bin Laden is a man with millions of dollars. The Taliban is a corrupt group that has been raising money with drug profits from the sale of heroin for years, furthering their efforts and guerrilla warfare.

We also have to understand that the most pervasive element of the war on terrorism is not what is happening in Afghanistan. The most important war is the war on urban terrorism. That is the insidious war we are faced with. This will be a long war and that is why the bill is important. The long war on terrorism is a war on urban terrorism.

We know that 11,000 people have been trained by bin Laden and his groups in the art of mayhem, anarchy, bombings, killings and maimings. We know that those people have been installed all over the world. Mr. Ressay, who was caught with bombs to blow up Los Angeles airport, spent four years in Montreal before being called up. The bombers in Kenya and Tanzania had been installed underground in those countries for years before they were called up. The terrorists have been imbedded into societies all over the world to be called up at a moment's notice to kill innocent civilians and create chaos in the hope of influencing the foreign policy I mentioned before. They hope to remove western influence from Arab states and I might add, turn moderate Arab states to the fundamentalist vision they hold so dear.

We cannot allow that to happen. It violates the basic principles of humanity. We also have an obligation to protect Canadian citizens. The bill goes a long way toward that but we have significant concerns. The bill must strike a balance between our individual freedoms and our security. If necessary we must tilt toward security and the protection of life. If that is necessary, then an infringement on our personal securities to the minimum extent necessary will be required.

The problem with the bill is it does not provide the parliamentary and judicial oversight required to ensure the bill does not go too far, that the pendulum does not swing too far in the imposition and restriction of human rights. People have given their lives to ensure we have those rights in Canada today, rights that set us apart from draconian countries like Afghanistan under the Taliban.

• (1205)

We must protect those rights but we must do it judiciously and with the understanding that the right to human security and life is of paramount importance. We want to ensure that the bill does not impede or impose on our individual rights.

How do we defeat terrorism on a larger scale? We have to give CSIS and the RCMP the tools to do the job. They must have the resources and powers to investigate, engage in surveillance and apprehend those individuals within our midst today who would commit terrorist activities.

*Government Orders*

We must also give our defence forces the resources to engage in the domestic and international obligations we have. Unfortunately our defence forces have been gutted by political interference, mismanagement, neglect and the removal of budgets. The government has been warned about this problem since 1993. The Canadian Alliance has warned the government about cutting the number of soldiers and military personnel down to 53,000 and about the cuts to the budget. Our soldiers no longer have the tools to do their job and cannot fill their international and domestic obligations.

The Canadian public would be interested to know that our military today cannot meet or muster the forces necessary to help us if we have a significant domestic emergency. That is a serious problem.

On a larger scale, our foreign policy effort, as a country we must work with our partners in a new era of foreign policy. I firmly believe that today we are in an unprecedented state of building a new and more secure world.

After World War II there was a chance to build peace or to make the world less secure. The allies chose the peaceful path by introducing the Marshall plan that brought a Germany that was on its knees into the fold so that it could engage and integrate with western civilization peacefully. We have the opportunity today to bring the Arab world closer to the west. We have the opportunity to diffuse a nuclear threat in Pakistan and to influence it to engage in peace talks with India.

We know the war in Kashmir, which has the potential of spiraling out into a nuclear conflict, has been going on as a serious conflict for decades. Even now it is actually spiraling up.

While we have Pakistan leaders as a partial ally in the war on terrorism, we must work with them and put coercive pressure on them to diffuse the conflict.

The Arab world must also take responsibility. No longer can Arab leaders turn a blind eye to the egregious moves by their own brethren. They cannot turn a blind eye to Saddam Hussein who kills marsh Arabs and Kurds in the north. They cannot turn a blind eye to Islamic fundamentalists who murder innocent civilians in Algeria and assassinate Anwar Sadat in Egypt. They must speak out against this because the threat of terrorism and Islamic fundamentalism is a threat against modern Arab states. They cannot let blood be thicker than water. They must side with human rights, peace and the right thing for their people.

In the building of this coalition, if we build diplomatic initiatives, economic ties through the removal of trade barriers and debt for many of the countries, integrating conditions upon the debt removal and in diplomatic initiatives, then we can build a more secure world. Never has Canada had a greater chance to take a leadership role than it has now in the year 2001. We must not let this slip through our fingers. We must take the bull by the horns *carpe diem* and begin to build the bridges while we have the opportunity.

If we can do this, a more secure world is before us. If we fail to do this, then a less secure world is before us.

• (1210)

[*Translation*]

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Mr. Speaker, we are here to debate Bill C-36, the anti-terrorism act. I want to make it clear that the Bloc Québécois agrees that we need anti-terrorism legislation, but it must respect our freedoms and our democracy.

What the terrorists most want is to destabilize our free and democratic society. They have managed to do so with base and bloody acts of destruction. However, in legislating, we should be able to respect the very foundation of our society, which is freedom and democracy.

With respect to Bill C-36, which goes back to the very definition of the expression “terrorist activity”, the Bloc Québécois is advocating that this legislation include a sunset clause. This is a very serious situation, and the legislation we are adopting, the anti-terrorist act, has been conceived for such a serious situation. The Bloc Québécois proposes that it apply for three years, as is the case in the United States, where similar legislation was passed by the American Congress.

Let us not allow the terrorists to do what they set out to do, namely to destabilize our freedoms and our democracy. We are also proposing that this bill be reviewed on a yearly basis.

What is incomprehensible is that the minister who tabled and approved this legislation is acting as though she had hidden motives to appropriate certain freedoms granted to the citizens of Canada by the Constitution of 1982.

Quebec has the Quebec Charter of Human Rights and Freedoms, Canada has the Canadian Charter of Rights and Freedoms, and this is the type of society in which Quebecers and Canadians want to live, a free and democratic society.

Every time there is the slightest risk of threat to the rights of the citizens of Quebec and Canada, it is our duty to take a reasonable period of time—not unlimited or indefinite—but a reasonable amount of time to hear from all of the groups, associations and interest groups, whether it be the Canadian Bar Association, the Barreau du Québec, all interested groups that have questions on the content of the legislation.

We repeat that, in order to pass anti-terrorism legislation quickly, and to have some control on this legislation to ensure the respect of our free and democratic society, we hope and wish for a three year sunset clause. This is why it is called a sunset clause. This legislation absolutely must be reviewed every year, to ensure that those who are responsible for its enforcement are not abusing the situation to settle disputes or to interpret it for purposes other than those for which this legislation was drafted.

Finally, this leads me to quote the definition of terrorist activity that will be covered by Bill C-36. It says:

—is committed for a political, religious or ideological purpose and threatens public or national security.

So, an act committed for political, religious or ideological purposes that threatens public or national security would now be called a terrorist activity and would be liable to criminal sanctions, whether this activity involves killing, of course, or causing serious bodily harm or endangering a person's life, causing substantial property damage that is likely to result in serious bodily harm or to cause serious interference with or serious disruption of an essential service, facility or system.

In this regard, I go back to the question asked by my colleague of Terrebonne—Blainville: could some nurses who decide to defy regulations or legislation for the purpose of making union demands be charged with terrorist activities, since they are causing interference with or disruption of essential services? This is what the bill before us implies.

•(1215)

This leads me to the comment that we ought to reread section 1 of the Constitution Act, 1982, which guarantees rights and freedoms, and section 2, which gives the fundamental freedoms in this country, namely freedom of conscience and religion, freedom of thought, belief and opinion, freedom of peaceful assembly and freedom of association. These are the fundamental freedoms of Canada, and of Quebec, because they are also to be found in the Quebec charter of rights and freedoms.

Section 1 of the Canadian Charter of Rights and Freedoms guarantees these rights and freedoms to be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

It is a cause of concern to be told by the Prime Minister “If you are ever dissatisfied with the way Bill C-36 as introduced is being interpreted, all you have to do is challenge it before the courts, right up to the Supreme Court”.

We know very well that, with section 1 of the Constitution Act, 1982, and the legislation that will be passed justifying a free and democratic society, this will give judges all the reasons in the world to tell anyone wishing to challenge Bill C-36 once passed that the procedure is *ultra vires*, as is the case with the municipal mergers in Quebec and elsewhere. This week again we have seen municipalities trying to bring before the courts an act that gives full authority to the provinces to determine the fate of Canada's municipalities. They are doing this because the Constitution allows them to.

We always have the right to challenge, and to spend the money that it takes, but the result is always the same. That is how it was 30 years ago, that is how it was 20 years ago, that is how it was 10 years ago, and that is how it is today. A court challenge is possible, but it is a lost cause, because the Canadian constitution allows the provinces to adopt standards or to govern the municipalities, just as the Canadian Constitution enables the government to pass an anti-terrorism bill that could endanger the rights we enjoy under the Canadian Charter of Rights and Freedoms.

Section 1 of the Constitution Act, 1982, gives government the authority to draft such legislation. It will allow the government to tell those who want to challenge the validity of Bill C-36 before the courts “Section 1 of the Constitution Act, 1982, gives us the authority to enact laws subject only to such reasonable limits

### *Government Orders*

prescribed by Canada law as can be demonstrably justified in a free and democratic society”.

We think that the definitions of terrorist and terrorist activity must be revised so that we can protect the rights of our citizens, the people of Canada and Quebec. Once the bill is passed, it will be too late.

Those who have to enforce the law, for example the police, the RCMP, the intelligence services and all those who have to carry that burden, will be able to invoke Bill C-36 and, since they often apply laws more liberally than literally, they could infringe upon the rights of some people who, by virtue of their right to freedom of association, are entitled to make claims, give their opinion and go out on to the streets to protest or speak out. We could be jeopardizing this freedom we now enjoy.

I repeat that the Bloc Québécois supports the anti-terrorism bill. All we want is a sunset clause that will put an end to it three years from now, and the possibility to review it every year to make sure that we do not lose and the terrorists do not win because, once again, all they want is to destabilize our free and democratic society. Let us enact legislation that will end at one point in time and let us review it every year to protect the freedom of every citizen of Quebec and Canada.

[*English*]

**Mr. Ken Epp (Elk Island, Canadian Alliance):** Mr. Speaker, I appreciate the opportunity to add to what is becoming a rather lengthy debate. A lot of things have been said by different members of the various parties in the House on this bill. It is a bill which of course is very important.

I will briefly underline a few things which I think are very important and necessary for us to combat terrorism in the country. I also want to add a bit of a personal perspective to this whole debate.

I would first like to say that the government has taken a necessary step in the right direction. I commend it for that. I listened with interest on numerous occasions to the Prime Minister and other ministers who said that this was an issue far beyond politics and that we should put political considerations aside. I agree with that.

In passing, though, I find it strange that when members of the finance committee, and I will not mention which party it was because I want to be non-partisan, put forward a motion to get this thing underway, the government used very strange tactics to prevent that motion from being put. Then it used strange tactics again for that motion not to be carried and, again, used strange tactics for it to come forward.

I would venture to say, and will do so as kindly as I can, that there was a lot of politics in the way that was handled in our committee. I really regret that. I believe that was a moral failure on the part of the government at the time. This is a time when, more than ever in the history of this parliament, parliamentarians ought to be able to act on behalf of their constituents and on behalf of all Canadians.

It is really quite interesting, and I will put it that way, that the government voted against our motion the second day parliament sat after the atrocities of September 11, but some two or three weeks later came forward with legislation that largely included those things for which we had asked.

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What I want to do today is have the members on the government side actually respond to the conjecture in my speech as to why they voted against it at that time since it was very urgent, but I am not sure if they will. However, at the same time I would like to commend the government for taking action, fairly expeditiously, to move legislation forward.

I would also like to thank the government for including in this legislation the right to create and publish a list of known criminal activity with respect to terrorism. I wish the legislation in Bill C-36 were a little stronger requiring the government to publicize these names instead of just giving them the right to make a list. I feel that is a little weak but certainly a step in the right direction.

I remember when the finance committee was studying this Bill S-16, which originated in the Senate. It proposed to remove charitable organization status, and hence the right to issue tax receipts for charitable donations, from any charity which directly or indirectly raised funds for terrorist organizations. That would indirectly mean that collectively the taxpayers of this country would then be funding terrorism.

A motion was brought forth regarding this proposal in committee. I spoke against that motion for the very simple reason that I was opposed to only removing the charitable organization status from any charitable organization found to be funding terrorism. It was too soft.

• (1220)

I am pleased to see that fundraising for terrorism, directly or indirectly, is an illegal act under Bill C-36, which is what I proposed in the committee. This is a very good measure. Probably this has been mentioned in some of the debates when I was off the committee, but I have not heard that one in the House before. I wanted to emphasize that. With the passing of the bill, that type of fundraising would be banned.

Echoing some of the concerns that have been expressed with respect to the human rights and freedom that we have come to enjoy, I also emphasize that we need to be very diligent and not indict organizations that are unwittingly drawn into the trap.

For example, one can argue that benevolent organizations which collect money to provide food for those who are starving reduce the costs of the governments in foreign countries where they work. Indirectly then, they could provide that government with more money for the production of arms and tools of terrorism. That is stretching it. I hope we are very judicial in how we apply that law to charitable organizations. However, where there is a clear and direct link, they will face criminal action, and rightly so.

I also congratulate the government for finally affirming what it should have done a long time ago, and that is that it will ratify the international convention on the suppression of the financing of terrorism. That should have been done automatically and immediately when it was presented here. The government dragged its heels on that.

Finally, on the plus side, the legislation provides that it would be a crime to participate in any terrorist training or inciting terrorism. Again, that is moving in the right direction. It is incredible that it was

not done years ago. It should have always been on the law books of Canada.

I remember many years ago when it was against the law to counsel someone to commit suicide. How come we did not have anything that said it was against the law to counsel an act of terrorism?

There are a couple of things that I think the government should have done.

First, there should be a prompt extradition of foreign nationals who are charged with acts of terrorism. That is not in this bill. I think I know the reason for this. I am only guessing, though, because I do not have any Liberal friends close enough to me who actually told me why they voted against this. I think most of them did so because it was a Liberal whipped vote. You may recall the day that you were the whip, Mr. Speaker, and perhaps the Liberals through their whip would give such an instruction.

In any case, I think this is probably the nub of the reason for why the Liberals voted against it. Our motion on September 18 recommended that any foreign national charged with an act of terrorism should be extradited forthwith, even if that foreign national faced, in his designated country, a possible death penalty.

The Liberals cannot bring themselves to recognize that under certain circumstances there is not a penalty severe enough. I would put into that category the individuals who knowingly helped to train and motivated the people who hijacked those airplanes on September 11, and who caused so much havoc, pain, death and damage. Those individuals are clearly guilty. If we were to find some of those individuals in Canada, who aided and abetted that action, and if there were another country somewhere that said to extradite them because they were their nationals, not Canadians, that they belonged in their country, not Canada, and that in their country they would face the death penalty, then I would say, off they go. The bill fails to provide for that.

• (1225)

I greatly regret that my time has elapsed because I have several more points to make. I am looking forward to the bill going to committee. I hope the amendments we make will be given due consideration by the government.

• (1230)

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

**Some hon. members:** Question.

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**An hon. member:** Nay.

**The Deputy Speaker:** I want to be clear. Is there a desire for a standing vote?

**Some hon. members:** No.

**Some hon. members:** On division.

[Translation]

**The Deputy Speaker:** I remind the House that if a recorded division is wanted, five members must stand.

**Mr. Paul Crête:** Mr. Speaker, I rise on a point of order. I would like to know whether you heard anyone say “on division” for this bill, or whether it was not mentioned. It is important for us to know if some members wanted it adopted on division, or if it was unanimous.

[English]

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

*And more than five members having risen:*

**The Deputy Speaker:** Call in the members.

• (1315)

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

*(Division No. 152)*

**YEAS**

Members

Abbott	Ablonczy
Adams	Allard
Anderson (Cypress Hills—Grasslands)	Anderson (Victoria)
Assad	Assadourian
Augustine	Bachand (Richmond—Arthabaska)
Bachand (Saint-Jean)	Bagnell
Bailey	Baker
Beaumier	Bélanger
Bellehumeur	Benoit
Bergeron	Bertrand
Bigras	Binet
Blondin-Andrew	Bonin
Bonwick	Borotsik
Boudria	Bourgeois
Bradshaw	Breitkreuz
Brien	Brown
Bryden	Bulte
Burton	Caccia
Calder	Caplan
Cardin	Carignan
Carroll	Casey
Castonguay	Catterall
Cauchon	Charbonneau
Clark	Coderre
Collenette	Copps
Crête	Cullen
Cuzner	Dalphond-Guiral
Day	Desrochers
DeVillers	Dhaliwal
Dion	Doyle
Drouin	Duceppe
Duncan	Duplain
Easter	Eggleton
Elley	Epp
Eyking	Finlay
Fitzpatrick	Folco
Fontana	Forseth
Fry	Gagliano
Gagnon (Québec)	Gagnon (Champlain)
Gallant	Galloway
Gauthier	Girard-Bujold
Godfrey	Gouk
Graham	Gray (Windsor West)

Grose
Guimond
Harb
Harvey
Hill (Macleod)
Hilstrom
Hubbard
Jordan
Keys
Kilgour (Edmonton Southeast)
Kraft Sloan
Laliberte
Lanctôt
Lebel
Lee
Lincoln
Loubier
MacAulay
Macklin
Manley
Marcil
Marleau
Martin (LaSalle—Émard)
McCallum
McGuire
McLellan
McTeague
Merrifield
Mitchell
Myers
Neville
O'Brien (Labrador)
O'Reilly
Pallister
Paradis
Patry
Peterson
Pillitteri
Provenzano
Redman
Regan
Reynolds
Ritz
Roy
Scherrer
Serré
Skelton
Sorenson
St-Julien
Steckle
Stinson
Telegdi
Thibeault (Saint-Lambert)
Tirabassi
Toews
Torsney
Ur
Vanclief
Venne
Wayne
Wilfert

Blaikie
Davies
Proctor
Stoffer

Asselin
Bevilacqua
Discepola
Fournier
Maloney
Rocheleau

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Guay
Hanger
Harvard
Heam
Hill (Prince George—Peace River)
Hinton
Johnston
Kenney (Calgary Southeast)
Kilger (Stormont—Dundas—Charlottenburgh)
Knutson
Laframboise
Lalonde
Lastewka
LeBlanc
Leung
Longfield
Lunney (Nanaimo—Alberni)
MacKay (Pictou—Antigonish—Guysborough)
Malhi
Marceau
Mark
Martin (Esquimalt—Juan de Fuca)
Matthews
McCormick
McKay (Scarborough East)
McNally
Ménard
Minna
Moore
Nault
Normand
O'Brien (London—Fanshawe)
Owen
Paquette
Parrish
Perron
Pickard (Chatham—Kent Essex)
Pratt
Rajotte
Reed (Halton)
Reid (Lanark—Carleton)
Richardson
Robillard
Sauvageau
Scott
Sgro
Solberg
St-Hilaire
St. Denis
Stewart
Strahl
Thibault (West Nova)
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Godin
Robinson
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**PAIRED**

Members

Bennett
Comuzzi
Dubé
Goodale
Picard (Drummond)
Tremblay (Rimouski-Neigette-et-la Mitis)—12

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**The Speaker:** I declare the motion carried. Accordingly the bill stands referred to the Standing Committee on Justice and Human Rights.

(Bill read the second time and referred to a committee)

The House proceeded to the consideration of Bill C-15A, an act to amend the Criminal Code and to amend other acts, as reported (with amendment) from the committee.

**Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.)** moved that the bill be concurred in.

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

**Some hon. members:** Nay.

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

*And more than five members having risen:*

**The Speaker:** Call in the members. The hon. government House leader is rising on a point of order. It might be an unusual time to hear one but we will.

**Hon. Don Boudria:** Mr. Speaker, I rise on a point of order. I wonder if the Speaker would put the question again. There was a misunderstanding, unfortunately, and I take responsibility for it. Some people thought that we were actually considering an amendment at report stage, but there is no report stage amendment.

Would you, by unanimous consent, ask the House if you could put the question again for concurrence at report stage?

• (1320)

**Mr. Garry Breitkreuz:** Mr. Speaker, I rise on a point of clarification. On today's order paper under Bill C-15A there is a notice of motion. I am not aware that it was withdrawn. Was that withdrawn?

**The Speaker:** It was not moved. The Chair put the question to the House. It was a question for concurrence, because the Chair was instructed that no one was to move the motion that is on the notice paper. It was not moved and therefore was not before the House.

Is there unanimous consent to have the question put again to the House?

**Some hon. members:** Agreed.

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

**Some hon. members:** Agreed.

(Motion agreed to)

When shall the bill be read the third time? Now?

**Some hon. members:** Agreed.

**Hon. Anne McLellan** moved that the bill be read a third time and passed.

**Mr. Stephen Owen (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, it is my honour and privilege to rise today to introduce the debate at third reading of Bill C-15A, an act to amend the Criminal Code and to amend other acts.

Hon. members will recall that Bill C-15A contains the amendments introduced in the House as Bill C-15, the criminal law omnibus bill, minus the proposed amendments dealing with cruelty to animals and those in relation to the firearms registration program. It was the wisdom of the House that the cruelty to animals and firearms amendments be dealt with as a separate piece of legislation, Bill C-15B.

Bill C-15B is now being studied by the Standing Committee on Justice and Human Rights and will be reported back to the House in accordance with the will of the House on or before November 30. The Standing Committee on Justice and Human Rights, under the able leadership of the hon. member for Fredericton, conducted a thorough examination of Bill C-15A and reported it back to the chamber on October 5.

Let me remind hon. members of the various components of the bill. They are: measures that provide additional protection to children from sexual exploitation, including sexual exploitation involving use of the Internet; proposed amendments to strengthen the law in the areas of criminal harassment, home invasions and disarming a police officer; amendments to review the process for allegations of miscarriage of justice; criminal procedure reform amendments; and finally, amendments to the National Capital Act and the National Defence Act.

Each and every part of Bill C-15A contains necessary amendments designed to improve the administration of criminal justice in the country. I do not propose to review details of the bill with the House; we reviewed the details during second reading and they have not changed. I would, however, like to refer to some of the matters that were dealt with during committee hearings.

Concerning the measures for the protection of children against sexual exploitation, I am pleased to note that there was a great deal of support expressed for these amendments during committee proceedings and we know that there is a great deal of support for these amendments on both sides of the House. The committee heard witnesses, and all those who spoke on these measures expressed support for them. These amendments create an offence of luring, to criminalize those who communicate with children in order to facilitate the commission of a child sexual exploitation offence against children. They create new offences of exporting, transmitting, making available and accessing child pornography in order to ensure that the child pornography is prohibited at all stages from production to consumption, whether or not a computer system is used in the commission of an offence.

*Government Orders*

Concerns were raised that these new offences could make Internet service providers, ISPs, criminally liable when acting as mere conduits for child pornography without knowledge of or control over the material. This is not the case. In order to commit any of the child pornography offences, Internet service providers, like anybody else, must know that they are dealing with child pornography.

Other provisions would also contribute to the protection of children. Judges would be given the authority to order the deletion of child pornography from the Internet after giving the person who posted the material an opportunity to be heard. Deletion could be ordered even in cases where the person who posted the material cannot be found or is outside the country. The provisions would allow forfeiture of instruments used in the commission of a child pornography offence that are owned by the person found guilty of the offence. Property rights of innocent third parties would be protected. All child pornography offences and offences of luring would be added to the list of offences for which a judge is authorized to make an order to keep a person away from children. Finally, the bill would facilitate the prosecution in Canada of Canadians who commit a sexual offence against children in a foreign country.

All these measures would contribute to the better protection of our children from sexual exploitation and I urge hon. members to support the government in the speedy passage of the legislation.

Bill C-15A also proposes to: increase the maximum penalty for criminal harassment; require judges to consider home invasions as an aggravating factor at the time of sentencing; and enact a new offence of disarming or attempting to disarm a peace officer.

The standing committee heard the overwhelming support of the police community for the latter measure, the new offence of disarming a police officer, and the clear support of witnesses for the other measures as well.

• (1325)

We are confident that these reforms would strengthen the criminal justice system.

As I have already noted, Bill C-15A's proposed reforms that would provide children with increased protection from sexual exploitation have been very much welcomed by all members of the House. I do recognize, however, that some hon. members have said that these do not go far enough and that we need to do more to protect our children. In this regard concerns were expressed in committee about the current provisions concerning the age of consent.

Late in 1999 the Department of Justice launched a comprehensive review and consultation on the need for criminal law and policy reforms related to the definition of specific offences against children, the age of consent to sexual activity, children's testimony and sentencing. The minister is looking forward to receiving a final report on the results of this review and consultation by the end of this year and to the opportunity to discuss options for further reform with her federal, provincial and territorial counterparts thereafter.

Another area of the bill that had received attention in the committee hearings is the proposed amendments to the process for review of alleged wrongful convictions. Bill C-15A contains very important amendments to the conviction review process. These

amendments would make the review of alleged wrongful conviction cases in Canada more efficient, open and accountable. These amendments would address the concerns of critics of the current section 690 conviction review process.

As we heard during the committee proceedings, some feel that Canada requires a formal independent body to review wrongful convictions, similar to the criminal cases review commission which was created in 1997 in Great Britain.

Prior to introducing these amendments the minister met with British officials and extensively studied the British system. The minister concluded that an independent body was inappropriate in the Canadian context. The Canadian experience with cases of wrongful conviction bears little resemblance to that of the United Kingdom. For example, the British criminal cases review commission, as it is called there, was established because of a perceived conflict of interest of the home secretary, who is responsible for policing and prisons as well as for the review of allegations of wrongful conviction. Many of these cases involved allegations of misconduct by police.

The Minister of Justice is not in the same perceived conflict of interest as the case of the home secretary in Great Britain. In Canada the Minister of Justice is not responsible for the police or the prison system. Furthermore, the provinces are largely responsible for prosecutions.

One of the key criticisms of the current conviction review process in Canada is how long it takes to review an application. However, as we have learned from the British example, the creation of an independent body will not necessarily lead to timely reviews.

After an extensive consultation process, the minister was convinced that the ultimate decision making in post-appellate conviction review should remain with the federal Minister of Justice. This recognizes and maintains the traditional jurisdiction of the courts while providing a fair and just remedy in those exceptional cases that have somehow fallen through the cracks of the conventional justice system. The minister is accountable to parliament and to the people of Canada.

I want to note that the reforms before us today in Bill C-15A propose a number of new features that would substantially improve the review process that exists today. Section 690 of the criminal code does not currently state when one is eligible to apply for a review. The proposed amendments clarify eligibility to apply for a review: the person must have exhausted all avenues of appeal. This amendment would make it clear that the conviction review process is not an alternative to the judicial system.

*Government Orders*

The power to review alleged wrongful convictions would be expanded to include the review of summary conviction cases. There is a need to set out the procedural requirements for conviction reviews as it is not clear under the present law how one applies for a review and what documents are required to file an application. The amendments would allow for the enactment of regulations setting out the form, information and documents needed to apply for a conviction review. This would make the process much more accessible.

