



CANADA

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OFFICIAL REPORT
(HANSARD)

Thursday, November 8, 2001

—

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Thursday, November 8, 2001

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

•(1000)

[*Translation*]

CANADIAN GOVERNMENT

Hon. Lucienne Robillard (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, in order to provide parliamentarians and Canadians with information on the government's performance, I have the honour to table, in both official languages, reports on the performance of 84 departments and agencies.

* * *

•(1005)

CANADA CUSTOMS AND REVENUE AGENCY

Hon. Martin Cauchon (Minister of National Revenue and Secretary of State (Economic Development Agency of Canada for the Regions of Quebec), Lib.): Mr. Speaker, pursuant to Standing Order 32(2), I have the honour to table, in both official languages, the first annual report of the Canada Customs and Revenue Agency for the year ending March 31, 2001.

* * *

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

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

* * *

COMMITTEES OF THE HOUSE

TRANSPORT AND GOVERNMENT OPERATIONS

Mr. Ovid Jackson (Bruce—Grey—Owen Sound, Lib.): Mr. Speaker, I have the honour to present the fifth report of the Standing Committee on Transport and Government Operations with order of reference of today's date, Thursday, November 8, on C-38, an act to amend the Air Canada Public Participation Act.

The committee studied the bill and reports the bill back to the House without amendment.

SCRUTINY OF REGULATIONS

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

NATIONAL DEFENCE AND VETERANS AFFAIRS

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance) moved that the second report of the Standing Committee on National Defence and Veterans Affairs, presented on Tuesday, June 12, be concurred in.

He said: Mr. Speaker, I rise to speak to the concurrence motion on the second report of the Standing Committee on National Defence and Veterans Affairs on the subject of defence procurement.

We are all preparing to head back to our constituencies tomorrow for Remembrance Day and it is an occasion on which we all look back upon the heroism and the sacrifice of our serving troops in the first and second world wars and certainly those who have served in subsequent campaigns, Korea, the gulf war and others.

The report, which was tabled last June by the standing committee, states in no uncertain terms that the Canadian forces of today need enhanced resources. They need those resources if they are able to play the kind of role in the current war against terrorism or potential future conflicts that our forefathers played in World War I and World War II and in subsequent campaigns, Korea and others.

Just yesterday the committee tabled another report in the context of the prebudget consultations again calling for a large new infusion for our Canadian forces. While the new report contains many useful suggestions, unfortunately it leaves the specifics out of the recommendations. The Canadian Alliance felt that it had to table a minority report in order to put the specifics on the table.

The official opposition believes that the Canadian armed forces need at least \$2 billion per year to be added to their base budget in addition to the operational costs of the current naval campaign in support of the coalition in Afghanistan. Troop strength must be brought to at least 75,000 personnel from the current level of 56,000. Our CF-18s must be retrofitted with new anti-missile and communication systems and provided with an inflight refuelling capacity so they can be used effectively in air campaigns like the current mission in Afghanistan and other missions in the future which may well face us as we move into this uncertain century.

Routine Proceedings

We need dedicated airlift and sealift capacity so we can get our ground forces and their equipment into theatre without having to rely on commercial transportation or the goodwill of our allies.

We all remember only too vividly the sight of much of our equipment floundering at sea some time ago because of a lease arrangement that was not apparently able to be met by the government. That is not a sight that we want to see ever again either for our equipment or, even more important, for our personnel.

We need a special forces unit that is larger than the current JTF2 which has only approximately 250 personnel. Let me make it very clear that whether I am talking about the JTF2 or our armed forces in general, we believe the serving people in our armed forces are the most dedicated and courageous in the world.

My remarks on the government's lack of willingness to properly fund our troops and personnel is no reflection on the personnel themselves. We stand with them, we admire them and we support them, which is why I stand here to deliver this message today. That brave force, the JTF2, which has about 250 personnel, has to be divided between domestic security and foreign missions.

We note that when the government faced difficulties involving the Canadian airborne regiment, our existing 1,000 person strong special forces component, instead of doing things it felt must be done in terms of reforming that regiment, the government, in a fit of political correctness, chose to abolish that regiment. Our allies could use a regiment like the airborne at this time, but when they came asking for our support our cupboard was bare when it came to a regiment of that size.

As we prepare to honour the service of those who fought and died in the past, I invite the House to consider that there is no greater way of honouring past veterans than by providing our troops of today with the resources and equipment they need as they follow in the footsteps of those who went on before them.

• (1010)

I have spoken in the House before in great detail about the defence readiness policies of the Canadian Alliance. Our defence critic, the member for Lakeland, has done excellent work in this area both in the House and in committee, so I will not repeat the details of the policies we have discussed in our paper "Canada Strong and Free", and elsewhere, in order to reflect a bit more on the service of those who fought for Canada in the past and what these lessons mean for us today.

As I said, the details of this project, which are very specifically the hard work of our MPs, can be found in other places. We and I have spoken about them in the House of Commons.

[*Translation*]

The Canadian Alliance thinks it is necessary to increase immediately by at least \$2 billion the defence department budget. The crisis the Canadian Forces are facing is so serious that half measures are not good enough.

[*English*]

Unfortunately, the story of Canada's military being caught unprepared because of underfunding when it comes to the call for

war has been witnessed before in Canadian history. Canadian military history is simply proof of Santayana's dictum that those who will not learn from history are doomed to repeat it.

We honour the heroism and the sacrifice of those who died in World War I and World War II and in other engagements, but how often do we pause to consider that many of those men died or were permanently disabled in part because of the politicians of the 1910s and 1930s, who had left our forces in a state of unpreparedness even as the signs were there that there was an imminent military threat?

In world history there will always be a threat to peace. There will always, in the global village, be those bullies who want to abuse the neighbourhood by the exercise of their force and there must always be, in the global village, including in Canada, those forces who are ready and prepared to stand firmly against those who would abuse the freedoms and peace of others. It is when we back off from that preparedness that we send a sign, and in a way send a signal of encouragement, to those who would try to use the powers of force and tyranny to abuse others.

There is always a threat to peace and democracy. I will quote from a remarkable article that was written by Cliff Chadderton, the CEO of the War Amps of Canada. He is chairman of the National Council of Veterans Associations. Mr. Chadderton, with the Royal Winnipeg Rifles, fought on D-Day and his experience and those of his comrades who never returned should stand as a warning to those in the House who look to the armed forces as a source of easy spending cuts during peace time and to those who begrudge our military the modern equipment it needs and has requested.

Mr. Chadderton wrote:

It is remarkable that the First World War, which affected the development of our nation fundamentally, had no long term influence on this country's defence policy. In the First World War, 628,000 Canadians served and 60,000 lost their lives. Canada intervened on a large scale on European battlefields, and our troops were recognized as being the most formidable on the Western Front. Notwithstanding, when the emergency was over the country reduced the armed forces to a level of insignificance. Lack of funds restricted training and prevented the acquisition of new equipment. In fact, the losses and the horror of 1914-1918, despite the achievements of our military, led to disarmament.

Mr. Chadderton states, then, that there was a practical disarmament following that war. He continues, writing about when the second world war broke out, and states:

When war broke out in 1939, Canada had no troops ready for immediate action except for local coastal defence against very small raids. The state of the Canadian Militia was utterly inadequate.

Let's get close up and personal.

He then gives a very vivid account, which is necessary for us to understand to be able to reflect on the magnitude of unpreparedness and what that cost us in terms of brave Canadian citizens. He states:

We were in Normandy and it was D-Day Plus 2. Three companies of the Royal Winnipeg Rifles had been completely surrounded on the Caen-Bayeux railway line at Putot-en-Bassin.

I had brought up a squadron of tanks from the 1st Hussars of London, Ontario. Across the railway line, we could see have a dozen German tanks; some Panthers; some Mark IVs. Our Shermans opened up with their 75mm guns. When the Jerry 88s fired back it was "game over".

Routine Proceedings

Later that afternoon I took a reconnaissance party into Putot. I saw maybe 60 of Canada's best-trained riflemen lying in defensive positions. They were dead. Their main weapon was a S3 Sten gun or a World War I rifle—no match for the 12th SS with their Spandaus and Schmeissers. Just one example of many.

● (1015)

On that day, the Royal Winnipeg Rifles paid the price in fighting for a country which had not prepared for war.

A greater shock was when I saw our A Company position. Corporal H.V. Naylor had set up his 6-pounder anti-tank gun to cover the railway bridge. They were decimated, but he got out. Later, viewing the scene, his crew had fired 16 rounds, and managed only to knock off the tracks of a Jerry Mark IV tank. There were 11 Royal Winnipeg Rifles who died trying to get off more rounds.

Final story. On D-Day Plus 6, our Commanding Officer sent a section of our carrier platoon out "tank hunting" with PIATs (projector, infantry, anti-tank) [weapons]. Compared with the Panzerfausts of the 12th SS, the PIAT was a monstrosity. It took two men to fire it, and they were lucky to be standing on their feet after they dispatched the first round.

Mr. Chadderton states:

We cannot seem to learn from history.

History has not convinced Canadians that there is a close connection between our nation's welfare and military preparedness. We seem to believe that there is always time enough to begin preparations after war is declared. The unwillingness to spend more money upon armaments between World Wars I and II is due in great part to our geographic location. As well, most of our politicians have no appetite for "things military".

And so the profession of arms in Canada remains today caught between the jaws of insufficient resources and military imperatives.

Our military is under-funded and over-tasked. Our equipment is outdated. Personnel are leaving for private-sector careers because of poor compensation—the shabby quality of life on bases and, in some cases, lack of leadership. Yet our forces are among the busiest in the world.

Let me add again, I would say they are the most dedicated in the world.

Mr. Chadderton states:

With its budget and resources scaled back, our forces are still expected to complete the mission of a national armed force, one with G-7 and NATO membership.

Between major conflicts, it has always been the task of the much-maligned profession of arms to strive for a semblance of military preparedness. Today, plagued by reports of scandal and political indifference, perhaps this may not even be enough.

These words of Mr. Chadderton stand both as an eloquent memorial to those who died in the two great wars of the last century and as a warning to those who argue for starving our armed forces and leaving them unprepared for the possible wars of the 21st century.

As we are on the eve of Remembrance Day, I hope the House will forgive me if I quote a poem which I think is a fitting reminder of what we owe to those who found and served in Canada's previous wars and to those brave men and women who even as we speak are sailing into possible danger in the Indian Ocean to support the Afghanistan campaign.

We all are quite familiar with *In Flanders Fields*, by Lieutenant-Colonel John McCrae. Another great Canadian poet, Robert Service, wrote a series of moving war poems in his volume *Rhymes of a Red Cross Man*. Perhaps the best known and best loved of these poems is *Young Fellow My Lad*, words of a father to his son leaving to serve in the first world war. These words have a special meaning for me, as both my grandfather and father served in the navy during the first

and second world wars, and my mother's father served in the Hong Kong campaign.

As I stood with the Prime Minister a few weeks ago in Halifax watching our ships sailing by, standing among families, men, women and children, fathers, mothers, brothers, sisters, loved ones, many of them crying and waving to their loved ones on those ships, I realized that my father and one of my grandfathers had sailed from that very port. I wondered what thoughts were on their minds as they sailed away on that day and what thoughts were on the minds of their families waving goodbye to them.

● (1020)

I was asked by a family I was talking with there if my grandfather and father had returned. Of course my father returned. His university education was interrupted when he went to war and he completed it when he returned. My grandfather returned paralyzed. His legs were rendered permanently incapable after he received shrapnel in his spine.

Having grown up in more peaceful times I must confess that my own military experience was confined to being a member of No. 137 Ashbury College cadet corps, a compulsory high school cadet auxiliary of the Governor General's foot guards.

Going to school in Ottawa we had the honour one year of being inspected by Governor General Vanier himself. It was interesting. We were told he could not do a full inspection of all the ranks because of wounds he had received in the war. He had a leg amputated. Last night on the news there was a biography of his life and I got to hear in detail of the war injury he had received under fire in the war.

Today as I reflect on the words of that poem I recognize that I am the father of three young men who would have been of serving age during World War I and World War II. I am also a grandfather as we stand on the cusp of a new century. I have young grandsons. In the uncertainties of the century ahead of us young people are still being called on to prepare for war.

● (1025)

[*Translation*]

While a war on terrorism is being waged, the Canadian Forces are looking at a capability crisis. After decades of negligence, they do not have the resources they need to meet our commitments and protect our security.

The present crisis demands a firm and unanimous response from parliament. We should do more than what the government is suggesting if we are to rebuild our national defence. This involves a frank and open discussion on all relevant issues.

The Canadian Alliance will work towards that goal, and we know the Canadian public will not settle for less than that.

[*English*]

I honour those who served in the first and second world wars and the campaigns that followed including Korea, yet I hope I never live to have the kind of dialogue with my own sons or grandsons that Robert Service captured in this poem:

Routine Proceedings

"Where are you going, Young Fellow My Lad,
On this glittering morn of May?"
"I'm going to join the Colours, Dad;
They're looking for men, they say."
"But you're only a boy, Young Fellow My Lad;
You aren't obliged to go."
"I'm seventeen and a quarter, Dad,
And ever so strong, you know."

"So you're off to France, Young Fellow My Lad,
And you're looking so fit and bright."
"I'm terribly sorry to leave you, Dad,
But I feel that I'm doing right."
"God bless you and keep you, Young Fellow My Lad,
You're all of my life, you know."
"Don't worry. I'll soon be back, dear Dad,
And I'm awfully proud to go."

"Why don't you write, Young Fellow My Lad?
I watch for the post each day;
And I miss you so, and I'm awfully sad,
And it's months since you went away.
And I've had the fire in the parlour lit,
And I'm keeping it burning bright
Till my boy comes home; and here I sit
Into the quiet night."

"What is the matter, Young Fellow My Lad?
No letter again to-day.
Why did the postman look so sad,
And sigh as he turned away?
I hear them tell that we've gained new ground,
But a terrible price we've paid;
God grant, my boy, that you're safe and sound;
But oh I'm afraid, afraid."

"They've told me the truth, Young Fellow My Lad:
You'll never come back again:
*(Oh God! the dreams and the dreams I've had,
and the hopes I've nursed in vain!)*
For you passed in the night, Young Fellow My Lad,
And you proved in the cruel test
Of the screaming shell and the battle hell
That my boy was one of the best.

"So you'll live, you'll live, Young Fellow My Lad,
In the gleam of the evening star,
In the wood-note wild and the laugh of the child,
In all sweet things that are.
And you'll never die, my wonderful boy,
While life is noble and true;
For all our beauty and hope and joy
We still owe to our lads like you."

Robert Service reminds me of what is essential this Remembrance Day. All the beauty, hope, joy and freedoms we enjoy as Canadians we owe to those once young lads who fought for Canada in those great wars, those who remain from the battles and are now old men and those who are fondly remembered in photograph albums.

This summer my uncle Mr. Bruce Gilbert prepared a presentation for a family gathering that was in a sense a memorial. It was a display of the badges, souvenirs and letters of my grandfather and his cousin who had gone to Hong Kong.

When my grandfather left for that campaign he was 36 years old. He left my grandmother and four children including my mother. His young cousin was only 15. He had changed the date on his birth certificate so he could proudly join the forces.

Most poignant were the letters which came back, censored, during the few years my grandfather and his young cousin spent in a prisoner of war camp because they had been captured. One of the saddest letters was from the cousin who had yet to turn 18. He was writing to his mother and telling her not to worry.

Following that letter by about two months was a letter from the young cousin's commanding officer who was also a prisoner in the camp. He wrote to the young cousin's mother to tell her he had died in the prisoner of war camp but that he had died bravely.

● (1030)

My grandfather returned from that campaign but had to be literally carried out of the prisoner of war camp. He was out of hospital only a couple of days to visit family over Christmas. He had to return to the hospital because of what he had gone through in terms of torture in the prisoner of war camp. He died in the hospital. He died on Canadian soil after the war was over and after he had been rescued from the prisoner of war camp.

These are just two examples of the thousands upon thousands of young Canadians who have died in war. In that campaign there was a frightful lack of preparedness, funding and resources. There was a frightful lack of proper political consideration in terms of what they were getting into.

I will make it clear. Those young men did not die in vain even though their efforts were underfunded. They died bravely. They were part of the effort that finally brought peace back to our country.

My heart, the hearts of Canadian Alliance members and, I am sure, the hearts of all members of parliament are for doing everything we can to support our troops who sign up. They are so committed and dedicated to the country that they are willing if necessary to pay the ultimate sacrifice.

That is why we as members of parliament must always be looking to their preparedness and giving them the resources they need. Should they have to pay the ultimate sacrifice we will know they were doing the fullness of their duty with the fullness of resources behind them. It will be the sign of our commitment to our armed forces if we provide them the resources they need to keep our land truly strong and free.

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I move:

That the House do now proceed to orders of the day.

● (1035)

The Speaker: 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 nays have it.

And more than five members having risen:

The Speaker: Call in the members.