Critics claim that the current process of conviction review is secretive, as applicants are unaware of the review process. The amendments provide that the stages of the review process would be set out in regulations. This would assist applicants by making the entire process of conviction review more open and understandable.

Section 690 does not currently provide powers of investigation. Under the proposed amendments, those investigating applications on behalf of the minister would have the appropriate investigating powers. This would enhance the thoroughness, effectiveness and timeliness of the review process.

• (1330)

As well, the factors that would be considered in determining when an applicant may be entitled to a remedy are clearly set out in the proposed amendment. Ministers of Justice will be held more accountable in that they will be required to provide an annual report to parliament with respect to applications for a conviction review. A special adviser will be appointed from outside the Department of Justice to oversee the review of alleged wrongful convictions and that person will report directly to the Minister of Justice, thereby adding a degree of independence from the department.

The government is confident that these amendments are the most efficient and effective way to improve the post-appellate, extra-judicial conviction review process at the present time and hence deserve the support of the House.

For all of these reasons I urge the House to move forward expeditiously with the important and worthwhile amendments contained in Bill C-15A.

**Mr. Vic Toews (Provencher, Canadian Alliance):** Mr. Speaker, I will keep my remarks brief today as I think we all want to see the bill move forward without unnecessary delay. I would once again like to thank the minister for consenting to split the bill, a move which has enabled the House to adopt quickly the relatively noncontentious provisions of the bill while allowing the more contentious provisions now found in Bill C-15B to be debated at greater length. Most important, now that the bill has been split we can get down to the business of protecting children from sexual predators on the Internet, something that members of the Canadian Alliance have been supporting strongly from the beginning.

Although all opposition parties have agreed to pass Bill C-15A as quickly as possible, I would like to mention again a few of the concerns I have regarding the bill so that perhaps at some time in the future we can revisit these provisions and make further amendments.

One of the matters that causes the greatest concern for me is related to the creation of the offences relative to the sexual exploitation of children. With the current age of sexual consent at

14, this long needed legislation to protect children from Internet predators will be provided only to children under 14 years of age. I believe that is too low and that the age should be raised to 16, not just for these offences but for all offences relating to the sexual exploitation of children by adults. I need not recount to the House the devastating effects that sexual predators can have on 14 year old and 15 year old children. I have commended this suggestion that the age be raised to the minister's staff for consideration.

In respect of increasing the maximum penalty for criminal harassment, I have concerns about the lack of minimum penalties. It seems it is often futile to increase maximum penalties, in this case from 5 years to 10 years, when the courts do not reflect that increase in their sentencing. In light of the reluctance of the courts to reflect these kinds of changes and our lenient parole laws, these changes the minister is introducing may not prove to be effective.

In respect of home invasions, the provisions in the bill are a step in the right direction, however, my position is that it should be a separate offence, not simply an aggravating factor in sentencing. Parliament needs to send a clear message to the court of the seriousness of these types of offences.

In respect to the new offence of disarming or attempting to disarm a peace officer, the Canadian Alliance and I myself have been very supportive of this and believe it is long overdue. We need to provide our law enforcement officials with the support that the new offence would provide to them.

The last comment I want to make is with respect to the preliminary inquiries. Preliminary inquiries, particularly in light of charter guarantees and the court cases arising out of these charter guarantees, could be eliminated entirely. In fact, many judges I hear from consider them to be very ineffective. Even years ago when I was a prosecutor doing preliminary hearings it was suggested by many provincial court judges that the time could have been spent doing substantive work rather than preliminary inquiries. Preliminary inquiries simply slow down procedure and create backlog without a substantive contribution to the administration of justice in Canada.

Understandably defence lawyers are very concerned about the entire loss of the preliminary hearing, however, I think we need to revisit the issue and ensure that while we have safeguarded the rights of the accused, preliminary inquiries have done nothing to protect the rights of the accused and certainly have contributed to problems in the efficient and fair administration of justice. There has been abuse of preliminary inquiries in the past and I think the legislation is a recognition of that. All the attorneys general of the provinces support this step and indeed I believe they would like to see it go further.

I want to put on the record in the House the comments from the justice minister at the Standing Committee on Justice and Human Rights with respect to a question I asked her on October 3. I think it is important that this is on the record in the House.

• (1335)

She stated and I quote:



*Government Orders*

Regarding preliminary inquiries, this is an instalment. I think the provinces and territories would like us to look at more radical reform as it relates to preliminary inquiries. You rightly identified that there is grave concern from the criminal defence bar, and that is something we will continue to work on. What we're doing here is streamlining the use of the preliminary inquiry.

She continued on with respect to the age of consent, the other issue I spoke to. She said:

With regard to age of consent—from 14 to 16—we have our child as victim consultation paper. We discussed that at our federal-provincial justice ministers' meeting in September in Nova Scotia. Those consultations will be concluded and reported on by December 31 of this year, and I think we will see that a consensus is emerging that with certain safeguards we should probably be moving on the age of consent from 14 to 16. But as with some of these things, they look simple on the surface, but they're not quite so simple. It requires a fair number of changes to the code; we're going to have to review all those sections where age is found. But it's certainly an issue very much on our agenda.

Although I want to see the bill passed into law quickly and without further delay, I hope the minister will take my concerns into account and honour the commitments she made in committee, and that we will review the legislation at some time in the future for possible improvements.

[*Translation*]

**Mr. Michel Bellehumeur (Berthier—Montcalm, BQ):** Mr. Speaker, I will be brief, but I wanted to comment on this bill.

In its first form, in May or June of this year, we supported most of the provisions of Bill C-15. We asked that the bill be split to speed things up. It took some time, but we were successful in the end and the bill was split.

There is nothing wrong with the part that we are considering today. There is agreement; many groups have asked for certain changes over the years, including those that are to be found in this part, and we agree with them.

These include the whole issue of sexual exploitation involving the use of the Internet. The criminal code was not responding to today's reality. These sections of the code needed updating and modernizing, and the bill does this. There is no problem adopting these amendments.

The other amendment found in this bill increases the maximum penalty for criminal harassment. If we look at the case law, if we look at what is being done in this field, it becomes clear that we needed to act on adjusting the maximum penalty in this precise case.

Then, they made home invasions an aggravating factor for sentencing purposes. That was what the Canadian Police Association and the Fédération des policiers et policières du Québec asked for. There were private members' bills introduced to amend the criminal code in this regard, but they were not passed at all stages. It is understandable that the Bloc Québécois today supports such an amendment. This is a request by the police, justified by what is happening in home invasions.

Another change is making the disarming or attempted disarming of a police officer a specific offence. Clearly the police argued in favour of this provision. They expressed their point of view. We also heard experts on this question in committee. Although I was not too hot about this idea at the start, I was convinced in committee. It is necessary. Working hard in committee and listening to the witnesses who come forward means we hear interesting points of view that

convince us and support our position to support a given bill or clause or not to.

In this case, the witnesses I heard convinced me that we could amend the criminal code and add this offence to it.

The other amendment, which we have already spoken of, is the codification and clarification of applications for review by the Minister of Justice of miscarriages of justice.

I would have liked the minister to be somewhat more attentive to our remarks. We wanted a process different from the one in C-15A, like what they have in Great Britain, on which the government seems to have drawn for its amendments to the criminal code. I would have preferred a much more independent tribunal instead of having the decision come from the Minister of Justice. I am sure that, at some point, the Minister of Justice will be judge and jury in some matter. At that point, the minister would be in an awkward position, and would she make the right decision to correct a miscarriage of justice?

● (1340)

I know that the minister is of good faith and so is everyone else here, but I would have liked something surer for those who have been victims of a miscarriage of justice, so that they could have all the tools to ensure that justice is truly done.

In law, not only must justice be done, it must be seen to be done. I am not sure, given how the minister and the Liberal government opposite drafted these provisions, that the accused will come to the conclusion that justice was done and seen to have been done, particularly when the miscarriage of justice may result from the work of the Department of Justice and it is the Minister of Justice who is called upon to decide whether or not there was indeed a miscarriage of justice.

However, we did support this bill so as to not block it and ensure that it would be passed rather quickly, since the other provisions are not controversial.

It is from that perspective that we are letting this go, but we will take a close look at what will happen and we will be prepared to present amendments later on if we deem appropriate to do so.

The bill also includes a series of reforms and seeks to modernize criminal proceedings regarding the disclosure of evidence and certain rules relating to electronic documents. These things did not exist 20 years ago, but they are now part of our lives. The bill also deals with remote appearances, a plea comprehension inquiry scheme, private prosecutions, the selection of alternate jurors and a restriction on the use of agents. All this is part of a modernizing effort to update and clarify the criminal code. There is no problem and this is why we give our support.

*Government Orders*

I will conclude by raising a question that came to mind when I was listening to some witnesses. The Canadian Alliance member referred to it earlier. It has to do with the issue of consent regarding sexual relations. The hon. member wants the age of consent to be raised from 14 to 16 years. The argument used by the Canadian Alliance member and by groups such as the Canadian Police Association is that a 14 year old is not mature enough to give his or her consent to a sexual relation with an older person.

Members of the Canadian Alliance and others who want to change the age of consent think that 14 year olds are not sufficiently responsible and mature and are unable to take a decision of this magnitude, i.e. to have sexual relations with an older person, which will have an impact on them for the rest of their life.

But, when it comes to the Young Offenders Act, these same people want the age to be lowered from 18 to 16 or from 16 to 14. They would even like to lower the age of criminality, if possible.

I fail to see how these young people are not sufficiently mature at 14 to make an informed decision about whether or not to consent to sexual relations with an older person, but would be mature enough at the age of 16, or 14 in a criminal case, where they would receive an adult sentence. According to them, at that age adolescents are responsible, they are supposed to know what they are doing and they are old enough to commit a criminal offence and so forth.

Let us have a bit of logic. The position being defended by these groups is not logical when it comes to the age at which adolescents can consent to sexual relations versus the age at which they can be considered young offenders.

This bothered me a bit in committee. I explained how I saw it and I asked witnesses what they thought. They had no answer, because there is none. It is not logical.

Should the age of consent to sexual relations be raised from 14 to 16? I have no firm opinion on this. But I do know that someone under the age of 18 cannot be judged like an adult because he does not have an adult's sense of responsibility.

• (1345)

These are children, adolescents, I realize, not as developed as adults and needing to be treated accordingly. What I am asking the Canadian Alliance and the government as well, as they also seem to be interested in this approach, is to look at the situation very seriously and logically.

The fact that the bill has been divided has made it possible for us to address the problematical parts—as we are doing—that is everything that relates to firearms and cruelty to animals. If we had listened to the government over there, probably the whole thing would have been passed now, and in a rush. Fortunately, they were told to take the time to examine the issue in this House.

The exact same thing is happening with the anti-terrorism bill. Yes, legislation is required, but let us take the time to consider all the ins and outs of the bill properly.

The same things goes for Bill C-15A. I thank the government for having understood, after this was called for repeatedly by the Bloc Quebecois and other opposition parties, that the bill had to be split.

They have done so. Today, Bill C-15A will be passed; so much the better. Then we can focus on bill C-15B and hope that, for that part as well, the Minister of Justice will listen to the opposition and make appropriate amendments.

• (1350)

[English]

**Mr. Bill Blaikie (Winnipeg—Transcona, NDP):** Mr. Speaker, I have some brief remarks as we enter the final stages of this piece of legislation. After much deliberation and travail, the government saw the wisdom of listening to the opposition and splitting the bill. The legislation we now have before us is not controversial and not opposed by the opposition. It will proceed through the House at an expeditious pace.

The legislation will not be held back by the fact that it was originally tied to other pieces of legislation which were controversial in some parts of the House. Those pieces of legislation are now being dealt with separately. We notice that sometimes after much persistence the opposition does get its way. I am glad the government listened in this case. We applaud that fact.

Even though there was merit in rushing the legislation through, one of the downsides was that we could have heard from more witnesses than we did on some of the more technologically and legally complex issues having to do with the Internet, et cetera. We heard from some witnesses on that, but had we been able to do it at a leisurely pace we could have learned more. I regret we were not able to do so.

We know that the justice committee is not only seized with Bill C-15A and Bill C-15B but it is also seized with Bill C-36, the anti-terrorist legislation. We cannot always give a piece of legislation the kind of attention we might otherwise want to give it in a different context.

The issue of luring on the Internet, with which the government and all of us will have to deal at some point, was raised. Other members may have already referenced the whole question of age of consent. We have this glaring loophole in the law that would permit 40 year olds to exploit people who are 14 or over on the Internet because we do not have a law which is adequate to the circumstances that can now be created on the Internet.

We have to do it sensitively because we do not want to criminalize certain behaviours between people, particularly teenagers who are close in age. There must be a way to look at this issue with sensitivity in mind, but nevertheless laws must be created that would prevent or at least punish that kind of activity.

There is one caveat I would enter and one concern I would register, presumably along with other members. Provincial ministers of justice, the justice committee and the government should look at recommendations regarding the age of consent. I hope that some day we will deal with the issue of age of consent in the House.

What we have before us is good legislation. Some of the legislation is long overdue, but nevertheless better late than never. Let us get it into law and see how it works, and we can fix it after that if it needs further attention.

• (1355)

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Mr. Speaker, I am pleased to have an opportunity to contribute to the debate on Bill C-15A. As the House will know, the legislation was somewhat controversial in that we had an opportunity to pass the bill last June at the close of the session. There was much willingness on the part of the opposition to divide the bill and take away its more controversial elements that dealt with cruelty to animals and firearms legislation.

To her credit the minister, after much kicking and screaming, finally agreed to do just that and as a result we have a piece of legislation that is much more workable. The co-operative effort on the part of all members of the justice committee has been admirable in that regard.

As I mentioned, the bill deals with more or less contentious elements of the criminal code and can generally be seen as a positive bill. It goes beyond mere housekeeping. It would create new offences aimed specifically to protect children from stalking and the perpetration of pornographic material on the Internet.

Bill C-15A is an attempt at modernization. With new and expanding forms of communication over the Internet this type of legislation is necessary. It is an update of old sections that were aimed at the same nefarious activity: the spreading of pornographic material that exploits children.

What on earth could be more important to us in the Chamber? In a time of heightened awareness of families and the need to protect people, it is exactly the type of legislation we should be charged with.

As has been mentioned by previous speakers, the sections of the bill that define age of consent are cause for concern for me and members of the coalition. There is an anomaly in Bill C-15A whereby a person under the age of 14 could be victimized. We should consider raising the age of consent to 16. This would make it more consistent with other elements of the criminal code. I believe in fairness that the minister and her department are open to doing that. To that end we hope to see more legislation forthcoming in the days and weeks to come.

Section 8 of the bill would create the offence of luring on the Internet whereby any person commits an offence who communicates by means of a computer with individuals under the age of 18. There is an attempt to make the legislation more in line and consistent.

One area that causes me concern, Mr. Speaker, is the area that pertains to section 690 of the criminal code, a section with which you would be familiar from your previous incarnation as a lawyer. Miscarriages of justice can result in terrible atrocities. In Canada there have been such atrocities in the cases of Mr. Morin, Mr. Milgaard and others who are still out there.

One that comes immediately to mind is the saga of Steven Truscott. There is a recent book about the issue by Julian Sher called *Until You Are Dead: Steven Truscott's Long Ride into History*. I believe there will be a section 690 application forthcoming to the minister to deal with this case. Section 690 would not be amended in any great way by the current legislation. It would still permit the minister to have final say in these matters.

*S. O. 31*

We are about to begin question period. I hope to have an opportunity to continue my remarks at the close of question period.

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## STATEMENTS BY MEMBERS

[English]

### CITIZENSHIP WEEK

**Mr. Roy Cullen (Etobicoke North, Lib.):** Mr. Speaker, today I rise in the House to remind my colleagues that this week is Canada's Citizenship Week. Canada's Citizenship Week is a time to reflect on what it means to be Canadian and celebrate the values that draw us together; values like equality, tolerance and respect for law and order.

However citizenship also involves responsibilities. As Canadians we are all responsible for ensuring our children continue to live in a nation that is both environmentally responsible and economically viable. Moreover, we must remind ourselves of the importance of working together and helping one another in times of need.

In my riding of Etobicoke North I am constantly reminded of how important and valuable our citizenship is. These reminders come both from new Canadians and those who have lived in the riding for generations. For some new Canadians citizenship means the fulfillment of a dream and the beginning of a new life.

Canada is acknowledged as one of the best countries in the world in which to live. It is therefore with pride that I reiterate this week's theme: Canada: We all belong.

\* \* \*

• (1400)

### SOFTWOOD LUMBER

**Mr. John Duncan (Vancouver Island North, Canadian Alliance):** Mr. Speaker, the minister has created a vacuum in the softwood lumber talks in B.C. The so-called talks are drifting into proposals, demands and offers. I call this negotiation.

One B.C. industry participant is quoted as calling for a flat tax on lumber exports. The B.C. minister is left to deny that this is the direction. The so-called flat tax is a spin. It is essentially a shutdown tax. The expectation is that with low lumber prices Canadian producers would essentially shut down to keep inefficient U.S. producers in business. It is not even flat. A volume based tax with cyclical prices is the same as a variable percentage tax on value.

Unhappily we have been here before in 1985 and 1995. Will the minister bring order to chaos and call a national softwood lumber stakeholders meeting? It is overdue.

*S. O. 31*

[*Translation*]

#### FONDATION PAUL GÉRIN-LAJOIE

**Mr. Serge Marcil (Beauharnois—Salaberry, Lib.):** Mr. Speaker, extraordinary things happen in the world every day, which are eclipsed by the tragic events of September 11.

There are men and women in organizations working day in and day out for peace, and their work should be recognized.

UNESCO has just recognized the work of the Fondation Paul Gérin-Lajoie in Haiti by awarding it the King Sejong Literacy Prize.

Through the work of such people as Marie-Michèle Fournier, in charge of the Alfatibonit project, has helped make over 5,000 people literate in Haiti over the past three years.

The foundation's work in Haiti is funded by the Government of Canada through CIDA programs. In Senegal, I had the privilege of witnessing the foundation's work with the men and women of the country to help them strengthen their capacity to take charge of their destiny and take an active role in the operations of the country. Without CIDA, NGOs could not do as much as they do, but without the NGOs, aid from Canada and CIDA would be ineffective.

I pay tribute to the foundation, its president and all those involved, like Marie-Michèle Fournier, in Haiti, as well as the Tandias and the Lys of this world.

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[*English*]

#### MULTICULTURALISM

**Ms. Sophia Leung (Vancouver Kingsway, Lib.):** Mr. Speaker, I recently attended the 15th anniversary of the German Canadian Heritage Plaza in my riding of Vancouver Kingsway. German Canadians have played an important role in the development of our country. I was proud to attend the event to mark this important milestone for the German Canadian community in Vancouver.

I am proud of Canada's multicultural unity. It is through the sharing of our individual cultures and traditions that Canada has emerged as a fine example to the world of how people from different backgrounds can come together to build a country that is strong and united and in which its people live in peace and harmony through celebrating their cultural diversity.

\* \* \*

[*Translation*]

#### CHRYSOTILE ASBESTOS

**Mr. Gérard Binet (Frontenac—Mégantic, Lib.):** Mr. Speaker, I am pleased to note that, in Brazil, the federal supreme court and a committee of the chamber of deputies have decided in favour of the continued, controlled use of chrysotile asbestos.

This measure arrives at an opportune time, following the most recent developments here, in Canada, in the matter of the safe use of asbestos.

In this regard, I think it is important to acknowledge the tireless work of stakeholders from the asbestos region and the support of my hon. colleagues, the ministers responsible for public works and

government services, revenue and economic development, finance, treasury board and international trade.

It goes without saying that Brazil's decision encourages us to continue our efforts to change the negative light in which chrysotile asbestos is currently viewed around the world.

\* \* \*

[*English*]

#### JOINT TASK FORCE 2

**Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance):** Mr. Speaker, joint task force 2, or JTF2, is Canada's professional military response to domestic terrorism. As a well trained hostage unit JTF2's role is in meeting the potential of terrorist threats where there is a significant Canadian presence here in the homeland and at our embassies abroad.

JTF2's role as a specialized hostage rescue unit is not special forces. Hostage rescue troops and special forces are clearly two different things: different selection, training and intelligence needs, different leadership and tactics, and a very different mindset.

Have we learned nothing from the lessons of our history? The decision to use special services forces, the Canadian Airborne Regiment, as peacekeepers in Somalia doomed their mission to failure. The decision to use a hostage rescue unit as a special services force in Afghanistan is questionable at best.

The country needs to debate in an open and public fashion Canada's foreign policy regarding special operations before any other members of Canada's military are committed to Afghanistan.

\* \* \*

●(1405)

#### ISRAEL SIROTA

**Mr. Irwin Cotler (Mount Royal, Lib.):** Mr. Speaker, in recognition of his outstanding contribution in assisting new residents from Russia to integrate into Canadian society, Rabbi Israel Sirota, a resident of my constituency of Mount Royal, has been awarded a 2001 citation for citizenship.

He is one of only twelve individuals across Canada and one of only two Quebecers who has received this prestigious award which will be presented at a ceremony in my riding this evening.

Shortly after his immigration to Canada, Rabbi Sirota, originally from Tashkent, Uzbekistan in the former U.S.S.R., founded the Jewish Russian Community Centre based in my riding. Its objective was to facilitate the integration of Russian Jews into Quebec and Canadian society by providing a range of spiritual, material, educational, professional and cultural services.

Rabbi Sirota's home is home to all Russian immigrants. In his garage he stores donated furniture. His fridge serves as a food bank from which volunteers personally deliver food to the needy. At his home new immigrants learn, experience and grow to love their heritage, and assemble to listen to political and community leaders on topics ranging from immigration to elections.

Rabbi Sirota is a role model for multicultural citizenship. His leadership by example has inspired Russian immigrants to give back to the community which nurtured them and to develop a heightened sense of the importance of participating in the building of Quebec and Canada. He has shown how one person can make a difference.

\* \* \*

[Translation]

#### STATUS OF WOMEN

**Ms. Diane Bourgeois (Terrebonne—Blainville, BQ):** Mr. Speaker, today, we are celebrating Persons Day. On October 18, 1921, thanks to Emily Murphy, Canadian women were recognized as persons.

Because of their fight, women's equality has been recognized, and women who make an exceptional contribution are given a Governor General's award in commemoration.

Vera Danyluk, the chair of the Montreal Urban Community, who, through her involvement in politics and in community groups, has advanced the cause of women, will receive this honour.

Despite considerable progress, women are still fighting for equality: Bell Canada telephone operators, who have been calling for wage parity for the past 12 years; the Réseau des femmes en entreprise familiale, who pay EI premiums, but are not entitled to benefits; rural letter carriers, who do not receive the same benefits as other letter carriers; all these women who are entitled to decent parental leave, and the first nations women who are discriminated against.

The Bloc Québécois is therefore calling on the government to actually do something to show that it truly considers these women persons.

\* \* \*

[English]

#### NATIONAL CO-OP WEEK

**Mr. Larry McCormick (Hastings—Frontenac—Lennox and Addington, Lib.):** Mr. Speaker, I welcome the opportunity to speak in the House on behalf of National Co-Op Week. Since the mid-1800s the co-operative movement has grown to 10,000 co-operatives across Canada. The foundation of this successful movement has been people, people working hand in hand toward a common objective.

As the world celebrates the International Year of the Volunteer I find it a fitting occasion to recognize the 70,000 co-op volunteers who sit on boards and committees across Canada. These people volunteer their time, skills and energy to guide co-operatives in providing vital services to their communities.

*S. O. 31*

The federal government recognizes the role co-operatives play in developing and serving their communities. I will cite two examples. First, through the Canadian adaptation and rural development fund we have researched how agriculture co-operatives can better serve the needs of members. Second, HRDC is testing a revolving loan fund for developing worker owned co-op businesses.

Across Canada we have worker, consumer and producer co-operatives. We have co-operatives for financial services, child care, housing, farm equipment and groceries.

\* \* \*

#### COAST GUARD

**Mr. James Lunney (Nanaimo—Alberni, Canadian Alliance):** Mr. Speaker, the United States has asked Canada for help on a number of fronts in the battle against terrorism. One area in which we have been asked to lend assistance is marine communications and traffic services.

This branch of the coast guard functions as our eyes and ears by monitoring all vessel traffic along our coasts. It is an essential link in our defence of vital seaways such as the Strait of Juan de Fuca, the gateway to Vancouver and Seattle.

At a time when circumstances call for heightened vigilance it is shocking to learn that further cutbacks in services are being contemplated. Unfortunately the coast guard's traffic service has been underfunded for years and the situation has reached crisis proportions.

This morning at committee witnesses expressed their concern that the crisis could lead to an otherwise preventable disaster. I encourage the Minister of Fisheries and Oceans to restore funding immediately. Effective monitoring of vessel traffic along our coastlines and into our ports is more important now than ever.

\* \* \*

● (1410)

#### PERSONS CASE

**Hon. Andy Scott (Fredericton, Lib.):** Mr. Speaker, I am pleased to rise in the House today to congratulate this year's recipients of the Governor General's award in commemoration of the Persons Case. The six women who have been honoured for helping achieve greater equality between women and men have all made a significant difference in the lives of women.

This year's recipients are Vera Danyluk, Linda Silver Dranoff, Kathleen Mahoney, Lynda Sorensen, Anila Umar, and Madeleine Gaudet of Fredericton of whom I am particularly proud. Madeleine is a good friend and a deserving candidate. A minute does not allow me to begin to describe her many accomplishments.

All the individuals being honoured today have fought for women in all walks of life and are role models for all of us.

*S. O. 31*

### NATIONAL CO-OP WEEK

**Mr. Dick Proctor (Palliser, NDP):** Mr. Speaker, Canadian co-ops and credit unions are alive and well in Canada and play an important economic and social role in all of our communities.

Co-ops are found in every sector of our economy including health and housing. The Calgary Consumer Co-op is the largest in North America. The Mountain Equipment Co-op specializes in high-tech and wilderness gear. The *Prairie Dog* is an alternative co-operative newspaper in Regina.

In the future I believe that co-ops will offer some positive alternatives to some of the negative effects of globalization.

As a proud credit union member myself there is much to celebrate in saluting all co-ops and credit unions, their volunteers and employees. I wish to acknowledge two individuals directly, Dan Palsich in northwest Saskatchewan, a 30 year co-operator, and Bill Knight from southeast Saskatchewan who steps down later this year after a six year stint as president and CEO of the Credit Union Central of Canada.

\* \* \*

[*Translation*]

### MEMBER FOR LOUIS-HÉBERT

**Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ):** Mr. Speaker, I would like to quote the words of one of my colleagues, expressing her delight over municipal amalgamations in the Quebec City area. She said “This will get people going. It will force them to play a new role”. The words of a die-hard péquiste? Think again.

These comments were made by the Liberal member for Louis-Hébert. And people are right to be astonished; after all, was this not the same person who rode around with anti-amalgamation posters on her campaign trailer in November 2000?

Quebec City voters are entitled to wonder why today's member no longer stands behind what she said as a candidate. Is she, like many Liberals, trying to have it both ways? Someone should ask her.

Faced with such inconsistency, it is hardly surprising that our fellow citizens are cynical about politics.

\* \* \*

### STATUS OF WOMEN

**Ms. Hélène Scherrer (Louis-Hébert, Lib.):** Mr. Speaker, in 1929, women gained the right to own and manage property and the right to vote. However, they still could not sit in the Senate, on the ground that they were not persons.

A small group of career and intellectual women, better known now as the “Famous Five”, was formed to clarify the issue of women's eligibility to a Senate appointment.

These women took their case to the supreme court, but since that court did not rule in their favour, they went to the Privy Council of Great Britain, then the highest court of appeal for Canadians.

Today, I am proud to celebrate Persons Day, which commemorates the October 18, 1929 decision of the Privy Council of Great

Britain, which ruled that women were indeed persons within the meaning of the law.

The efforts of the “Famous Five” are an example of courage, integrity and solidarity for Canadians—

**The Speaker:** The hon. member for St. John's East.

\* \* \*

[*English*]

### POVERTY

**Mr. Norman Doyle (St. John's East, PC):** Mr. Speaker, this week we mark the International Day for the Eradication of Poverty.

Some years ago the House unanimously passed a motion to eliminate child poverty in Canada by the year 2000. Not only has child poverty not been eliminated, it has actually increased. Food banks and school lunch programs abound all across our nation.

Impoverished children come from impoverished families. Canada is a prosperous nation by international standards but wealth in this nation is not always equitably distributed. The unemployed, single parent families and aboriginal families have great difficulty making ends meet. In many third world countries outright famine is a cruel daily reality.

It is time to rededicate ourselves to the eradication of poverty and we would do well to remember that poverty, wherever it exists, is everybody's business.

\* \* \*

●(1415)

### EMERGENCY RESPONSE SYSTEM

**Ms. Judy Sgro (York West, Lib.):** Mr. Speaker, I am pleased to report to the House that none of the suspicious packages received on the Hill this week contained anthrax or any other biological substance. Indeed, none of the suspicious incidents reported elsewhere in Canada contained biological agents.

I want to emphasize that there are no reported cases of anthrax in Canada.

The response proves that our Emergency Response System works just as it should, efficiently and effectively. From the first responders, Hill security, police, hazardous material specialists and the fire department to our Health Canada personnel who tested the suspect material and the RCMP who were ready to transport the material to our lab in Winnipeg, the response was tremendous.

I want to recognize all those involved and thank them for their efforts. Canadians should be reassured that the system works and will continue to work to protect everyone.

*Oral Questions***ORAL QUESTION PERIOD***[English]***ANTI-TERRORISM LEGISLATION**

**Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, unlike the United States and British anti-terrorism legislation, Canadian anti-terrorism legislation does not deal effectively with the area of detaining and deporting those people who would want to abuse the freedoms of Canada and Canadians. The RCMP's anti-terrorism unit has even indicated that some terrorist cells operating in Canada use bogus refugee claims and bogus health and welfare to operate in Canada.

As the government is being forced to restrict the rights of innocent Canadians with anti-terrorism legislation, why is it so worried about offending those who want to come here to abuse those freedoms?

**Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, the immigration and refugee protection act, which is presently before the Senate, deals with a number of the issues to which the hon. Leader of the Opposition has referred. It deals with the powers to detain and, whenever we have evidence that anyone poses a security threat, we do detain. It also sets out the rules very clearly for streamlining processes. I, as well as everyone, has been concerned about how long it takes for us to determine that someone is not eligible to stay in Canada and to deport them.

**Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, that is not the case.

*[Translation]*

While the government is increasing police powers, the Liberals are still refusing to plug big holes in an immigration act that allows potential terrorists to enter our country.

Will the minister finally pledge to ensure that refugee status claimants who show up at our airports without adequate documents are detained, and even deported if their claims are deemed to pose a threat to our security?

That is what other countries do. Why not do the same?

*[English]*

**Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, we are taking steps to improve the integrity of both the refugee determination and the immigration system. Bill C-11 requires security screening for refugees at the first instance. That is the first step in the procedure. The new legislation stops repeat claims, which was an abuse and we recognized that. It also clogged up the system.

The minister will be able to intervene in cases where we believe someone is inadmissible to Canada. The inadmissibility provisions in Canada state that if someone poses a security threat, is a criminal or a terrorist, the person is inadmissible to Canada. If we have evidence—

**The Speaker:** The hon. Leader of the Opposition.

**Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, that is just not the case.

Canadians are not worried about the vast majority of immigrants and bona fide refugees. They are welcome here. They are worried

about the small group of people who want to use Canada as a base for crime and terror.

We should be doing more to help genuine refugees who are stuck in refugee camps around the world.

Why will the minister not stop the rhetoric and bring in clear and specific measures that will allow authorities in Canada to detain and deport, if necessary, those who want to come to this country and use it as a base for terrorist activity?

**Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, the Government of Canada will never allow terrorists to hurt our commitment and our humanitarian tradition to help those who are in genuine need of our protection. We stand firm on that.

However we recognized that the immigration and refugee protection act needed amendment and I brought that forward. We believe that Bill C-11 gives us the tools to determine who is in genuine need of our protection and who is not, factored in a fair way. We want to be able to remove those who are inadmissible to Canada as quickly as possible.

• (1420)

**Mr. Grant Hill (MacLeod, Canadian Alliance):** Mr. Speaker, I am not quite sure the Senate agrees with the minister.

In June 1998 the Standing Committee on Citizenship and Immigration recommended, and I quote:

Citizenship and Immigration Canada should detain in cases where the identity of a person is not established.

The minister refused.

Why does the minister allow even one solitary soul who comes to Canada without proper documentation to wander our streets freely?

**Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, we are making the system work better and faster. We are keeping it fair. I want the member to know that whenever we have a concern about the identity of an individual, we can and we do detain. That is in the existing act and it is also in Bill C-11. He is creating the wrong impression.

**Mr. Grant Hill (MacLeod, Canadian Alliance):** Mr. Speaker, it is my fault for telling the truth.

Every year at least 5,000 people come to Canada without proper documentation claiming to be refugees. How many of those individuals this year has the minister detained? How many this year?

**Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, I want the member and all Canadians to know that whenever an immigration official has evidence or is concerned that an individual poses a security threat to Canada, or that an individual will not show up for a hearing, or is not satisfied as to an individual's identity, the official can and does detain. Immigration officials have the authority to detain anyone who concerns them. That is their job and they are doing it well.

*Oral Questions*

[Translation]

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, a solid coalition is required to fight terrorism effectively. That is true both on the international level and on the domestic level.

In order to retain a very strong coalition, the Minister of Justice must show more openness than she is at present.

Does the minister realize that she is weakening the coalition by the very position of her government, by refusing to acquiesce to the calls from Liberal and opposition MPs for major changes in the anti-terrorism legislation, concerning sunsets clauses for instance?

[English]

**Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, I look forward to the discussion that will begin this afternoon at committee.

My colleague, the solicitor general, and I will be appearing before committee and I know that members of the Bloc, as well as other opposition parties, have much to offer and advice to provide in relation to how we ensure we have effective terrorism legislation in this country.

[Translation]

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, that is interesting. If this is the minister's objective, she had better talk about it with her colleague, the Leader of the Government in the House of Commons.

The Prime Minister speaks of a careful examination of the situation. The leader of the Government's attitude conflicts with the PM's, for he is trying at this time to bulldoze parliament, so much so that the senators are already examining the bill before we have finished with it.

Might it not be a better idea to take the time to make changes in a bill as important as the one we have before us at this time?

**Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, no one intends to bulldoze parliament, or however else the hon. leader of the Bloc Québécois put it in the House. This is not our intention.

Our intention is to give the bill thorough study, but within a time frame Canadians consider perfectly reasonable. This afternoon we will begin work in committee.

In the meantime, it will go for pre-study to a Senate committee, which could also have something to add to the House committee. There is nothing abnormal in that.

**Mr. Michel Bellehumeur (Berthier—Montcalm, BQ):** Mr. Speaker, efficiency must not compromise the future.

The need for quick action against terrorism must not be at the cost of prudence. The Minister of Justice should know that prudence and urgency can go hand in hand.

Will the minister recognize that sunset clauses are essential to some of the clauses of the bill that have to do with exceptional measures, such as the case in the United States at the moment and in France, which has just done this in its ad hoc legislation?

● (1425)

[English]

**Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, as I have indicated before, we considered this issue very carefully. The government has determined and we think the three year review provision is a fair and adequate mechanism of protection.

However, since I know there are strong views on this issue on all sides of the House, my colleagues and I look forward to engaging in this discussion at committee this afternoon.

[Translation]

**Mr. Michel Bellehumeur (Berthier—Montcalm, BQ):** Mr. Speaker, increasingly, people, including a number of her Liberal colleagues, are encouraging the minister to be prudent. Even the member for Mount Royal, her colleague, sees a need for temporary legislation.

What I want is a political commitment from the minister. Could she tell us honestly today just why she is refusing to promise in this House to reassure the public by including a sunset clause in the bill with respect to certain articles.

I want her to make a commitment before the House.

[English]

**Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.):** As I have said, Mr. Speaker, the government believes that the three year review period is the appropriate mechanism of protection. We considered this issue very carefully.

Having said that, I am the first to acknowledge that there are views being expressed by members on all sides of the House as to whether that is in all cases the appropriate protective mechanism.

I think the committee is the place to have that discussion. I know the government looks forward to hearing the advice of the committee this afternoon.

**Mr. Bill Blaikie (Winnipeg—Transcona, NDP):** Mr. Speaker, I would ask the Minister of Justice a question, but as she said she will be in committee later, so my question is for the Minister of Foreign Affairs. It has to do with Canada's participation in the military coalition against the Taliban and al-Qaeda.

What are the foreseeable goals of the coalition and, if the goals change or if they go beyond what I have just described, is it the intention of the government to argue for a more explicit UN approval of any expansion of the campaign in which the Canadian forces are now involved?



*Oral Questions*

**Hon. John Manley (Minister of Foreign Affairs, Lib.):** Mr. Speaker, the question relates to the responsibility of the Minister of National Defence, but let me say that we have entered into this coalition to support the purpose of attacking the roots of terrorism which have been exposed as a result of the attacks of September 11, that being Osama bin Laden and the al-Qaeda network. That is the purpose of our engagement in the effort being led by the United States, and it is under the authorization of existing United Nations Security Council resolutions and that will be the foundation for proceeding.

**Mr. Bill Blaikie (Winnipeg—Transcona, NDP):** Mr. Speaker, it seems to me that if the action is expanded that might be grounds for further consultation with the UN. However, I would like to ask the Minister of Foreign Affairs this.

I am sure he shares the distress that all of us feel on this side that the window for peace in the Middle East that was there last week, we talk of a Palestinian state, has now been eclipsed by renewed violence and assassination in that area of the world.

Could he tell the House what the message of Canada is to the parties to that conflict and what the government will do to be of help in that very difficult situation?

**Hon. John Manley (Minister of Foreign Affairs, Lib.):** Mr. Speaker, that is a very important question. I think we all look to the region as being a key to the efforts as well that are going on to resist terrorism.

We of course have expressed our concern and our sympathy to the government of Israel as a result of the assassination which occurred yesterday. We are calling on the parties, both the Israeli and the Palestinian authority, to show restraint at this critical time. We are asking that the discussions, which were showing some promise and which were being undertaken by the two sides, be allowed to proceed.

**Right Hon. Joe Clark (Calgary Centre, PC/DR):** Mr. Speaker, I have some precise questions to the minister responsible for critical infrastructure protection and emergency preparedness.

Could the minister tell the House if the government has a current and up to date list of all critical infrastructure facilities in Canada; federal, provincial and municipal? That includes energy systems, water utilities, communications systems, health care facilities and transportation corridors that might attract the interest of terrorists. When was the list compiled and, if it is not yet complete, when will it be completed?

• (1430)

**Hon. Art Eggleton (Minister of National Defence, Lib.):** Mr. Speaker, it is well on its way to being completed. The Office of Critical Infrastructure Protection and Emergency Preparedness was established earlier this year. It has been assembling this information, among its many other duties, and most of that information has already been gathered.

There have been many discussions with the operators and owners of much of this critical infrastructure to make sure that everything possible is being done to ensure its security and its protection. The complete list should be happening soon.

**Right Hon. Joe Clark (Calgary Centre, PC/DR):** Mr. Speaker, well on its way to being completed weeks after the attacks in New York City and Washington, D.C.

Could the acting prime minister tell the House if the intelligence assessments of threats to critical infrastructure facilities, including possible terrorist attacks on offshore gas platforms, pipelines, nuclear plants, water supplies or other vital infrastructures, have been made available to the premiers of the provinces in whose jurisdictions these facilities lie?

**Hon. Art Eggleton (Minister of National Defence, Lib.):** Mr. Speaker, in fact most of the list was gathered at the time of the Y2K events and the concerns that existed then. However it is being updated now and, particularly in light of September 11, a fresh look is being taken to ensure that all the security measures that are necessary are in place.

Yes, consultations are going on with the provinces, the municipalities and private sector people. Various advice and warnings have been given about ensuring that safety and protection measures are taken. I can assure the hon. member that is all in hand.

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**IMMIGRATION**

**Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Canadian Alliance):** Mr. Speaker, the Minister of Citizenship and Immigration's stay the course plan, despite how the system is known to fail national security, is the ultimate Liberal denial of reality. In fact she cannot even give a number of how many have been detained.

The world is a lot more dangerous place than the Liberals are able to admit. Will the minister stop the defence of public relations exercise, get real and raise standards before raising quotas?

**Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, the new immigration and refugee protection act is a complete overhaul of immigration and protection systems in the country. For the member's information, in the year 2000-01, 8,836 individuals were detained in Canada.

**Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Canadian Alliance):** Mr. Speaker, the issue is safety not political correctness and systems. Canadian Alliance members are pro immigration and we believe Canada should accept its fair share of refugees, but since September 11 not much has changed at the borders. Both the head of CSIS and the RCMP commissioner told me that today in committee.

If the minister has not delivered proper security by now, what will it take? Will it take a new minister or perhaps a new government?

**Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, I want to be really clear. The government will never allow terrorism to prevent us from continuing to build Canada through immigration as we have in the past. On the question of refugees, we are proud of our humanitarian reputation, and we will continue to welcome those in genuine need of our protection.

*Oral Questions*

Very often people who are fleeing persecution leave without any identification. They are fleeing for their lives. They come to us and we help them and welcome them. They are the overwhelming majority of people who come to Canada and make refugee claims. The member opposite should not give the impression that it is otherwise.

\* \* \*

[Translation]

**ANTI-TERRORISM LEGISLATION**

**Ms. Pierrette Venne (Saint-Bruno—Saint-Hubert, Ind. BQ):** Mr. Speaker, yesterday the Minister of Justice informed us that Bill C-36 was carefully drafted to exclude lawful protests from the definition of terrorist activities.

Will the minister confirm whether or not she considers spontaneous demonstrations that have not obtained an advance permit from the appropriate authorities lawful protests?

[English]

**Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, I am not quite sure I understand the hon. member's question. I think I was very plain yesterday that the definition of terrorist activity has been drafted carefully to exclude lawful protest activity. That includes examples of lawful advocacy, dissent, strikes and a wide range of other lawful protest activities.

• (1435)

[Translation]

**Ms. Pierrette Venne (Saint-Bruno—Saint-Hubert, Ind. BQ):** Mr. Speaker, the definitions in the criminal code are sufficient to judge reprehensible acts that might be committed by overzealous demonstrators.

Will the minister acknowledge that the definition contained in the bill will make it difficult to distinguish between a mere demonstrator and a real terrorist?

[English]

**Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, the definition in the new act does not make it difficult. As I said yesterday, the definition in the anti-terrorism legislation speaks to activities in which the motivation is the instilling of terror. Lesser forms of violent protest will be dealt with by the criminal code.

\* \* \*

**IMMIGRATION**

**Mrs. Lynne Yelich (Blackstrap, Canadian Alliance):** Mr. Speaker, let me quote from a former Canadian ambassador, who said:

Bill C-11 will make it easier for asylum seekers to enter Canada and much more difficult to remove them after they get in. In normal circumstances, this failure would be deplorable. After September 11th, refusal to implement immediate reform of our system borders on criminal irresponsibility.

Will the minister accept responsibility for this bill which threatens the integrity of our immigration system?

**Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, the member sat through the hearings at committee. On no occasion did she suggest the bill was not tough enough. In fact everything we heard from that party and that member was that Bill C-11 was too tough.

It is a tough bill. It is a complete overhaul of the immigration and refugee determination system. It will allow us to be faster, while we continue to be fair to those who come to us and ask for protection. I reject absolutely the characterization that the member has put on the record.

**Mrs. Lynne Yelich (Blackstrap, Canadian Alliance):** Mr. Speaker, the former ambassador said:

Bill C-11 is a disaster. It plays into the hands of professional smugglers. It leaves Canada wide open for easy entry of undesirables. It seems designed to ensure that the bad buys can never be sent home.

We agree.

When will the minister admit that her legislation is out of step with reality?

**Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, in fact Bill C-11 gives us the tools that we need to be able to tell those who are inadmissible to Canada that they will have to leave Canada more quickly. It gives us the ability to do that.

We received the additional resources to implement the bill. The member knows full well that what she has said is false. Bill C-11 is a complete overhaul. It will do the job for Canadians.

\* \* \*

[Translation]

**THE ECONOMY**

**Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ):** Mr. Speaker, the finance minister's stubbornness makes him the only one to not recognize the need for tabling a budget in the coming days, since even economists, including Clément Gignac from the National Bank, are asking him to do so, as has the Bloc Québécois for several weeks.

Will the Minister of Finance finally bow to our arguments and present budget measures to counter the economic slowdown?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, I already told the hon. member many times that I am very open to a budget, but that we will need the necessary data on the short term thrust of the economy, on the global initiative against terrorism and on the overall plan of the Canadian government concerning national security.

**Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ):** Mr. Speaker, should the Minister of Finance not follow the example of the Minister of Industry, who is taking action?

Yesterday, the president of the Quebec Chamber of Commerce and the Canadian Institute of Chartered Accountants asked the federal government to take quick budget measures, including an employment insurance premium holiday and the postponing of instalment payments by businesses for six months.

Will the minister recognize that these measures, which are proposed in the Bloc Quebecois' five billion dollar plan, are valid and that he has the means to implement them, like just about everyone is asking him to do now?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, the opinions expressed by the majority of the economists whom I met yesterday evening are that, given the substantial tax reductions already in place, given the infrastructure program that is about to begin, and given the lower interest rates, the Canadian government has done what it intended to do and that is a lot more than the United States.

\* \* \*

• (1440)

[English]

### IMMIGRATION

**Mr. Art Hanger (Calgary Northeast, Canadian Alliance):** Mr. Speaker, the minister continually hides behind Bill C-11 as the panacea to fix this problem. Yet the problem time and time again centres around the administration of what is in the present act and the enforcement of such. That is the problem.

Two days ago Sergeant Philippe Lapierre of the RCMP's counterterrorism section said at a conference on money laundering in Ottawa that terrorists in Canada follow a similar pattern. Here is an authority who says—

**The Speaker:** I do not know if there is a question there, but the hon. member has used up all his time. Maybe he would like to move to the second question unless the minister wants to respond to the preamble.

**Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, I disagree with the preamble. We know that there are many people who have all kinds of opinions about the bill, but there is no question that Bill C-11 is a big improvement over what exists today.

**Mr. Art Hanger (Calgary Northeast, Canadian Alliance):** Mr. Speaker, now I will quote what Sergeant Lapierre had to say. He said:

Some people are sent here with a mission and some people come on their own and are recruited. But once here they all have the same modus operandi.

They apply for refugee status, they apply for welfare and health cards. They get involved in theft and then they try to launder the money.

How is the minister going to stop foreign criminals from entering the country and abusing our generosity?

**Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, criminals are inadmissible to Canada. Terrorists and security threats, those who have committed war crimes and crimes against humanity are inadmissible to Canada. As soon as we have evidence of that, we either stop them from entering or if we find them here, we move to detain and deport them as quickly as possible.

What concerns me is the hon. member is attempting to use a broad brush and equate all refugees with those who are security threats or terrorists. That is simply not true.

### Oral Questions

#### TRANSPORT

**Hon. Jean Augustine (Etobicoke—Lakeshore, Lib.):** Mr. Speaker, my question is for the Minister of Transport.

Air traffic has resumed to the United States over the past few weeks, but Canada has not yet been given permission to fly from Pearson and other Canadian points to Reagan national airport in Washington, D.C. When will the minister raise this issue with U.S. authorities?

**Hon. David Collette (Minister of Transport, Lib.):** Mr. Speaker, I shall be meeting Secretary Mineta tomorrow to discuss the air security system and the financial health of airlines. Just before question period he called me to say that he will allow Air Canada to fly into Reagan national airport from Toronto as soon as possible. We hope that the flights from Montreal and Ottawa will be resumed shortly after that.

\* \* \*

#### CANADA—U.S. BORDER

**Mr. Joe Comartin (Windsor—St. Clair, NDP):** Mr. Speaker, Windsor-Detroit has the largest and busiest border crossings in North America. The slowdowns have caused tremendous devastation to the local economy and in fact are threatening the national economy. There have been layoffs in both the auto sector and the service sector, 700 at the Windsor casino last week alone.

What concrete actions is the government taking to ensure that our U.S. counterparts will address this problem and save jobs for Canadian citizens?

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, I can inform the House that I personally was in Washington yesterday speaking to senior members of congress, both the house of representatives and the senate, and members of the administration about these matters. I vigorously urged them to take steps to do what is necessary to get the border operating more smoothly. I know my colleague the Minister of National Revenue is working on measures in that regard.

I can assure the House and the people of Windsor and Detroit that this is one of our top priorities. We are pushing for early solutions because of the importance of this to the two economies.

• (1445)

**Mr. Joe Comartin (Windsor—St. Clair, NDP):** Mr. Speaker, it is good to see the Deputy Prime Minister back on his feet.

Having said that, he was in Washington yesterday at a committee hearing. In fact that committee was talking about tightening up the controls at the border. That is the last thing we need, at least at Windsor-Detroit. What specific things is the government doing? It has had a month and half since September 11 and I have not seen the government do one thing.

**Hon. Herb Gray (Deputy Prime Minister, Lib.):** Mr. Speaker, I appreciate my hon. friend's comment about my recovery from surgery, but he must be suffering from some kind of blindness himself if he cannot see what the government has been doing.

*Oral Questions*

We have been vigorously pressing for prompt action on the part of the American authorities, the people who need to take the steps which will allow traffic to flow more freely between our two countries. Again I repeat that I had talks yesterday. I remind him of the efforts of the Minister of National Revenue. My hon. friend ought to get a new pair of glasses and then he will see what actions have been taken. I look forward to seeing results of those actions before too long.

It was not at a committee hearing that I had the meetings—

**The Speaker:** The hon. member for Fraser Valley.

\* \* \*

**HEALTH**

**Mr. Chuck Strahl (Fraser Valley, Canadian Alliance):** Mr. Speaker, Health Canada has ordered nearly one million tablets of a generic version of Cipro, one of the drugs used to treat anthrax, even though the patent owner of the drug has adequate stock on hand, has tripled its production, and was unaware of Health Canada's decision to place an order with a generic manufacturer. The only legal reason to overrule the patent laws is if the government has declared a domestic state of emergency.

Can the Minister of Industry tell the House if he believes it is a good idea to break Canadian patent law or has he declared a state of emergency and simply forgot to tell the House of Commons?

[*Translation*]

**Mr. Jeannot Castonguay (Parliamentary Secretary to the Minister of Health, Lib.):** Mr. Speaker, the Government of Canada wishes to reassure all Canadians that, in the event of a bioterrorist attacks, we will be ready.

One of the ways we can be sure to be ready is to ensure that we are able to respond to such attacks with the necessary drugs.

In the circumstances, it was important to ensure that we did indeed have these drugs on hand. We have a good many of them already, and the others will follow.

**Mr. André Bachand (Richmond—Arthabaska, PC):** Mr. Speaker, the parliamentary secretary is practically admitting that they are in contravention of their own legislation.

That having been said, here is another question which the parliamentary secretary will perhaps answer. If he is prepared to buy generic drugs, can he guarantee the public that they are safe, that Health Canada is approving a generic drug to save the lives of thousands in the event of a disaster?

Will the parliamentary secretary give us a clear answer this time?

**Mr. Jeannot Castonguay (Parliamentary Secretary to the Minister of Health, Lib.):** Mr. Speaker, we must be prepared for this eventuality, which may be unlikely, but which does exist.

I can assure the member that even though the drugs are generic, they will meet requirements. They are safe. Once again, I think that it is important to stop spreading panic among Canadians.

Canadians need to be told that we are ready and that these are safe drugs. We have assumed our responsibilities, and I am very proud of the role we are playing in government.

[*English*]

**IMMIGRATION**

**Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance):** Mr. Speaker, Canadians have many questions about the government's priorities when it comes to controlling our borders and who comes to Canada.

Is it true that the government sends legal aid lawyers to foreign embassies to help applicants and if so, why?

**Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, the hon. member did not say applicants to what. Perhaps in her supplementary she could do so and then the appropriate minister will gladly respond.

**Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance):** Mr. Speaker, immigrants who come into Canada, to our border.

The minister recently announced \$9 million for new employees. How many full time positions does that mean? How many employees will she put on the frontline?

• (1450)

**Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, I am very pleased to answer the member's question. In fact, we received \$49 million and \$9 million will hire over 100 new full time employees. They will be deployed to the border points across the country to ensure that Canada does its part to secure the Canada-U.S. border.

\* \* \*

[*Translation*]

**MONEY LAUNDERING**

**Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ):** Yesterday, in response to a question, the Minister of Finance stated that Canada was a leader in the battle against money laundering.

However, the exact opposite of this was said by John Mair of the RCMP at a conference on this subject held in Montreal this week.

Does the Minister of Finance agree that Canada has some catching up to do in this area, and will he promote an international agency against money laundering such as the international experts are calling for?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, Canada has already called for this. Moreover, it is in part because of Canada that the Financial Action Task Force on Money Laundering, an international body created by the G-7, has been created.

I can assure you that its work will continue. Moreover, Canada has already said that staff must be increased so that this can be done as effectively as possible.

*Oral Questions*

**Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ):** Mr. Speaker, the Minister of Finance has been boasting for several years about playing a lead role on the international level to do away with tax havens.

The reality, however, is that since he took over in 1993, no action has been taken and more than \$140 billion have been transferred from Canada to tax havens in the West Indies.