• (1115)

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

(Division No. 168)

YEAS

Members

Adams	Alcock
Allard	Assad
Assadourian	Bagnell
Baker	Barnes
Beaumier	Bélaïr
Bélangier	Bellemare
Bennett	Bertrand
Binet	Blondin-Andrew
Bonin	Bonwick
Boudria	Brown
Bryden	Bulte
Byrne	Caccia
Calder	Cannis
Caplan	Carroll
Castonguay	Catterall
Cauchon	Charbonneau
Coderre	Collenette
Copps	Cotler
Cuzner	DeVillers
Dhaliwal	Dion
Drouin	Duplain
Easter	Eggleton
Eyking	Farrah
Finlay	Fontana
Gagliano	Godfrey
Goodale	Gray (Windsor West)
Grose	Harvard
Harvey	Jackson
Jennings	Jordan
Karetak-Lindell	Keyes
Kilgour (Edmonton Southeast)	Knutson
Kraft Sloan	Laliberte
Lavigne	LeBlanc
Lee	Lincoln
Longfield	MacAulay
Mahoney	Malhi
Maloney	Marleau
Martin (LaSalle—Émard)	Mathews
McCormick	McGuire
McKay (Scarborough East)	McLellan
McTeague	Mills (Toronto—Danforth)
Minna	Mitchell
Murphy	Myers
Nault	Normand
O'Brien (London—Fanshawe)	O'Reilly
Pagtakhan	Paradis
Patry	Peterson
Pickard (Chatham—Kent Essex)	Pratt
Proulx	Provenzano
Redman	Reed (Halton)
Regan	Richardson
Robillard	Rock
Saada	Savoy
Scherrer	Scott
Serré	Sgro
Shepherd	Speller
St-Jacques	St-Julien
St. Denis	Steckle
Stewart	Szabo
Thibault (West Nova)	Tirabassi
Tobin	Torsney
Ur	Valeri
Wappel	Whelan
Wilfert	Wood-128

Government Orders

NAYS

Members

Abbott	Anderson (Cypress Hills—Grasslands)
Asselin	Bailey
Bellehumeur	Benoit
Bergeron	Blaikie
Bourgeois	Breitkreuz
Brien	Burton
Cadman	Cardin
Casey	Comartin
Cummins	Dalphond-Guiral
Day	Desrochers
Epp	Fitzpatrick
Gagnon (Québec)	Gagnon (Champlain)
Gallant	Gauthier
Girard-Bujold	Godin
Grewal	Grey (Edmonton North)
Guay	Guimond
Hearn	Hill (Prince George—Peace River)
Hill (Macleod)	Kenney (Calgary Southeast)
Keddy (South Shore)	Lalonde
Laframboise	Lill
Lancôt	Lunn (Saanich—Gulf Islands)
Loubier	MacKay (Pictou—Antigonish—Guysborough)
Lunney (Nanaimo—Alberni)	Martin (Esquimalt—Juan de Fuca)
Mark	Mayfield
Martin (Winnipeg Centre)	McNally
McDonough	Meredith
Ménard	Mills (Red Deer)
Merrifield	Pallister
Nystrom	Paquette
Pankiw	Picard (Drummond)
Perron	Rajotte
Plamondon	Ritz
Reynolds	Roy
Rocheleau	Solberg
Sauvageau	Spencer
Sorenson	Stinson
St-Hilaire	Strahl
Stoffler	Tremblay (Lac-Saint-Jean—Saguenay)
Toews	White (Langley—Abbotsford)
Wasylcia-Leis	
Yelich-81	

PAIRED

Members

Anderson (Victoria)	Bachand (Saint-Jean)
Bakopanos	Bigras
Bradshaw	Crête
Dubé	Duceppe
Folco	Fournier
Hubbard	Lebel
Marceau	Marcel
Owen	Parrish
Pillitteri	Tonks
Tremblay (Rimouski-Neigette-et-la Mitis)	Venne-20

The Speaker: I declare the motion carried.

GOVERNMENT ORDERS

[English]

CANADA NATIONAL MARINE CONSERVATION AREAS ACT

Hon. Don Boudria (for the Minister of Canadian Heritage) moved that Bill C-10, an act respecting the national marine conservation areas of Canada, be read the third time and passed.

Government Orders

Ms. Sarmite Bulte (Parliamentary Secretary to the Minister of Canadian Heritage, Lib.): Mr. Speaker, what a great pleasure to speak on behalf of Bill C-10, an act respecting the national marine conservation areas of Canada. In so doing I would like to bring the international perspective into the debate as well as make the House aware of one of the unique aspects of this program; the importance given to education and interpretation.

The creation of national marine conservation areas responds directly to several international initiatives. For example, establishment of protected areas is an important strategic direction in the Canadian biodiversity strategy that was endorsed by federal and provincial governments to guide implementation of the United Nations convention on biological diversity.

Both a 1994 resolution of the World Conservation Union and a joint action plan issued by the World Conservation Union, the World Wildlife Fund and the United Nations environment program called on coastal communities to establish representative systems of marine protected areas under national legislation.

As the House has previously heard, we are indeed making progress in establishing national marine conservation areas. Saguenay-St. Lawrence marine park in Quebec was established in 1998 under separate legislation. Federal-provincial establishment agreements are already in place for Fathom Five in Ontario and Gwaii Haanas in British Columbia. A feasibility study is nearing completion for a proposed national marine conservation area in Lake Superior.

Nevertheless, we are lagging behind a number of other coastal nations which have also recognized the importance of their marine environment and the need to protect it.

The United States has so far designated 13 national marine sanctuaries. New Zealand has created 16 marine reserves. In addition to the Great Barrier Reef, which is the world's largest marine protected area at over 350,000 square kilometres, Australia's state and federal agencies have designated over 30 other marine protected areas. Member states of the European Community have also established a significant number of marine protected areas.

These countries protect a diversity of habitat and species, from coral reefs to boulder reefs to kelp forests, from endangered right whales to sea otters to multicoloured tropical fish. Canada's national marine conservation areas play a similar role in protecting and conserving a diversity of marine environments, habitats and species.

What have we learned from these initiatives? Marine protected areas contribute to the maintenance or restoration of both biological diversity and abundance.

It is not feasible in today's environment to divorce resource use from conservation. Marine natural resources and their habitats are all sought by many different users for many different purposes. Marine protected areas should be designed to serve both sustainable use and environmental protection objectives, and all stakeholders must work together in planning and management.

Local people must be closely involved from the beginning, if a marine conservation area is to succeed. Socioeconomic considerations usually determine the success or failure of an area. These

considerations, in addition to biophysical factors, must be addressed when identifying sites and in selecting and managing them.

Canada's Bill C-10 and national marine conservation areas policy, both reflect and build on international experience.

In addition to environmental and socio-economic considerations, let us not forget the importance of education in building support for protecting the marine environment.

Canada has responsibility for over 5.5 million square kilometres of ocean, equivalent to the provinces of Quebec, Ontario, Manitoba, Saskatchewan, Alberta and British Columbia combined or about 55% of Canada's land mass. How many Canadians realize this?

How many Canadians know that we have the world's longest coastline, 243,792 kilometres to be exact, stretching along not one, not two, but three major oceans?

How many Canadians know that we have the second largest continental shelf and some of the world's richest fishing grounds or that the Great Lakes are the world's largest freshwater system, containing almost one-fifth of the planet's supply of fresh water?

How many Canadians know that we have colourful and diverse undersea communities which rival those of the tropics?

How many Canadians know that 22 species of whales and dolphins and six species of seals pass through our Atlantic waters every year and that their numbers in fact far outstrip the human population of the east coast?

How many Canadians recognize that we are truly a maritime nation and that much of our pre- and post-colonial history is tied to these waters?

● (1120)

Everything we do on land impacts on the oceans and comes back to haunt us sooner or later. There is growing concern about the health of our oceans and inland seas and that our efforts to protect and conserve marine environments are out of step with our dependence on them. Canadians need to be reminded that it is our duty to conserve the rich marine natural heritage with which we have been entrusted, not just for our own benefit but for the world's as well.

National marine conservation areas will help to overcome this lack of knowledge. They will serve as focal points for education and interpretation which are essential parts of the program and mandate of Parks Canada. Our marine environments will not be adequately protected unless the public understands the importance of conservation and actively participates in this endeavour.

We are engaged in a great undertaking to move forward with the establishment of a Canadian system of national marine conservation areas. Canada is well positioned to make a meaningful contribution to a global effort to establish a representative system of marine protected areas.

Government Orders

We have more to gain from a comprehensive system of marine protected areas than most countries, given our massive coastline and the world's second largest continental shelf. The creation of national marine conservation areas is a time consuming and complex undertaking. They cannot be established by the federal government alone. They require the support of provincial or territorial governments and, most important, the support of local communities. Baba Dioum, an African ecologist, stated:

For in the end, we will conserve only what we love. We will love only what we understand. We will understand only what we are taught.

Through this legislation national marine conservation areas can accomplish much to increase our understanding of our marine heritage, both natural and cultural, and in so doing conserve it for future generations.

Mr. Andy Burton (Skeena, Canadian Alliance): Mr. Speaker, I am pleased to speak to Bill C-10, an act respecting the national marine conservation areas of Canada, at third reading debate on behalf of my riding of Skeena and my party.

I have much to say about this very ominous bill. My comments reflect not only my observations about the bill but those of the witnesses that came before the Standing Committee on Canadian Heritage both last month and in late May of this year. My comments will echo the concerns outlined by numerous municipal and chamber of commerce representatives who wrote to the committee but were not afforded the opportunity to present their concerns as witnesses.

It was the government's wish to get the bill out of committee and through the parliamentary process as quickly as possible thereby eliminating debate and discussion. I will endeavour to explain why the government might have wanted to rush the bill through. I hope that the Senate and its committee will take more time to review the bill and consult widely with coastal Canadians before they decide the its fate.

I suggest that members in the other place take the time to travel with their committee to those coastal communities. That suggestion was made numerous times in the House of Commons heritage committee by the communities themselves but it was ignored.

I will speak to the lack of consultation on Bill C-10 by the heritage department and the lack of understanding of the effects of the bill on coastal communities. I am surprised Liberal members representing coastal communities and ridings are not as offended by the legislation as I am. They should take a long look at the impact the bill could have on the economies of their ridings and stand with me in opposition to the bill.

It is worth noting that many times during the clause by clause review of the bill in committee the opposition and a Liberal member or two were united in opposition to a clause or supported an amendment I was making. Unfortunately when it came time to vote the parliamentary secretary called the shots and all the good Liberals fell in line.

They gave the appearance of listening to the arguments of the opposition on issues like guaranteed consultation, jurisdictional concerns and provincial or coastal community vetoes. The record will show that in the end they voted against amendments which would have made the bill far more palatable to coastal communities.

Government members were not interested in making Bill C-10 palatable. They were simply tired of the bill dying on the order paper.

Commitments were made that the bill would go through. The government believed that come hell or high water Bill C-10 would see the light of day in this parliament. It is my hope that it will not without serious amendment, and I will speak to that in the body of my speech.

I take exception to claims by government members that we on this side of the House do not care about the environment or parks so why we even consider supporting the bill. This is a totally false assumption on their part.

The Canadian Alliance has a good track record of concern for the environment. We do not, as opposed to the Liberal record, pander to one group over another. We seek a balance in legislation that speaks to the concerns of environmentalists and addresses the realities of industrial and socioeconomic problems.

I consider myself to be an environmentalist. Environmental groups in downtown Vancouver and Toronto may not subscribe to my definition of an environmentalist but that does not make their way any better than mine. I will explain.

I have lived in northern B.C. all my life. When one lives in northwestern B.C., surrounded by coastal mountains, the Pacific Ocean, the Grand Skeena and Nass rivers and blue glaciers, one cannot but have a healthy respect for mother nature in all its glory. Anyone I know that lives in the north respects the environment, not only for its beauty but for what it has given the communities that exist as a result of its riches.

Most northern communities in my riding of Skeena were founded on industries that harvested the renewable or non-renewable resources of nature. Thriving communities erupted as a result of a need for workers because industries took the risk and situated themselves in northern B.C., and the cycle continued.

It is because of one sided legislation like Bill C-10 and poor provincial management by the previous provincial NDP government of B.C. that natural resource industries fled northern B.C. As a result many people in those northern resource based communities had to pack up and leave as well. They had to go where the work was. Unfortunately that has been a reality of much of northern B.C.

I consider myself an environmentalist, not only because of where I am from and my respect for the environment, but because I hunt, fish and camp in that environment. It is in my best interest that I treat it with respect and ensure its strength for future generations to come.

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•(1125)

I am not opposed to the creation of marine conservation areas. I am opposed to legislation such as Bill C-10. It was introduced and passed by the federal Liberal government without concern for the effect that it would have on coastal communities and without any real consultation with the people and industries that the bill would seriously affect.

How could bureaucrats in Ottawa really understand what a piece of legislation like Bill C-10 would do to the economies of coastal communities? The reality is that they cannot because Ottawa is too far removed from the issue of life on the coast.

The official opposition would likely have been in favour of the bill had the government taken the time to travel to B.C., Atlantic Canada and northern Canada. It should talk to coastal communities about Bill C-10 before it introduced the bill as opposed to drafting it with only the environmental lobby on hand. We are opposed to the bill because of the Liberal government practice of secrecy at all costs and input at a minimum.

We should not for a second believe what the government says about the environmental record and concerns of the Canadian Alliance. It is just not correct. We are strong on the environment but also strong on balance, and the bill is not balanced.

We have major concerns over the lack of consultation. I will give members of the House some background on the lack of consultation on Bill C-10 prior to it coming back to the House at third reading.

The parliamentary secretary and members of the government will say that in its previous incarnations as Bill C-48 in the first session of the 36th parliament and as Bill C-8 in the second session of the same parliament the subject matter was consulted on widely. Let me clarify that claim by explaining that the government circulated Bill C-48, the predecessor to Bill C-10, to about 700 stakeholders across Canada.

Only a few were ever heard in committee, some of whom came from my riding of Skeena. Many expressed their concerns over the bill's obvious duplication of efforts with the recently created Oceans Act by the Department of Fisheries and Oceans.

We are told that departmental officials listened to the concerns of those stakeholders and amended the bill accordingly, reflecting their concerns in the new Bill C-10. Not only do I disagree with this claim, because Bill C-10 does not reflect the changes the witnesses asked for, but I find it disturbing that the supposed new and improved bill was never sent back to the original 700 stakeholders to see if the changes met with their approval.

If the government amended a piece of legislation based on comments from the stakeholders from which it had requested comments, it would seem logical that it would take the time to show off how well it listened and acted on their concerns. In this case it did not.

The point could be made by the government that it did not see the point in mailing the new and supposedly improved bill to the 700 stakeholders because it was not new or improved. If the government had done a proper consultation on Bill C-10, it would have found out

early on, like its predecessors, that it too was not satisfactory to the identified stakeholders.

I guess the minister did not feel it necessary to tip off opponents to the bill that nothing had changed. She was prepared to push through unwanted, inaccurate legislation that as currently written would have an adverse effect on the economies of most coastal communities in northern British Columbia, particularly in my riding of Skeena.

Many of my constituents and I believe the committee consultation process was equally disappointing. The consultation process prior to the drafting and introduction of Bill C-10 was a farce. I will elaborate.

Bill C-10 was introduced in the House in February and sent to committee shortly thereafter. Initially the Standing Committee on Canadian Heritage had every intention to do precious little in the way of consultation and planned to send the bill back to the House for report stage and third reading prior to the House rising for the summer recess. This did not happen as planned and I will explain why.

As a member of parliament representing a coastal riding, representatives of coastal municipalities and various chambers of commerce came to me asking for an opportunity to be heard by the committee dealing with Bill C-10. I immediately expressed this concern to the committee, which had at that point in early May decided to limit the number of witnesses and close off debate. I had to fight hard with the committee members to allow my witnesses to be heard. They used every trick in the book and blamed me, if members can imagine, for my constituents not being heard.

•(1130)

Because I pointed out rather publicly that the committee had only heard from witnesses representing either environmental groups, industries or communities from eastern Canada and had ignored the west coast, the committee reluctantly agreed to re-open the witness list.

Throughout the summer months the concern over certain aspects of Bill C-10 grew in my riding, and in fact all over coastal B.C., to the point where my list of witnesses expanded from a mere 3 or 4 to a full 25 to 30. These were not industry representatives. They were mayors, councillors, presidents of chambers of commerce, small business owners, fishermen and even people currently living close to a marine park on the Queen Charlotte Islands. They all had their areas of concern and all wanted their opportunity to speak to the committee.

Mr. Speaker, you can imagine my surprise when I presented this enthusiastic list of concerned coastal Canadians to the committee and received a less than enthusiastic reply. It was obvious the committee was not pleased with what had transpired over the summer.

I will not single out any particular member of the committee as they know who they are, but I was faced with the committee saying that it could not hear from all my witnesses because it would just take too long. The committee also said that if it heard from all the witnesses from my province then it would have to hear witnesses from other provinces and that there simply was no time.

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I think there was a lot of time. If we are going to create a proper bill we should listen to witnesses from all over. If we take the time to do it right there will be a whole lot less opposition to the bill. The committee said that the bill had to be back in the House right away.

Mr. Speaker, I am paraphrasing but I hope you get the picture I am painting about the reluctance of the committee to hear from my witnesses. In the end I was told to negotiate with the clerk of the committee to get my witnesses on the list.

I understand that the committee did decide, reluctantly I believe, to set up video conferencing facilities in my riding and in Vancouver in order to hear from some of these witnesses. It was not enough to open the witness list to witnesses expressing concern for areas of the bill. The government would not be outdone. It filled the witness list with more environmental groups or representatives supporting the bill in order to more than even things off.

In the end the committee heard from more environmental groups supporting the bill than representatives of coastal or affected communities expressing concerns or reservations about certain aspects of Bill C-10.