Could the minister stop giving us these fine speeches about his claimed role on the international scene, and instead play his role as the Minister of Finance for Canada and put an end to bilateral agreements with countries that are considered tax havens?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, once again, as the hon. member must be aware, the OECD has put in place a process for examination of all tax havens. Canada has given full support to this entire initiative. Moreover, Canada has given \$13 million to countries of the West Indies to ensure that they are able to control money laundering and to examine just how all the problems involved can be solved.

\* \* \*

[English]

**IMMIGRATION**

**Mr. Leon Benoit (Lakeland, Canadian Alliance):** Mr. Speaker, the immigration minister continues to deny that there is a problem with security in the immigration system. Her department's own numbers show that at least 70% of all claimants who are not accepted in this country are never known to leave our country. They simply disappear.

How is it that the minister can claim that her system is okay when it comes to security when 70% of those who are refused entrance to our country, denied refugee status, are never known to leave the country?

**Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, immigration officials check people coming into Canada. When we have a deportation order and we remove someone, we know that they have left. However, many people leave voluntarily. That is the way it works. We do not have exit controls in this country. We do not track individuals who leave the country.

I can tell the member that the overwhelming majority of people who come to Canada are law abiding. If they have a hearing, they show up for the hearing. We do not want to turn Canada into a penal colony by detaining everyone as the member opposite would have us do.

**Mr. Leon Benoit (Lakeland, Canadian Alliance):** Mr. Speaker, we fully support genuine refugees. We are talking about people who have been rejected by her department already. They have been rejected. They are not refugees. Her department has said they are not refugees, yet fully 70% of those people who have been rejected stay in Canada.

How can the minister continue to stand and say that security is just fine in the refugee determination system?

**Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, the number of people who are successful refugee

claimants in Canada is about the same as in other countries that have refugee determination procedures. I will give an example. Approximately 57% of claimants are accepted in Canada and 53% in the United States. That is a fact.

What I can tell the House is that every country in the world has difficulties with removals, often getting travel documents. Canada has one of the best removal records of any country in the world. Last year over 8,000—

• (1455)

**The Speaker:** The hon. member for Pierrefonds—Dollard.

\* \* \*

**TRADE**

**Mr. Bernard Patry (Pierrefonds—Dollard, Lib.):** Mr. Speaker, my question is for the Minister of Industry.

It was reported today that the World Trade Organization will issue an interim ruling on the Air Wisconsin transaction and that this ruling will be against Canada. In light of the expected ruling, what will happen to the financing commitment which convinced Air Wisconsin to buy 150 regional jets from Montreal based Bombardier?

**Hon. Brian Tobin (Minister of Industry, Lib.):** Mr. Speaker, we expect to receive the panel's interim report tomorrow, October 19. I cannot comment on the contents of the report until such time as we see it.

On behalf of the government I want to make it very clear today, and members from the Montreal area will be most interested, that the Government of Canada nevertheless will stand firmly by the decisions we have made to assist Bombardier in the trade dispute it has had with Embraer. That means the provisions and the financing put in place to assist in the securing of contracts in the United States remain firm.

\* \* \*

**IMMIGRATION**

**Mr. Keith Martin (Esquimalt—Juan de Fuca, Canadian Alliance):** Mr. Speaker, the immigration minister just does not get it. The fact is our immigration minister has been allowing terrorists and criminals to enter Canada through our porous and faulty immigration laws. Earlier this week the premier of B.C. said:

With regard to illegal immigration, we have to be clear politically and our political leaders have to be clear that this is not something we can accept in Canada post September 11. We are going to be far more strict about our enforcement of refugee laws.

If the minister will not listen to Canadians, if she will not listen to our ambassadors, if she will not listen to the opposition, will she at least—

**The Speaker:** The hon. Minister of Citizenship and Immigration.

**Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.):** Mr. Speaker, in fact we have listened and introduced Bill C-11 in the House. It is before the Senate at present.

*Oral Questions*

We know that we have to do things better and that we have to be faster, but we are determined to remain fair, to give due process of law and to make sure that when people come to Canada making a serious claim of persecution we do not prejudice the claim and we do listen to them, because we are proud of our humanitarian tradition.

**Mr. Keith Martin (Esquimalt—Juan de Fuca, Canadian Alliance):** Mr. Speaker, Canadians support true refugees. They do not support terrorists masquerading as refugees, so much so that the government of Ontario is putting together teams of Ontario Provincial Police to track illegal immigrants and arrest them.

Why is the province of Ontario forced to do that minister's job?

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, I would like to congratulate the province of Ontario for putting more funds into police work. That is exactly what is needed. It is following the lead of the federal government, which put \$1.5 billion into the public safety envelope.

I thank Ontario for following the federal government's lead.

\* \* \*

[Translation]

**AIR CANADA**

**Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ):** Mr. Speaker, having tried in vain since October 1 to convince the Minister of Human Resources Development, hundreds of Air Canada employees who are losing their jobs staged a demonstration today on Parliament Hill in order to bring home to the minister the urgent need for a decision to provide them with aid.

Will the minister agree, as she did for travel agencies, to authorize a work sharing program, which would significantly reduce the number of layoffs among Air Canada employees?

[English]

**Hon. Jane Stewart (Minister of Human Resources Development, Lib.):** Mr. Speaker, my department is working hand in glove with Air Canada and the unions on precisely this issue.

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**SOFTWOOD LUMBER**

**Mr. Charles Hubbard (Miramichi, Lib.):** Mr. Speaker, for more than six months the Canadian softwood lumber industry has had trouble accessing American markets.

We heard recently that there has been a change with our lumber producers in some provinces and some industries are trying to make separate deals with the United States.

Could the Minister for International Trade bring us up to date on his position in terms of that arrangement?

• (1500)

**Mr. Pat O'Brien (Parliamentary Secretary to the Minister of International Trade, Lib.):** Mr. Speaker, the only irresponsible personal attack we have heard against the Minister for International Trade has come from the official opposition, which was so interested in the file that it went weeks without a trade critic.

There is an ongoing series of discussions taking place. At those discussions there are federal and provincial representatives. It is very important that we discuss forestry practices at those discussions. It is a series of ongoing meetings of officials. It is not negotiations in any sense of the word.

\* \* \*

**THE ECONOMY**

**Mr. Rick Borotsik (Brandon—Souris, PC):** Mr. Speaker, private sector economists are already saying that Canada is in a recession, perhaps a deep recession.

Every day we hear of more layoffs and every day we hear of earnings reports that show massive losses in our corporations.

Could the finance minister, who says he has his finger on the pulse of Canadian finances, tell us how much the revenues have dropped? Could he also tell us when he runs a deficit who he will blame?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, we had an excellent meeting with the private sector economists. They pointed out, as we all know, that there is considerable short term uncertainty but they were quite confident as to the medium and longer terms.

They also pointed out that Canada was in much better financial shape to weather this storm as a result of the actions taken by the government.

They also pointed out the dramatic difference between the financial conditions in Canada today and those in 1990 when the hon. member's party was in power.

\* \* \*

[Translation]

**EMPLOYMENT INSURANCE**

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** Mr. Speaker, yesterday, Alcan announced that it was laying off 3,640 workers. Since September 11, there have been thousands of layoffs in Canada, and there are more to come.

In a few days, the Minister of Human Resources Development must give her reaction to the report on employment insurance prepared by the Standing Committee on Human Resources Development.

With all these layoffs, will the minister reduce the number of hours needed to qualify for EI to 700 from 910, so that a greater number of unemployed workers are eligible?

[English]

**Hon. Jane Stewart (Minister of Human Resources Development, Lib.):** Mr. Speaker, let me again make it clear for the House that the employment insurance system is there now to help Canadians. Our priority is to ensure that those who may unfortunately have need of the system have access to it and we will work very closely with all employers and unions in this regard.

**PRESENCE IN GALLERY**

**The Speaker:** I draw the attention of hon. members to the presence in the gallery of the recipients of the Governor General's Awards in commemoration of the Persons Case. Perhaps hon. members could refrain from applause until all have been introduced.

The recipients are: Mrs. Vera Danyluk of Montreal, Quebec; Ms. Linda Silver Dranoff of Toronto, Ontario; Mme. Madeleine Gaudet of Fredericton, New Brunswick; Ms. Kathleen Mahoney of Calgary, Alberta; Ms. Lynda Sorenson of Yellowknife, Northwest Territories; and Ms. Anila Umar of Calgary, Alberta.

**Some hon. members:** Hear, hear.

**The Speaker:** I also draw the attention of hon. members to the presence in the gallery of the Hon. Clint Dunford, Minister of Human Resources and Employment for the province of Alberta.

**Some hon. members:** Hear, hear.

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**BUSINESS OF THE HOUSE**

**Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance):** Mr. Speaker, I would like to ask the government House leader the usual Thursday question in regard to the business for the rest of today, tomorrow and next week.

I wonder if he could also advise the House, now that we have the first terrorism bill through the House and into committee, how soon we might expect terrorism bill number two, which I know will deal with some transportation issues and other important issues of the country.

**Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.):** Mr. Speaker, let me start by thanking House leaders of all parties for their co-operation in these particularly tumultuous times. I think indeed the nation is well served by their co-operation.

This afternoon we will continue with the consideration of Bill C-15A, respecting child pornography and other amendments to the criminal code. I understand that consideration of that is nearing its end.

After that I will call the resumption of consideration of Bill C-35, respecting foreign missions. Should that consideration terminate before the end of the day, I do not propose to call other bills today.

On Friday we will deal with report stage and third reading of Bill S-23, the Customs Act amendments.

On Monday we will debate Bill C-37, the Alberta-Saskatchewan land claims bill, as well as any other legislation that may not have been completed under consideration over the next couple of days.

Next Tuesday shall be an allotted day. I believe it is in the name of the Canadian Alliance again.

On Wednesday we will consider Bill C-32 concerning Costa Rican trade.

I was asked a question regarding the preparation of the second omnibus bill further to the first one that is presently, as of an hour or two ago, before committee. I do not have a timeline on that yet.

*Privilege*

As well, I am not aware whether the next bill would be a compendium of bills such as the first one was or perhaps only one or two in a separate manner. However I will try to obtain as much information as possible for the House leaders meeting next Tuesday so that I can make that information available through the House leaders to all colleagues.

• (1505)

**Mrs. Elsie Wayne:** Mr. Speaker, I rise on a point of order. I would like to know when the hon. House leader for the government will be tabling supplementary estimates for the Office of Critical Infrastructure Protection and Emergency Preparedness.

In view of the fact that there could be terrorist attacks with regard to nuclear, biological and chemical incidents, there is a need for more money for that department. We truly need time to examine the estimates, so we would like to know when he will table supplementary estimates.

**Hon. Don Boudria:** Mr. Speaker, the date of tabling of the estimates is designated in the standing orders. It is certainly our intention to respect that and to do it obviously within the rules as provided. As to whether, exceptionally, they can be tabled earlier for the reasons the hon. member has asked about, I will endeavour to find out. However right now I have no information in that regard.

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**POINTS OF ORDER**

## OFFICIAL REPORT

**Mr. Sarkis Assadourian (Brampton Centre, Lib.):** Mr. Speaker, I would like to make some corrections to page 6276 of *Hansard*, October 17, in the debate on Bill C-36. In the second column, third paragraph, it should read "USS *Cole* navy ship".

The second correction is on the same page, same column, in seventh paragraph, which should read "Algeria" and not "Nigeria".

The third correction is in the eighth paragraph, third line from the bottom, which should read "in a" and not "from the".

The blues were late, by the way. That is why I could not make the corrections.

\* \* \*

**PRIVILEGE**

## ORAL QUESTION PERIOD

**Mr. André Bachand (Richmond—Arthabaska, PC):** Mr. Speaker, I rise on a question of privilege. In response to my question today regarding the testing of the generic version of Cipro, the Parliamentary Secretary to the Minister of Health gave his assurances to the House that the generic version was in fact safe.

With all due respect, we have just learned that in response to a similar question in the other place the leader of the government acknowledged that the testing process for the generic version of Cipro has been fast tracked by Health Canada and that the tests were not yet conclusive.

*Government Orders*

[*Translation*]

The government is giving us different answers. Members of the House deserve clear and uniform answers from the government. I would like the government to clarify its position on this matter.

It is a question of information, but if the government wants people to know what has to be done and where it is headed, clear answers are necessary.

**The Speaker:** The hon. member will have an opportunity to take part in the debate on the adjournment motion concerning the question he has asked. He may proceed in this fashion. I suggest that he take that course to determine the truth in a case such as this.

[*English*]

There is a dispute as to the facts and it is not for the Chair to adjudicate on that. I think he knows that well. He has other avenues he could pursue, and of course he could always ask another question tomorrow.

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## GOVERNMENT ORDERS

● (1510)

[*English*]

### CRIMINAL LAW AMENDMENT ACT (2001)

The House resumed consideration of the motion that Bill C-15A, an act to amend the Criminal Code and to amend other acts, be read the third time and passed.

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Mr. Speaker, I was discussing section 690 of the criminal code which deals with miscarriages of justice. Members would know that currently there is a case on the landscape regarding Steven Truscott, who was convicted of murder at age 14 on very speculative and circumstantial evidence. A book has been published with respect to his case and there is also a section 690 application forthcoming from Mr. Truscott and his lawyer.

The House would know that appellate courts usually hear wrongful conviction cases and grant remedies. After the judicial avenues have all been exhausted, section 690 of the criminal code empowers the justice minister to review alleged wrongful convictions. The courts may not have detected or may not have been privy to certain information that was available at the time and therefore may not have granted the proper remedies.

Many observers and critics have looked at the new proposed section and view it with somewhat of a jaded eye since the proposed amendments do not accomplish much. They still leave the power of overturning the conviction in the hands of the minister.

In the British example it is put before an impartial body that reviews the evidence with greater impartial investigative powers. Many lawyers, including a very eminent lawyer, James Lockyer who works with the AIDWYC group, maintain that it is much better to put this power in the hands of an impartial arbitrator or adjudicator.

The elements of wrongful convictions and the harm that can flow are substantial and severe. I hope the Minister of Justice would

continue to examine it. I hope that passing the amendments under section 690 would not preclude revisiting this when greater evidence is brought forward.

The House would also know that there is a hearing under way at this time that may bring to light new evidence that would bear on this section.

Generally speaking the legislation that we have before us is something that is very positive. It allows crown prosecutors greater powers with respect to the laying of certain charges. Crown prosecutors like Kathy Pentz of the Nova Scotia public prosecution service and prosecutors from across the country will be pleased when they are informed of these new criminal code sections that would come into effect upon the passage of the legislation.

I was encouraged to see that the department would now undertake to prepare documents that would accompany changes to the criminal code. These would be made available to the provincial attorneys general and the counterparts of the minister at the federal level to allow for a quick synergy or transition into being of these sections.

The coalition is supportive of the bill. We raised a number of amendments at the committee stage and we were given an opportunity to hear from numerous witnesses on this omnibus bill. I alluded earlier to the fact that this legislation was split into eight sections. The bill before us, Bill C-15A, has been whittled down to contain six of the positive elements that we fully support.

The legislation talks about the need to create a higher penalty standard for disarming a police officer. It talks about upping the ante in terms of sentencing ranges that could be meted out for home invasion. Members of the coalition and other members of the House would have preferred that a separate distinct offence for home invasion was brought into the criminal code to reflect the seriousness of that type of criminal behaviour.

An offender who enters a home knowing that the person is in the house and attempts to commit a robbery or a burglary that very often results in a physical confrontation merits a separate criminal code offence that would be more of a deterrent. It would have a greater impact in the criminal justice system if it were considered a separate, stand alone offence.

● (1515)

I referred at the very outset to the changes in the criminal code that pertain to the broadcasting of pornographic material over the Internet. Internet service providers, particularly smaller Internet service providers, raised their concerns in committee. Amendments were put forward that would have provided greater certainty for those individuals, but those amendments were defeated by the Liberal majority.

Internet service providers such as AOL Canada strongly supported the government's effort to limit the existence of child pornography online and to capture the wrongdoers. However it felt the bill should have been amended to eliminate what it felt was the possibility of liability attached to the stakeholders who participate in the blocking or the removal of the material.



*Government Orders*

These Internet service providers are being very diligent in their efforts to self-police their systems. Yet they were concerned that by virtue of the wording of this legislation they could get caught in the net of cracking down on individuals who bring forward online pornography.

The legislation includes the wording “actual or constructive knowledge” and therein lies the problem. What constitutes actual knowledge, particularly constructive knowledge in the online context? The amendments I put forward were rejected. Yet any person who knowingly transmits, sells, imports or is in possession of this type of material can be prosecuted under offences that pertain to child pornography.

I realize that this is a comprehensive bill. I will now deal with criminal harassment. Senator Oliver of the other place has been extremely diligent in pursuing this issue to increase the penalties for those who engage in harassment or stalking, as it is more commonly known.

Stalking is an offence that has come to public knowledge in the past number of years. Women are most often the victims of such harassment and have their entire lives disrupted by persistent phone calls, mail, or by having an individual follow them on many occasions. This type of behaviour can be very dangerous. It is often a precursor to physical assaults and sexual assaults.

The coalition is supportive that penalties for convictions for criminal harassment would be raised. It was the Conservative government in 1993 that introduced through Bill C-126 amendments to the criminal code which first put this offence into legislation. The maximum penalty at that time was five years. This legislation would increase that penalty to 10 years.

We view the legislation as positive and a step in the right direction to ensure greater public safety. It would provide a greater deterrence to offenders who after due process have been convicted under criminal code sections. We look forward to it becoming part of the criminal code along with the other consequential pieces of legislation that are amended by its passage. The coalition will be supporting this legislation.

• (1520)

**Mr. Peter Adams:** Mr. Speaker, I rise on a point of order. There have been consultations and I would like to seek unanimous consent to present two reports from the Standing Committee on Procedure and House Affairs.

**The Deputy Speaker:** Does the House give consent to the hon. member for Peterborough to present these reports?

**Some hon. members:** Agreed.

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## ROUTINE PROCEEDINGS

[*English*]

### COMMITTEES OF THE HOUSE

#### PROCEDURE AND HOUSE AFFAIRS

**Mr. Peter Adams (Peterborough, Lib.):** Mr. Speaker, I have the honour to present the 31st and 32nd report of the Standing

Committee on Procedure and House Affairs regarding the selection of votable items. In accordance with Standing Order 92 these reports are deemed adopted on presentation.

**Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance):** Mr. Speaker, I rise under Standing Order 35(2). The official opposition has submitted a dissenting report and I would like to briefly explain what that contains.

We believe that all private members' business should be votable. The House gave its unanimous consent on June 12, 2001, to a motion from the Alliance calling on a workable proposal allowing for all items to be votable.

Notwithstanding Standing Order 92(1) the subcommittee on private members' business refused to deem all items votable, and we disagree with that. We would like to see all items votable. We feel this is a key reform that needs to take place in the House to improve democracy and give all private members an opportunity to bring forward items that could be debated and decided on in the House.

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## GOVERNMENT ORDERS

[*English*]

### CRIMINAL LAW AMENDMENT ACT (2001)

The House resumed consideration of the motion that Bill C-15A, an act to amend the Criminal Code and to amend other acts, be read the third time and passed.

**Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP):** Mr. Speaker, I thank my hon. colleague from Nova Scotia for his comments on the bill before the House in terms of child pornography. As he well knows the current attorney general of Saskatchewan, Chris Axworthy, who was a 10 year member of the House, introduced a private member's bill years ago specifically dealing with Internet access to child pornography which I have now taken over.

With the expansion of the Internet our children are at greater risk in terms of child pornography and pedophilia. The pedophiles are getting smarter in attracting unaware children. Unfortunately many parents do not understand the risk. Why does the hon. member feel that the government is so reluctant to tackle such an important issue in a strong and forceful manner?

**Mr. Peter MacKay:** Mr. Speaker, I thank my hon. colleague for the question. I share his concerns about the delay involved in getting this bill before us. Even if the legislation had passed last June, it is virtually inexcusable we have not acted sooner to protect children from the activity of luring over the Internet, which is what the legislation is aimed at curbing.

This problem has been with us for a long time. I know the Catholic women's league and the Sisters of Saint Martha in my riding of Pictou—Antigonish—Guysborough have been very proactive in their white ribbon campaign to remind the government and to constantly keep the issue on the front burner in terms of legislative initiatives such as this one.

*Government Orders*

One would hope that this step does not preclude future efforts on behalf of legislators and members of parliament as is the case with the hon. member's bill that he has taken over from the former member, Chris Axworthy.

We would hope that the use of technology for such a nefarious and extremely damaging cause would be curbed at every step. The hon. member is correct in pointing out that children are particularly vulnerable because of the prominence of computers in schools and in homes.

Children routinely communicate with unknown individuals over the Internet using chat sites. This new mode of communication can be extremely damaging because the luring provisions often lead to meetings or physical confrontations where the child is unbeknownst to the pedophile. Rendezvous may take place at a certain point with a known pedophile where an individual may embark on a terrible act of sexual aggression or physical violence. For that very reason we are optimistic that this type of legislation would help curb that type of activity.

Coupled with the bill is the important qualifier that without giving police the resources to do the follow up, without working with Internet service providers to ensure that there is policing of this network of communication, the bill would not accomplish its goals. Therefore we hope the government would be prepared to put money where the bill is and provide police with special funding, if necessary, to ensure that this type of communication which can have such grave implications for children is curbed.

● (1525)

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

**Some hon. members:** Question.

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

**Some hon. members:** Agreed.

(Motion agreed to, bill read the third time and passed)

\* \* \*

**FOREIGN MISSIONS AND INTERNATIONAL ORGANIZATIONS ACT**

The House resumed from October 5 consideration of the motion that Bill C-35, an act to amend the Foreign Missions and International Organizations Act, be read the second time and referred to a committee, and of the motion that the question be now put.

**Mr. Scott Reid (Lanark—Carleton, Canadian Alliance):** Mr. Speaker, there is nothing quite like a two week break in the middle of an impromptu speech to allow one to gather one's thoughts. I had the opportunity over the two week break to spend a bit of time curled up with the material and actually read the bill, something I had not done at the time of my first comments on it. It was fascinating reading. I am glad it is a short bill, unlike Bill C-36.

I will confine my remarks to clause 5 which deals with police powers and freedom of assembly. I will deal with some of the issues raised by these provisions.

When dealing with the question public assemblies we can start with the notion of an assembly of a small number of people for an innocuous purpose and work our way up to something which is a threat to public order and safety. There is a spectrum or range of actions but I will go through the bill and lay out some of the stages to make a point that relates to section 5.

The least aggressive or least intrusive form of public assembly is a gathering of people to discuss political action. The general public may not even be aware of it. This is the most clearly understood form of freedom of association and the one most clearly in need of fundamental protection.

Moving up the scale a bit, one may imagine a gathering which aims to draw attention to a concern or grievance but which is known about only by those who choose to pay attention. It may be a voluntary gathering to promote public awareness but only those involved in the issue would pay much attention.

Bumping it up a bit more, one might see a slightly more forceful gathering to draw attention to an issue. Perhaps people would gather in a public place where they know others would see them and where they would expect to be reported on the news and draw the attention of the public to their cause. Under normal circumstances this is both defensible and admirable.

Moving on from that, a gathering could draw attention through some form of preapproved and consensual interference with the regular routine of business; for example, a demonstration for which a permit has been received. A street could be closed off and the demonstrators could move down the street and disrupt the normal flow of affairs, but in a manner understood and accepted by those in positions of authority.

Provisions are written into municipal laws to permit this sort of thing. Indeed, sometimes it is ritualized in the form of political events we hold on a regular basis. What comes to mind is Remembrance Day when traffic is closed off in part of the downtown core so we can honour our fallen soldiers through a political action.

Moving it up a bit more, we might see an action or demonstration that directly interferes with the conduct of regular life in a way that is not fully consensual and does not have everyone on board. An example might be a picket outside factory gates which is not merely for the purpose of handing out leaflets but for obstructing the flow of traffic in and out. As used to happen in the United States, a demonstration may block the entrance to a prison and thereby make the carrying out of an execution more difficult. This slides over the edge into a bit of illegality but is not as serious as some of the examples that will follow.

Some demonstrations damage property. These are sometimes connected with strikes, strike breaking activity and some political demonstrations. A bit higher on the scale are demonstrations or gatherings that threaten personal security and safety. These move into what could be described as riots.

● (1530)

Finally, at the extreme end of the spectrum we may find forms of demonstration or collective action that threaten life. This is clearly the kind of public demonstration for which there can be no toleration in society.

*Government Orders*

The traditional legal description and manner of dealing with such assemblies can be found in sections 63, 64, 65 and 66 of the criminal code. I will read part of that if I might. Section 63(1) reads:

An unlawful assembly is an assembly of three or more persons who, with intent to carry out any common purpose, assemble in such a manner or so conduct themselves when they are assembled as to cause persons in the neighbourhood of the assembly to fear, on reasonable grounds, that they

(a) will disturb the peace tumultuously; or

(b) will by that assembly needlessly and without reasonable cause provoke other persons to disturb the peace tumultuously.

Subsection (2) states:

Persons who are lawfully assembled may become an unlawful assembly if they conduct themselves with a common purpose in a manner that would have made the assembly unlawful if they had assembled in that manner for that purpose.

Section 64 goes from unlawful assembly to imagine the stage of the spectrum I described as a riot:

A riot is an unlawful assembly that has begun to disturb the peace tumultuously.

The law then anticipates different punishments for those who participate in a riot or unlawful assembly. Section 65 states:

Every one who takes part in a riot is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.

Section 66 refers to those who participate in unlawful assembly. It states:

Every one who is a member of an unlawful assembly is guilty of an offence punishable on summary conviction.

The law has traditionally made a distinction between lawful and unlawful assembly. As members will notice, individuals who participate in lawful assembly are not merely not punished by law; their rights to assemble freely are protected by law. The charter of rights and, before it, the bill of rights clearly laid out such protections. The American bill of rights also lays out protections for lawful and peaceable assemblies.

We see a range, then, from completely legitimate and protected actions which the government may not interfere with to those which the government must necessarily interfere with for the benefit of society. This is a spectrum.

The law takes into account that at the same place and time there may be people who are legally demonstrating in a manner that is protected by the law and the constitution; people who are engaged in unlawful assembly and are subject to summary conviction; and people who are engaged in riotous behaviour and could be punished by up to two years in prison. This could all be going on at the same place at the same time.

The law is designed to provide incentives so that those who are assembled lawfully do not choose to move into an unlawful assembly and those who are engaged in unlawful assembly may resist the temptation to slide into riotous behaviour.

In general these are pretty good practices. They are longstanding conventions in the law and have served our society, American society and other societies in our legal tradition very well indeed.

I will turn from these general comments to clause 5 of the bill under consideration today. I will read it if I might. Clause 5 would amend section 10 of another act and make the following additions. It starts at subsection 10.1(1):

The Royal Canadian Mounted Police has the primary responsibility to ensure the security for the proper functioning of any intergovernmental conference in which two or more states participate, that is attended by persons granted privileges and immunities under this Act and to which an order made or continued under this Act applies.

Subsection 10.1 (2) states:

For the purpose of carrying out its responsibilities under subsection (1), the Royal Canadian Mounted Police may take appropriate measures, including controlling, limiting or prohibiting access to any area to the extent and in a manner that is reasonable in the circumstances.

Subsection 10.1 (3) states:

The powers referred to in subsection (2) are set out for greater certainty and shall not be read as affecting the powers that peace officers possess at common law or by virtue of any other federal or provincial Act or regulation.

This would include the earlier acts I have read.

● (1535)

This part of the law as I understand it is intended as a response to the kind of anti-globalization demonstrations and actions that took place in Quebec City, and before that, outside our jurisdiction, at the so-called battle of Seattle. Demonstrators at the Seattle conference a couple of years ago engaged in a range of actions from peaceful protests, to what is the American version of unlawful assembly, up to what everyone would agree was riotous behaviour with full battle gear in some cases, gas masks, bricks and all kinds of paraphernalia that allowed them to be quite disruptive and violent.

Looking at the example of Quebec City which is directly relevant to this part, I have some friends, including the man who ran against me for the nomination in Lanark—Carleton and with whom I have remained on very good terms, who were in Quebec City and protested against globalization in a peaceful manner. However there were others who were engaged in the worst sort of violent behaviour. Policemen were struck by bricks. Private property owners had their property destroyed as part of these unlawful protests.

There was a range between brick throwing hoodlums and those who were there acting under the protection of our constitution. We should be quite specific that the goal of those who were on the violent margin of all that was to have the effect of causing so much chaos at one of these assemblies that it would become impossible to carry on their function. What is going on is the assumption that they cannot win the debate against globalization, or whatever the issue happens to be, through the normal democratic means, that they cannot do it by convincing people through democratic, open and legal assemblies and therefore they will use those as a cover for illegal actions. That is reprehensible. To the extent that the legislation deals with that, it probably is a positive thing.

*Government Orders*

I note that clause 5 makes an attempt to deal with this by stating that the RCMP clearly will be in charge of security at all such conferences. The logic here is that in Seattle for example the local police were in charge of security. They had no idea what was coming. They had no specialized training for it and in addition they had no practice for that sort of thing. At first they underreacted which allowed the city to be put into chaos. Then they overreacted and beat up people who were completely innocent, dragged away people who had done nothing wrong along with those who had, and as a result were able to create sympathy for the illegal protesters in a manner that surely was completely unintentional. To this extent this part of the legislation probably is positive.

The one great caveat that has to be put on all of this is that the Royal Canadian Mounted Police unfortunately is becoming increasingly a politicized agency. This is done because the commissioner of the RCMP has the status of a deputy minister and effectively is now part of the regular civil service. This is a problem that generally is true in our semi-independent agencies in government. It is a very unfortunate thing. We saw the interference of Jean Carle for example in what was going on in Vancouver at the APEC conference five years ago.

It seems to me what would give greater security here would be if this particular legislation or other legislation were to try and re-establish the kinds of separation between the executive government and the political masters in the Liberal Party who do have a certain stake in ensuring that justice is not administered fairly. It is unfortunate that this is occurring. It could be corrected. With goodwill on that side of the House and in the government it would be entirely possible.

• (1540)

**Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance):** Mr. Speaker, given the catcalling from the other side, I am surprised there were no questions, but I will pose a question.

The member has found the bill riveting reading. Many of the contents of the bill, although the government has labelled them as housekeeping items, have certain consequences and certain resulting impacts.

The member alluded in his comments to the motivation of the bill perhaps being, in part at least, the government's concerns as a result of the APEC inquiry which cost the Canadian taxpayers in excess of \$10 million. That resulted in a commissioner's resignation and tremendous delays. I think that aroused a lot of concerns among Canadians that perhaps there was a little too much political influence being exercised in terms of the RCMP's conduct, not specific to that event solely but in other respects as well. All of us recognize the vital importance of an independent police force and the RCMP of course with its worldwide reputation is one we are all proud of as Canadians.

Perhaps the member would like to put some comments on the record as far as his concerns or ideas around the RCMP. It might be of benefit to Canadians if we did a better job of separating the potential, at least, for political influence intermingling with the decisions our police forces should be making solely on the basis of facts and the investigative work they do.

**Mr. Scott Reid:** Mr. Speaker, my hon. colleague has cabinet level experience in the province of Manitoba with a variety of matters. Having dealt with his own cabinet colleagues in the administration of government, he perhaps has more expertise than I do on some of these things.

With his permission, if I could broaden it and deal with the whole question of the politicization of nominally independent agencies, perhaps I could deal with the thematic base of his question.

There is a problem with the politicization of independent agencies in this country that is unlikely to occur when we look at our neighbours to the south. I think the reason is that the Americans have a system of government in which the executive is clearly separated from the legislative branch. The legislative branch in turn has some independent control over selection for the judiciary, which means that the judiciary is also completely and fully independent. Appointments tend to be made with some legislative control as well. This is something that is absent here.

The governor in council always appoints people who are satisfactory to the Prime Minister. Moreover these appointments are made without any kind of outside input except that which the government of the day finds permissible and acceptable. We can see this most dramatically perhaps with the whole question of the ethics counsellor.

If the member for Malpeque is really interested in what I feel about these things, I would encourage him to stay here tonight. I have a late show question and we will go on at great length on that subject under the new rules.

As an example, the ethics counsellor is not in any way independent. Of course the promise that was made during the 1993 election was that there would be an independent ethics commissioner. There are similar problems with the chief of defence staff, who is given a bureaucratic rank as a deputy minister. We see the separation and independence that is given to agencies being eroded. This was our protection and our version of the kinds of protections that are built into the divided powers of the American system. That is where the problem is coming from.

How could that be overcome? Giving parliament genuine control over the choice of people placed in these kinds of positions may solve this problem. For example, the election of the Speaker has produced a genuinely independent Speaker. The questions that used to arise as to the independence of speakers in past parliaments, going back to the 1970s and 1980s, no longer exist. That is because the Speaker is clearly an independent agent elected and responsible to the House.

If elections were taken in a similar manner, and I am just throwing this out as a possible solution, we may see that this would provide some kind of protection or ratification perhaps of someone who has been nominated by the government through an independent vote in the House. That kind of thing might genuinely produce the kind of freedom from political interference in a variety of these areas which is currently lacking.

I look forward to any questions particularly from the member for Malpeque.

*Government Orders*

• (1545)

**Mr. Wayne Easter (Malpeque, Lib.):** Mr. Speaker, I am really concerned by the remarks the member made which make serious implications toward the RCMP. As the member for Portage—Lisgar has said, the RCMP is one of the most respected forces around the world.

To suggest that there was political influence in British Columbia at that time is not what the APEC inquiry found. I am concerned that the member is speaking in a way to not let the facts get in the way of a good story. I am not surprised about that from the official opposition.

Could the member lay out the specific sections of the APEC inquiry that substantiate the claims he is making in the House?

**Mr. Scott Reid:** Mr. Speaker, the hon. member has had the opportunity to read the inquiry report. I do not have a copy at my disposal at this moment but I invite him to use the excellent resources available at the Library of Parliament.

**Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance):** Mr. Speaker, I thank the member for the sole question coming from the Liberal side of the House. I hope to see that interest continue on the bill.

There is a short time remaining and I know the member has given this some thought. A difficult balance has to be struck in terms of respecting individual rights and freedoms and at the same trying to stand strong against violence. We have seen in recent months and years an increasing tendency toward violence by protesters at international and domestic gatherings, with some of the protesters basically screwing the whole thing up for the rest. Because of this willingness of some to violate the laws of our country, they inhibit the ability of the others to freely express their views and concerns as they legitimately have the right to do.

I do not necessarily agree with all of the positions held by every protest group, however I would defend very strongly their right to express those views. Has the member given any thought to the impact of this legislation by giving the RCMP a broader ability in some respects to control the conduct of demonstrations against the government? Has it shifted the balance in some way that may detract or be deleterious to the conduct of a free and open lawful protest?

• (1550)

**Mr. Scott Reid:** Mr. Speaker, in the notes I jotted down for this talk, I noted that subsection (2) is the part where the Royal Canadian Mounted Police may take appropriate measures including controlling, limiting and prohibiting access to any area to the extent and in a manner that is reasonable in the circumstances. This is a great weakness with the bill. It would have been very helpful if this had been laid out in substantially more detail so that we would know exactly what is meant. There is an opening here for a great deal of future litigation if, as one would anticipate, some people felt that an inappropriate manner had been used rather than an appropriate manner.

[*Translation*]

**Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ):** Mr. Speaker, sometimes speech is silver, sometimes silence is golden.

It is unfortunate that our colleague from Lanark—Carleton decided to use the time he had left, although that is his right, to complete his presentation. It is not that we do not recognize his erudition and his eloquence, but it had, I believe, been agreed among our various colleagues to allow the member for Cumberland—Colchester, who unfortunately had a plane to catch, to speak for a few minutes to this bill. He really wanted to and will not be able to, unfortunately, under the circumstances.

I know this is not common practice in this House, but I would like to mention, for the constituents of my colleague from Cumberland—Colchester and the people of Nova Scotia, that he wanted to speak in this House on the bill, but circumstances prevented him from doing so.

I am very pleased to rise today to speak to Bill C-35, in part because I have fond memories of my stint on the Standing Committee on Foreign Affairs and International Trade as the former Bloc Québécois critic in the matter. I refer to the act to amend the Foreign Missions and International Organizations Act.

I would right off like to congratulate our colleague from Mercier on an excellent job in this matter.

This bill sets out the privileges and immunities enjoyed by diplomats and international organizations in Canada. It sets out Canada's obligations under the Vienna convention on diplomatic relations that took effect in 1963.

I would first say a word on diplomatic immunity. It has, let us not fool ourselves, had bad press. We recall the death of Ottawa lawyer Catherine MacLean and the injuries suffered by her friend Catherine Doré. They were struck in March by a Russian diplomat posted to Ottawa, Andrei Knyazev, while he was unfortunately intoxicated. Mr. Knyazev escaped prosecution because of his diplomatic immunity. Russia, in a gesture I cannot support, refused to waive the immunity.

Members will recall that the Minister of Foreign Affairs announced at the time that he would do something so that foreign diplomats arrested for driving under the influence of alcohol would never drive again in Canada. I am surprised that the bill before us makes no mention of this. We will certainly have an opportunity to question the minister on the matter in committee.

People have trouble understanding that some people are above the law simply because they have diplomatic status. If a poll were taken today, I would not be surprised if a majority of the population said they were against diplomatic immunity. It is for this reason, curiously, that I come to its defence today.

Diplomatic immunity is essential for the success of international relations. In many countries of the world, arbitrary decisions take the place of the law. In some areas, there is no freedom of religion. In others, criticizing the government is a crime. If the diplomats we post to these countries were not protected by diplomatic immunity, they could be imprisoned at a moment's notice, or even executed for the slightest criticism or indiscretion.

*Government Orders*

In such conditions, without diplomatic immunity it would be difficult for the Government of Canada, and even for the House of Commons, to take action vis-à-vis these countries without endangering the lives and the safety of the Canadian diplomats posted there. It would be difficult to intervene at the UN General Assembly. Without diplomatic immunity, our diplomats would have trouble coming to the assistance of Canadians in troubled regions around the world. In short, it would be difficult for diplomats to play their role fully. And the role that diplomats play abroad is an important one.

One has only to read the Vienna Convention to realize this. Diplomats are responsible for representing their government, defending it, negotiating on its behalf, promoting economic, cultural, political and scientific relations and finally, protecting its nationals. Without diplomatic immunity, these functions could be interrupted as soon as there was unrest in the country to which they were posted. And it is at these precise times that diplomats' functions are most essential.

• (1555)

Diplomatic relations between states or sovereigns have always existed. What is more recent are the diplomatic duties performed within international organizations. These functions really took off with the creation of the United Nations, after World War II. But it is not just the UN. Progress in the transportation and communication sectors have helped the development of international organizations. Some, but not all of them are created by treaty.

In addition to these international organizations, we also have major international meetings and summits that are not always under the aegis of organizations, but nevertheless play an important role in international relations.

The current Foreign Missions and International Organizations Act is ill-suited to this new situation, hence Bill C-35, whose principle is supported by the Bloc Québécois.

Still, several provisions of the bill raise questions and even serious concerns. We will see in committee how these concerns can be lessened. It is too early to say whether we will support the bill at third reading.

The definition of international organizations found in the existing act is very restrictive. In order to be considered as such, international organizations must be established by treaty. However, a number of organizations, including the OECD and the G-8, are not established by treaty.

The definition of diplomatic mission is also very restrictive. Indeed, the existing act only recognizes embassies or consulates accredited to Canada. Diplomatic missions accredited to international organizations are not recognized. There is a need to adjust the legislation to the current reality, where international institutions play a major role.

Quebec's international reputation, and particularly that of Montreal, is well known. This is especially true in cultural and educational areas, in the environmental sector, and in the aviation industry, where Montreal is known worldwide through ICAO, among others, the International Civil Aviation Organization.

There are already 70 international organizations in Montreal, including 40 that are recognized through agreements with the Quebec government. Seven of these organizations are made up of states and would be covered by Bill C-35. Under Bill C-35, diplomatic missions accredited to these organizations will enjoy the same privileges and immunities as diplomatic and consular missions accredited to the government.

The presence of these international bodies in Montreal has a direct economic impact in excess of \$185 million, as well as over 3,300 jobs. On top of that, there are the international meetings attracted by their presence in Montreal. This is another aspect of Bill C-35 which will help Montreal develop its international role. Major international meetings participated in by other countries, might enjoy privileges, taxation ones in particular, under this bill.

Nevertheless, the Bloc Québécois is extremely perplexed by certain clauses in this bill, as I have already said.

First, the definition of international organizations. In the present act, an international organization is defined as any intergovernmental organization of which two or more states are members, while Bill C-35 adds "whether or not established by treaty", which is a good thing. However, the French expression "regroupant" (bringing together) has now been changed to "formée de" (made up of) several states. Why?

Does this mean that an international organization of which several states are members, but also federated states or provinces, would no longer be recognized? I am thinking here, of course, of the Francophonie, and also of other organizations in which Quebec will be sure to participate, because they deal essentially with matters over which Ottawa really does not have much, if any, jurisdiction, such as culture, education or health.

The bill has as little to say about interparliamentary associations. These, as we know, are becoming increasingly important. Some even have a permanent secretariat here. I am thinking in particular of COPA, the Parliamentary Association of the Americas, one which is very familiar to you, moreover, Mr. Speaker, and is headquartered in Quebec City.

These parliamentary associations may have foreigners on their staff. They are not comprised of states, but rather of parliaments. The bill does not mention this, and thus affords them no particular tax status. Here we have an excellent opportunity to proclaim the importance of the international role of parliamentarians. It would be a pity to miss it. We are entitled to question such matters, and will do so in committee.

Second, clause 4 of Bill C-35 has an impact on the recognition of delegations of what the bill calls, and I quote, "an office of a political subdivision of a foreign state". This in fact refers to federated states, or provinces.

• (1600)

I will take the trouble to cite the legislation, because the issue is subtle, but very important. Section 6 of the existing legislation provides that the Minister of Finance and the Minister of Foreign Affairs may decide jointly, and I quote:

—for the purpose of according... treatment that is comparable to

(a) extend any of the duty and tax relief privileges provided for in the Vienna Convention on Consular Relations that have been granted to that office of the political subdivision of the foreign state, and to any person connected therewith;

In addition, the act provides that the minister may also grant to the offices and archives of these political subdivisions any of the immunities accorded to consular premises and archives by the Vienna Convention on Consular Relations.

Bill C-35 limits this. The duty and tax relief privileges are still there, but the immunity of premises has disappeared? Why?

And even with respect to tax privileges, the act provides that the minister may grant them only if he is of the opinion that, and I quote:

—the office of the political subdivision of the foreign state performs, in Canada, duties that are substantially the same as the duties performed in Canada by a consular post as defined in... the Vienna Convention—

This is a condition that is not in the existing legislation.

Federal states, particularly in countries consisting of more than one people, are playing an increasingly large role in international fora. The example of Belgium comes to mind, but there are others. Not all countries are like Canada, which uses every means possible to prevent the people of Quebec from bypassing Ottawa's filter and communicating with the other nations of the world.

Decisions taken in international forums now affect all areas, including some that do not come under federal jurisdiction. The role of federal states in these international forums will only grow.

Why then does Bill C-35 limit privileges, when the times we now live in would seem to require that they be broadened instead?

The Vienna Convention is based on the rule of reciprocity of treatment. If Canada reduces the privileges accorded delegations of foreign federal states represented here, the odds are that foreign governments will be tempted to want to reduce the privileges accorded Quebec delegations abroad accordingly. I have trouble understanding this restrictive clause, slipped into a bill the purpose of which is to be more open.

Quebec has 31 foreign offices: six general delegations, one delegation, seven offices and 17 sub-delegations on every continent.

These Quebec representatives abroad deal with co-operation, immigration and economic development. They play an essential role.

In passing, I would like to highlight one of Mission Quebec's successful economic missions last year, in which they came back with a one billion dollar Spanish investment, in the riding of my colleague from Mercier, to be specific.

Such success would have been more difficult without the presence of Quebec representatives abroad. We must not make things harder for them. Indeed, we must assist them. And one would think that this is the role of the federal government, as long as Quebec is a part of confederation.

Yet we know how much the federal government likes throwing wrenches in the works of Quebec when it comes to their international presence. We know how hard they work at erasing Quebec's presence in the international arena.

### *Government Orders*

Much has been said about the federal government's little book for diplomats posted abroad on how to deal with separatist officials. We recall as well that one African country, Mali, was threatened with having all of its development aid cut if it invited Quebec to participate in a meeting of the Francophonie in the 1960s.

France had to intervene to solve the conflict, which in the end enabled Quebec, the only francophone state in North America, to become a member of the Francophonie. Such events make us suspicious. The government should reassure about clause 4 of Bill C-35.

My third concern, and I will end on this, regards the powers of the Royal Canadian Mounted Police. This aspect of the bill already concerned me. Bill C-36, the anti-terrorism act that was just introduced, increases my concerns.

Bill C-35 adds another section to the Foreign Missions and International Organizations Act. It basically adds a new element that did not exist in the current legislation, that of security at intergovernmental conferences.

• (1605)

Indeed, the bill specifies that the RCMP, or the mounted police, as the Prime Minister calls it and as we used to call it 50 years ago, is responsible for the security of intergovernmental conferences.

One wonders what this clause has to do with the immunities and privileges granted to diplomatic missions and international organizations. This clause has nothing to do with the Vienna Convention on Diplomatic Relations that the bill on foreign missions and international organizations will implement. Moreover, subsection 3 of this clause reads, and I quote:

—shall not be read as affecting the powers that peace officers possess at common law or by virtue of any other federal or provincial Act or regulation.

If this clause does not have any effect on existing laws, then why include it? I do not understand. Let us keep reading. The same clause provides that:

The Royal Canadian Mounted Police has the primary responsibility to ensure the security for the proper functioning of any intergovernmental conference in which two or more states participate, that is attended by persons granted privileges and immunities under this Act.

In the past, that responsibility was jointly assumed by the RCMP and the provinces, as we saw during the last summit of the Americas held in Quebec City in April, when RCMP and QPP officers fully co-operated together. The presence of the QPP was indispensable and beneficial in maintaining order.

We can all think of this somewhat ridiculous situation where unilingual anglophone RCMP officers would ask in English unilingual francophone protesters to disperse.

In order to be effective, security measures must be applied jointly.

But let us continue reading clause 10. subsection 2 specifies that for the purpose of carrying out its responsibility under subsection (1):

the Royal Canadian Mounted Police may take appropriate measures, including controlling, limiting or prohibiting access to any area to the extent and in a manner that is reasonable in the circumstances.

*Government Orders*

This clause institutionalizes the security perimeter. It legitimizes any measure that the RCMP may want to take to ensure the security of international meetings. It gets the parliament's approval regarding measures that may be taken without parliament being involved, even indirectly.

It is not normal to close off cities, barricade neighbourhoods and fence off downtown areas so that heads of state can meet. I understand that it is necessary sometimes, but it is not normal. In fact, it is indicative of some discomfiture in the operation of international organizations, a lack of democracy and transparency and a lack of sensitivity to people's needs. This can only give rise to frustrations and then demonstrations.

This therefore is an abnormal situation that can be only temporary. These measures are exceptional and must be treated as such. There is no reason to institutionalize them, especially in legislation that will be permanent, since its function is to ensure the permanence of international relations. This is an important distinction.

As my time is running out, I will conclude. It is clear that this clause is drafted to measure for the G-8 meeting in Alberta next July. It is clear that it is intended to apply parliament's stamp to the security measures the police are preparing to take, which will be, as we may expect, extraordinary. We must avoid doing so. At the very least, we must avoid doing it in the context of legislation on diplomatic relations.

It is, however, all the more distressing, when we consider the context of the G-8 meeting. The anti-terrorism bill will have been passed by that time.

I point out that the definition of terrorism in the bill is so vague that a Liberal member went so far as to say that, under Bill C-36, the demonstrators at the Quebec summit could have been considered terrorists. We must bear this in mind when we consider Bill C-35. We must be extra cautious.

Freedom of expression, of association and peaceful demonstration are fundamental rights. They are in large measure what distinguishes democratic countries from totalitarian ones.

• (1610)

The Bloc Québécois will have many questions for the minister about the appropriateness of putting this clause on the security of intergovernmental conferences in Bill C-35.

As can be seen, the Bloc Québécois is raising numerous questions and concerns. Those questions will have to be answered and our concerns will have to be addressed during consideration of the bill.

Nonetheless, we acknowledge the need to modernize the Foreign Missions and International Organizations Act. Diplomacy is no longer practiced the way it was 30 years ago nor is it in the same forums.

Consequently, despite all the reservations that I mentioned, the Bloc Québécois will support the principle of the bill.

[English]

**Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance):** Mr. Speaker, I extend thanks to my colleague for his thoughtful comments and insights on the legislation.

I was particularly struck by his comments, and I believe he may have used the phrase expanded definition, on the need for a definition of organizations of various kinds that qualify for diplomatic immunity and treatment which has been afforded traditionally only to certain types of diplomats, certain treaty organizations, certain qualifying organizations and so on. I want to give him the opportunity to expand a little on that point because I am very interested in his thoughts.

The second point he made referenced the very unfortunate incident that occurred approximately a year ago when a Russian diplomat, who was driving while impaired, caused the death of a Canadian citizen and injured another. Of course, because of diplomatic immunity practices, we were not able to prosecute that individual here in Canada. I am also interested on his thoughts in that regard.

If we expand, which seems to be his wish, the rights of diplomatic personnel or broaden the definition so that many others qualify for certain rights under this act, how does he propose to deal with the resultant obvious increase in the number of people living in our country who would not be required to adhere to Canadian laws? How does he propose to balance those two things?

[Translation]

**Mr. Stéphane Bergeron:** Mr. Speaker, I thank the honourable member for Portage—Lisgar for allowing me to clarify my thoughts on those two issues.

First, it must be recognized that the tragic events that occurred in the United States several weeks ago have shown, like no international event has before, that all the concepts we had so far pertaining to international relations regarding strategy and the balance of military forces have been seriously challenged.

Since World War II, international relations have changed considerably. If it is true that in the past relations were established essentially between states, or in bygone days between the sovereigns of those states, they have become quite different today.

The legislative framework for the protection of diplomatic immunity must adapt to this new international reality.

As a first step, I believe we should pass legislation that will modernize the protection system applying to the immunity of foreign representatives in Canada.

When I said that international relations have evolved, this means that more and more international organizations are totally different in nature from the ones we used to know in the past. This is why we must take measures allowing us to recognize those international organizations.

That does not mean—and I am getting to my colleague's second question—that we cannot do something internally to avoid abuse. I pointed out this shortcoming in the bill because the Minister of Foreign Affairs told us, following an accident here in Ottawa a few months ago, that he would see to it that a diplomat causing injury or death while driving under the influence would no longer be allowed to drive.



*Government Orders*

The bill before us does not contain any provisions that would follow up on what the minister wanted.

This does not mean that we cannot impose a number of obvious restrictions to address certain situations like those that we faced a few months ago.

That being said, it is also important not to restrict, through legislation specifically designed to broaden it, the definition of certain organizations that could be granted certain immunities and privileges.

I referred earlier to certain organizations of which Quebec is a member, including COPA, in relation to the fact that the bill establishes a new distinction when it says that the only organizations made up of states will be recognized. Does this mean that organizations of which federated states are members, such as the Parliamentary Conference of the Americas, would be excluded from those that can be given immunities and privileges?

As I was saying, the world has changed a lot, and federated states have an increasing role to play on the international scene in areas that fall under their jurisdiction.

Therefore, Canada must put an end to the traditional paternalistic attitude that it has shown with regard to the role of provinces on the international scene and recognize this new reality in the legislation. But it seems that the federal government has chosen to go the other way in its bill, and that is one aspect that is of concern to us.

• (1615)

**Ms. Jocelyne Girard-Bujold (Jonquière, BQ):** Mr. Speaker, I want to congratulate my colleague from Verchères—Les-Patriotes who has clearly explained how this bill will change the way Quebec and Canada deal at the international level.

The Bloc Québécois is supporting this bill at second reading, but does have some concerns. Why does the member for Verchères—Les-Patriotes insist so much on demonstrations and the powers this bill will give the Royal Canadian Mounted Police?

This bill will legalize actions that were illegal in the past and it will be applicable to very specific situations, in the context of international conferences held in Canada. I would like my colleague to expand on that.

**Mr. Stéphane Bergeron:** Mr. Speaker, I thank my colleague from Jonquière for her question, because it gives me an opportunity to elaborate and clarify this aspect of the bill.

By itself, within the context of Bill C-35, this aspect of the bill would already raise some concern. We could certainly be concerned to see the RCMP being granted, through this bill, the power to organize by itself all the security aspects of international activities or conferences held in Canadian territory.

We have seen it in the past. We only have to think of the APEC Conference in British Columbia, when the RCMP, and indirectly the federal government, were asked to plan the security of this conference. It seems—and it has not been denied yet—that there would have been a close relationship between the two as far as the conference security, the so-called security, was concerned. We are therefore justified in being concerned about the new provision in bill C-35.

But when this provision contained in Bill C-35 is combined with all the provisions in Bill C-36 on combating against terrorism, then we become really concerned, as I indicated earlier in my speech.

We will recall that one of our colleagues from the Liberal Party suggested that the provisions of Bill C-36 might be interpreted in such a way that protesters at the last Summit of the Americas in Quebec City could have been considered as terrorists.

With the Royal Canadian Mounted Police solely responsible for security in such a context, it would be all the more reason to be concerned. If the past tells us what the future will be, the government will have to bring clarifications on this disturbing provision in Bill C-35 as well as on the other provision contained in Bill C-36.