I have to say that I am particularly disappointed that of my 25 to 30 prepared witnesses I was in the end allowed representation from 12 but only 4 of those were allowed to come to Ottawa. However I will say that those 12 witnesses were very representative of areas in B.C. I had, for instance, the mayor of Prince Rupert, Don Scott; the mayor of Kitimat, Richard Wozney; the mayor of Port Clements, Joan Ann Allen; the mayor of the village of Telkwa, Sharon Hartwell; the chair of the regional district of Bulkley Valley-Stikine, Joanne Monaghan; the regional district of Skeena-Queen Charlottes represented by Paddy Greene; the village of Smithers mayor, Brian Northup represented by Cress Farrow; industries like the B.C. Fishermen's Survival Coalition president, Phil Isaac; and the B.C. Seafood Alliance president, Michelle James. Representatives from the north coast oil and gas task force, Dave McGuigan and Reg Stowell were also present, as was a representative from the B.C. Chamber of Commerce who spoke on behalf of both the B.C. chamber and the Canadian Chamber of Commerce, noting that both had concerns about the potential economic effect the bill would have on communities.

I know I am going into a lot of detail about the process of the bill at committee, Mr. Speaker, but to understand just how much distrust there is out there, particularly in my home province of B.C., over the bill and its supposed guarantees of consultation, you need to know how little consultation there actually was and how hard it was to achieve the little leeway I was given for witnesses by the government.

Mr. Speaker, you need to understand that there were a number of letters received by the committee, phone calls to my office, faxes from concerned communities and even a unanimously passed resolution by the Union of B.C. Municipalities. By the way, it is nearly unheard of for UBCM to pass a resolution on the need for further consultation on federal legislation, and to pass it unanimously is an even greater feat. Even with that kind of pressure to slow the process down of approving Bill C-10, and with that strong suggestion from a group of elected officials representing a province with over three million residents, the committee chose to limit debate

and discussion and, most of all, testimony from concerned witnesses to a mere 12.

I would suggest that it is no wonder British Columbians take no solace in the federal Liberal government's promise of full consultation with not only the provincial government prior to the creation of an MCA, but there is also no trust in its claim that an MCA will not go ahead if the local affected community is not in favour of it.

• (1135)

I would also argue that the government of British Columbia wanted more time to study the bill. To that end, I believe the B.C. minister of energy himself asked the federal government to delay passage of Bill C-10 until B.C. could complete its study on the potential for offshore oil and gas development in coastal B.C. This was a study planned to be completed by the end of January 2002 and the federal government could not wait a mere three months to appease the province with the largest coastline in Canada.

That is shameful and again exemplifies why coastal communities are simply afraid the federal government will come in with proclamations that it is there to help and charge in with directives and decisions without any concern for the needs and realities of those coastal communities. They believe, and with good reason, that the feds will force MCAs on coastal communities and the reality is that there is nothing in the bill that will prevent it from doing just that.

That brings me to the discussion on the amendments the official opposition tried to suggest in the committee's clause by clause review of the bill and were denied.

First I must say that we certainly did our homework. The official opposition listened to witnesses, read the submitted briefs and reacted. We came to committee prepared with a list of 30 amendments which, in our opinion, would have made the bill more palatable to both the province and, most important, to those affected coastal communities. Disappointedly, the Liberal government dominated committee and voted down all but one of my amendments.

Allow me, Mr. Speaker, to give you a brief synopsis of some of those defeated amendments, what they would have meant to the bill and how they could have been viewed as positive changes by the many concerned coastal communities.

On 10 separate occasions, in clauses 2, 5, 6 and 7, I tried my very best to include amendments that would have guaranteed the provinces a veto over the creation of any marine conservation areas created by the legislation and, as such, by the federal government, on either provincial land or areas where the jurisdiction of the land was under dispute by either the federal or provincial governments.

These were simple amendments that would have allayed any fears of either the province of B.C. or its residents of a unilateral federal government directive to institute an MCA in an area where, quite frankly, either the province did not see the need for one or because the provincial government of B.C. believes in consultation, that the coastal communities obviously did not want one.

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In many cases the entire opposition parties were in agreement to these amendments. The Bloc member on numerous occasions expressed her concern about the legislation which once again trounces on provincial rights assured in the constitution. The PC/DR coalition member echoed these concerns as well and yet in the end, as per usual, the government members feigned interest but voted against the amendments.

At first I honestly thought it might be because they realized how good these amendments were and how needed they were to secure the support of coastal B.C. and, believe it or not, I thought the government might actually vote against these amendments in committee to save face and then introduce similar amendments at report stage to make it look like these were its ideas. We all know the government does that all the time with Alliance amendments. However, in this case, unfortunately, it did not.

This speaks to the horrible track record the Liberal government has when it comes to listening to the concerns of Canadians and then acting on them. As I mentioned earlier, it listens and feigns interest but rarely, if ever, does anything unless forced.

Here is an example of the wording of one of these amendments and the rationale I expressed as to why the bill needed to be amended. The amendment, known in committee evidence as CA amendment No. 3, dealt with clause 2. Specifically, we were trying to create a new clause 2, subclause (2) which would have read as follows:

For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from the existing rights of a province over public lands, including submerged lands, which fall within its provincial boundaries. As such, no marine conservation area shall be created without the specific approval of the affected province.

My rationale for such a simple amendment was simply that many of the witnesses on both sides of the issue expressed concern over not having an explicit provincial veto over MCAs in their province. Although clause 5, subclause (2) explains that the land needs to be the unencumbered right of Canada, it does not specifically address the requirement of the province to agree with the creation of the MCA.

Further to that, I explained that the purpose of adding the new clause in that section of the bill was specifically to mirror the reassurances the drafters of the bill felt necessary to include for the aboriginal peoples of Canada. We simply felt that if it was important for the sense of clarity that protection of rights given to aboriginal peoples in the constitution be included that it too was appropriate for the bill to include the rights of provinces to a veto as well.

• (1140)

It was not my intention to delete the current clause 2, subclause (2) dealing with the aboriginal veto to the creation of MCAs, but to move it to a new clause 2, subclause (3), thereby coming after the provincial veto in the bill. Although in my opinion this was, on the surface, a simple and practical amendment, the government decided to oppose it in committee and take another more negative approach to reassuring provincial rights in the bill. Allow me to explain.

The federal Liberal government members on the committee instead supported an amendment to clause 5 which put the onus of fighting the creation of an unwanted MCA on the backs of the

affected province. The following is the government's amendment creating a new clause 5, subclause (3). It reads:

If a court of competent jurisdiction finds that Her Majesty in right of Canada does not have clear title to or an unencumbered right of ownership in lands within a marine conservation area, the Governor in Council may, by order, amend Schedule 1 by removing the name and description of the area or by altering the description of the area.

Further to my comments earlier about how this is the wrong way of going about creating MCAs, meaning that if they are created in an area that the province believes the ownership of that area is disputed and the federal government goes ahead regardless of that claim and creates an MCA, as mentioned, the onus is on the province to challenge the ownership of the federal government to that land. Not only could this process take years and end up costing taxpayers a hefty sum, but in the end a new clause is drafted such that even if the province wins the dispute and requests that the MCA be removed, the clause does not require the governor in council to amend it.

Instead it clearly states "The Governor in Council may, by order, amend Schedule 1". That clearly is a may and not a shall, meaning that even if the province is successful in the courts, the federal government, through the governor in council, can choose to ignore the results of that court case.

For the record let me state that my amendment was not only much clearer and far simpler but was in the end opposed by the government. I hope the members in the House today and the senators, who hopefully will read this testimony, understand the picture I am painting. There is nothing in the bill explicitly stopping the federal government from imposing a marine conservation area on any province, whether it wants one or agrees to cede its rights to the land or not. This is a blatant abuse of power and is exactly why the federal Liberal government has such a poor relationship with the provinces of this great country.

That brings me to my amendment dealing with the environment and with resource uses within the MCAs. I brought forward, on eight separate occasions, amendments that would have made the legislation more balanced. As it is currently drafted, it is, in my opinion, far too heavily weighted on the environmental side of things and does not take into account the realities of life in coastal communities as well as the realities faced by industries that make their livings from harvesting the resources of the seas.

These amendments were not unrealistic and certainly were representative of the sentiments expressed by the witnesses who testified in committee and in written submissions sent by those who did not speak directly to the committee. Among those amendments, the most palatable to the committee should have been my amendment to clause 13. Clause 13 dealt with the prohibition of exploration and development of hydrocarbons within MCAs. The current clause 13 specifically outlines the prohibition of any exploration, development and exploitation of hydrocarbons, aggregates or inorganic matter from within an MCA. When I asked departmental officials to clarify whether this prohibition also outlawed directional drilling underneath an MCA, I was told that it did.

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Therefore, again to allay any fears of coastal communities looking to the development of offshore oil and gas as a potential economic boom to their area, and because the passage of the bill would prohibit in perpetuity the development of that potential, I suggested the following amendment: "That clause 13 be amended to include an exception to the listed prohibitions".

That exemption was to be a new clause 13.1 and was to read as follows:

The minister may permit the use of directional drilling equipment, in the case of sub-seabed drilling for hydrocarbons, from a point outside a marine conservation area, to a point below the seabed, within the marine conservation area, where the practices are determined by the minister to not pose any serious threat to the existing ecosystem of that marine conservation area.

To explain further, the amendment put the onus on the oil and gas industry to prove to the minister's satisfaction that directional drilling techniques are safe and pose no serious threat to the environment. I really thought this would be a win-win for both the government, or might I say the minister, and for the industry. In my opinion this was not slanted in favour of industry but, if anything, it did not close the door fully to oil and gas exploration but did not leave it wide open either.

• (1145)

However, as with the other amendments, the government summarily dismissed it and steadfastly voted against it in committee. That is why I had to move my report stage Motion No. 6 to delete clause 13. I felt that if we could strike a deal on setting guidelines for offshore oil and gas that the government should remove that clause and not specifically mention it so as to keep the door open a crack, just a little bit, for future consideration.

We can see the pattern. The government cracked the whip and its members one by one stood in their places and opposed this report stage amendment as well.

I could go on at length about the concerns I still have with the bill and about the abuse of power by the government throughout the entire consultation process on the bill but I do not have much time left.

I close by saying that this has been my first attempt at what is called shadowing a government bill. Many members may know that this is my first term in parliament and I am certainly new at it.

For a place which supposedly prides itself on its standards of democracy, on representing the wishes of those who elected its members and on working toward modernizing parliament to make it more effective, I can truly say that based on the experience I have had in dealing with the bill since early this year, this place and its committees are neither democratic nor representative.

I know the federal Liberal government has the seats and therefore the votes to pass the bill without a problem. However I stand here to strongly urge those MPs with coastal communities or MPs concerned about giving too much power to the federal government and the erosion of rights given to the provinces in the constitution, to stand strong with me and my party to oppose this badly flawed legislation. Oppose the bill. Send it back to the drafters for some severe editing.

If the government wants to create marine conservation areas, which I believe is a worthy endeavour, let us ensure it is done the right way the first time. I urge members to oppose Bill C-10 at the third reading vote.

Mr. Speaker, I move:

That the motion be amended by deleting all the words after the word "That" and substituting the following therefor:

Bill C-10, an act respecting the national marine conservation areas, be not now read a third time but be referred back to the Standing Committee on Canadian Heritage for the purpose of reconsidering clause 10 with the view to ensure that the affected provinces are given explicit veto powers over the creation of marine conservation areas.

• (1150)

The Acting Speaker (Mr. Bélair): The motion is receivable.

[*Translation*]

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, I am pleased to speak today to Bill C-10. Bills respecting marine conservation areas have been introduced in this House for several years.

Today, I will deal with the impact of this bill on Quebec in terms of the province's territorial integrity, duplication, heritage and management of national parks. I will also talk about how Heritage Canada will take over a jurisdiction, and the impact of the distinct society motion, passed in this House, when it comes to approving the way Quebec does things. Regarding this motion, the Bloc members were fully aware that it was an empty shell.

I will also talk about culture and its link with marine areas and I will give a few examples of co-operation on environmental issues and the protection of the marine ecosystem.

In Quebec, the government took two different approaches to dealing with the federal government; first, it established a consultation process through the mirror legislation on the Saguenay—St. Lawrence marine park, and through the phase III of the St. Lawrence action plan.

Again and again, the Bloc Québécois opposed such legislation. During the previous parliament, similar bills were introduced and we wanted them to be passed.

This time, the Liberal federal government is determined to introduce a framework legislation allowing it to create 28 marine conservation areas, without having to defend each of its bills before parliament. Moreover, the government wants to make sure it has the power to go ahead without the agreement of provinces or local communities or even native communities.

It was not possible to bring substantial amendments to the bill during its consideration by the Standing Committee on Canadian Heritage. The Bloc Québécois will therefore continue to oppose, at third reading, the bill respecting the national marine conservation areas of Canada.

During the time that is allotted to me, I want to recap the main arguments that we have made in this House. The purpose of this bill is to provide a legal framework for the establishment, as I said earlier, of 28 marine conservation areas, including 8 in Quebec, representing each of the ecosystems identified to date in Quebec and in Canada.

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These marine areas will eventually have to be built by the Department of Canadian Heritage. The Saguenay—St. Lawrence marine park is the 29th marine conservation area, but it is not included in the bill before us today because it has already been dealt with in an act of parliament, both in Canada and in Quebec, following a process, as I said earlier, of dialogue and partnership between both governments.

• (1155)

Bill C-10 results from a commitment made by the Prime Minister of Canada, when he spoke at the congress hosted by the World Conservation Union in Montreal, in 1996.

At this congress, as was the case in 1994, the World Conservation Union passed resolutions calling on all coastal nations to put marine conservation measures in place quickly. Also, the United Nations declared 1998 as the year of the ocean; action was needed in that respect.

At the same time, the international community wanted to take outstanding actions following these events—and the Bloc Québécois recognizes these—such as the adoption of the ocean charter by UNESCO, which is a policy statement in favour of co-operation for preserving oceans and coastal areas.

This charter was presented at the summit of the sea that was held in September 1997, in St. John's, Newfoundland. There was also the universal exhibition of Lisbon, Portugal, from September 22 to 30, 1998, whose theme was “The Oceans, a Heritage for the Future”. The Bloc Québécois applauds to all these initiatives.

It is in that context that the marine conservation areas were created, with a view to meeting the objective put forward by several international forums or documents, such as the “World Conservation Strategy”, published in 1980, the report entitled “Caring for the Earth”, published in 1991 and drafted by the World Conservation Union, the United Nations Environment Program and the Worldwide Fund for Nature, partly funded by the government of Quebec.

I wanted to highlight those initiatives. If we are opposed to this legislation, it does not necessarily mean, and certainly does not mean, that we are against protecting ecosystems and the environment.

As we have shown, through words as well as actions, we are in favour of measures aimed at protecting the environment. The Bloc Québécois did not hesitate to support the government when it proposed passing mirror legislation to create the Saguenay—St. Lawrence marine park and to establish the legal framework for its joint management by the two levels of government.

Moreover, the Bloc Québécois knows that the Quebec government, for its part, is launching initiatives, the goal and objective of which is to protect the environment, especially the seabed.

Furthermore, the Quebec government is opened to the idea of working in co-operation or in partnership with the federal government on any project which would guarantee or promote environmental protection, as shown by the agreement signed by both governments on phase 3 of the St. Lawrence action plan.

However, the Bloc Québécois is against Bill C-10 for the following reasons: first, instead of focusing on a dialogue like it did

in the case of the Saguenay—St. Lawrence marine park, the federal government now wants to create marine conservation areas without taking into consideration Quebec's expertise in the area of environmental and territorial protection.

Second, Canadian Heritage is proposing a new structure. The marine conservation areas will overlap the marine protected areas of Fisheries and Oceans Canada and the designated marine protected areas of Environment Canada. Three departments would be protecting marine areas.

Also, Canadian Heritage wants to create marine conservation areas when it has shown to be relatively inefficient in protecting the ecosystems in the existing national parks. There are several deficiencies in the management of national parks, and we should be much more proactive in that area.

Bill C-10 does not respect the territorial integrity of Quebec and the other provinces. One of the essential conditions for creating a marine conservation area is federal ownership of the land where the area is to be established.

• (1200)

This can be seen in clause 5(2) of the bill, where it is stipulated that the Minister can establish a marine conservation area only if “satisfied that Her Majesty in right of Canada has clear title to or an unencumbered right of ownership in the lands... other than such lands situated within the exclusive economic zone of Canada”. This is what we do not agree with.

Subsection 92(5) of the British North America Act of 1867 recognizes that the provinces have exclusive jurisdiction over the management and sale of public lands.

Furthermore, Quebec legislation on crown lands, passed by the Quebec National Assembly, applies “to all crown lands in Quebec, including the beds of waterways and lakes and the bed of the St. Lawrence river, estuary and gulf, which belong to Quebec by sovereign right”.

In addition, this legislation provides that Quebec cannot transfer its lands to the federal government. The only thing it can do is to authorize the federal government to use them only in connection with matters under federal jurisdiction.

However, the protection of habitats and wildlife is a shared responsibility and the Government of Quebec is planning shortly to create a framework for marine area protection.

According to the notes we have been provided by the Minister of Heritage concerning Bill C-10, marine conservation areas are planned for the St. Lawrence river, estuary and gulf, all three of these coming under the jurisdiction of Quebec. This is a privilege we insist on retaining.

There are, moreover, mechanisms of co-operation already in place to protect the ecosystems of the Saguenay—St. Lawrence marine park, and those of the St. Lawrence itself, under phase 3 of the St. Lawrence action plan, which was signed by all federal and Quebec departments concerned. This agreement calls for the investment of \$250 million over five years for various activities relating to the St. Lawrence.

Why is the Department of Canadian Heritage claiming ownership of the seabed where it would like to establish marine conservation areas, instead of encouraging bilateral agreements between the governments of Quebec and of Canada or the other provinces? Why is it seeking one more way of trampling over areas of provincial jurisdiction, in this case that of Quebec, as well as one more opportunity to invade fields that come under provincial jurisdiction, namely education, education on the means of protecting our marine habitat?

The environment, as we all know, is a field of jurisdiction shared by both levels of government, according to the 1867 British North America Act. The governments of Canada and Quebec share jurisdiction over the environment. Accordingly, paragraphs 10, 11, 12 and 13 of section 91 provide that the following powers are recognized by the federal government.

Section 91 provides that the exclusive legislative authority of the Parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated: paragraph 10, navigation and shipping; paragraph 11, quarantine and the establishment and maintenance of marine hospitals; paragraph 12, sea coast and inland fisheries; and paragraph 13, ferries between a province and any British or foreign country or between two provinces.

Furthermore, Quebec also has powers that are recognized by sections 92 and 92(a) of the 1867 British North America Act.

In section 92, we read that in each province, the legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated: paragraph 5, the management and sale of the public lands belonging to the province and of the timber and wood thereon; paragraph 13, property and civil rights in the province; and paragraph 16, generally all matters of a merely local or private nature in the province.

● (1205)

It is therefore very difficult for us to support the bill before us today.

We have raised another argument in connection with the overlap within the federal government. Bill C-10 creates duplication within the federal government itself. The reasons the Department of Canadian Heritage is proposing to establish the marine conservation areas are set forth in the preamble to the bill. The aim, among others, is to “maintain healthy marine ecosystems” and to provide opportunities for the people of Canada and of the world “to appreciate and enjoy Canada's natural and cultural marine heritage”.

Fisheries and Oceans Canada, for its part, proposed the establishment of marine protected areas. In a discussion paper it released in January 1997, entitled “An Approach to the establishment and Management of Marine Protected Areas under the Oceans Act”, it described the aims of the marine protected areas as follows:

These zones are established to ensure the conservation of commercial and non-commercial fisheries resources and their habitats, endangered or threatened species and their habitats, unique habitats, productive ecosystems and biodiversity, any other marine resource.

Finally, Environment Canada proposed, in turn, to establish, and I quote:

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—marine conservation zones, that could also be called natural marine reserves, expanding the notion of the national wildlife sanctuary beyond the territorial sea to the 200 mile limit within the exclusive economic zone under the Canada Oceans Act. These zones are also subject to the Canadian Wildlife Act, but require a different set of regulations.

If we add to the triple overlap at the federal level the overlap with provincial jurisdictions, we have a federal maze where people can get lost.

Therefore, under the various laws, the Government of Canada is proposing to create marine conservation areas, marine protection zones and natural marine reserves. According to the Department of Fisheries and Oceans, the same territory could find itself with several different zonings under different regulations that could confuse the user.

We can see the potential for problems when a territory is a marine protection zone, a natural marine reserve and a marine conservation area, each with its own regulations. Indeed, the bill provides that each of the federal departments will keep its jurisdiction over the marine conservation areas.

The government would have been better advised to have a single department oversee the protection of ecosystems and the departments concerned conclude a framework agreement delegating their responsibilities to the one chosen to be accountable in this regard.

I now come to another argument on the protection of the national parks by Canadian Heritage.

In the spring of 2000, the panel on the ecological integrity of Canada's national parks published its report and urged the government to once again make ecological integrity central to the parks' missions. The panel found that ecosystem integrity was at risk.

In some national parks, the stress on the resource was so great that some species were disappearing. In Fundy park, in New Brunswick, three species have disappeared since the park was created, in the 1940s. Only one of the 39 national parks of Canada is not experiencing this stress.

The situation is worse than what the panel and its scientific researchers expected.

There is a dramatic shortage of scientists to analyze the ecological system in the national parks. Ecological principles are not applied consistently.

The minister's answer was a bit tepid. She merely created a position of executive director in charge for ecological integrity and prepared a charter for Parks Canada Agency, without providing the necessary resources. In light of this information, we have to ask ourselves how Parks Canada will be able to preserve marine conservation areas when it does not even seem to have enough resources to protect the existing national parks. That is the question.

A fourth argument deals with consideration of the bill by the committee.

Government Orders

•(1210)

As I said earlier, the Bloc Québécois firmly believes in environmental protection measures. This should not be forgotten. We are not opposed to the creation of marine parks, on the contrary. We supported the government when it introduced legislation to establish the Saguenay—St. Lawrence marine park. We did so because we believed in building partnerships first and foremost.

We did so because we believed that future marine conservation areas in Quebec should be patterned on the above mentioned model. In order to make this possible, Ottawa would have to agree not only to consult the provinces but to negotiate with them and obtain their agreement. Amendments to that effect were proposed by the opposition before the Standing Committee on Canadian Heritage but, for all intents and purposes, they were all rejected.

Our amendment read as follows—we also asked that a proposal from the Bloc Québécois be agreed to—:

Where a provincial legislature has adopted an act to protect marine areas, the federal government must negotiate with that province an agreement allowing the federal government to establish a marine conservation area in the province.

The wording of our amendment opened the door to negotiations for each marine conservation area, whereas the bill includes 28 marine areas. Under our amendment, if the federal government wanted to establish a marine conservation area, it would first have to come to an agreement with any province wishing to exercise its shared jurisdiction over the environment, even when the area comes under federal jurisdiction.

If another province agreed to let the federal government go ahead in this fashion, I do not see why we would want to object, but this is definitely not the case of Quebec.

Quebec wants to establish its own framework for the protection of marine areas. Since the protection of habitats and fauna is a matter of shared federal and provincial jurisdiction, we want to ensure that on Quebec's territory nothing can be done by the federal government without the agreement of the provincial government, without transferring to the federal government the rights relating to the sea floor, as the government wants to do under Bill C-10.

The Bloc Québécois wants the government to follow the example of the Saguenay—St. Lawrence marine park and to negotiate a partnership with Quebec whenever it wishes to set up a specific marine conservation area. That was the purpose of the amendment proposed by the Bloc Québécois but the amendment was rejected.

It is interesting to note that the Bloc Québécois asked that the federal government not be required to act in partnership with a province unless that province had legislated with regard to the protection of marine areas. In other words, the provinces that so wished could leave it up to the federal government. This is typical of flexible federalism, as it would allow the partners in the federation to act in the best interest of their respective populations.

One cannot but see there the centralizing focus of the federal government. Moreover, if the government members had voted for that amendment they would have been consistent toward Quebec. We must remind them that on December 11, 1995, the Prime Minister succeeded in having a symbolic resolution adopted in this House. We referred to it as an empty shell. Under that resolution, the

House recognized Quebec as a distinct society within Canada. The motion read as follows:

That,

Whereas the People of Quebec have expressed the desire for recognition of Quebec's distinct society;

- (1) the House recognize that Quebec is a distinct society within Canada;
- (2) the House recognize that Quebec's distinct society includes its French-speaking majority, unique culture and civil law tradition;
- (3) the House undertake to be guided by this reality;

What happened to that reality? The motion also provided:

- (4) the House encourage all components of the legislative and executive branches of government to take note of this recognition and be guided in their conduct accordingly.

That was the motion to be debated. Its adoption did not prevent the federal government from implementing policies that do not reflect the infrastructures and programs existing in Quebec.

•(1215)

There is the young offenders legislation, on which the Senate has not yet voted, and which does not in its present form respect the jurisdiction of Quebec or its way of doing things. Then there are the millennium scholarships, and what a battle the Bloc Québécois had to wage over them in order to get the message across that they were not wanted by the community. They stubbornly stuck with them, however.

Then there is the aid to the homeless, not that we did not want that money. It was the way the federal government went about it that we did not like. A promise was made, however, a bit before Christmas, "the minister's Christmas gift" we called it. How much time did it take before it was put in place and before the provinces were consulted?

Before funding is announced, perhaps the government ought to have a look at how things are done in Quebec. Then there might be less criticism from the public. This seems to be viewed as a squabble between two levels of government but it is far more than that. The people are often the ones who bear the brunt of it.

In this area, as in many others, Quebec either has in place or has plans for programs that take the specific needs of Quebec into consideration, such as the parental leave program. We have our own way of doing things. It is great that there are \$560 million available but we do not know how Quebec's way of doing things, infrastructures and programs will be respected. Often for petty political reasons, our way of doing things has been turned totally topsy-turvy.

Six years have now passed in which, if it had really wanted to put some flesh on the bones of its distinct society resolution, the federal parliament could have allowed Quebec to opt out of new federal initiatives with full compensation, so that it could improve the services available to Quebecers still further, rather than seeking to either replace or duplicate what we are doing.

With this resolution, the House was committing to allowing itself to be guided by this reality. With the marine conservation areas, once again the House is missing out on a fine opportunity to allow Quebec to do things in the way that suits it, or to at least work in partnership with it.

Government Orders

We could carry this logic even further. Since the bill speaks of marine conservation areas, is Canadian Heritage not the department for culture, without being called that? Why could Quebec not have been allowed to opt out of this bill with financial compensation, since culture is a provincial matter.

Even former Prime Minister Trudeau had agreed to this in the amending formula for the Constitution Act, 1982, in section 40. Of course we are not taking about amending the Constitution here, but the spirit is the same, namely the right to opt out with financial compensation in the area of culture. I am not inventing this. The former Prime Minister said so. What he said is often quoted.

In short, the federal government had a number of reasons to cooperate with Quebec where marine conservation areas were involved, namely in the case of Saguenay—St. Lawrence marine park, shared jurisdiction over the environment, the motion on distinct society and the principle of opting out in the field of culture.

Do not think that the Bloc Québécois is alone in opposing allowing the federal government to act unilaterally in creating marine conservation areas. Other parties have advocated not only consultation with the provinces but the need for their agreement. The Canadian Alliance called for an agreement with the provinces and local communities in all cases. There may be slight distinctions but it is there in all cases.

The Progressive/Conservative Democratic Representative Coalition requested that the government not be able to act if its jurisdiction over the territory is contested. This is where the problem lies. Nowhere in the bill is there provision to the effect that, if the federal government's jurisdiction is contested, if the federal government considers that it can proceed and is entitled to do so, it will create the marine area.

The Liberal members have systematically rejected these amendments, including our own, alleging that they involved a provincial veto, even when the territory is under federal jurisdiction. This is, however, a restriction parliament could decide to include in its legislation on the creation of marine conservation areas.

• (1220)

The government refused all these amendments claiming that section 5(2) provided sufficient protection for the provinces. However, this section does not cover cases where a province or a first nation challenges the jurisdiction of the territory in question. Therefore, with the federal government acting as both judge and jury, and history has shown this, if it is convinced that it has jurisdiction or it undertakes negotiations to solve land claims with aboriginals, even if these negotiations fail, it can go ahead.

This is where we have problems with the bill. When the bill was before the Standing Committee on Canadian Heritage the government rejected amendments that would have made it acceptable. This, despite the fact that the Bloc Québécois was acting in good faith and was open to considering certain types of amendments.

We agreed to support some of the amendments the government was making but we could not support improving the bill because it was the very essence of the bill that was in question. We wanted to create marine areas. The bill does not include a guarantee to consult

and negotiate partnerships. These are easy words to understand but they are not to be found in the bill.

We do have principles. We figured that in general the government amendments should have been along those lines, that is: involving the provinces and consulting with local and aboriginal communities; reducing the role of Heritage Canada, which should not be interfering in conservation; reducing the number of stakeholders involved because the Departments of the Environment and Fisheries and Oceans also deal with marine conservation areas; harmonizing the regulations with those of Fisheries and Oceans Canada; and ensuring that as a rule the environment takes precedence over economic considerations.

However the improvements brought about at that stage were inadequate.

The Liberals added clause 5(3), which states that the government may remove a conservation area if a court finds that the government does not have clear title to the territory. However the government is under no obligation to do so. It “may” do it. When one “may” do something that does not mean that one “will” do it.

Liberal members extended the period for parliamentary review by parliamentary committees for changes to the list of marine conservation areas, changes to their boundaries or the addition of new areas. However there is some scepticism regarding the possibility that the government could sidestep the process if the changes are submitted at a time when the committee is unable to examine it. When this is the case, the changes would be considered accepted and the government could go ahead with the order in council. Several cases that we could mention show that we are right to have our doubts.

The Liberals amended section 10.1 to require the government to consult with “the relevant federal and provincial ministers and agencies, with affected coastal communities, aboriginal organizations and aboriginal governments”. This may be an improvement over the former wording, in which the government was encouraged to consult. Now, according to the bill, the minister will consult instead of encourage consultation. However this consultation will not prevent the federal government from acting as it sees fit if there is disagreement.

This reminds me of an old saying, which I will paraphrase for the occasion today. In a dictatorship “you have nothing to say”. In a democracy “you can say whatever you want”. In other words, it is hardly a real consultation if the government has no intention whatsoever of listening to its partners.

We know all about this. We sit on committees. There will be a list of witnesses who often appear before us and give us their opinions, and amendments are proposed by the different opposition parties. It would be impossible to say that the government listens to us.

Government Orders

We provided an example to follow, the Saguenay—St. Lawrence marine park. This is the example that the Bloc Québécois proposes instead of this bill. We deplore the fact that the government did not use this as a model and allow Quebec to opt out with compensation. We know Quebec was acting in good faith and wanted to negotiate with the federal government. Why is the government imposing this type of legislation on Quebec? Why is the government imposing its way of doing things and interfering in provincial jurisdiction by transferring submerged lands to the federal government?

● (1225)

In order to encourage local involvement, the legislation passed by the Quebec and federal governments under the Saguenay—St. Lawrence marine park mirror legislation confirms the creation of a co-ordinating committee whose composition will be determined by the federal and provincial ministers. It therefore cannot be said that Quebec is acting in bad faith.

The committee's mandate was to recommend to the ministers responsible measures for attaining the management plan's objectives. This plan was to be reviewed jointly by both governments at least every seven years. All the provisions were there. Why set a precedent? Keeping a friend sometimes means making a few concessions.

Any exploration, utilization or development of resources for mining or energy protection purposes, including the building of oil lines, gas lines or power lines, is prohibited within park boundaries. This agreement contains provisions for protecting ecosystems. It is all there. That is why the Bloc Québécois is saying that it will protect the environment. We believe in this. Our environment critic often gives the government ways of looking at the environment protection issue.

Under their respective legislation, the governments of Quebec and of Canada will be able to determine measures for protecting the park's ecosystems and resources and for protecting the public. More specifically, they will be able to define how each category of area will be used and for how long such use shall apply.

This first partnership initiative should have served as a model to the federal government for the creation of other marine conservation areas. Rather than demonstrating open-mindedness and co-operation, the federal government is still taking an arrogant, aggressive, invasive approach that overlaps other jurisdictions and that is hardly calculated to encourage us to work with them another time.

Phase III of the St. Lawrence action plan could have served as another model. Let us look at what actually happened.

On June 8, 1998, the environment ministers of Quebec and of Canada announced phase III of the St. Lawrence development plan. This is another example.

In conclusion, we will be voting against the bill mainly because it interferes in the jurisdiction of the province of Quebec and of other provinces when they are concerned, and because Quebec cannot operate under such a system. I do not think that the government has got it yet.

Given the goals of the Canadian government, we have been quite open concerning the management of the Saguenay—St. Lawrence

marine park. We regret that the government did not draw any lesson from this.

The federal government should not go against the will of the Quebec government to create marine conservation areas. We advocate partnerships in this area.

We have more reasons to oppose the bill. It provides for a new structure under Heritage Canada that will duplicate what is being done in the Department of Fisheries and Oceans and the Department of the Environment, and also what is being done in Quebec.

Things are getting confused. Heritage Canada is getting involved with marine conservation areas when it is not even doing its own work properly with the national parks. We have mentioned the shortcomings in the management of national parks.

We wonder how this department could do this work properly when it is not capable of protecting ecosystems on the ground, in the national parks.

We are very disappointed with the lack of openness of the government concerning Bill C-10. It would have been nice if for once the government had agreed with Quebec and supported its way of doing things. We did our homework as far as co-operation and partnership is concerned.

This is far from over. There is still strong support in Quebec for sovereignty and sovereignty means respect for the Quebec way of doing things.

● (1230)

The Acting Speaker (Mr. Bélaire): From now on, the speeches will be 20 minutes long, followed by a 10 minute period for questions and comments, unless an hon. member indicates to the Chair that he or she will split his or her time.

[*English*]

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I am very pleased on behalf of the New Democratic Party caucus to join in the debate on third reading of Bill C-10. I will be splitting my time with the member for Dartmouth.

I am pleased to make this speech on behalf of the environment critic for the NDP caucus, the member for Windsor—St. Clair. I would like begin my speech by paying tribute to the member for Windsor—St. Clair for the dedication that he has shown to this issue and for his the research, the commitment and the involvement over many months to this important issue. It is indicative of how seriously the NDP caucus takes this issue with the amount of time, research and capital that was invested into trying to make meaningful changes to Bill C-10.

It is worth noting that we find ourselves in a rather unique situation. Because we were so committed to the tone and the spirit of Bill C-10, we voted for it at second reading. That is how eager we were to see it go to committee so that we could invite witnesses, have honest and fruitful debate and even propose amendments.