• (1620)

[*English*]

**Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance):** Mr. Speaker, I welcome the opportunity to contribute my thoughts to the discussion on Bill C-35. I would like to pay special tribute to my colleague from Verchères—Les-Patriotes as well as to my colleague who spoke previously. Their comments were very insightful and added greatly to the debate.

It would be appropriate to go back a bit and talk about the aspect that is at the centre of the bill, the rules around diplomatic immunity. To do that we need to revisit why those rules exist in the first place.

Rules regulating the various aspects of diplomatic relations constitute one of the earliest expressions of international law. Whenever in history there has been a group of independent nations co-existing, special customs were developed on how ambassadors and other special representatives of those nations were to be treated, on special privileges and immunities related to diplomatic personnel of various kinds. They grew partly in consequence of sovereign immunity and the independence and equality of states and partly as an essential requirement of an international system.

States must negotiate and consult with one another and with international organizations. To do so, they need diplomatic staff. In most cases those diplomatic staff are comprised of citizens of their own countries who travel abroad to do that work, although in our own foreign affairs department a decreasing number of people working in our foreign embassies are Canadians. More and more we employ people who are nationals in the areas where our embassies are located. That is another topic for another day, but certainly a topic of concern to the members on this side of the House in the Canadian Alliance.

*Government Orders*

In short, the rules of diplomatic law lay down the receiving state's obligations regarding the facilities, the privileges, the immunities to be accorded to diplomatic missions, and on the other they foresee their possible abuse by members. They specify the means at the disposal of the receiving state to counter any such abuse. Our concern is that the balance between these two things has shifted perhaps too much against the whole state. In other words, there is not the opportunity for recourse that might be necessary in the event of a criminal act by a member of a foreign mission on Canadian soil.

It is disappointing to me, as it should be to any thoughtful member of the House, that the government has not seen fit to have the minister present the arguments as to the merits of the bill and that it has not seen fit to advance speakers to discuss the bill. That clearly is a distraction and evidence of a lack of enthusiasm for the bill. Perhaps not, but there is a presence of a desire to move the bill forward quickly in the absence of constructive debate. I invite the members on the other side of the House to contribute their thoughts and comments to the discussion as it is important.

American humorist Will Rogers defined diplomacy as the art of saying nice doggy while looking for a big stick. What we are concerned about is that the big sticks in diplomacy seem to be held by the people who come to Canada rather than by Canadians themselves.

We understand the traditional history of diplomatic immunity is of long-standing, I am told right back to the treaty of Westphalia, and that it has been enhanced and elaborated upon by the Vienna conventions and so on. We understand the need for diplomatic immunity in its basic sense. We know that in ancient times people who had the responsibility of being foreign ambassadors were sometimes treated badly by the other nations to whom they had to carry messages. Sometimes they were beheaded. I understand other elements of torture were applied to them. They were put in dungeons. They were punished for doing the work of trying to be intermediaries between two states.

Civilized states advanced and decided to move forward. They brought forward better ways of dealing with one another by giving immunity to those who had the courage to become members of the diplomatic corps. This of course was progress.

The essential secondary aspect of that immunity was that the receiving countries agreed they would not discriminate against the representatives from other countries regardless of their conduct in the past and that that was irrelevant.

• (1625)

What they may have done in a war a few years before was totally irrelevant. The lives they may have taken, even from the very country to which they were now an ambassador, were of no consequence whatsoever. The fact was they were free and clear. They were above the law. They were not just above the law in the sense that previous actions, whether criminal or not, were to be forgotten, but they were also above the law in the land to which they went. Of course that meant that they did not have to abide by the laws of the country to which they went.

Fortunately there have been relatively few instances, at least in modern times, where foreign diplomats or council staffs have

betrayed the trust or dignity of their office by breaking the laws of the land in which they were stationed. Nonetheless, that reality, which is something I will address a little later in my comments, is unfortunately a reality we saw in Canada as recently as a few months ago: a reality that impacts on the lives of real people in a real way: a reality that human beings are not perfect; and a reality that when people are given positions that puts them above the law, for some reason or another they seem to think they are above the law and can behave in any way they might desire. That is not a good thing.

The history of immunity means trade-offs. We could say those trade-offs in our history were a good thing. They were progressive steps for medieval times when ambassadors were beheaded if the news was not good. That is a progressive step. Perhaps what we are debating now in the context of this bill is not whether diplomatic immunity itself is a good or necessary thing, but rather a question of degree. That is what we should be debating.

Is it right that we should expand upon the definitions of those people allowed to be above the law? Is that something that we should consider doing? Should we place a broader number of people in the country above Canadian law? Is that something we should do? I do not know. I do not think so.

I know that theoretical cases are sometimes used to illustrate points and I will provide one. Let us suppose that Afghanistan is defeated, the Taliban is deposed and a new administration comes in that is comprised of a coalition of a variety of forces representative of the people of Afghanistan. Let us suppose that we are able to bring democracy to Afghanistan and there is a freely held, open election where the most popular people would be elected to a new Afghanistan parliament.

Then let us suppose that Osama bin Laden runs and wins because he is a pretty popular man in some parts of Afghanistan. Let us suppose he goes into a house like this and serves there for years representing the people of Afghanistan. As is the case here of course, after a few years he would be appointed a diplomat, just as happens with Liberals on the opposite side. They advance to the diplomatic corps. Our diplomatic corps around the world is populated with former Liberal politicians.

Let us suppose that after a few years the government of Afghanistan decides that Osama bin Laden, on the right side of the power-brokers of the day, should be appointed a diplomat and is appointed to Canada. I hope everyone is getting my point.

The fact is when someone is put above the law there are consequences to doing that. The consequences for two women in Ottawa last year are real and permanent. There are consequences for not standing up for Canadian values. Canadians value the rule of law and people who abide by the laws that are made. We are proud of our system of laws.

In fact it stands in very stark contrast to the way in which we dealt with the issue of terrorism for too long. We have become known as a soft touch for terrorists around the world. We have become known as a safe haven. Every time a question is raised, the immigration minister does the same thing. She does this now and has done it for some months from what I understand.

For example, a question might be asked about why 50 people came here last weekend from Pakistan or Afghanistan without security clearance and then disappeared into the land, but the immigration department did not know where they were or what their security records were.

● (1630)

When someone asks a question, we immediately hear the response from the immigration minister that we are labelling everyone outside of Canada who is a refugee. We are asking questions about a process that Canadians are concerned about.

This country has a reputation among the peacekeeping law enforcement officials and investigative and intelligence personnel around the world as a soft touch for terrorists. It has a reputation in many countries as a place where one can go and immediately have charter rights and freedoms: the right to accommodation; the right to free medical care; the right to food; and welfare benefits. Immediately, we provide those benefits, and many of us in the House are proud of that. The reality is we do not want to provide those benefits to terrorists. That would be self-evident.

The question is: How do we deal with this system properly and carefully? On the one hand, the Liberals have said since September 11 that they want to deal with the problem. I accept that. September 11 changed our way of thinking. It changed many of us, perhaps forever, and some of that is not entirely bad. If it has brought about an awareness of the need for greater security and if it brings about a need for a greater understanding of the challenges we have to face to stand up for Canadian values in the world, then perhaps that is a benefit that has come from a tragedy.

However, the reality is that the Liberals, prior to that time, and perhaps again, have been torpid in their response to the initiatives that we have advanced. Torpid means: slow moving, sluggish, inactive, inert, lethargic, lazy, listless, spiritless, indolent, languid, languorous, apathetic, lackadaisical, passive, slow-thinking, dull, half asleep, drowsy, somnolent and dormant. That is the response we have had from the Liberal government for several years in advancing security related suggestions, clear-headed forward thinking suggestions, which only now, in consequence of a crisis, it appears to be embracing. Better late than never.

This bill sends the wrong message. The bill sends the message that we will be tough on terrorists but we will be tough in terms of standing up for our values; we will be very permissive in extending the right to certain groups of people within our country, a growing number by this legislation, to be above the law. That sends the message that we have a flexible morality and we do not.

We have not got the military we used to have, but we are trying. I am proud, and we are all proud, of the Canadian people who are contributing to our military presence in this struggle against terrorism worldwide. However that should not deter us in doing everything we can on a diplomatic front.

The government says it is tough on terrorism. It has made that statement numerous times. However, when it had the opportunity to stand up and prove that, it failed. I speak now about the opportunity to oppose the selection of Syria to the United Nations security council.

### *Government Orders*

The Prime Minister said in a press conference just last week "Together with our allies, we will defy and defeat the threat that terrorism poses to all civilized nations".

In the House last week, the defence minister said "There is no doubt that those who perpetrate this terrorism need to be found out and brought to justice, as well as those who harbour them".

Those are good words. Those are words I hope that all members could support. Unfortunately, when we had the opportunity to stand up and say no to Syria for the United Nations Security Council just last week, we did not.

Why should we have said no to Syria? Let us talk about that.

Syria, as a nation, has violated the United Nations Security Council economic sanctions against Iraq. It has pumped 100,000 barrels of Iraqi oil per day through its pipeline to the Mediterranean coast, which shows its contempt for the United Nations Security Council on which it now has a seat, thanks to Canadian representation.

Syria is an occupying power in Lebanon. It maintains 25,000 troops and intelligence agents in Lebanon. It uses Lebanese banks for its slush funds. It has turned the Biqa Valley into one of the world's greatest drug routes.

● (1635)

This contravenes UN resolution 425 which calls for the territorial integrity, sovereignty and political independence of Lebanon.

The following terrorist organizations are known to be based in Syria according to the International Institute for Strategic Studies in London, England and the United States state department: Hamas, Hezbollah, Palestinian Islamic jihad, Democratic Front for the Liberation of Palestine, and the list goes on and on.

Syria has been on the United States state department's list of states sponsoring terrorism since that list was first created in 1979. Hamas operates a political office in Damascus. It is openly operated.

The leader of the Islamic jihad which carries out suicide bombings in Israel lives in Damascus. The group has its headquarters there. Syria allows Hezbollah, Hamas, Islamic jihad to operate freely from areas of Lebanon under Syrian control. Syria allows Iran to supply Hezbollah through the Damascus airport.

One would hope that if we were going to stand for Canadian values and do the things the minister of defence said we would do, which is to stand against those who harbour and support terrorism, we would at least have had the spine to say no to Syria for the United Nations Security Council. It was our opportunity and a glorious one to show that we would stand for Canadian values, not just in words but in actual deeds, and say no when it was right to say no.

*Government Orders*

I understand the need for us to have relations with various countries that we may not agree with some of the time or a lot of the time but I also understand that a good relationship is based on openness, truth and honesty. When has the government demonstrated to us that it has told the government of Syria that it is not acceptable to harbour terrorist organizations? It has not. That is not how a strong and good relationship is created. That is not how to stand for Canadian values in the world.

Yesterday, sadly, the tourism minister of Israel was assassinated by an organization named the Popular Front for the Liberation of Palestine which operates out of Syria. A week and a half ago we could have as a nation said no. We could have said that Canadians would not support this kind of thing but we did not. Yesterday another widow was the result of the action of a terrorist.

I am not blaming the members of the government for the actions of terrorists because that would be wrong and I will not do that. What I am saying is that we have to stand up for the values that we maintain we have. If we fail to do so then they are not truly our values. We have an opportunity and an obligation to do that.

In case the members opposite believe or disbelieve that there are no real consequences, they should consider the events of yesterday. A diminished Canadian voice has been the result of our failure to stand for our values. There are consequences to us domestically when we extend rights. I give the example of rights to diplomats, diplomatic immunity.

Last year Russian diplomat Andrei Knyasev, who had multiple previous drunk driving incidents, ran over and killed a woman and seriously injured her friend in Ottawa while under the influence of duty free alcohol to which he was entitled as a diplomat. He is beyond prosecution.

In 1997 a Kuwaiti embassy employee in Ottawa, Osama Al-Ayoub, was charged with two counts of reselling duty free liquor to which he was entitled as an embassy employee. He left the country without being prosecuted.

In 1996 Olexander Yushko, a Ukrainian consular employee in Toronto, claimed immunity after trying to lure two girls aged 12 and 14 into his car while holding an anaesthetic soaked handkerchief. He was also charged with two counts of drunk driving, possessing stolen licence plates and attempting to bribe a police officer. There was no prosecution there either.

In 1991 two unnamed Kenyan diplomats claimed immunity after being questioned in Ottawa for allegedly assaulting four teenage girls at knifepoint in two separate incidents in a vacant apartment they had broken into. They simply left the country without prosecution.

In the words of Catherine Doré, the woman injured in the unfortunate event of last year, the survivor of the Knyasev incident, she said:

Diplomatic immunity should not be an excuse for violating those rules which protect Canadian citizens. There are changes that need to be made—changes so that people like that don't get away without being punished.

● (1640)

The bill does nothing to address the weaknesses I have pointed out today. I encourage the government to make changes or withdraw the bill entirely.

**Mr. Wayne Easter (Malpeque, Lib.):** Mr. Speaker, I certainly disagree with the member's last remarks that the bill does nothing. When I look at his examples, they are typical from members of the official opposition. They seem to look back rather than look ahead. Many of the examples the member talked about are the very reason for the bill. The bill does go some distance to dealing with those problems.

The other point I want to pick up on and one that is absolutely wrong is the point that this country is a soft touch for terrorists. That is far from the truth. The bill makes it clear that people in the diplomatic service are not above the law. It moves some distance to deal with that question.

There is an old saying "what is good for the goose is good for the gander". We have to be careful in terms of how far we go in the bill when we have our own diplomatic people abroad. If we take away all the rights and privileges from people from other countries and treat them the same as they would be treated on their own sovereign soil, we would be doing a disservice internationally. We could not have confidence in the security of our own people in embassies abroad that they would be treated fairly under international standards. We need to find a balance, which is what the government is trying to do through the bill.

The member seems to believe that we are not taking any steps forward with the bill. I find that amazing. Could the member not admit that this does move us ahead some distance to deal with the problems we have faced in the past?

● (1645)

**Mr. Brian Pallister:** Mr. Speaker, I will not admit that because it would be untrue. The member is quite wrong. The bill is silent on the issue of increasing or in some way addressing the issue of criminal behaviour by people who have been extended diplomatic immunity. The bill is silent on that except to the extent that it expands the number of people who may be given immunity. It is silent on that aspect entirely.

The member makes the point that I cite examples from the past. I could speculate on examples in the future if the member would like. The fact of the matter is that these events have occurred and they have affected Canadians. They are not a joking matter. They are not irrelevant. They have affected Canadians and the bill is silent on the consequences of extending diplomatic immunity and broadening it, as the bill does. It is silent on that issue entirely. That shows me a disrespect for the past and a disrespect for the victims of the crimes of those people who have been given diplomatic immunity and who have taken advantage of it. I would say quite the contrary. I would say that we should learn from the past.

*Government Orders*

The bill does not learn from the past. Rather, it is a backward looking bill. The bill was drafted as a consequence of the APEC protest. The member knows that. The APEC protest happened several years ago. The nature of the APEC protest itself is that it was an historical protest. The protests that have happened since that time, in Quebec City, Seattle and the G-8 meeting in Genoa, have been much different. They have been bigger and broader in nature. The security requirements that will be necessary for such events in the future will likely be incredibly more demanding on our security services if we are to host such meetings, as we will next year with the G-8 meeting in Kananaskis, Alberta.

That being said, our obligation is to make sure that we give the same kind of respect to Canadian citizens obviously as we would to those diplomats who would come here from abroad. However that does not mean we have to treat the diplomats who come here from abroad as a separate class having rights over, above or beyond the rights of Canadians.

The member talked about the quid pro quo argument, and that is quite a legitimate point. He made a good argument. I appreciate the fact that we need to be concerned that our diplomatic corps abroad is also extended certain immunities and certain rights. Nowhere in my comments did I suggest we should withdraw all rights from all diplomats here. The resultant hairy scary theory he advances of what would happen if, has no legitimate relevance at all. What we are talking about here is a question of degrees, a question of should we be extending these rights more broadly to a larger number of people.

My colleague from the Bloc Québécois made the point that there should be a far broader definition of organizations that qualify for diplomatic immunity. I believe he would like to see, as is the position of the members of the Bloc, rights extended to organizations that are entirely provincial, originating in Quebec itself for example, and that diplomatic immunity should be extended to delegations that come here from abroad. That would mean that a delegation coming here from any number of different countries around the world and its participants would, under his proposal, if I understand it correctly, not be required to abide by Canadian law while here.

Diplomatic immunity is not a hot topic. It is not out there right now. People are not talking about it very much. However I believe many Canadians are interested in knowing what the merits are of extending a realm of lawlessness, essentially of giving people the right to not abide by Canadian law on a selected basis. I think many Canadians would be very interested in learning more about this topic. I think many Canadians would like to know and would like to understand why it is that we would propose, as the government is doing with the bill, to extend these kinds of rights on a broader basis to people from outside our country at a time in the world's history when concerns about violent acts of terrorism have perhaps never been greater. Many Canadians right now feel very insecure.

I would like to take this opportunity, if I might, to add my comments to the anti-terrorism bill that was presented earlier this week in the House. I did not have an opportunity to give them earlier.

• (1650)

I would like to add that my best wishes go out to our troops and to their families. The people in my constituency of Portage—Lisgar are

thinking of them and are proud of the way they are standing up for Canadian values in a real way. As I see it, our primary task here is to do the same. It is to stand up for Canadian values as we see them and stand up in a real way, not just in rhetoric.

**Mr. Dick Proctor (Palliser, NDP):** Madam Speaker, I did not hear all of the hon. member's speech but I did hear him make reference to the fact that it is well known that Canada is a safe haven for terrorists. I want to disagree with that assessment, but more important I want to say for the record that this is not what the director of CSIS, Mr. Ward Elcock, said this morning. In fact he said exactly the opposite before the immigration committee. Not only is it inaccurate to say that Canada is a safe haven for terrorists because it is misleading, it is unfortunate that we convey this kind of impression to Canadians at a time when we are living through such a highly charged, emotional, post-September 11 atmosphere. I think it is extremely important that we put things in context.

I just came from a panel that included a member from the minister's own party. She made the point that the worst thing to fear is fear of the unknown. The only thing we have to fear is fear itself, as Roosevelt said. Let us get factual information out that Canadians can deal with, not overblown rhetoric, as saying Canada is a safe haven for terrorists would suggest.

**Mr. Brian Pallister:** Madam Speaker, the member might refer to the Senate committee on terrorism which referenced the fact that over 50 terrorist organizations operate within this country today. The member might reference numerous experts, far more expert than I, who are security knowledgeable people. The former director of strategic studies for CSIS himself, David Harris, noted that essentially Canada is operating an aircraft carrier for the jihad, that we have had far more people coming to our country.

This is understandable. When one does a comparative study of the degree to which other nations welcome people from abroad, Canada has a proud history of welcoming people from around the world. Naturally there would be a tendency for some of those people to be terrorists. I think that to deny it is probably more dangerous than to admit the truth. The truth of the matter is, as we see investigations unfold—

**The Acting Speaker (Ms. Bakopanos):** I am sorry to interrupt the hon. member but his time has elapsed.

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 Verchères—Les-Patriotes, Tokamak; and the hon. member for Lanark—Carleton, Business Development Bank of Canada.

**Mr. Ken Epp (Elk Island, Canadian Alliance):** Madam Speaker, I would like to begin my speech by making a little parenthetical comment to the member for Lanark—Carleton who began the debate this afternoon when we resumed second reading on Bill C-35. He made a comment on the fact that his speech had been interrupted for some two weeks and that he had some time to think about it.

*Government Orders*

I want to give him a little bit of a commiserating thought which is that to my recollection my record on having a speech interrupted basically in mid-sentence is about a year. There was a time in one of the previous parliaments where I gave a speech and then the debate on that item was dropped. It was not called again by the government for just a couple of days short of a year, at which point I was able to resume my speech. My problem was somewhat different from his in that he had some time to reflect on what he wanted to say. I had enough time to have forgotten what I wanted to say.

We are talking today about Bill C-35, an act to amend the Foreign Missions and International Organizations Act. This again comes down to a fundamental principle and that is the principle of law and order and who it applies to. Basically the bill provides for the Minister of Foreign Affairs to provide exemptions from Canada's laws to certain individuals, organizations and people who are part of these organizations, primarily diplomatic missions and this type of thing.

I have a bit of a problem with this whole general concept. I know that it is part of the convention and that there is a lot of agreement among countries. Generally the rule is that we will exempt members of another country from any of the obligations under our government if that country does the same for our diplomats and our people when they travel to that country. That is sort of the basic principle. It is a pretty sound principle, if it could be applied.

However there are some rules and laws on which I do not think we ought to bend, yet we do quite easily. I would be much happier to specify explicitly to diplomats that some of the laws in this country are not to be compromised by them, by their staff, by their families or by whomever instead of saying that they are exempt from all these laws. There should be no exemptions. Of course this was already mentioned when we talked about our rules against driving while intoxicated. That is one of the most blatant examples and it is very fresh in the minds of many of us here who have spent some time in Ottawa.

I believe that we should say to people coming to this country that we will not exempt them from a particular law and if they do not agree they should send people here who will. In other words, we do not want people who will break laws and endanger the lives and attack the security of Canadian citizens. We have to be very sure that we protect Canadians. That is a substantial missing link here.

When we exempt a person from a law, even a simple parking law, what we are basically saying is that everyone else must pay the penalty for that exemption. That is a principle which I think is contrary to the fundamental democratic principle of equality of people within our society.

I have another little parenthetical statement I want to make here because I think it is rather funny. When I first arrived in Ottawa some eight years ago, and I believe next week is the eighth anniversary of that election, one of the things that shocked me in terms of the culture shift from the cities and towns in the west which I had grown up in and lived in was a considerable disregard for the law in Ottawa. That shocked me, because I thought that Ottawa was the lawmaking capital of the country and in this very city citizens did not pay any regard to the foremost fundamental laws governing traffic. That was what got me.

● (1655)

I think I am still the only one in Ottawa who, even when I walk from my office to the hotel at midnight, still stops and waits at a wait light. I have not seen anyone doing it. I have even had people look at me like they think I am crazy. They ask me why I am not walking, why I am standing there. I have had cabs stop. The drivers think I want a ride. All I am doing is simply obeying a law. The law says we should wait to go until the light gives us permission. Very frankly, there is quite clearly a lack of enforcement of that law which means that people do not obey it.

When I drive in Ottawa I can assure members that I am much more anxious about the safety of pedestrians than I am back home, because back home I am assured that they will stay on the sidewalk and will not break the laws, whereas here I have the opposite assurance. I know that if there is a person on the sidewalk he can and likely will, on a whim, leave the sidewalk and walk in front of me, maybe pausing just short of making contact with the vehicle. That unfortunately does not make for a very good, safe society.

Earlier this week when taking my 10 minute walk from the hotel to the office in the morning, I decided to count infractions. How many infractions do you think I saw, Madam Speaker, just traffic infractions such as vehicles making u-turns in the middle of the street, vehicles making illegal turns, pedestrians jay-walking and pedestrians walking against the light? In 10 minutes in my little walk from the Travelodge hotel to my House of Commons office I counted 61 violations. Clearly the law is not being enforced so therefore it is just blatantly being broken.

That is a civic matter and has nothing to do specifically with the House of Commons, but the reason I mention it is that when we have people living in Canada who for one reason or another are exempt from certain laws, it sends a totally wrong message. As I said before, we need to be very sure when we exempt individuals from obeying these laws that we have a very good reason to do so and that the reason is consistent with our objectives.

When I think of some of these laws that could be exempted I think of the GST. If we decide that we will exempt foreigners who are in our country as part of a diplomatic or other mission from paying the GST, I suppose we could. I know that it is done, because our diplomats are exempted from the tax rates when they go to other countries. There is a reciprocal agreement.

Just collecting a tax or not collecting a tax is not necessarily an affront or a threat to our safety, but there are other laws which I believe we should very vigorously enforce and I think that this actually is the root of the bill. It is one of the reasons that the Liberals over there refuse to get into the debate. All throughout the afternoon only one Liberal stood up once for two minutes to ask a question. That was the hon. member for Malpeque. I congratulate him for actually being awake and listening and participating.

However, the fact that the Liberals are not putting up speakers to defend the bill is a tacit admission that it is indefensible. Therefore they will just push it through with their majority and will not need to try to persuade anyone to vote for it because their members will vote for it on command and they cannot defend it to the others anyway.

*Government Orders*

I believe the reason they are doing this is primarily the APEC situation in which they brought in some individuals, and I will not mention them by name, and it was quite clear that those individuals were not willing to obey the security and other laws of our country and they were exempted. There was then of course a considerable fear.

• (1700)

I believe one of the reasons the protesters in Vancouver were pushed back from the motorcade was for their own safety. Some members of the motorcade from foreign countries could have taken action against the protesters had they perceived that something was going awry, which would have been very unfortunate.

Their job was to protect their man. That is legitimate but there is a better way. We should inform delegates invited to Canada on such a mission that it would be better for them to comply with our rules and to allow us to provide the security. Then everything would be done in an orderly fashion.

I want to spend a few minutes talking about the right of demonstrations. It has become almost a cliché in Canada and to some extent in the United States. Some very great good has come from the freedom of expression and from the freedom of demonstration.

I refer particularly of our friends in the United States. I wonder how many more years of inequality between whites and blacks in the U.S. there would have been were it not for Martin Luther King and some of the demonstrations in which he participated. However I remind the House that those demonstrations were always done peacefully.

Mahatma Gandhi was another person who engaged in peaceful demonstrations. It is called passive resistance. When people are willing to stand and object because something is wrong and are willing to be sent to jail because they feel the other side is wrong, it sends a very powerful message. If it is done often enough the message gets through. However if we say to the protesters that they have the right to engage in any activity they want, we are inviting an increasing degree of anarchy into our society.

We had protesters put pies into the faces of ministers and even our Prime Minister. The Prime Minister would not necessarily have been my first choice. However, having earned that position and having been elected by the people, we have in our society an obligation to respect that position.

When we are telling people it is okay to protest and to take a lemon or meringue pie and shove it into the Prime Minister's face, I say that is a case of great indignity and should not be tolerated. We have come to a point where we no longer have discernment on what behaviour should or should not be tolerated. There are some things we should not tolerate.

I would like to give another little sidebar if I may. One of the great surprises in my life as a member of parliament is the abuse one gets as an MP simply based upon a perceived association from other people who think we are not honourable.

An event happened to me that was both funny and sad. I was visiting a business person who was showing me around his shop. I

had not entered there in my capacity as an MP. He knew I was an MP and we were having a fairly reasonable conversation. During the course of the conversation suddenly and without warning he kicked me quite hard. I can still remember the pain because he got me in a place where it hurts. He said that he felt better and that he always wanted to do that to a politician.