Government Orders

We find ourselves now in an inverse situation. We cannot support the bill because there was such intransigence at the committee stage and such an unwillingness to recognize the legitimate points that were raised by witnesses and by opposition members. Now we have a very flawed piece of legislation.

As inadequate as it was at second reading, we were compelled to vote for it just to have the opportunity to take it one step further to improve it, to hone it, to fine tune it and to make it useful to Canadians. In the best spirit of parliament, we acted in a very responsible way rather than just oppose everything that came at us from the other side.

In this case we said that the idea had merit and although it needed fine tuning and refinement, we were willing to support it at that stage just to move it along through the steps for the well-being of Canadians. We went through an exhaustive process and dedicated a great deal of time and energy. I should point out that the member for Windsor—St. Clair brought this to our attention almost weekly at the NDP caucus.

The subject of Bill C-10, the marine conservation act, came up regularly. It was given a great deal of our attention and energy. Of all the issues that we have to deal with and all the competing interests that we have as members of parliament, the bill got a disproportionate amount of our time, energy and resources. I am trying to express how frustrated we are at this juncture to have to say that all our work was perhaps for nothing. That is why members are hearing critical speeches at this stage.

As interested as people were to take part in a meaningful debate on the bill, we find ourselves as opposition members now unable to support what we thought was a very important piece of legislation.

I know the member for Windsor—St. Clair would want me to express that we view this as a lost opportunity. We view this as a missed opportunity, not just for Canadians, but for the environment. This was one of those bills and one of those times that we as a community could deal with our environment in a way that we could actually show some stewardship and leadership, and we failed. I think we failed Canadians. I think we have failed future generations. We certainly have failed the marine ecological environment.

Some of the changes that the member for Windsor—St. Clair put forward were so elementary and so basic that it defies logic. How anybody could have found fault with some of these amendments is beyond me. I was not at the committee when these amendments were put forward, but I have read the transcript from the committee. I have seen the arguments that were put forward and they were remarkable.

It is remarkable to me that the amendments put forward were rejected. I have read some of the arguments and some of the debates in *Hansard*. The principles were as basic and fundamental like the way we developed oil and gas reserves. We all know we explore for oil and gas under the water by seismic explosions. These blasts are detrimental to marine mammals.

• (1235)

An amendment was put forward that we simply could not do that. It would be irresponsible to allow that type of seismic activity in a region where marine mammals would be affected negatively.

I am just trying to envision what the argument could be against an amendment of that nature. We all know that the big draggers that stir up the bays all across our eastern and western shores are detrimental to our marine environment. Yet we chose not to comment or deal with that compelling issue in Bill C-10.

What is remarkable to me, in researching for this speech, is just how naive we are about our marine environment. We live in a country that is surrounded on three sides by ocean. We have more ocean perimeter and shore than many island nations, yet we are so painfully naive about the environment.

I built a house one time for a marine biologist who told me that they were starting to age groundfish so they would know when it was a good time to harvest groundfish and when was not. Only in recent years, at the Nanaimo biology research station, have they finally started to age groundfish, date them and say that maybe 12 years old would be the optimum time to harvest this type of groundfish. Until then, it was just by hook or by crook, by happenstance. They just took and took and hoped that the resource survived. We cannot be that irresponsible any more. It is painful to see how naive we are in this regard.

We are only just learning about our marine environment now. Maybe it is premature to put this bill in place because there is so much discovery going on.

In reading about this issue, I was interested to learn that only recently we realized there was a gully off Nova Scotia that rivalled the Grand Canyon in scope. Huge underwater environments are out there. Even though we have the capability to learn about them and deal with them, we have chosen not to. We have occupied our time, some would say capably or not, on the terrestrial side of our environment and we have ignored the underwater environment. The oil and gas interest is really in that grand canyon. This underwater canyon exists with a whole environment and culture that we can only dream about.

The research is in its infancy. The science is relatively new, yet we are passing legislation that is supposed to serve us for 100 years. We find Bill C-10 hopelessly inadequate. It does not serve what we would hope a well drafted piece of legislation coming out of the House of Commons would do for Canadians, for our future and for our marine environment.

Groups have pointed out that the inadequacies range from not only the environmental community, although it is pretty much unanimous in its criticism of the shortcomings of Bill C-10, but also the cultural communities that have pointed to real serious omissions and lack of substance in Bill C-10. Even provincial governments and other levels of government are blowing the whistle and saying that this is not ready and that it has not evolved to a degree where we should be enshrining it in legislation.

Government Orders

We thought that some of the changes we sought to achieve were quite reasonable. I mentioned seismic blasting and trawling. The other issue we felt should have been dealt with was the burgeoning new economic development of aquaculture and fish farming. We need to address this issue.

I have been on the west coast of Canada and toured some of the fish farms where Atlantic salmon are being raised in the Pacific Ocean. They get out of their cages. These are not an easily controlled species. They are an aggressive species. They are an invasive species. This industry is in its infancy and should have been dealt with in Bill C-10. I believe that it was by deliberate omission that it was not dealt with in Bill C-10.

We are very critical that it is more notable for what is not in the bill than what is in the bill. For that reason the New Democratic Party cannot support Bill C-10, inasmuch as we would have liked to have had a piece of legislation that we could support.

●(1240)

Ms. Sarmite Bulte (Parliamentary Secretary to the Minister of Canadian Heritage, Lib.): Mr. Speaker, I understand the hon. member was speaking on behalf of his critic and I appreciate his submissions.

I noticed in his comments the hon. member did say that this seems to fail as environmental legislation. I am wondering, when he was having these weekly consultations on the bill whether he ever discussed the fact that this was not environmental legislation. It was complementary legislation to the Oceans Act and the environment act. The whole purpose of this bill is to balance protection and sustainable use. The key word is balance. There is a balance between protecting and being able to use the resources under the water. That is my first question.

I was also surprised that the member stated the committee had not listened to any amendments. In fact, at the committee stage no amendments were presented for discussion. They happened to be put forward in the House at report stage by the NDP. There were certainly no amendments at committee stage. It is perhaps unfortunate that we did not have the benefit of that information at committee.

Under clause 16 concerning the regulations about prohibitions, of the prohibitions the member is worried about, would he not agree that they could actually be regulated under clause 16?

Mr. Pat Martin: Mr. Speaker, the hon. member is quite right. The amendments the NDP put forward were voted against at report stage by the Liberal government. It chose not to support our amendments. If I was unclear on that, I apologize. The very thoughtful and important amendments that were put forward would have strengthened any marine conservation act.

Issues such as bottom trawling should have been dealt with. It is negligent to have not referred to that or to have specifically itemized such a harmful practice in our marine environment. If we are dealing with marine conservation and trying to balance development versus conservation, how could we fail to comment on that?

Blasting and drilling; talk about invasive practices. I have worked on oil rigs. I know what it takes to drill a hole in the ground and the type of impact it has on the environment.

Building pipelines and sonar devices is another example. Underwater pipelines are going to be a reality as more and more we are seeking fossil fuel resources offshore. Underwater pipelines are a reality, yet we have chosen to be silent on that issue. We feel that is an omission. It borders on negligence on our part to not have that specifically referred to. If in fact we are dealing with trying to balance development versus conservation, where more appropriately should this issue belong than in Bill C-10? Where else would we speak to it?

As to the hon. member's position that this is not a piece of environmental legislation, it is all environmental legislation. How do we separate development, conservation or environmentalism if it is not a common thread? If we do not view economic development through a green screen, then we are guilty of criminal negligence. It is overstating it to say it is criminal negligence but it is a serious omission on our part in the House of Commons.

●(1245)

[*Translation*]

Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour, BQ): Mr. Speaker, I want to ask a question of the hon. member—because he did not address this in his speech—concerning the unconstitutional nature of the legislation. Clause 5(2) of the bill clearly states that the federal government will have to be the owner of the lands or sites where conservation areas will be established. Yet subsection 92(5) of the Constitution Act, 1867, clearly states that the sale of public lands is an exclusive provincial jurisdiction.

Therefore, should we not rewrite this part of the bill to respect provinces such as Quebec which already has an act prohibiting it from selling its own lands to the federal government? This way we would respect the jurisdictions of the provinces, particularly Quebec.

[*English*]

Mr. Pat Martin: Mr. Speaker, that is true. I did not comment on the jurisdictional issue but I do respect the arguments put forward by the members of the Bloc Québécois. They have a legitimate concern.

We too are suspect of secondary objectives the ruling party may be trying to achieve when it puts forward legislation of this nature. I do not blame the Bloc for being suspect, that there may be secondary objectives floating beneath the surface of the bill.

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, it is my pleasure to debate Bill C-10 at third reading.

I have a great deal of respect and admiration for the work done by the member for Windsor—St. Clair. He has been a passionate advocate for marine parks and marine conservation.

I am proud to speak to the issue of marine parks but sadly, I cannot say that we support Bill C-10 at the present time. We believe it creates a false sense of security that our valuable natural resources would be protected when in fact we do not believe that is true at this point.

Government Orders

I am from Nova Scotia. We understand the importance of the ocean as a source of economic activity and a valuable resource that needs protection. We desperately need to have marine parks created in my region to protect some incredible natural areas from oil and gas exploration and from the impact of overfishing and bottom dredging that destroys rare and valuable deep coral.

The most obvious example of an area needing protection off Nova Scotia at this point is the Scotia Gully, sometimes called Canada's Grand Canyon. Approximately 260 kilometres off the east coast of Nova Scotia lies the largest underwater canyon on the east coast of North America. This unique marine environment is home to 15 species of dolphins and whales, many species of fish including halibut, cod, redfish, swordfish, tuna, salmon and squid, as well as deep sea corals and other little-known bottom dwelling invertebrate animals.

This diverse ecosystem is currently being threatened by oil and gas exploration off the Nova Scotia coast. Federal and provincial governments have granted over 50 oil and gas exploration licences in an area surrounding the gully. One proposed project lies only five kilometres from the gully's edge; imagine that, five kilometres from the Grand Canyon of our coast. Immediate action must be taken to protect the gully from this and other oil exploration projects. The area needs the protection of a marine park.

Larger than the famous Grand Canyon, Nova Scotia's gully extends to a depth of 1.5 kilometres in some areas and is over 70 kilometres long and 20 kilometres wide. This unique marine ecosystem has long been recognized by the government as an ecologically important area.

In 1992 Parks Canada declared the gully to be a natural area of Canadian significance, while in 1998 DFO designated the area as a pilot marine protected area. However, during the same decade, oil exploration was occurring in the area at an alarming rate. Licences for gas and oil exploration around the gully cover an area of over six million hectares. Current projects are moving closer toward the gully's edge.

The Sable offshore energy project's pipeline runs only 30 kilometres from the gully while the project proposed by Primrose Field is an alarming five kilometres from the edge. Aside from the possible threats from chemical pollution and sedimentation from the projects, the gully is also threatened by acoustic pollution that has the potential to disrupt whale communication.

In order for the gully to be adequately protected, it needs to be designated as a marine protected area under the Oceans Act. A buffer zone surrounding the gully would also help protect the habitat.

The gully is the home of bottlenose whales which appear to remain separate from other populations of the same species and are considered to be genetically distinct from them. These rare whales live in the gully, and a park should protect them. I wish Bill C-10 did.

On top of the threat by drilling, bottom dredging by fishing boats, both domestic and foreign, is also destroying parts of this valuable canyon. Under the current bill before us, this marine park could be created but the threats to the natural heritage of the site would continue.

Do not get me wrong. I want marine parks as do all members of the New Democratic Party but I want equivalent protection for these parks as terrestrial parks. That is why I support the amendments at report stage from our party's environmental critic which would have allowed for real protection of areas like the gully.

• (1250)

Our amendments would have prohibited harmful activities currently allowed under the bill such as bottom trawling, blasting and drilling, building pipelines and using harmful sonar devices. These activities are recognized by all, except the government and the Alliance Party, to be completely incompatible with the intent of marine conservation areas and detrimental to the ecosystems that they are intended to protect.

Sadly, the government saw fit to defeat the amendments of the member for Windsor—St. Clair. Therefore I am forced to oppose the bill at third reading. I am afraid that this party has to say that we will have to continue to work further in other areas with environmental groups to try to strengthen this legislation in days to come.

I am not alone in feeling that a better bill is required. The document "Scientific Consensus Statement" signed by 161 leading marine scientists and experts on marine reserves supports me. The signatories to this document all hold Ph.D. degrees and are employed by academic institutions. I would like to put forward some of the conclusions from this document on what marine conservation areas can do if there is real protection.

If there is real protection with a real marine protection act we could see reserves result in long lasting and often rapid increases in the abundance, diversity and productivity of marine organisms. Marine reserves can reduce the probability of extinction for marine species resident within them. Increased marine reserve size results in increased benefits, but even small reserves have positive effects. Full protection, which usually requires adequate enforcement and public involvement, is critical to achieve this full range of benefits. Marine protected areas do not provide the same benefits as marine reserves.

In the few international studies that have been done which have examined spillover effects, the size and abundance of exploited species increased in areas adjacent to reserves. There is increasing evidence that reserves replenish populations regionally via larval export.

There is increasing evidence that a network of reserves buffers against the vagaries of environmental variability and provides significantly greater protection for marine communities than a single reserve. An effective network needs to span large geographic distances and encompass a substantial area to protect against catastrophes and provide a stable platform for the long term persistence of marine communities.

With the analysis of the best available evidence from scientists around the world, we conclude that reserves or marine conservation areas conserve fisheries and biodiversity. To meet goals for fisheries and biodiversity conservation, reserves must encompass the diversity of marine habitats.

Government Orders

Reserves are the best way to protect resident species and provide heritage protection to important habitats. Reserves must be established and operated in the context of other management tools. Reserves need a dedicated program to monitor and evaluate the impact both within and outside their boundaries. Reserves provide a critical benchmark for the evaluation of threats to ocean communities. Networks of reserves will be necessary for long term fisheries and conservation efforts. Existing scientific information justifies the immediate application of fully protected marine reserves as a central management tool.

Sadly the Liberal government does not seem interested in science. The bill fails to meet the minimum needs to allow for real protection either within the marine parks or in the adjacent areas of the marine parks or as part of a network. It is my sincere hope that the government will return to this matter and fix these problems in the near future.

• (1255)

Mr. Jim Karygiannis (Scarborough—Agincourt, Lib.): Mr. Speaker, I represent a riding that is landlocked, with no attachment to any lake or ocean, however, I have a keen interest in the environment. The environment is a concern for everyone. We cannot escape the emissions from gas spewed from cars in downtown Toronto or in uptown Scarborough in my riding.

However, I would like to bring to the attention of my colleagues the positive work regarding the environment which is done by the schools in my riding. Every year schools in my riding engage in tree planting, refuse collection and marine cleanup and preservation.

I have two small man made ponds in my riding which are looked after by local schools. We have brought in marine and fowl habitat. Just a few years ago the Terraview-Willowfield Public School and Community Association, with a grant from the federal government, created such a pond. It is a pleasure to visit it and see children playing. This is one of the prime examples of marine habitat in an urban area. I challenge other members to bring such examples to light. I was wondering if the hon. member could bring forth such an example from her riding.

Ms. Wendy Lill: Mr. Speaker, I appreciate the comments of the hon. member. I have spoken widely about a very central and valuable environmental resource in my beloved province of Nova Scotia and that is the Gully.

I urge all members in the House to think about their own particular regions and areas that have to be protected and then look very closely at the bill that is in front of us today, Bill C-10, and try to determine if there are in fact enough protections within this document to allow for the ongoing sanctity of the environmental jewels that exist in each one of our ridings in this beautiful country.

[*Translation*]

Mr. Gilles-A. Perron (Rivière-des-Mille-Îles, BQ): Mr. Speaker, I want to make a few comments for the hon. member from Nova Scotia, a province which she seems really fond of, and remind her that the problem with the Grand Canyon of the east is similar to the one that we experienced in Quebec. I am referring to the Saguenay—St. Lawrence marine park.

We had a similar problem and, in 1997, the federal and Quebec governments passed mirror legislation creating the Saguenay—St. Lawrence marine park. That legislation resulted in the establishment of the first marine conservation area in Canada.

Does the hon. member believe that this type of legislation, which is unique to Quebec and Canada, this partnership with Quebec, could be a solution to the problem, by preventing the federal government from getting involved in a provincial matter? I wonder if the hon. member would comment on this.

• (1300)

[*English*]

Ms. Wendy Lill: Mr. Speaker, I want to thank the member from the Bloc for his comments. I have heard about the bill and the area in question, the Saguenay marine park, and I have to credit the government of Quebec for understanding the importance of that protection and for getting involved immediately and working to protect that area without waiting for a federal act.

However I do not believe that we always can leave the responsibility with the provincial governments. The country is so vast and so precious that we have to make sure there is a federal jurisdiction involved and that we will not have two tier parks and a patchwork quality of environmental legislation across the country. I would worry greatly about that.

Although I admire the work that has been done in Quebec on this issue, I do not believe that it might be the same case across the country.

Mr. Grant McNally (Dewdney—Alouette, PC/DR): Mr. Speaker, I welcome the opportunity to speak on behalf of the PC/DR coalition to Bill C-10, an act respecting the national marine conservation areas of Canada.

While coalition members generally are supportive of the concept of marine conservation areas, we do have some concerns as to the details included within the bill which, as enabling legislation, would set the framework for the creation of these areas. I will outline some of these concerns as will some of my colleagues, but notwithstanding the concerns we have with the bill, coalition members will be supporting the legislation.

To begin, as a new member of the parliamentary Standing Committee on Canadian Heritage I want to say that much work had been done on the bill by my colleagues prior to my arrival. I commend them for their good work. The parliamentary committee heard testimony previous to this fall and recently heard interventions from other concerned individuals, many of whom were from my home province of British Columbia.

Opposition members from all parties have raised valid concerns about the bill. To the government's credit it has considered some of these concerns and at least attempted to implement some changes based on the input from the testimony of the witnesses along with issues raised by opposition members. This was most notably demonstrated in the House at report stage when the parliamentary secretary took the intent of an amendment from my colleague from Skeena to move forward on making sure that a report—

The Acting Speaker (Mr. Bélair): On a point of order, the hon. member for Charlevoix.

Government Orders

[*Translation*]

Mr. Gérard Asselin: Mr. Speaker, I rise on a point of order. I think that the member now speaking has devoted considerable time to his research. He is making a very important speech in the House. I therefore ask you to check whether we have a quorum and, if not, to call in the members.

And the count having been taken:

The Acting Speaker (Mr. Bélair): As we now have a quorum, we will resume debate.

[*English*]

Mr. Grant McNally: Mr. Speaker, I thank my colleague from the Bloc highlighting the importance of being here to listen to this very important speech. I appreciate that.

The test of our success in how we deal with the bill will be measured in months and years to come in the implementation of this legislation. It is my hope that the intent of the bill will be maintained through government policy concerning the creation of marine conservation areas.

The concept of creating marine conservation areas is supported in principle by PC/DR coalition members. The preamble to the bill outlines these principles of preserving representative areas within the Atlantic, Arctic and Pacific Oceans and the Great Lakes. The intent is to create a total of 29 marine conservation areas across the country in these regions.

The main concern the coalition has raised, and others have raised it as well, surrounds the implementation process of these conservation areas. There must be a solid process of consultation with local coastal communities before these areas are established. I have referred to the preamble on page 2 of the bill, lines 7 to 14, which says that parliament wishes to affirm the need to:

—involve federal and provincial ministers and agencies, affected coastal communities, aboriginal organizations, aboriginal governments, bodies established under land claims agreements and other appropriate persons and bodies in the effort to establish and maintain the representative system of marine conservation areas;—

For areas that are under provincial jurisdiction, the bill clearly outlines a collaborative process in clause 5 which reaffirms the need to work together on the creation of a marine conservation area. The bill is less clear in regard to lands and areas that may be under jurisdictional dispute between a province and the federal government. To provide for greater certainty on this issue, the coalition proposed an amendment at committee which would have called on the federal government to obtain a legal ruling on such an area before proceeding with the creation of a marine conservation area. In other words, if an area were under dispute the federal government would not go ahead with the creation of a marine conservation area until the dispute was settled. Unfortunately this amendment was defeated. I think it would have added more clarity and strengthened the bill.

The government's argument is that it would only proceed if it had strong legal reasons to believe it had an unencumbered right of title to the proposed area. Nevertheless, if an area is in dispute the government could simply proceed with the creation of a marine conservation area, forcing a province to fight such a move in the

courts if the province believed that it had the same unencumbered right of title to the same area.

Let me state that this was not the intent of the government. That came out in committee. Department officials clearly indicated that the intent was not to create an MCA in such a unilateral manner. The government has given reassurances on that front as well. Provisions within the bill also seem to lean in that direction. However, it will be up to the minister to ensure the true intent of the bill.

My colleague from Delta—South Richmond, who is a very studious member of the House, has questions as to whether this is actually worth something and whether we can trust the government. I maintain those same concerns, hoping that the government will proceed on a path where it does more than simply consult, and in way that includes the coastal communities, particularly fishing concerns, which I know my colleague has particular concerns about because he is an expert in that area. We can only tell through the test of time whether the government will in fact prove that we should have trust in it in this particular area. I think we need to remain guarded on that.

Let me say that the implementation of each and every marine conservation area established or modified in Canada would have to go through this consultative process. Some have concerns that an MCA may be created or enlarged by simply passing an order of the governor in council, which some see as a back door way of imposing one of these areas without full consultation.

● (1305)

For that to happen an amendment must be brought to parliament for debate. The report must include, and I quote from subclause 7(1) of the bill:

(a) information on consultations undertaken, including a list of the names of organizations and persons consulted, the dates of the consultation and a summary of their comments, and any agreements reached respecting the establishment of the area or reserve, and

(b) an interim management plan that sets out management objectives and a zoning plan—

I will return to an important clause that was amended in committee with the aim of alleviating concerns that the government may impose a zone on an area without its consent. Subclause 10(1) of the bill states:

The Minister shall consult with relevant federal and provincial ministers and agencies, with affected coastal communities, aboriginal organizations, aboriginal governments and bodies established under land claims agreements, and with other persons and bodies that the Minister considers appropriate in the development of marine conservation area policy and regulations, the establishment of any proposed marine conservation area and the modification of any marine conservation area, and any other matters that the Minister considers appropriate.

Regardless of the area of jurisdiction, whether provincial, federal or lands that may be in dispute, it is quite clear that the new law would require consultation. It would be a positive strengthening of the bill. It is my hope that the Liberal government would act within both the letter and spirit of the clause.

Government Orders

Too often we have seen the government move ahead unilaterally on issues. This does not work well to build positive federal provincial relationships. Of particular importance is the need to consult coastal communities where the areas would be established. The consultative clauses must be adhered to if the government wishes to build support for the legislation. Advisory committees would be established as outlined in subclause 11(3) of the bill. I will read it into the record. It states:

The Minister shall consult with relevant federal and provincial ministers and agencies, with affected coastal communities, aboriginal organizations, aboriginal governments and bodies established under land claims agreements, and with other persons and bodies that the Minister considers appropriate with respect to the composition of advisory committees.

There is a repeated pattern of language that is similar. I have read it into the record to reassure those who have concerns about consultation and to admonish the government to remember these parts of the bill when it creates the zones.

There are others who have concerns about different types of activities in marine conservation areas. Fishing is permitted under licence. This is noted in subclause 15(3) which states:

For greater certainty, the superintendent of a marine conservation area may not amend, suspend or revoke a fishing licence issued under the *Fisheries Act*.

I will focus on the enforcement aspect of Bill C-10. The act would be administered by marine conservation area wardens as outlined in clauses 18 to 23. The wardens would be tasked with enforcing the act. They would be peace officers as outlined in the criminal code.

Would the wardens be properly equipped with sidearms to carry out their duties? What would they do when confronted by individuals in contravention of the act? What would they say to people removing sensitive marine items from the area or dumping pollutants into the water? Would they say stop or I will splash?

This brings to mind the hardworking parks wardens tasked with enforcing the National Parks Act. I met with some of the wardens last week who are responsible for enforcement. They outlined their frustration with having to enforce the National Parks Act without a sidearm.

There are people who regularly break the parks act by removing sensitive material such as ancient fossils and other artifacts which are then sold illegally for large sums of money. Poachers are another serious problem in national parks such as Banff, Jasper and others. Some individuals illegally take out big horned sheep, bear bladders or other animals and sell the contraband for thousands of dollars.

This is going on now. Wardens are unable to battle the lawbreakers to the best of their ability because they are not properly equipped with sidearms. RCMP officers currently patrol the parks. However they are severely limited in their ability to enforce the act in the back country away from the paved highways they travel.

These are areas the wardens know. They should be able to patrol them with the appropriate tools to stop those who would abuse the laws and illegally remove animal species and our national treasures.

• (1310)

At the same time the policy pursued by the heritage minister takes away resources from the RCMP that could be deployed in a more

strategic and beneficial way, especially since the demands on them have been greatly increased following the events of September 11.

It would make sense to give wardens in our national parks the tools to do their job. Will the heritage minister undertake to provide sidearms to our park wardens so they can uphold the law, protect our parks and bring lawbreakers to justice? Will she do the same for marine conservation area wardens who would be faced with the same conflicts?

Clause 13 of the bill focuses on banning oil and gas exploration in the Marine Conservation Areas Act. Concerns have been brought forward by many individuals that the clause may be used to shut down the development of offshore oil and gas before it has a chance to be established in some regions of the country. Departmental officials have assured committee members that is not the intent of the legislation.

I referred earlier in my speech to an amendment that was brought forward which indicates the government must undertake appropriate resource testing to ensure potential marine conservation areas are not established where there is a significant possibility of oil and gas development. This is of particular concern in British Columbia where the new Liberal government is undertaking a study to determine whether it will lift the moratorium on offshore oil and gas development.

There must be a balance between important environmental concerns and the potential economic development of resources that could significantly benefit areas that have proportionately low populations and limited economic development bases.

Is this a perfect bill? No, it is not. Is the notion of preserving representative areas of our marine regions as conservation areas a good idea? Yes, it is. As I have outlined, the coalition hopes and expects that the government will proceed in a consultative manner to build consensus with communities surrounding areas designated for the creation of marine conservation areas.

Protecting our environment is important and necessary not only so Canadians can enjoy it now but so future generations can enjoy it as well. We hope the government will be able to accomplish this goal in a balanced manner by ensuring that affected people and communities are an essential part of the process of establishing marine conservation areas.

Our support hinges on the degree of good faith the minister demonstrates in sticking to the consultative processes outlined in the bill. It also hinges on her ability to build trust through meaningful consultation with local coastal communities. If the minister can do that she will be able to accomplish a good thing in creating these marine conservation areas. She will be able to build support for her idea.

This is the model we should be moving to in the House. I was encouraged that the government acted on some of the amendments of my colleague from Skeena. The member did a good job in committee and should be commended for it. We did not all agree with every notion and idea he brought forward, but he worked hard and diligently as did other members from the Liberal Party, the Bloc and the NDP.

Government Orders

We did not all get what we wanted in the bill. No one gets everything they want in a bill, including government members. If we want this place to change we must take these steps. If we want to engage members of parliament in a meaningful way and send a message to the people of our country that the business we do here is important, means something and reflects the opinions of individuals across the country, we must acknowledge small steps in that direction and build on them. We must move forward in a way that starts to break down many of the partisan walls that have emerged in the House.

At times I can be as much of a partisan as anyone else. At the same time, for the good of the country it is time to start breaking down walls and building consensus on important issues. We need to expand our framework into something bigger and better so we can address issues that encompass the entire country.

• (1315)

We have focused on marine conservation areas today. I hope this becomes a model for us to move forward and consult even more in the development of legislation.

While the bill is not perfect and does not contain all the safeguards we would like in terms of consultation, we are generally supportive of the idea of marine conservation areas. For that reason we in my party will be supporting Bill C-10.

• (1320)

Mr. Clifford Lincoln (Lac-Saint-Louis, Lib.): Mr. Speaker, I commend my colleague from Dewdney—Alouette who has been extremely constructive during the committee work and has brought in suggestions which have resulted in important amendments to the bill. Does the member believe the bill fulfills what he and all of us have been trying to achieve? I ask the question based on the whole context of the bill rather than any particular section of it.

Clause 5 of the bill states that the federal government must have completely clear title before it moves. That is a distinct and categorical clause. When provinces are involved that have title the federal government is bound to consult.

At the hon. member's suggestion we have improved the consultation clause so it gives no leeway to the minister. The minister must consult. Any proposed marine conservation area would be subject to consultation. However the Minister of Fisheries and Oceans has a right of agreement which is in effect a power of veto over the bill.

Any proposed marine conservation area would have to come to the House of Commons to be referred to the committees of the House. We would also have advisory boards.

More important, as was pointed out by the officials and all the members, precedents would weigh heavily. Every time there is a dispute between a province and the federal government in regard to resources, as with the Saguenay and Gwaii Haanas marine parks, there must be an agreement between the province and the federal government. All things considered and taking all these provisions together, does the member not—

The Acting Speaker (Mr. Bélair): The hon. member for Dewdney—Alouette.

Mr. Grant McNally: Mr. Speaker, I commend my colleague from Lac-Saint-Louis for the good work he does as chair of the heritage committee. He is fair and balanced and tries to encourage positive debate.

I agree with him that changes were made because of the interventions not only of myself but of other members. I acknowledged that earlier in my speech and I commend the government for it.

As I stated in committee, if we lay these things out clearly in the bill to allay the fears of individuals we will have done a good thing. I think we have moved in that area.

The nub of the issue now rests in the area of something we can never legislate: trust. We trust Bill C-10 will be implemented in the spirit in which we worked as a committee and that the assurances we receive will guide the direction of the bill. We will be able to tell whether we have been successful when we measure how the minister has implemented these notions and ideas.

I am somewhat hopeful this can be done in the consultative way my colleague described and include the coastal areas. I hope these ideas will not be unilaterally imposed on anyone because of the improvements we have made to the bill.

Mr. Philip Mayfield (Cariboo—Chilcotin, Canadian Alliance): Mr. Speaker, I am a bit surprised at the hon. member's support for the bill, considering that he comes from Dewdney—Alouette, which was one of the communities that was with the UBCM and was denied a consultation. I am also surprised at his great trust of the government.

I have heard the government characterized as a 600 pound gorilla that sits where it wants. If it is confused, does not know where it is going and does not know what it wants, it is still a 600 pound gorilla that sits where it wants.

If there was such a thirst and hunger for consultation, why was the consultation not allowed before the bill was introduced for third reading? On what does the hon. member base this confidence in the government? Would the government pay attention to those groups being consulted if it had a different thing in mind?

A case in point is the fisheries. This morning the parliamentary secretary mentioned specifically that this would add increased protection to the fishing grounds. Fisheries have been protected just about to death. If there is any more protection we will not have any fish left.

Would the hon. member talk about his trust in the consultation process and how more protection would better help our fisheries and communities on the west coast which are being decimated?

• (1325)

Mr. Grant McNally: Mr. Speaker, I appreciate my colleague's question. I mentioned in my speech that it was qualified support in terms of the trust factor, but we need to start somewhere.

The fact that we were able to change the bill in committee and that the government acted on some amendments brought forward by our colleague from Skeena give me rise to believe that is the intent.

Government Orders

As I said earlier to my colleague from Lac-Saint-Louis, the nub of the issue will be in the implementation of the process. There are enough safeguards in the bill to ensure that a local community or province does not get a marine conservation area if it does not want one. We had an example in Bonavista, off the coast of Newfoundland, where that was the case.

While the minister of energy and resources for British Columbia, Richard Neufeld, had initial reservations about the bill, he is now supportive of it because of assurances he received from the Minister of Canadian Heritage.

Lots of consultations went on before I got to the committee. I was involved in some of them. I am not sure about which ones were shut down before I got there, but we need to start somewhere. In many ways this is qualified support. The idea of a marine conservation area is a good one. We need to find a way to balance all the needs and issues my colleague has brought forth.

[*Translation*]

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, I wonder whether the Progressive Conservative/Democratic Representative Coalition member is naive or whether he honestly believes in harmonious relations between the federal government and the provinces in connection with this bill.

First of all, under the British North America Act, each provincial legislature has exclusive jurisdiction over conservation and management of natural resources. How then can the member sit by while the federal government takes away any power, however small, from his own province of residence?

Second, this bill involves a number of departments, namely Fisheries and Oceans, Parks Canada, which reports through Canadian Heritage, and Environment Canada. Does he not think that the bill could result in duplication, in an increased paperburden for public servants?

Finally, he spoke about consultation and progress. This bill called for considerable progress. Does he not think that progress also means being able to respect the jurisdiction of the provinces?

[*English*]

Mr. Grant McNally: Mr. Speaker, I will try to get as many responses in as I can. The prime concern of the Bloc and all members is the issue of provincial and federal jurisdiction. If a marine conservation area is to be put into an area of provincial jurisdiction and the province does not want that to happen, according to the bill it will not happen. It is a non-starter. It will not even get initiated.

There has to be provincial support if it is in an area of provincial jurisdiction. If it is in an area of federal jurisdiction, because of the amendments we made the government must also engage in the same consultative process. This was not the case prior to the changes being made. It may have been but it is more clearly laid out now.

• (1330)

Mr. Paul Bonwick (Simcoe—Grey, Lib.): Mr. Speaker, I will be splitting my time with my esteemed colleague from Bras d'Or—Cape Breton, a colleague both in the House and on the heritage committee. Every once in a while in parliamentary committees we get involved in a piece of legislation which creates an incredible

sense of pride, legislation that is not for the benefit of this generation, not for the benefit of Canadians from coast to coast to coast today, but for generations to come. This is a time when parliamentarians will make a difference. This act allows us to do so.

Through Parks Canada the Government of Canada has taken a leading role in the creation of national marine conservation areas. I commend the Parliamentary Secretary to the Minister of Canadian Heritage for the incredible role she played over the last number of years in dealing with this in its various forms. I congratulate the minister, the secretary of state, and most certainly the chairperson of the committee.

I have sat on numerous committees in a full time capacity and have filled in as well. I do not think I have witnessed one that has the collective, co-operative and collegial approach offered by the Standing Committee on Canadian Heritage, save and except a few which I will get to in a minute. I thank the hon. member who spoke just before me for articulating in a non-partisan fashion what the act would actually accomplish.

I would like to set the record straight by identifying some of the important things the bill would accomplish. I would then like to lead into some of the responses that were made by some opposition party members. Some of those members participated fully in committee over the three-plus years that we were dealing with this issue, and those that did not took a very partisan approach. Sadly enough that did not surprise us on this side, or for that matter Canadians at large.

The overriding theme of the national marine conservation areas bill is very simple. It is to ensure the protection of Canada's marine environment for the appreciation and enjoyment of Canada and the world. Who could argue with that? I suggest no one with a balanced approach and opinion. Sometimes we have to deal with those who are on the extreme left or right. I will address some of their comments in the not too distant future.