We both had a little laugh and I passed it off, but inside I was very hurt because he did a very undignified thing to me. He thought it was funny, so what could I do?

• (1705)

If the circumstances were different I could have charged him with assault. That would have been the appropriate thing to do, but I did not and I would not. We sort of take these things, but we need to make sure that when people are protesting they treat other people with dignity.

The kind of protests we have had in the country in the last number of years have increasingly shown a total lack of respect and dignity for the participants. I am referring to meetings of the G-8, IMF, World Bank and APEC.

Are they not honourable and reasonable people who are leaders in their countries? They come together to debate and to solve problems. Why should we allow other people to put their lives at risk? We should have reasonable limitations on freedom of demonstrations that protect the rights and dignity of other people as is required in the convention. Canada has agreed to the clauses that protect the dignity of the person.

I have another little sidebar. While in Ottawa during the last eight years I had opportunity to meet a number of foreign dignitaries, ambassadors and representatives from other countries. One of the greatest venues for this is sponsored by a Canadian organization called the Christian Embassy.

Gerry Sherman often gets members of parliament, senators and foreign diplomats together so that we can learn about their countries and they can learn about ours. He has taken some of them on guided tours across the country. It is a great thing he does. In this case we have people treated with the dignity they deserve and in 99.9% of cases the kind they have earned. I would like to see that continued and encouraged.

I want to say one more thing about international meetings. If we do not act properly we will probably no longer have these meetings. I say to protestors that they have the right in a democracy to get involved in the debate. They should forward their debaters to the House of Commons by getting somebody elected who would represent their points of view. They can also be in other venues, but let us get into debate.

Just as I do not have the right to breach the two sword lengths between this side and the government side, neither does the protester have the right to breach the security of anybody else who wants to get into debate. They have the right to be in the debate. They do not have the right to violence or the threat of violence.

*Government Orders*

Unless this is checked the time would come when the G-8, G-20, the World Bank and the International Monetary Fund would only be able to meet somewhere on an undisclosed island where they would arrive without formal notice. Once they were there all other aircraft would be kept 50 miles away. That would be the only way they would have an opportunity to sit and debate the issues in peace, freedom and security. I believe that island should be Canada, but it cannot be if we do not have a balance of discipline with respect to protesters.

This is not a party position. I am one person who says that I accept the rules of ordered debate and of an ordered civilized society. I expect others to do so as well.

Bill C-35 does not come anywhere near setting out new powers for the RCMP to deal with this kind of thing. It is a backward step in my view as it does not enhance the ability of Canada to be an honourable, dignified and secure host of these international conferences and other functions.

• (1710)

**Mr. Wayne Easter (Malpeque, Lib.):** Madam Speaker, there was not a lot in the member's remarks that related to this bill, although he did get to it in the end. The hon. member left the impression that there were no charges laid against the individual who pried the Prime Minister. In fact the individual was charged and he is paying a penalty as a result. Unlawful acts of that type are not allowed.

I am concerned with the hon. member's comments regarding the right to demonstration. I am a strong believer in that right. I agree that there should not be violence, but if there is then people should be handled in full accordance with the law.

I was not in favour of the APEC inquiry that took place. In a former life with the National Farmers Union I have probably been in more demonstrations in every province in the country than most people in the House.

If demonstrators stretch the law and get hit with water or clubbed with a billy, they should not be crying about it. They know beforehand that by stretching the law there are consequences to be accepted. Some demonstrators at APEC did not accept those consequences. I strongly believe in the right to demonstration. We would not have supply management in the country, which is a great system of marketing for the farm industry, if there had not been demonstrations.

We must have freedom of expression and freedom of demonstration. If too many rights are taken away then bin Laden and the likes of him have won the fight. Canada must be careful to retain the rights and freedoms for which we are respected. How far would the hon. member go in terms of taking those rights away? Where does he draw the line?

• (1715)

**Mr. Ken Epp:** Madam Speaker, I agree with the hon. member. We have entrenched in Canada's constitution the right of association and the right of getting together with other groups and people of like mind. I defend that to the very core, but we have allowed demonstrations in Canada to become violent by nature. People do not get on the news unless an RCMP officer pepper sprays them, so

people push it until they are pepper sprayed. Then it is on the news and the message gets out.

First, we ought to be looking at ways of having these people heard by a truly representative parliament instead of a system whereby people cannot be heard, which is the way it is right now, I dread to say.

Second, I resent the words right to demonstration. They imply the right to enact violence on other people, and that is not a right. There is a right to demonstrate peacefully and lawfully. People can call it a protest if they want. They can carry placards, and I suppose they can even shout.

I know of a number of meetings, even though I was not there personally, that were shut down because people were screaming, yelling, pushing, shoving and would not allow the meeting to go forward.

For security purposes it was decided to take the Prime Minister or the Leader of the Opposition out the back door so there could be peace instead of violence, death or injury. That is wrong. That is what I am talking about and that is what I would put an end to. I defend freedom of expression to the very core.

**Mr. Loyola Hearn (St. John's West, PC):** Madam Speaker, I have two questions, one which I do not expect him to answer and one on which I would like his comments.

First, what would have happened to the gentleman who kicked him if he had done it to his colleague from Wild Rose instead? The member may not want to answer that one.

Second, with respect to his comments in relation to protesters, to a large degree I agree him. We seem to have two types of protestors these days. People who protest because they have concerns about what is going on in society, and I support that in every way. I agree with the right to protest peacefully. I would think again if the avenues were opened up, they would be heard in proper circles and would not have to protest to get a message across. In some cases, they do have the opportunities and they protest anyway. I am aware of that also.

With respect to those who exceed the right to peacefully demonstrate and seem to go not only from event to event, but from country to country, there are two things that concern me. Where do they get the financing to go to these events? Where do we draw the line between those who peacefully protest and those who step over the line, and what should we do about it?

• (1720)

**Mr. Ken Epp:** Madam Speaker, I cannot resist the temptation to actually answer the first question. I think that most members in the House would be somewhat surprised to find out what a gentle person the member for Wild Rose actually is. He is a very kind and a very concerned gentleman. He was a principal of a school and in those years, and I know because I have talked with people in this regard, he very firmly guided his students for their good, not for his own. He is an unselfish person. However he stands up vocally. I wish there would be more people in the House who would stand and express what is right and what is good. Let us do that. Let us not be afraid to be a little emotional when we express what is wrong.



*Government Orders*

Earlier today we talked about child pornography. I appreciate that the member for Wild Rose and other members across the House have expressed outrage at this activity because it is so deplorable.

I see the member for Wild Rose to be that kind of a person. In this particular case, I think he would have done like me. Us pudgy guys have a tendency to have a good sense of humour; it has developed in us since we have been little kids.

This is with respect to the other question about what limitations would I put on protesting.

As I have said, and I shook my thusly when the member was asking the question, I agree with the right to peaceful protest and to peaceful demonstrations. However, the instant that that person violates the rights of safety, property and bodily safety to other people, that person is now in violation of what either is the law or should be the law. I do not think what is against the law, one on one on a street in Edmonton, should suddenly become legal when it is being perpetrated by a large group of people.

We need to be consistent. We need to protect people who are trying to debate and solve the problems of the country through debate and through rational discussion.

**Mr. David Anderson (Cypress Hills—Grasslands, Canadian Alliance):** Madam Speaker, one thing that is happening in our society is that we have an ever increasing amount of involvement and interference with our government in our affairs.

Would the member care to comment on his concerns with government being more involved with security forces, with the police and with the police being tied ever closer to the authorities, particularly to the PMO's office?

**Mr. Ken Epp:** Madam Speaker, I share that concern. I believe that the security of our country should be rooted in laws that are passed by parliament and executed by a police force and a judiciary which is independent of parliament. That way we get a better balance of procedure.

With respect to, for example, the situation at APEC, when there was a note that was entered into evidence that said "PM doesn't like this", I do not believe that meant the then leader of the opposition and it did not mean the finance minister, whose initials are PM. It probably had something to do with the PMO, and that is an interference which we should studiously avoid.

**Mr. Kevin Sorenson (Crowfoot, Canadian Alliance):** Madam Speaker, it is a privilege to rise and participate in the debate on Bill C-35, an act to amend the Foreign Missions and International Organizations Act. Our day is running down and we have about five minutes for debate and a 20 minute speech.

As a new member of parliament I am faced with a dilemma. Do I continue with the speech and take up the rest of the time another day? There are some points I want to cover in my speech and from which concerns arise.

The provisions in the bill come forward and are recommended by the Hughes report that we saw come forward this summer. In particular, Bill C-35 adds a clause codifying the RCMP's primary responsibility to ensure the security for the proper functioning of any intergovernmental conference, in which two or more states

participate, that is attended by persons granted privileges and immunities under the act.

In fulfilling that responsibility the RCMP may take appropriate measures, and we have talked about them already today, including controlling, limiting or prohibiting access to any area to the extent and in a manner that is reasonable in the circumstances.

I would suggest, although in this isolated case the government has taken Judge Hughes' recommendation to heart as many of my colleagues have already stated, this is not the appropriate place to legislate these new statutory powers and responsibilities. The more preferable place to have put these powers would have been in the RCMP act.

Following public hearings regarding complaints against the RCMP, Hughes concluded that the federal government's role at APEC was improper. If we went through the thick report given by Mr. Hughes, within the first 10 to 15 pages we would realize that the government acted improperly and that some of the measures used by the RCMP, succumbing to government influence, were not appropriate.

Therefore, Hughes recommended that the federal government bring in legislation to spell out the RCMP's independence from government interference. In section 10 of the report, Hughes said that the current nature and extent of police independence was not clearly defined in Canadian law. Furthermore, there was no consensus, either in academic writing or in judicial decisions, as to what was the proper relationship between the federal government and the RCMP, although it was generally agreed that the RCMP enjoyed a measure of independence.

In fact, Hughes believed that the RCMP act suggested that the force was not entirely independent of the government by stipulating that the commissioner of the RCMP was appointed by cabinet and controlled the force under the direction of the solicitor general.

This has been a great concern to members on this side of the House. I know on many occasions the members for Medicine Hat and Cypress Hills—Grasslands have vented their frustration that the commissioner of the RCMP would sit in cabinet as a deputy minister in the solicitor general's department. To have independence and not to politicize the position or the organization, the commissioner is appointed by cabinet as a deputy minister.

After reviewing the English approach in the supreme court decision in *R v Campbell*, Hughes concluded that it was clearly unacceptable for the federal government to have the authority to direct the RCMP law enforcement activities, telling it who to investigate, who to arrest and prosecute or other purposes. At the same time, it was equally unacceptable for the RCMP to be completely independent and unaccountable to become a law unto itself.

So we have that balancing act. We want on the one hand independence and on the other hand we need accountability in the RCMP.

*Private Members' Business*

• (1725)

Based on this conclusion, Hughes recommended under subsection 31 of his report, that the RCMP request statutory codification of the nature and extent of police independence from government with respect to: first, existing common law practices regarding law enforcement; and second, the provision of and responsibility for delivery of security services at public order events.

That part two is what part of this bill enacts. It enacts the part of the Hughes commission report that would suggest that it was imperative to put in place the position and the responsibilities of security services at public order events where people from other countries would be attending.

Bill C-35 embraces only the second part of this recommendation. The government has yet to fulfill the first part of that recommendation. Unfortunately, I do not believe the Liberal government has the courage to ever come forward with that first part that would bring more accountability, more independence and reduce the politicization of the RCMP. We wait for that. I look forward to the rest of my time at a later date.

• (1730)

**The Acting Speaker (Ms. Bakopanos):** The hon. member will have 13 minutes and 55 seconds at the next reading of this bill.

It being 5.30 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

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## PRIVATE MEMBERS' BUSINESS

[*Translation*]

### THE PARLIAMENT OF CANADA ACT

The House proceeded to the consideration of Bill S-10, an act to amend the Parliament of Canada Act (Parliamentary Poet Laureate), as reported with amendment from the committee.

**Ms. Yolande Thibeault (Saint-Lambert, Lib.)** moved that Bill S-10, as amended, be concurred in at report stage.

**The Acting Speaker (Mrs. Bakopanos):** It is the pleasure of the House to adopt the motion?

**Some hon. members:** Agreed.

**Some hon. members:** On division.

(Motion agreed to)

• (1735)

**Ms. Yolande Thibeault** moved that the bill be read the third time and passed.

She said: Madam Speaker, it is an honour and a pleasure to take part in the debate on Bill S-10, an act to amend the Parliament of Canada Act by providing for the appointment of a poet laureate in Canadian parliament.

First, I would like to commend the hon. member for Notre-Dame-de-Grâce—Lachine for introducing this bill in the House. I would

also like to congratulate Senator Grafstein for taking this initiative in the other House.

The position of poet laureate has been a tradition in several countries for many years. In England, the position of poet was created back in 1616 and this tradition has been retained by several Commonwealth countries.

Since the 1930s, the United States have had their poet laureate. In Canada, Saskatchewan appointed its first poet laureate in the Fall of 2000.

The holder of the position of poet laureate writes poetry that is read in parliament on occasions of state. The poet will sponsor poetry readings and will also be responsible for giving advice to the parliamentary librarian regarding the library's collection and acquisitions. This poet laureate would be appointed for a period of two years.

Some people will think: why do we need a poet laureate in parliament? Dowe not have enough positions already?

Everything is there, in fact. We all know that poetry serves to beautify, but it can also serve as grounds for reflection. Poetry inspires, poetry raises awareness. It transcends the interplay of question and answer. It is a sort of conscience, which reminds us not only of esthetic values, but of philosophical values as well.

Curiously enough, Plato excluded poets from his ideal Republic. Did he think they might question the entire basis of society? It is true that words are not innocent, that they bear meanings. There is no better place than this House to convince us of that.

Yes, I agree that poetry can exorcise some certainties, but it is also a source of inspiration. As the great poet Shelley said, "Poets are the hierophants of an unapprehended inspiration, the mirrors of the gigantic shadows which futurity casts upon the present".

In France, over the centuries, court poets have celebrated the armed exploits of the nobility, from Charlemagne to Napoleon.

During the occupation of France in World War II, the entire country was whispering a poem by Paul Éluard. This poem on freedom, *Liberté*, was a perfect mirror of the soul and state of mind of his fellow citizens.

Éluard is not the only poet to have been inspired by patriotism. There have, of course, been many others.

I will read, if I may, two excerpts from *Mon pays* by Canadian poet and songwriter, Janine Simard.

More could be said  
 For our country is great  
 And yet it has not;  
 A limitless land  
 And picturesque too  
 But young and unsure  
 Like a child too polite  
 Who is told what to do  
 But does not get it right

Much has been said  
 That my country is cold  
 That my country is great  
 How attractive it is  
 But I say, as none properly have  
 That it is the finest of all!

● (1740)

The poet is a free spirit. He is able to feel the suffering of others, for often he has experienced it himself. This is why he is able to capture it on paper or in song.

If we politicians have the power to change things, so do poets, for sometimes the movers and shakers of this world hear their cry.

Poetry unites us. It allows us to pause and makes us human, for it is the voice of the people. A parliamentary poet laureate would only increase our feeling of belonging to a free society.

Because of poetry's universal appeal, UNESCO declared March 21, 2001 World Poetry Day. This year marked the first official celebration of the day in Canada.

I invite members on both sides of the House to launch this tradition of parliamentary poet laureate by voting in favour of this bill.

[English]

**Mr. Jim Abbott (Kootenay—Columbia, Canadian Alliance):** Madam Speaker, this is a very interesting topic. Clearly, human beings among all creatures are the ones with the unique ability to communicate and convey emotion. Certainly through poetry we convey emotion.

Poets are artists and just like sculptors, writers of books and songs, other creators and inventors, they play an important role in society and deserve recognition and encouragement. As my Liberal friend has noted, Saskatchewan has gone this route. I apologize but I cannot recall whether she mentioned that Toronto is also looking at the same idea.

We are faced with a particularly unique challenge in this Chamber, indeed if not in the country. Let me be clear. I think one of the strengths of Canada is that we have two official languages, that we express ourselves in French and English. I want to be very clear on that. It represents a unique challenge because poetry is the putting together of words, words in a sequence and words that have a very specific and precise meaning so that we can convey that specific and precise meaning and emotion to each other. As I started off by saying, that is a unique capability we have as human beings.

The difficulty is with the English language. Perhaps my friend who is very fluent en français will understand some of the difficulties we have in English. Because English was invented by people and not

### *Private Members' Business*

computers, it reflects the creativity of the human race, which of course is not a race at all. Let me give the House an example. The bandage was wound around the wound. Two words are spelled the same, are pronounced differently and appear differently in the context of that one sentence.

I have some more examples. The farm was used to produce produce. The dump was so full that it had to refuse more refuse. We must polish the Polish furniture. He could lead if he could get the lead out. The soldier decided to desert his dessert in the desert. Since there was no time like the present, he thought it was time to present the present. A bass was painted on the head of a bass drum. When shot at, the dove dove into the bushes. I do not object to the object. The insurance was invalid for the invalid. There was a row among the oarsman about how to row. They were too close to the door to close it. The buck does funny things when the does are present. The seamstress and the sewer fell into a sewer line.

I have further examples. To help with planting, the farmer taught his sow to sow. The wind was too strong to wind the sail. After a number of injections, my jaw got number. Upon seeing a tear in the painting, I shed a tear. I had to subject the subject to a series of tests. How can I intimate this to my most intimate friend?

I can imagine the poor translators here in the House have had a bit of a time with that, but I think those are examples of the challenge a poet laureate would have.

I have no difficulty with the concept of a poet laureate. My colleagues in my party and indeed my colleagues in the House will have any number of opinions but I have no difficulty with it except that it is a challenge.

For example, let me just include this rather silly part by asking: Why when the stars are out they are visible, but when the lights are out they are invisible? Why when I wind up my watch does it start, but when I wind up this speech it ends?

Those are some of the difficulties we have in English in understanding each other. It is a language in which we live and communicate and perhaps we do not always give deep thought to it. I think that a poet laureate, because of the challenge of the two languages, is going to have quite a monumental task.

● (1745)

As I mentioned, there are many ways of conveying ideas. I have been going over some sayings of people and although the person I am thinking of would not be classified as a poet laureate he said some profound things. He happened to be the president of the United States at one time. Putting words together Abraham Lincoln said:

You cannot bring about prosperity by discouraging thrift. You cannot strengthen the weak by weakening the strong. You cannot help the wage earner by pulling down the wage payer. You cannot further the brotherhood of man by encouraging class hatred. You cannot help the poor by destroying the rich. You cannot keep out of trouble by spending more than you earn. You cannot build character and courage by taking away man's initiative and independence. You cannot help men permanently by doing for them what they could and should do for themselves.

These were very thoughtful thoughts of the former president of the United States which he stated in a strong and profound way. This is why I have no difficulty with the concept of a poet laureate.

*Private Members' Business*

I have been thinking of people in Canada who might qualify as poet laureates. I was thinking of former finance minister John Crosbie. As I recall, he had a neat poem about Tequila Sheila or something like that. We can apply this whole area of ideas to taxes. Here is a poem about taxes:

Tax his cow, tax his goat,  
Tax his pants, tax his coat,  
Tax his crops, tax his work,  
Tax his ties, tax his shirt.  
Tax his tractor, tax his mule,  
Teach him taxes are a rule,  
Tax his oil, tax his gas,  
Tax his notes, tax his cash;  
Tax him good and let him know,  
After his taxes he has no dough.  
If he hollers, tax him more;  
Tax him 'til he's good and sore.  
Tax his coffin, tax his grave,  
Tax the sod in which he lays.  
Put these words upon his tomb:  
"Taxes drove me to my doom."  
And after he's gone, he can't relax;  
They'll soon be after his Inheritance Tax!

There are any number of ways of expressing ourselves. I have been serious and frivolous but that is one of the beauties of the English language and the way we can communicate with each other.

My inclination with the bill will be subject to understanding exactly how it would all fit together, what kinds of resources would be required for this individual to be able to do his or her job, and, in all seriousness, what we would be able to do about the strength and challenge of Canada having French and English let alone what that challenge would mean to a poet laureate. I would like to understand how that would work. It is not a pejorative question. It is a very real question.

Since we are coming up to November 11 I will conclude my comments with a quick poem which was put together by Rosanna Anselmo, one of my constituents. It is very timely because it is part of a beautiful and haunting song she sings for us in my constituency on Remembrance Day. I will not sing it but these are the words:

● (1750)

We are the Native who dances to the drum.  
We are the Inuit— the Metis—Our legacies live on.  
We are the French—We are the English and languages of many.  
Let us all bear in mind of what's really meant to be.  
Let us listen let us hear!

We are the farmer in the field with blistered hands.  
We are the miner slaving endlessly for riches of this land.  
We are the lumberjack with saw on back and fishermen at sea.  
And the multitudes who labour so unselfishly.  
Ours the hand of need!

Together as one we are a nation.  
Together as one we are mighty we are strong!  
A settlement of wondrous creation Canada's where we belong!

We are the children won't you listen to our song.  
We are young and still learning from those who've lived on.  
Let the wisdom of our people—who have lived and learned to see,  
be our eyes into the future of what's really meant to be.  
Be the eyes that see!

We are many different races—all walking hand-in-hand!  
A symphony of people—all living on one land!

Let our voices blend together—let us sing in harmony!  
Canada one country—land of unity!

[*Translation*]

**Ms. Madeleine Dalphond-Guiral (Laval Centre, BQ):** Mr. Speaker, it is with great interest that I rise today to address a bill from the other place, which was initially sponsored by the hon. member for Notre-Dame-de-Grâce—Lachine and then by the hon. member Saint-Lambert for, whom I salute.

This very short bill seeks to amend the Parliament of Canada Act by creating the position of parliamentary poet laureate. This is a really nice idea and I can understand why such an initiative looks attractive to Canada, since it is in line with Anglo-Saxon traditions. This is reason enough for a large number of parliamentarians in this House to proudly support this legislation.

However, the Bloc Québécois will not support this brilliant initiative. This is another example of the different perspectives of our two solitudes on the same issue.

In opposing Bill S-10, we asked ourselves three questions. First: What is poetry and what is the role of a poet? Second: Is freedom not a poet's most precious asset? Third, can a price tag be put on the value of a poet?

What is poetry and what is the role of a poet?

After reading very carefully the speeches made both in the Senate and in the House of Commons, I have to admit that I still do not know what poetry is, and I know even less what the role of a poet is in real life. In order to see if there is a correlation between these realities that transcend parliament and the purpose of Bill S-10, I could have come up with my own definition. However, given the seriousness of this issue, I felt it would be wiser to consult le Petit Robert under the term "Poésie", for poetry.

Here is what I learned "Poetry: the art of language used to express or suggest something through rhythm, harmony and image".

How could a poet seriously try to express in a poetic way the rhythm or pace of parliament, its harmony, or better yet, its image? In any case, since I wanted to adopt a rigorous approach and since I hold poetry and poets in high esteem, I decided to consult a great poet, who was also a great parliamentarian. His name is Victor Hugo. Everyone will agree that it is at least worth listening to. "The poet must have only one model, nature, and only one guide, truth".

If we believe him, the poet of parliament should express the true nature of parliament. This would be a huge undertaking and it would likely be more worthwhile to do something else, such as express the true nature of Bernadette according to the recommendation of Guillaume Apollinaire that, with curiosity and a sense of adventure, a person can write poetry about anything.

Could the great adventure that Apollinaire is proposing to the poet be really to write all about parliament and its hill, which is green or white according to the season?

The second question concerns me most. Is freedom the poet's most precious asset?

I know that it is for me, and there is no end to the number of people who have chosen to die for freedom.

What about poets? Some of the greatest have mouldered in prison in the defence of freedom. As prisoners, they were no less free. Who can name a single poet who agreed to trade freedom for money or power? Honestly, I cannot think of one.

It is true that Bill S-10 would give the poet laureate the great responsibility of writing poems to be read in parliament at official ceremonies.

• (1755)

Could we conclude that the poet laureate is non partisan? Probably. And yet, it is hard not to imagine that finding oneself promoted to the position of poet laureate of parliament for two years would not of necessity create obstacles that, insidiously, would limit later speech and give it serious bias.

How to be free when the choice of poet laureate would be made by a few persons, some of whom had received political appointments? As the saying goes, "Don't bite the hand that feeds you". "Elementary, my dear Watson".

I am prepared to bet that the members of the committee will not have many candidates to choose from, because few of them would trade their poet's freedom for a nomination. I have a hard time not laughing at the thought of Fernand Ouellette, Michel Garneau, Gilles Vigneault, Michèle Lalonde or Anne-Marie Alonzo accepting this tantalizing offer.

Those are simply my pretensions, and it will be readily apparent then that I have no problem subscribing to the following extract from the preface of Victor Hugo's *Orientales* to the effect that art has no need of edges, shackles and muzzles; it says "Go", and sets one loose in this great garden of poetry where no fruit is forbidden.

The last question is the simplest, finally: can a monetary value be put on the poet's role? My answer is clear and unequivocal: a monetary value cannot be put on the poet's role, for poetry is the soul of a people, it is the awareness of beauty and a revolt against injustice; it is the expression in words of joy, of sorrow, of pain.

Poetry holds a mirror up to us, and that is why it is beyond price. The bill has clearly grasped this well, for it does not seem that the stipend of the parliamentary poet can be lead to any deficit whatsoever. Especially, since some bottles of ice wine could be added, which is totally delectable along with some foie gras or Roquefort.

Who knows, if he or she had such a gift, it might inspire the creation of another poem in praise of wine, another *Bateau ivre* or *Romance du vin*. To be convinced of that, I would need take a couple of bottles of ice wine as well, if not more. The more I think about it, the more obvious it seems to me that the official parliamentary poet will be in a pretty funny position, in his minstrel's gallery or his wine cellar. So why not give him some company. What next? When will we be getting our official parliamentary dancer and musician? Both the dance and music have the enormous privilege of being without words.

Of course, the poet will be at a disadvantage because he uses words, in a country that is bilingual and multicultural. This is no simple matter. But I have come up with the solution: the official

parliamentary rock singer. Who has ever heard one and been able to understand the words he is singing, or even what language it is in?

Closing on a somewhat more serious note, I would offer a brief reflection. If it is felt that poets should be given the recognition they deserve, let parliament enact measures that recognize their right to earn a decent living.

If their role is essential, why not guarantee them a tax exemption on the first \$30,000 earned, or why not abolish the federal tax on books?

• (1800)

This would require a true political will, and no one is naive enough to think that appointment of an official poet to parliament will make people forget how badly the government neglects our artists.

This bill is an unequivocal demonstration of the fact that it is easier to try to subjugate our creative people than to treat them with respect.

[English]

**Mr. Loyola Hearn (St. John's West, PC/DR):** Madam Speaker, before I get into what I want to say about the bill let me comment on what the previous speaker said. I have no problems with the Bloc not supporting the bill. I am not sure whether my party will either. Her first remarks perturbed me a little because she mentioned that it would perhaps entice poets from English Canada more so than poets from French Canada.

There have been some tremendous French writers and poets and perhaps it will take a poet to create a vision of Canada in which members of the Bloc, members of the House and Canadians can find a home where we all feel we are part of this great nation as equals, because as we always say, the pen is mightier than the sword. Maybe we should not cut off our nose to spite our face, as the saying goes.

When the bill was first brought to the House on April 24, I believe, when I spoke on the bill I delivered my speech in what some people might call poetry. I am not sure whether it was or not, but it was in some type of verse. There were two interesting things about that.

One was that because I did it that way I got more coverage than I ever did on any other topic I spoke about in the House. We have raised many topics that are important to my district, important to my province and important to my country. However, perhaps because I did something different, more media were interested in it than they were in the more important topics. I am not sure what that says about the poem, on the one hand, or on the other hand about what the press is really interested in.

*Private Members' Business*

At the time it was spring. It was a time, as people say, when a young man's fancy turns to love. I am not trying to say I am a young man, but perhaps my colleague from my party would be considered as such. It was a time when we were approaching summer, a time when we walked out of here and grass was turning green and the flowers were blooming. We thought about the upcoming summer and we thought about sharing it with our families. Everyone seemed to be in a good mood so we could take some time to write such a poem and to be a little trivial in the House. It was a time when we met our friends, smiled at them and said hello. It was also a time that when we met strangers we smiled and spoke to them. It was a time before September 11.

Since that time things have changed. Today I thought about again speaking in verse to the bill, but it is extremely hard to be trivial when we are living in such serious times. I just cannot bring myself to think about things that do not seem important when there are so many important issues. Perhaps like my colleagues from the Bloc who do not support the bill, I am not sure it is a very appropriate time to be talking about something which perhaps is not very significant in the order of things as they appear before us every day.

I talked about looking at our friends last spring when we could smile at them and talk to them. We did not look at them with suspicious eyes to see what colour their skin was or where they were going or what they had in their pockets. Times have changed tremendously since we first talked about this bill. One might ask this question: because of what happened on September 11, do we need a poet to capture the events so that we will always remember them?

• (1805)

I do not think we do. I think of a poem written by a great Newfoundlander poet, E.J. Pratt, who wrote some wonderful stuff. He wrote one poem called *Erosion*. I may not have every word correct but it went something like this:

It took the sea a thousand years,  
A thousand years to trace  
The granite features of this cliff,  
In crag and scarp and base.

It took the sea an hour one night,  
An hour of storm to place  
The sculpture of these granite seams  
Upon a woman's face.

We all know the power of the sea and the losses that occur in a storm. We can imagine what happens to a family who is told it has lost its loved ones at sea.

I asked if we needed a poet to recall the events of September 11. I do not think we do because all of us will have forever indelibly etched on our brain the picture of that plane crashing into the towers in the United States, the picture of those two great towers crumbling. These visions will last forever. No poet could ever capture such memories for us.

Whether there are other events that poets would do a better job of recording, I am not sure. Undoubtedly poets have over the years been instrumental in preserving historical events. In fact a lot of our history has been recorded in poetry, but do we need to designate one individual to do it? We did not have to designate Pratt. We did not

have to designate Robert Service. We did not have to designate John McCrae when he wrote *In Flanders Fields*. These people responded to the challenge, to the events of the time that for them were so important. They penned poetry so that they and we could always remember it.

There was a British poet, Siegfried Sassoon. Reading one of his poems today, I saw that it ties in with the events of September 11 and the memory of war and what happens and the shock that will always be recalled. In part of his poem called *The Dugout*, which was a place in which soldiers huddled during the war, he says to a young soldier:

And you wonder why I shake you by the shoulder;  
Drowsy, you mumble and sigh and turn your head....  
You are too young to fall asleep forever;  
And when you sleep you remind me of the dead.

These are very powerful words that send chills down our spines. We remember the horrors of war because of poems like this and because of poems like John McCrae's and those of Robert Service, who wrote many other great poems besides his great poems about the Yukon.

Out there in society we have a tremendous number of poets who rise to the occasion and when a special event occurs they will respond without having us tell someone that they cannot be the poet laureate for this occasion, that we have designated someone who has to do this job. I think, as someone said, that we might be infringing upon the rights of poets, of private enterprise, if we want to say that. Poets now have the opportunity to rise to the challenge.

I mentioned at the end of my original poem that our jury is still out. At the final hour of debate we will decide then whether we will support the bill. I think we have great poets in Canada and I am not sure whether we have to select someone for special occasions when we have someone who may respond in a greater way. We should not inhibit the great abilities of these people.

• (1810)

**Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Madam Speaker:

I had rather hear a brazen canstick turn'd...  
Or a dry wheel grate on the axletree,  
And that would be me teeth nothing on edge,  
Nothing so much as mincing poetry.

As much as I am delighted to have a legitimate opportunity to quote Shakespeare in the House, I am dismayed to have to disagree with the bard at the same time, or perhaps disagree with his character. That stanza from Henry IV, act 3, scene 1, takes a view of poetry completely contrary to that of Bill S-10.

I am pleased to be able to speak today about Bill S-10, which would amend the Parliament of Canada Act to create the position of parliamentary poet laureate.

It seems to me there have been many occasions and many poems in which events in history have been immortalized. Contrary to what my friend from the Progressive Conservative Party said, that has happened many times. For instance, I think of the expulsion of the Acadians.

Would we have as vivid an understanding or memory of that event today, which happened so long ago, if it were not for Longfellow's poem *Evangeline* which immortalized that event so well? Will our descendents, in 200 or 300 years, remember the events of September 11 as well as we do? Obviously, as he said, we will not forget those events; they are vividly etched forever in our minds, in our hearts and in our memories, but how long will they carry on to our descendents?

There is a role for poets in helping to carry on these events and to recognize and immortalize the significance and the lessons of these events for all of us.

It seems to me that there is a role for poetry in so many ways in our lives. It strikes me that, while it is not solely a parliamentary poet laureate who could bring forth poems for particular occasions, nothing in the bill suggests that other poets could not bring forward poems. Surely time, and only time, will tell which poems are the enduring ones, the ones that last and are carried on to other generations, ones that have enduring messages and enduring strength.

The proposed patron of poetry would be responsible for the creation of verse for use in parliament on occasions of state. He or she would also be able to sponsor poetry readings and thereby hopefully improve this veil of tears through which we on the hill so quickly walk.

Parliament exists, according to many, to ameliorate Canada's laws and, through them, Canadian society as a whole.

Over the years, there have been many ideas that have emanated from this place and have gone on to greatly improve the lives of citizens. The government in fact is committed to the cause of lifelong learning. The parliamentary poet laureate would be an excellent addition to this cause.

It seems completely appropriate to me that parliament expand its educational role by having a resident expert wax poetic whenever need be.

The bill before us calls for a poet laureate to be selected for a two year term by the Speakers of the House of Commons and the Senate. He or she would be chosen from a list of three names submitted by a committee chaired by the Parliamentary Librarian and composed of the National Librarian, the National Archivist of Canada, the Commissioner of Official Languages for Canada and the chair of the Canada Council.

The notion of a poet laureate is a longstanding tradition in several other countries. The mother of parliaments, the United Kingdom, has had a poet laureate for almost 400 years. In fact, the position has been a royal office for most of that time.

Our neighbours, the United States, have adopted this practice as well, although much more recently. Their tradition only traces back to 1940, but has an enhanced role. In the U.S., the laureate is charged

### *Private Members' Business*

with increasing the appreciation of reading and writing poetry among the general population.

The Canadian position is proposed to be an amalgam of the two.

Already in Canada there is a provincial example of a poet laureate. In Saskatchewan, my mother's beautiful home province, the laureate exists to demonstrate the province's commitment to the recognition of artists and the arts as a vital force in the community, a force that reaches even into official life.

• (1815)

The provincial poet laureate has worked to celebrate the spirit of the people and places of Saskatchewan. He or she serves as a focal point for the expression of Saskatchewan culture by attending public events, participating in provincial celebrations and writing poems addressing the character, beauty and heritage of the province and its people. We feel it is only fitting that parliament have such a voice.

I am especially delighted to be able to speak to the House today on this topic because my own grandmother, Rose Greene as she was called in her younger years and later became Rose Regan, was a poet in her native Newfoundland. Her work was published in literary magazines in Newfoundland during and after the first world war. She loved to read and write works of poetry. Her poems spoke of her experiences in Newfoundland. That is what poetry does. It is a window not only on individuals but on cultural groups, regions and on all Canadians. It is us speaking about ourselves, telling our own stories in a uniquely expressive way.

Many Canadians would have similar experiences of a loved one or someone in their own community who they know as a poet. The hon. member for Dartmouth is a well recognized poet in our home province of Nova Scotia.

Poetry, like so many other art forms, has not only cultural importance but has a unifying effect. Poets give expression to our deepest beliefs and values, particularly in times of national celebration or difficulty. The ability to craft the written word into something timely but lasting, meaningful but enthralling, engaging but understood, is truly an art. Adding that art to the many other fine examples of Canadian talent found throughout parliament would be a tremendous benefit. It would help us to celebrate our history, our heritage and our diversity. After all, those are the things that make us truly Canadian.

I hope members of all parties in the House will join me in supporting the bill and in seeing it move forward. It is not all that often that private members' bills have the chance to go forward, succeed and become law. It seems to me there is a very good opportunity for this bill to become law and have a real significance and meaning for Canadians, to give a higher place in our country and our society to the role of poetry, the kind of pride of position that poetry ought to have.

We daily use the power of communication here. We use words to express ourselves. Words can be very powerful. When are they more powerful than when in the hands of an expert artisan, in the hands of a true poet?

*Private Members' Business*

Words inspire us, they motivate us and they teach us. Poetry does that for us in a way that no other kind of prose can do. I do hope that all members will join me in supporting this worthwhile legislation.

• (1820)

**Mr. Ken Epp (Elk Island, Canadian Alliance):** Madam Speaker, I was not expecting to speak to this bill, but after hearing the debate I just could not resist.

I have a lot of respect for the member who has brought the bill forward. It is a Senate bill, so she is basically acting as a messenger. I appreciate her bringing the bill forward because it makes us think about the things we really value.

A colleague from my party made a statement. I think we can judge by the fact he made a very humorous speech that he probably did not care one way or another whether the bill passed. He did not come out strongly in favour of it nor did he say that he was against it, but he used some humour and that was rather interesting. The Bloc member on the other hand mixed humour and objection to the bill and stated it rather forcefully. We heard from the member for St. John's West. These individuals responded to the question of whether we should have a poet laureate and I would like to add a few comments.

Poetry is an expression of something that is way deeper inside us rather than just an intellectual idea. I am a mathematician of sorts and I could help with solving some equations. We could solve some other problems but it would be sort of cold and clinical. However if I were to express some ideas in poetry, they would go much deeper. Some would say that poetry is an expression of the soul and I appreciate that.

Members may find this rather amusing about me, if they can possibly imagine it, but in the good old days when I was courting the young lady who has now been my wife for 40 years, I used poetry. I used to sing songs to her, believe it or not, which caused her a great deal of happiness judging by how loud she laughed. Poetry is an expression of the depth of a person's heart. I have no problem with that part.

However I do have a very severe problem with having a person appointed by the government to express what is called the Canadian soul because I do not think that is possible. We keep saying over and over in the House that we are a country of great diversity. We have two official languages. From a practical point of view I am not sure we could find a person in Canada who is fluent in both French and English and in all fairness, in several other languages to reflect the other 25% of the population that is neither French nor English. To express in both, or more, languages the depth of what we are feeling as Canadians is inevitably not going to work.

Therefore I will come out very bluntly and say that I am going to vote against the bill simply because I do not think it is workable.

Furthermore in this debate I somehow felt a sense of irreverence because of the events that have happened in our world and the fears which many Canadians now have. It seems frivolous and irreverent to me to be discussing the appointment of a poet by the government when we are facing such severe and serious problems.

I would much rather see some greater encouragement for those who walk among us every day who have a poetic bent. In my riding

we have several local newspapers and from time to time they feature poetry that is written by some of the local students. Something like that is worthwhile and we should encourage more of that.

Furthermore I do not think that by paying a person some money we can turn on the creativity of that person. Developing poetry, writing music, and I know several people who do that, is not a thing which can be turned on or off. It is a moment of inspiration. They grab it, they write it down and they record the music. That becomes the expression of what they really feel.

• (1825)

When I write a poem or make music, it has nothing to do with anyone else. It comes from me. It is that individuality we should support.

I will defer to my Liberal colleague because he also wanted to say a few words. I have said enough.

**Mr. Paul Harold Macklin (Northumberland, Lib.):** Madam Speaker, it is a pleasure to discuss the bill that is before the House. In fairness I am taken aback by the member for Elk Island. I think it is vital and important that we express ourselves through poetry. As I read many poems I find that what one sees is the soul in print. To me that is something unique and very special.

When I reflect on September 11 and think about what went on, and having seen what took place that day, I found comfort in some poetry. I would like to take the time to read the poem which I think goes to the substance of the human. Poetry really gives one a sensitive way to express oneself. The poem is *High Flight*.

Oh! I have slipped the surly bonds of earth  
And danced the skies on laughter-silvered wings;  
Sunward I've climbed, and joined the tumbling mirth  
Of sun-split clouds—and done a hundred things  
You have not dreamed of—wheeled and soared and swung  
High in the sunlit silence. Hov'ring there  
I've chased the shouting wind along, and flung  
My eager craft through footless halls of air.  
Up, up the long delirious, burning blue,  
I've topped the windswept heights with easy grace  
Where never lark, or even eagle flew—  
And, while with silent lifting mind I've trod  
The high untrespassed sanctity of space,  
Put out my hand and touched the face of God.

On that fateful day in New York City that is what the reflection was for me as I stood in Saskatoon.

Poetry has a special place in our lives. It is unique to each and every one of us. To have someone try to express what the Canadian psyche is, I think is very important to each and every one of us as Canadians. It helps to define us. It helps to bring out our diversity. I am very supportive of the office of poet laureate.

With respect to my hon. friend from Elk Island, I say that we have to look at the possibility that our poet laureate may not necessarily be bilingual. In this particular case we may have a francophone for two years as a poet laureate or we might have an anglophone for two years. We may not simply have a bilingual poet laureate.



I do not think that is a reason to throw out the baby with the bath water. We need to reflect on the benefits that a poet looking at our country as a totality can express about certain events in our country's history.

Today as I look at what has been proposed, I see little or nothing wrong with writing poetry, especially for use in parliament, on state occasions and to sponsor poetry readings. To me it is very important and vital in this place and the country for the betterment of all.

I appreciated the opportunity to take a few moments to express myself on the issue. I certainly will be supporting the bill.

• (1830)

**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.

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## ADJOURNMENT PROCEEDINGS

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

[*Translation*]

TOKAMAK

**Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ):** Madam Speaker, let us leave the surreal world of poetry to come back to something that is little more down to earth.

On May 7 of this year, I directed another question to the Minister of Natural Resources regarding his government's unspeakable decision to abandon the Tokamak project in Varennes.

We have never stopped wondering about the real motives that caused the federal government to unilaterally withdraw its annual contribution of \$7.2 million to what was the most important research and development project in the energy sector in Quebec.

The fact that the federal government was about to sign the Kyoto protocol, with a commitment to reduce greenhouse gas emissions in Canada by 6% by 2010-2012, made this decision all the more surprising. It so happens that nuclear fusion research should lead to the production of a form of energy that is clean, abundant, safe and environmentally friendly.

The federal government first invoked financial considerations to justify this iniquitous decision, which seemed quite defensible in 1994. However, that did not take into account the fact that the federal government could easily recover, in tax revenues, its annual investment in the project and the fact that Canada was also benefiting from the technological spinoff of that project.

Nor did it take into account the tens of millions of tax dollars in public funds that were invested in the project itself and in training nuclear fusion specialists, who, after the project was abandoned, had no other choice than to leave the country in order to put their knowledge and skills to good use.

All this to say that the decision did not really demonstrate careful management of public funds. Furthermore, the budget argument

## Adjournment

used by the federal government at the time appears completely disconnected today, even out of place, knowing that since 1997, it has accumulated a surplus of some \$40 billion in its coffers.

What is most sordid and unacceptable in this story is the government's blatant and shameless duplicity. In fact, it is financing the activities of a consortium that is promoting an Ontario site for the establishment of an international ITER megaproject worth some \$12 billion, to build the largest magnetic fusion reactor in the world.

Quebec would have stood an excellent chance of attracting this project, since all of the facilities and expertise required for such a project were already there. However the presence of an important core of scientific skills and very high calibre facilities in Varennes made it virtually impossible to promote another site in Canada for the establishment of the ITER project.

The minister contested the fact that the federal government provided, as I stated, millions of dollars to the consortium to attract the ITER project to Ontario. The federal government will actually be providing \$1 million over three years for the project, the minister said.

I am loath to have to make this type of revelation in the House, but unfortunately, in view of the minister's flagrant lack of transparency, I am forced to do so in the interest of the public. The former ambassador to the Federal Republic of Germany, today a lobbyist for the ITER-Canada consortium, informed me that the federal contribution was approximately \$3 million. The least we can say is that the government seems to have something to hide with this issue, and for good reason.

How can the federal government honestly claim that nuclear fusion is no longer a priority, thereby cutting off funding for the Varennes Tokamak project, and then turn around and invest even \$1 million in a considerably larger nuclear fusion project, but this time, in Ontario?

The real scandal in this affair is this government's duplicity and double standards, which benefit Ontario, which—surprise—just so happens to be its electoral base.

• (1835)

**Mr. Benoît Serré (Parliamentary Secretary to the Minister of Natural Resources, Lib.):** Madam Speaker, I am pleased to respond to the hon. member for Verchères—Les-Patriotes on behalf of the minister.

[*English*]

The Government of Canada has not contributed millions of dollars to the Iter project. The government agreed to contribute \$1 million a year for three years, not \$3 million, to Iter Canada to help it to prepare a bid for locating the Iter project in Canada. The federal funding will expire at the end of March 2002.

I want to emphasize that these funds are not for fusion research. Iter Canada has an annual budget of \$5 million. The federal contribution is to help Iter Canada cover its operating expenses as it prepares its bid. Further, Iter Canada has pledged that its proposal will not require federal funding for the construction, operation and decommissioning of the project.

*Adjournment**[Translation]*

Iter Canada plans to fund its share of the project from contributions and loans from the private sector, \$300 million from the Government of Ontario, and the revenue from facilities and services provided to the project. Iter Canada is convinced that it can finance its contribution to the project and obtain the project for Canada without any federal funding.

The government's contribution consists in helping this not-for-profit private sector consortium to establish this international project in Canada. This consortium comprises a number of prestigious Quebec organizations such as SNC-Lavalin and the Institut national de recherche scientifique.

From 1981 to 1997, the federal government has devoted some \$155 million to research on fusion and related activities. Of that total, \$109 million, or 70%, was invested in Quebec, and the remaining \$48 million in Ontario.

The Government of Canada was asked to continue to ensure that Iter Canada retained access to the bidding process. To that end, it has given its agreement in principle to providing a Canadian site to the international components of Iter, namely the European Union, Japan and Russia, to carry out fusion research.

*[English]*

Given the infrastructural and cost advantages of the Canadian site at Clarington, Ontario over potential foreign sites, Canada has a good chance of winning the project. A decision by the Iter parties on the local will probably be made in late 2002.

*[Translation]*

If Iter parties were to choose a Canadian site, the effects would be the creation of jobs for qualified Canadians in the research area, and opportunities in terms of equipment, engineering and building services in Quebec and Ontario, as well as in western and Atlantic Canada.

According to Inter Canada's estimates, the awarding of the project to Canada would mean the buying of in Canadian goods and services over the ten year building period, and \$3 billion throughout the 20 year operational stage. Iter Canada also believes that the project would create some 68,000 direct or indirect full time equivalent jobs in Canada, including several thousands in Quebec.

*[English]*

Last but not least, if the project was to be located in Canada, an environmental assessment of the project would have to meet the requirements of the Canadian Environmental Assessment Act as well as any other environmental laws and regulations.

*[Translation]*

**Mr. Stéphane Bergeron:** Madam Speaker, I do not think I would be in a good position to contest in any way whatsoever the values and virtues of nuclear fusion and of the ITER project's coming to Canada.

This is not my point. But I find it rather ironic that, after closing the Tokamak project in Varennes, after cutting its annual investment of \$7.2 million in this project and obliging it therefore to shut down, the government is discovering the virtues of nuclear fusion.

After investing, according to the parliamentary secretary, over \$120 million in nuclear fusion in Quebec and Ontario, suddenly the government cuts everything, saying that it is not one of its priorities and, then, a few months later, once the project has definitively closed, the government rediscovers the virtues of nuclear fusion, the technological and economic benefits of nuclear fusion for Canada.

Oddly, the ITER project is to be set up in Ontario. It is still surprising that the government waited until Tokamak closed to discover the virtues of nuclear fusion.

This is what I question and I do not think the parliamentary secretary succeeded in any way in his presentation—

**The Acting Speaker (Ms. Bakopanos):** The hon. parliamentary secretary.

• (1840)

**Mr. Benoît Serré:** Madam Speaker, we all know that Bloc Québécois members like to act the martyrs and to whip themselves into a frenzy.

The hon. member must realize that this new Iter project is not a federal government initiative. It is an international consortium. The federal government will not invest one penny in Iter's international operations.

I also remind the hon. member that the Quebec government had the same option as the Ontario government and Ontario Power Generation. In Ontario, they decided to carry on the merger program. The Government of Ontario invested money and so did the Ontario Power Corporation. The same could have been done in Quebec.

I think the hon. member is telling Quebecers that he is opposed to a project that will create thousands of jobs in Quebec, a project that is supported by SNC Lavalin and by the Institut de recherche du Québec.

The hon. member should talk to his constituents, because I am convinced that all Quebecers will support this project.

*[English]*

## BUSINESS DEVELOPMENT BANK OF CANADA

**Mr. Scott Reid (Lanark—Carleton, Canadian Alliance):** Madam Speaker, I just want to say that this is an historic day in that we are into the new rules. It is a real step forward. Typically the questions are pre-scripted as are the answers and often they are at cross purposes, so having a little bit of debate in the second round is very profitable. This is after all a place where debate is supposed to be the key to our decision making.

I am rising today in the House to address the role of the office of the ethics counsellor, the official responsible for supervising the integrity and the ethical conduct of the federal government and individual ministers of the crown.

The mandate of the ethics counsellor is chiefly to guard against conflicts of interest and abuses of power by cabinet ministers. In fact before 1993 the Mulroney government seemed to be so rife with scandal and conflicts of interest that a total of nine ministers resigned under a cloud, or perhaps under several clouds.

At that time, as leader of the opposition, our current Prime Minister demanded a very high degree of accountability from the ministers in the Tory government. If there was ever a mistake or a scandal in the department, the Prime Minister demanded the resignation of the relevant minister. I quote the right hon. Prime Minister, speaking on June 12, 1991. He said:

When we form the government, every minister in the cabinet that I will be presiding over will have to take full responsibility for what is going on in his department. If there is any bungling in the department.... The minister will have to take responsibility.

This attitude of responsibility was repeated in the Liberal election platform of 1993. I quote again:

A Liberal government will appoint an independent Ethics Counsellor to advise both public officials and lobbyists in the day-to-day application of the Code of Conduct for Public Officials. The Ethics Counsellor will be appointed after consultation with the leaders of all parties in the House of Commons and will report directly to Parliament.

Let us take a look at what happened after the 1993 election.

The current ethics counsellor, Howard Wilson, was appointed on June 16, 1994, to investigate allegations against government ministers and senior officials involved in apparent conflicts of interest or lobbying but was directed to report his findings in secret to the Prime Minister and not in public to parliament. Furthermore, we are told that he operates according to an official code of conduct yet that code, if it exists, has never been made public.

Over the past six and a half years the ethics counsellor has found only one breach of ethics on the part of a government minister. The current transport minister was forced to resign in 1996 as minister of defence over a letter that he had sent to the Immigration and Refugee Board lobbying on behalf of a resident of his constituency.

Despite overwhelming circumstantial evidence, the ethics counsellor has completely cleared the Prime Minister of any wrongdoing in the Shawinigate scandal. He cleared the finance minister over the Canada Steamship Lines contract scandal in which contracts were awarded to ship coal for Devco, a federal crown corporation. He cleared the finance minister over his involvement in the Canada Development Corporation and the tainted blood scandal. He cleared the youth minister for using a government credit card to purchase a fur coat for herself. He also cleared an aid to the defence minister who was lobbying on behalf of a firm seeking a \$600 million defence contract.

At best, the lack of independence of the office of the ethics counsellor calls into question the validity of his findings. At worst, we have an ethics watchdog who is appointed by the Prime Minister to uphold ethics but who is really being used by the Prime Minister to whitewash unethical behaviour in his cabinet.

This past February, when the Canadian Alliance proposed a motion to adopt 1993 Liberal reforms calling for an independent

ethics commissioner who reports to parliament rather than to the back rooms of the government, Liberal backbenchers voted against the proposition.

My question for the hon. government House leader is the following. Will the government ever reform the role of ethics counsellor and make it a position appointed by parliament, responsible to parliament and with the tools to expose scandal rather than to cover it up?

● (1845)

[*Translation*]

**Mr. Claude Drouin (Parliamentary Secretary to the Minister of Industry, Lib.):** Madam Speaker, voters gave their verdict, as did the ethics counsellor, on November 27. That verdict is to the effect that this side of the House, the Liberal government, works in a transparent fashion, this in the interest of Canadians.

I believe that our current process and approach fully meet the public's expectations. Again, Canadians passed judgment on November 27 and they made it very clear that they appreciate this government's way of doing things.

[*English*]

**Mr. Scott Reid:** Mr. Speaker, I guess that answer has the virtue of brevity but just about nothing else. I was hoping for some suggestions as to how the counsellor might be representative of and responsible to parliament.

Perhaps I will make a suggestion rather than ask a question. We have seen the position of Speaker of the House, which is elected by secret ballot, go from being one which was under some suspicion of partisan taint to being one which is universally respected for its impartiality and its respect for the rules. Again, the secret ballot is the key to that.

I want to suggest that if the ethics counsellor were to be elected by the members of the House through secret ballot, we would find that he or she would have the highest respect of the Canadian people. I would like to encourage the government to perhaps take that possibility under consideration for the future.

[*Translation*]

**Mr. Claude Drouin:** Madam Speaker, I do believe that in the past the Speakers of the House, even though they were not elected by their peers, treated members from both sides of the House respectfully.

I will simply repeat what I already said—while taking note of the opposition member's proposal—to the effect that the process currently in place fully meets the public's expectations.

[*English*]

**The Acting Speaker (Ms. Bakopanos):** The motion to adjourn the House is now deemed to have been adopted. Accordingly the House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 6.48 p.m.)



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