There is an urgent need for this legislation, contrary to some of the views that were expressed in the House. I sat on the Canadian heritage committee for the past four years and for three years now we have been in one form or another discussing this bill. We heard from countless dozens of witnesses. We sent out hundreds of letters. We had meetings on our own as individual members of parliament. We heard from the bureaucracy and from the minister.

We had opportunities for all opposition parties to become fully engaged if they wished and for frank discussions on reasonable amendments. There were some reasonable amendments put forward in a very non-partisan fashion and some absolutely ridiculous ones.

However at the end of the day we are trying to ensure that Canada offers Canadians and people of the world a sustainable, ecological and friendly environment within our marine shores and areas not for this generation but for generations to come. I truly believe this act does exactly that.

Government Orders

I will address some of the comments made by the hon. member from the Bloc. The Bloc had a primary concern over the veto power of the province. Surprise, surprise, surprise.

• (1335)

The Bloc wanted veto power for the province regardless of whether the province even owned property or had a specific interest in the suggested area. What I would suggest, which is certainly no secret to Quebecers or to Canadians, is that the Bloc is asking the Government of Canada to put the powers that are entrusted to us into the parti Québécois, which is totally unacceptable. Other than that, having the Bloc members at the table was a very useful exercise. They agreed with many things, but not with that one issue, veto power for the province, which again certainly comes as no surprise whatsoever.

I listened somewhat sadly to my hon. colleague from the NDP express his displeasure or disappointment with the act and talk about the disproportionate amount of time that the New Democratic Party caucus, as well as the hon. member for Windsor—St. Clair, had spent at committee. Rather than chew up a whole lot of time on that particular issue, I might suggest that the Canadian public access the Internet and check the attendance records at committee, because unless I am shortsighted—

Mr. Pat Martin: Mr. Speaker, I rise on a point of order. It is my understanding that in the House of Commons it is unparliamentary to point out a person's attendance, or lack thereof, either in the House, at committee or anywhere else. I would ask the Speaker to intervene.

The Acting Speaker (Mr. Bélair): The hon. member for Winnipeg Centre has made his point. I would remind the hon. member for Simcoe—Grey not to allude to the presence or absence of members in committees or in the House.

Mr. Paul Bonwick: Mr. Speaker, I will clarify my point. I thought I had made it quite clear but obviously the hon. member from the New Democratic Party is somewhat sensitive to the issue. I simply suggested that Canadians check the attendance records. I did not say whether there was good or bad. I apologize if he was suggesting that I was inferring that the NDP was not attending on a regular basis.

They talked about the disproportionate amount of time and the lack of concern for the environment. It was quite interesting when they were making suggestions that we were not listening to environmental groups. Nothing could be further from the truth.

We have, on the other hand, the Alliance Party suggesting that we are catering to the environmental groups. Somewhere in between what we have is what Canadians expect, a balanced approach with the number one priority being these marine conservation areas. That is exactly what has taken place.

I would like to speak more to the NDP's position on this particular act but sadly enough it does not warrant a great deal of expression on my part.

Last, in many ways, I would like to address the Alliance Party. I sat here and listened to the member for Skeena, a new member to the committee, address his opinions as to the history of the bill, the act we are dealing with right now. I can appreciate that as a new member perhaps he is not fully familiar with the history of this particular act and what has actually gone on with it. He made reference to the fact

that the Liberals were trying to rush this through as quickly as possible. Well if that is true, I would hate to see if we took our time on something. The process took three years. We began the process in June 1998.

When we had opportunities to speak to the minister and challenge her on issues with regard to the establishment of marine conservation areas, the Alliance Party talked about guns and more guns. It wanted park rangers to have guns. We are talking about marine conservation. This is the kind of commitment that the Alliance Party showed to the creation of a marine conservation act. I would suggest that it is a terribly sad thing for Canadians, and certainly the ones who supported that party, to see it carrying on in that fashion.

In conclusion I want to state that this is a bill for which parliament and Canada can be proud. We will be recognized as leaders with respect to establishing national marine parks for decades to come.

On that note I want to thank almost all the committee members.

• (1340)

Mr. Philip Mayfield (Cariboo—Chilcotin, Canadian Alliance): Mr. Speaker, I was interested to hear the member say that he has been on the committee for four years discussing the legislation for the past three years, yet it would seem that in all those years of discussion there was not been time for meaningful consultation with so many people.

The Union of British Columbia Municipalities represents every incorporated community in British Columbia and has representations there and yet it is not in agreement with the legislation and its consultations have not been satisfactory.

If there are that many communities, not individuals but communities, that are frustrated at the lack of consultation, what did the committee discuss if it was not discussing the legislation with those communities that it would most affect, the communities that have been devastated by the fisheries, the forestry and the policies of the government looking after the environment and the conservation but not the people?

Mr. Paul Bonwick: Mr. Speaker, I would like to thank the hon. member for the question but, sadly enough, I cannot answer it because it is rhetoric and it is fearmongering at its worst.

There have been massive consultations. If the hon. member checks the record of the committee he will see that we had dozens and dozens of organizations present at committee. I am sorry but quite clearly this is not an act just simply for British Columbia. I live in a coastal community as well. That coastal community had representation. The maritimes had representation.

As I said, there were hundreds of letters that went out with respect to consultation. Just because the hon. member and his party did not get their way does not mean that the consultation process was not successful, and it will not stop there. It is in the act that we have to continue to consult.

One point that has to be made very clear is that the minister cannot, in a unilateral fashion, create a marine conservation area. The act would require the support of the stakeholders.

Government Orders

[Translation]

Mr. Marcel Gagnon (Champlain, BQ): Mr. Speaker, after listening to the learned remarks of the Liberal member, I am not surprised that he has found a way of criticizing all those members who have spoken to the bill.

He is accusing the Bloc Quebecois, among others, of never being able to get enough powers for the province. If he had been following this issue he would have realized that we were not speaking just about provincial powers.

When will the member get all federal legislation to respect provincial jurisdiction? This is the battle we are constantly having to fight.

[English]

Mr. Paul Bonwick: Mr. Speaker, to set the record straight right off the bat, I was not accusing anyone. Obviously the Bloc is terribly sensitive over its position on veto power for the province. I was simply repeating the issues that it brought forward. If it considers those accusations, it simply has to look from within.

A federal government, from Quebecers to British Columbians to Ontarians, is charged with the responsibility of moving forward to protect our border water properties. That is an intrinsic responsibility of the federal government. We will work co-operatively with the provincial governments. That is right in the bill. We must consult with them when they are impacted.

Veto powers, on the other hand, is something that is totally unacceptable and we have to search for the true motive behind that. I think all Canadians, including those from Ontario, know why the Bloc wanted veto power for the parti Quebecois.

• (1345)

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, would the hon. member from the Liberal Party agree or associate himself with the comments a former Liberal prime minister, Mr. John Turner, who now sits on the board of the World Wildlife Fund, made in the *Globe and Mail* criticizing and commenting on the shortcomings of Bill C-10?

Mr. Paul Bonwick: Mr. Speaker, I appreciate my NDP colleague bringing that up because that very organization actually supports this particular act.

Do I want to comment on a particular statement made in the *Globe and Mail*? Not particularly. Mr. Turner did not have the ability to sit in on the committee work nor did my hon. friend as I did. I stand here today and say that this is an act for which Canadians can be proud, not simply for today but for generations to come, and that is a fact.

Mr. Rodger Cuzner (Bras d'Or—Cape Breton, Lib.): Mr. Speaker, in addressing Bill C-10, an act respecting the national marine conservation areas of Canada, it is important to focus some attention on the process leading up to the establishment of a national marine conservation area, the final step of which would be the entrenchment of the land description under the proposed legislation.

How national marine conservation areas are established has after all been the subject of a number of hon. members who have expressed concern in this area. The creation of national marine

conservation areas is a time-consuming and complex undertaking. It cannot simply be established by the federal government acting alone. It requires the support of provincial or territorial governments and the support of local communities.

It may take several years before an establishment agreement is signed. It takes time to conduct meaningful public consultations, to secure the support of all levels of government and to negotiate the agreements setting out the terms and conditions for a new national marine conservation area.

How will these areas be created and managed? The answer can be found in the bill, in Parks Canada's policies and in the co-operative consultation process currently underway in several regions. Five major steps are involved.

National marine conservation areas are meant to be representative of a region in which they are located. This is not a random process. The first step in establishing a marine conservation area is to identify potential sites. This involves a number of studies to determine the physical, biological and cultural characteristics of a marine region. The geology, oceanography and habitats of the regions are examined in detail, as well as the occurrence and distribution of its species from plankton to whales.

The known maritime history, both pre-colonial and post-colonial, is also incorporated into the studies to gain as complete a picture of the region as possible.

There are some 24 representative marine areas. Areas that encompass the majority of these features are identified within the region. These areas are then rated and based on how well they represent the region in their natural state. Once these representative marine areas have been confirmed, further studies and consultations are undertaken to select one of these sites as a potential marine conservation area. This is the second step.

A wide range of factors are considered when comparing representative marine areas, including the quality of regional representation, the importance of the area in maintaining biodiversity, essential processes and critical habitats, the occurrence of exceptional, natural and cultural features, the value of the area for ecological research in monitoring, minimizing conflict with existing or probable marine uses, and the implications of land claims or treaties. Consultations with concerned provincial and territorial governments and implicated federal departments are also undertaken.

The third step is assessing the feasibility of the potential national marine conservation area. This is the most complex and time-consuming part of the entire establishment of the procedure. One of its main purposes is to determine if there is sufficient support for a marine conservation area. The provincial or territorial government and any affected aboriginal organizations must agree to proceed to this step. They will also be directly involved in any study.

A feasibility study involves extensive consultation with local communities, stakeholders, aboriginal people and the general public, usually by means of local regional committees set up to participate directly in the study and make recommendations to the minister.

Government Orders

In order to allow the public to make an informed choice, detailed studies of the physical, biological and cultural features of the area are done. Social economic impact studies are also undertaken as required.

Federal policy dictates that mineral and energy resource assessments must be done on federal lands to determine if significant non-renewable resource potential would be foreclosed by the establishment of a national marine conservation area.

•(1350)

If the resource potential is high, this information would be considered when boundary options are being developed. Discussions are also undertaken with the appropriate departments, in consultation with the public, with respect to the management of fisheries, navigation and shipping. Possible boundaries for the proposed marine conservation area are drawn at this stage taking all these considerations into account.

As the feasibility study is concluded, a report is produced. It will provide an indication of the level of public support. It will include recommendations on conservation and management objectives. It will speak to boundaries, draft management and zoning plans. Finally, it will identify any specific issues of concern to local communities and affected user groups.

If the study demonstrates that the proposed national marine conservation area is feasible and there is public support for it, the governments could then proceed with the next step. If it is not a feasible option, other representative marine areas within that region could be considered.

If the governments have decided to proceed, a federal-provincial or federal-territorial agreement is formally negotiated, which sets out the terms and conditions under which the national marine conservation area will be established and managed. These agreements cover many topics, including final boundaries; management of fisheries and marine transportation; land transfer; and co-operation in marine conservation area planning and management.

Where lands are subject to a claim by aboriginal peoples in respect to aboriginal rights, the national marine conservation area can be provided for as part of a negotiated claim settlement. Alternatively a national marine conservation area or reserve can be established pending resolution of the claim. Reserves are managed as if they were national marine conservation areas but without prejudice to the settlement of the claim.

All of the studies and negotiations would occur before any national marine conservation area is brought to parliament for formal establishment under the act. At this stage, Bill C-10 requires that the minister table a report and that the report include information on the consultations undertaken, including a list of names of organizations and persons consulted; the dates of the consultations and a summary of their comments; any agreements reached respecting the establishment of the area; results of any assessments of mineral or energy resources undertaken; and the interim management plan that sets out management objectives and a zoning plan.

Parliament will thus have the opportunity to see the results of the time and effort put into the proposal to establish one of these sites. It

will also be able to satisfy itself that there is community support and that all aspects have been taken into consideration.

A national marine conservation area is formally established when its land description is added to the schedule of the act. This brings those lands under the formal protection of the legislation.

Bill C-10 sets out an order in council process for the establishment in law of national marine conservation areas and reserves. It requires that proposed additions to the schedules must be tabled in both houses and referred to the appropriate standing committees for their consideration. Should either house reject the establishment of the new area, the order in council would not proceed.

In going through the process, I believe I have demonstrated that the decision to establish a national marine conservation area lies in the hands of Canadians and their elected representatives. Let us now quickly pass Bill C-10.

•(1355)

[*Translation*]

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, the member who just spoke mentioned consultation. He said that the bill allows for broad consultation and that he trusted the government to consult.

Is the member aware that there were consultations in 1998 about the Saguenay marine area? At that time the government had reportedly met with 3,000 groups, and it seems that there was a lot of responses.

However, when we asked, under the Access to Information Act, for the responses that were provided and that were communicated to the government, we realized that the report had only 70 pages. The report should also have contained the submissions made by the groups that the government reportedly met or consulted with.

Does the government not find that there is something unusual here? Have there really been consultations or are they bogus consultations?

[*English*]

Mr. Rodger Cuzner: Mr. Speaker, I am sure my colleague recognizes that this particular legislation is framework or enabling legislation.

Before there is the establishment of a marine park, a national marine area, further consultations must take place among all levels of government, among community stakeholders, environmental groups, the corporate sector and all those affected. Before final legislation can go forward, these consultations will be embarked on and brought forward to the House once consensus is established and once there is support for the development of the area.

Mr. Bob Mills (Red Deer, Canadian Alliance): Mr. Speaker, the previous speaker made it sound a lot different from what I have been led to understand. The member who spoke before him with whom he shared his time gave a much more jaded position of how the government treats public consultation.

S. O. 31

The member implies that there will be a wide open communication process. Listening to what was said by the member for Skeena who sat on the committee, it does not sound like the members on that side really wanted to hear people from the coastal communities who want to communicate and give members the opportunity to hear them.

Does he disagree with the process that the committee undertook?

Mr. Rodger Cuzner: Mr. Speaker, I think in fairness to the committee, the member for Skeena discussed at length submissions that were put in by various people who had expressed concern. There were upward of 15 groups that made presentations on behalf of the people in those areas.

It is clearly stated in clause 10 that consultation is key to the legislation.

STATEMENTS BY MEMBERS

• (1400)

[English]

REMEMBRANCE DAY

Mr. Bryon Wilfert (Oak Ridges, Lib.): Mr. Speaker, Remembrance Day is an opportunity for Canadians to honour all those who served our country in war and peace. We owe our veterans an enormous debt for the sacrifices they made for us in the name of democracy and freedom.

Every day in communities across Canada people pass by monuments and statues that were erected to pay tribute to the local residents who fought in the Boer War, the Great War, World War II, Korea, and peacekeeping and peacemaking missions.

In my own community of Richmond Hill there is a significant landmark on Yonge Street in the old village core. It is a memorial colonnade built in 1923 to honour those who gave their lives in the Great War. An additional monument was later added to the original to honour those who served in the second world war.

In 1998 the memorial was rededicated by the Royal Canadian Legion to mark the 75th anniversary of the first dedication of the cenotaph.

When I pass by these monuments, I am reminded of the courage of those who fought so that we may enjoy freedom. Let us not forget.

* * *

HIGH TECH INDUSTRY

Mr. Monte Solberg (Medicine Hat, Canadian Alliance): Mr. Speaker, CATA, an organization representing high tech in Canada, appeared recently at the finance committee prebudget hearings and called on the industry minister to delay the start of his billion dollar innovation program. Specifically, it said:

—there are ample grounds at the moment for postponing the launching of the innovation agenda until the budget surplus is in better shape. Increased spending on security is essential, but we believe it can be offset by reduced spending on less important programs.

It is referring to less important programs like the industry minister's innovation agenda. Why will the minister not put the national interest first and listen to the high tech sector which is putting the national interest ahead of its own and delay the start of this billion dollar spending program?

* * *

CANADA CAREER WEEK

Mr. Mark Assad (Gatineau, Lib.): Mr. Speaker, this week is Canada Career Week. This year's theme is "Learning—Power for Life". Schools, the private sector and community groups will organize career fairs, provide opportunities for individuals to volunteer in their dream job for a day, encourage role models, and disseminate information about labour trends and career opportunities.

This is also a chance to highlight government programs such as the youth employment strategy which helps young people to make the transition from school to work. Career planning is a lifelong endeavour. Individuals at all stages in their working lives are constantly developing their skills and thinking about the future.

Canada Career Week is sponsored by the Canada Career Consortium. This partnership distributes informational material and brings together members of the private sector, community organizations and government. This is a time of opportunity for those who are looking for direction in their—

The Speaker: The hon. member for Sydney—Victoria.

* * *

CAPE BRETON

Mr. Mark Eyking (Sydney—Victoria, Lib.): Mr. Speaker, it has been almost a year since I was elected to the House. I wish to show my appreciation to the Cape Breton recovery team at this time. This is a large and dedicated team. It consists of community development organizations, government agencies and many volunteers who work every day to make Cape Breton a better place to live.

Some of its many achievements are 2,300 new jobs in the last year, dropping our unemployment rate by 2%. Our communities are improving their facilities and infrastructure. Our landscape and hospitality are being recognized by newcomers who come to visit or stay, but we have much more to achieve.

Our unemployment rate is much higher than the national average. We still have industrial sites to clean up and we have to prepare our workforce for new opportunities. If our Cape Breton team maintains its momentum I am confident we can achieve these goals.

[Translation]

MESSAGE OF PEACE

Mr. Yvon Charbonneau (Anjou—Rivière-des-Prairies, Lib.): Mr. Speaker, I would like to draw the attention of the House to an initiative undertaken by 15,000 young Quebecers in sending a message of peace to the Prime Minister and all members of parliament.

The pupils of Chelsea's Le Grand Boisé school, on behalf of the youth of Quebec, brought to parliament 15,000 paper doves on which they had drawn and written messages of peace.

The feelings of urgency and helplessness that overtook humanity after the events of September 11 have left people searching for what to do.

Teachers have had to deal with all the questions and fears of our young people. These attacks led to a number of discussions and activities around peace, solidarity, democracy and human rights.

Congratulations to these young people, as well as to the Centrale des syndicats du Québec and Amnesty International, for launching this appeal in favour of a peaceful settlement of this current world conflict and of respect for the humans rights of all.

* * *

• (1405)

[English]

SOFTWOOD LUMBER

Mr. Werner Schmidt (Kelowna, Canadian Alliance): Mr. Speaker, thousands of lumber workers in British Columbia and other provinces are losing their jobs through no fault of their own. They are paying the price for a unilateral U.S. decision imposing crippling duties.

The Bush administration wants the long running Canadian lumber dispute resolved before Christmas. So do lumber workers in B.C. The president appointed an envoy invested with power to negotiate a settlement. Our Prime Minister has the authority to appoint an envoy to negotiate for Canada.

Such a person would understand the industry, be an honest broker and stand for what is right regardless of the politics. Such a person would not let personal biases or political ambitions stand in the way of a balanced solution.

Does the Prime Minister have the political courage to appoint such an envoy? Does the Minister for International Trade have the strength of character to accept such an appointment? I sincerely hope they do.

* * *

REMEMBRANCE DAY

Ms. Colleen Beaumier (Brampton West—Mississauga, Lib.): Mr. Speaker, Remembrance Day is not an option but a promise. On November 11 I urge all Canadians to join our veterans and their families to pledge once again that we shall never forget our fallen heroes.

S. O. 31

We stand with Silver Cross Mothers who have lost a child to war or peacekeeping operations. We stand with sons and daughters, brothers and sisters and grandchildren who were robbed of the love of a fallen hero.

Fortunately most of us can only empathize with their pain. The sacrifice made by both the fallen and the survivors has given citizens of the western world the luxury of a free society without the fear of war or violence.

Each year we come together showing respect and remembering in prayer and praise as we lay our wreaths to honour the brave young men and women who made the ultimate sacrifice for their country. To the veterans we say thanks; to the fallen we say may they rest in peace.

* * *

[Translation]

AFGHANISTAN

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, the following are the words of a young Afghani, Gazal Mohebi, age 14, whom I met along with other members of her community.

“The kids I go to school with tell me that all they see about Afghanistan in the media is ruin and desolation. “Where is all the beauty in your country that you boast about?” they ask me”.

She says that her response is this. “My country has been being ruined for 25 years. Year after year, bombs have rained down on it. But it is still as beautiful as ever in my heart. If Afghanistan were no longer bombed, and there were an opportunity to develop, that would be just great”.

Gazal is not the only young person who wants to see her country's situation improve. Her mother added this. “The young ones who are still over there die in hope. We may have found outward peace here in Quebec, but we still live with our fears. All of us also need to find peace in our hearts and souls”.

The international community has a huge responsibility to make it possible for Afghanistan to rebuild, by providing it with humanitarian aid, justice and security.

* * *

[English]

NATIONAL DEFENCE

Mr. David Pratt (Nepean—Carleton, Lib.): Mr. Speaker, I nearly spilled my coffee this morning when I read a headline in the *Ottawa Citizen* that said “Bring back Airborne MPs say”.

Yesterday the defence committee issued an almost unanimous interim report on the operational readiness of the Canadian forces. We made 19 recommendations covering many areas of concern. One such recommendation was for an enlarged special forces capability. The committee suggested expanding the JTF2 to a battalion size special forces unit.

S. O. 31

We have not suggested we bring back the airborne. The airborne was never considered a special forces unit and was disbanded because it lacked discipline, contained rogue and extremist elements, and had become dysfunctional. The problems with the airborne were dragging the rest of the Canadian forces down. The airborne had to go.

Expanding the JTF2 will provide the Canadian forces with a special forces capability on par with that of our allies in the critical fight against terrorism.

* * *

GUN CONTROL

Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance): Mr. Speaker, every chance the justice minister gets she boasts to parliament about how many Canadians support her government's failed gun registration scheme.

She is loath to tell anyone that the strong support dropped from 75% to 32% when the cost of the firearms registry reached half a billion dollars. Last week the cost topped \$685 million and is still climbing.

The most recent Environics poll the minister refers to contains some important facts she conveniently fails to report to her colleagues. When more than 2,000 respondents were asked what specific type of crime troubled them the most, they listed 23 different types of crime, but guns were never mentioned once.

When respondents were asked which of the 12 criminal justice priorities they would like to see government spending directed to, gun control measures were at the very bottom of the list. Programs for young people, cracking down on organized crime and more police on the street were numbers one, two and three.

* * *

● (1410)

INTERNATIONAL CRIMINAL COURT

Mr. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, the 20th century may well be regarded as the age of atrocity, as we witness some of the worst atrocities in the history of mankind. It might also be regarded as the age of impunity since most of the perpetrators were never brought to justice.

The treaty for an International Criminal Court represents a revolution in the struggle against impunity in the protection of human security. Canada has played a lead role both in the establishment of the International Criminal Court and in securing the necessary ratifications to bring this treaty into effect.

I am pleased to inform the House that Canada co-sponsored a symposium on "The International Criminal Court, A Challenge to Impunity", this past weekend in Damascus, Syria, which brought legal experts together with the Syrian government on the occasion of the visit of the Minister of Foreign Affairs.

The symposium will facilitate Syria's ratification and implementation of the international treaty and will hopefully encourage ratification and implementation by other countries in the region, all in the pursuit of international peace and justice.

THE ENVIRONMENT

Mr. Joe Comartin (Windsor—St. Clair, NDP): Mr. Speaker, next week Canada will be hosting 180 countries at a crucial meeting on the convention on biological diversity, a treaty aimed to protect ecosystems, including ancient forests and endangered species.

It is ironic that at the same time Canada is hosting this convention it is in the process of passing legislation that is in violation of that very treaty. When Canada signed the convention in 1992 it promised to protect species and their habitat, but the current endangered species legislation proposed by the Liberal government fails to do that. The species at risk bill currently before the House permits habitat to be destroyed.

Canada will be in violation of the convention on biological diversity if Bill C-5 becomes law as drafted. This is yet another sad example of the Liberal government's continued failure to live up to its international commitments on the environment. It is an embarrassment to all Canadians.

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[Translation]

MINISTER OF FINANCE

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, last Friday, under driving rain in a park in Saint-Hyacinthe, Canada's Minister of Finance received a well deserved award. He was not present to receive it, but since I was, it is my pleasure to share the news with him.

The Maison le Baluchon and the Regroupement des étudiantes et des étudiants du Cégep de Saint-Hyacinthe, along with youth groups from 12 cities in Quebec, presented him with the "Minute-Pompon" award for his immeasurable contribution to lowering the standards of living for youth.

For supporting unemployment insurance program reforms that force young people to pay premiums but do not allow them to draw benefits, for withdrawing from social housing in 1994, for accumulating staggering surpluses on the backs of young people and women, the Minister of Finance richly deserves this unenviable distinction.

"Minute-Pompon" means "whoa buster".

On the eve of bringing down his budget, the Minister of Finance should keep in mind this message from young people. "Whoa buster", we are not stupid.

* * *

[English]

BETTIE HEWES

Mr. John Harvard (Charleswood St. James—Assiniboia, Lib.): Mr. Speaker, I rise to pay tribute to Bettie Hewes, a former Edmonton city councillor and an Alberta Liberal MLA who passed away on Tuesday.

In her private life Bettie Hewes was dedicated to her family. In her public life as a politician and social activist she always took the high road. She did not back away when her principles were challenged and she never used her public role to personally attack or demean her opponents.

Friends will differ on the highlight of her political career. Some believe it was her leadership of the Alberta Liberal Party after the resignation of Laurence Decore. Others will point to her key role in forcing the Alberta government to withdraw a bill that would have allowed private companies to deliver government services without guaranteeing any standards. However everyone will agree that it was this remarkable woman who made everything she did a highlight for those around her.

We know that Canada is a better place because of her contributions. Our thoughts go out to Bettie's family and friends today, and we thank them for sharing her with us.

* * *

• (1415)

SASKATOON—HUMBOLDT

Mr. Jim Pankiw (Saskatoon—Humboldt, PC/DR): Mr. Speaker, I wish to highlight the accomplishments of some extraordinary youth in the riding of Saskatoon—Humboldt. Rachel McCormick is in Ottawa today and is one of 11 finalists for the “If I were Prime Minister” award given out by the Magna for Canada scholarship fund. We offer Rachel our congratulations.

Next week 11 year Graham Epp of St. Phillips Elementary School will be receiving the Governor General's medal for meritorious conduct. Three years ago Graham saved the life of his father who lost consciousness in a swimming pool and nearly drowned. Graham showed maturity beyond his years when he took quick and decisive action to save the life of his dad.

I also wish to acknowledge the birth of Sebastian Otto Bundrock who came into the world on October 30 weighing in at 9 pounds, 13 ounces. Sebastian's mother Tiina and father Patrick, who is also my executive assistant, are proud new parents. On behalf of parliament I extend them sincere and heartfelt congratulations.

* * *

DEPUTY PRIME MINISTER

Ms. Susan Whelan (Essex, Lib.): Mr. Speaker, there are many milestones and successes that we achieve in life. I rise to pay tribute to one of our own, the hon. member for Windsor West.

Since his first election on June 18, 1962, our Deputy Prime Minister has had a long and distinguished career on Parliament Hill. He has been consistently re-elected 12 times since due to his dedication and commitment to his constituents in the city of Windsor.

Today he finds another place in the history books of our country for today he surpasses the historical record of unbroken service in the House of Commons held by the right hon. John Diefenbaker of 14,388 days.

On behalf of my colleagues and all Canadians I congratulate and thank our Deputy Prime Minister for 14,389 days of unbroken,

Oral Questions

dedicated service to the people of Canada. We wish him continued success in his work on Parliament Hill.

The Speaker: I am sure all hon. members are looking forward to some answers from the Deputy Prime Minister during question period.

ORAL QUESTION PERIOD

[English]

NATIONAL DEFENCE

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, not wanting to take the bloom off that rose, I have to pose a question about government priorities.

We believe the government can stay out of deficit if it focuses and takes the low priority and wasteful spending and moves it to high priority spending. However we have just learned that the government has indicated there is only about \$1 billion being set aside in the new budget for safety, security and national defence.

The auditor general and the defence committee have said that \$1 billion was needed before September 11 just to fulfill the maintenance standards required in national defence. Why does the government have such a problem with priority spending like safety, security and national defence, but seems to have no problem rushing to waste money in billion dollar boondoggles?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the hon. member has forgotten the some \$280 million that we allocated just in the past few weeks, since September 11, to additional measures to strengthen our security.

With respect to the other part of his question, I think that he is just speculating. We will have a wonderful budget from the Minister of Finance in a few weeks. In that budget he will see that we are responding to the priorities of Canadians. I do not think he should depend on speculation before the budget is given.

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): We will wait and see, Mr. Speaker.

[Translation]

Even Liberal members recognize that the government is not doing enough when it comes time to investing in our defence.

The report of the Standing Committee on National Defence, tabled yesterday, states that Canada wants, and I quote “—to be seen...We have also developed a reputation of not wanting to pay for the associated prestige or for the privilege of offering counsel.”

Will the government use the upcoming budget as an opportunity to finally invest sufficiently in our Canadian forces?

• (1420)

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, once again, the hon. Leader of the Opposition seems to have a problem with his memory. He forgot that we provided \$3 billion more in appropriations for the Department of National Defence over the last three years.

Oral Questions

Furthermore, we will respond in detail to the committee report, in due course, but I must confirm our support for defence as a priority.

[*English*]

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, it is his recollection that needs some help here. The Liberal government has reduced armed forces spending significantly since 1993 and has not made it up yet.

We are hearing there is approximately \$3 billion being added to the budget, yet it seems that twice the amount of money will go to Liberal pet projects than to national defence and security.

Will the government make a commitment today that in this new budget there will be at least \$2 billion for our national defence?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the Leader of the Opposition has had the opportunity in the prebudget debate to make his views known. The government will be bringing down the budget very soon, at which point all things will be revealed to him.

I wonder if I might just say one thing. When I was a very young fellow, my father took me out in an election campaign and brought along a young member, who was running for the first time, to knock on doors. He said to this young person "If you learn these lessons well you will be around a long time". I am delighted to say that my father was right and the member has been around for a great long time.

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance): Mr. Speaker, among the recommendations of the defence committee was a call to reconstitute a special service force within our military consisting of up to 1,000 specially trained troops. Canada once had such a force of highly trained troops. It was called the Canadian Airborne Regiment. The government disbanded the airborne and now its own MPs are calling for its return.

Will the government put in place a new special service regiment with 1,000 troops?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, the hon. member has misread the report, if that is her conclusion.

The Canadian Airborne Regiment is no more and it will be no more. We do have a JTF2. We have all the capabilities that were once in the airborne in other parts of the Canadian forces. The JTF2 continues to provide a very valuable service for Canadians, and it will in the conflict in Afghanistan.

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance): Mr. Speaker, the government's own MPs have called for a special service force to be put into place. Defence experts tell us it is needed. Will the minister admit now that it was wrong to disband the airborne?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the hon. member should have listened to the statement of a key member of the committee, a Liberal member, during the statement period when he said that the press report with regard to the special service force was wrong.

More important, to show the real thinking of the Alliance members on defence matters, they are speaking now in support of a report to which they formally objected. They formally dissented to it

when it came up for a vote. When it came time to show where they stood, they were not there.

* * *

[*Translation*]

TERRORISM

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, Afghan children are jumping on the charges from the cluster bombs. They are dying as a result, and the Prime Minister washes his hands saying that the U.S. is dropping these bombs, not Canada.

However, in joining the coalition against terrorism, the Prime Minister said he was not handing a blank cheque over to anyone.

As Canada is supposed to have its say in the coalition, will the Prime Minister intervene and call on the Americans to stop dropping cluster bombs on Afghanistan?

• (1425)

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, this has been asked every day and every day the answer is the same. These cluster bombs are aimed at military installations and military personnel. They are not aimed at civilians. There is no intention to hurt the people of Afghanistan. Unfortunately there are accidents, but every effort is being made to reduce those accidents and to continue only to target military personnel and military equipment of the Taliban and of al-Qaeda.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the same applies to anti-personnel mines. This was Canada's argument in its fight against the mines.

Yesterday, I asked the Prime Minister if he would say this to the Americans. His answer was that, even if we told the Americans, it would serve no purpose, because it is too late, and the Americans would not listen to us.

In the face of such avowed weakness, what confidence can we have in the Prime Minister when he claims to have defended our interests in discussions with President Bush? This is valid for everything, not just cluster bombs, but border security and softwood lumber as well.

[*English*]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, a cluster bomb is quite different from an anti-personnel landmine. An anti-personnel landmine is something that is put in the ground and is something by which future generations can be threatened. We are absolutely opposed to those.

Cluster bombs are not the same thing at all. They are allowed by the legal conventions with respect to the use of weaponry, as long as they are targeted at military installations, and that is exactly what is happening.

Oral Questions

[Translation]

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, the Prime Minister justified his silence regarding cluster bombs by saying that he has little influence over President Bush.

This is in sharp contrast with his previous stand, when he stated that he would not give a blank cheque. In fact, his attitude is increasingly reflective of a *fait accompli* and this does not bode well.

Are we to understand that the government intends to adopt the same passive attitude following the comments made yesterday by Secretary of State Colin Powell, who announced the United States' intention to turn its attention to Iraq?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, Canada is a full-fledged member of the coalition against terrorism, a coalition that is targeting the Taliban and al-Qaeda in Afghanistan.

Our position remains the same. If requests are made to broaden the work of the coalition, we will review them with the interests of our country in mind.

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, this is what we call a passive attitude.

Canada has said that it would oppose any escalation of the conflict. Now that U.S. Secretary of State Colin Powell has sent clear signals that the Americans may extend their military intervention to Iraq, will the government express its disagreement, before we are engaged in an escalation we do not want?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, first, I must verify the premise of the hon. member's question, and I must check what U.S. Secretary of State Colin Powell is alleged to have said.

But, as I said, Canada is a member of the coalition in the fight against terrorism, a fight that remains confined, in Afghanistan, to al-Qaeda and the Taliban. We will continue our active policy in this area.

* * *

[English]

AIRLINE INDUSTRY

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, my question is for the Minister of Transport. I am told that Canada 3000 has just filed for bankruptcy protection; the latest casualty of the government's failed strategy for our airlines industry. Under the Liberals' watch, we have lost Canadian Airlines, Royal Aviation, RootsAir and CanJet.

Is the transport minister offering more of the same? Is he prepared to preside over the disappearance of yet another airline?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, the hon. member has to get her terminology right. Canada 3000 sought an application before a judge for protection under the Consumer Creditor Arrangement Act.

As I said previously, the Government of Canada was prepared to consider a loan guarantee, if that company met a number of conditions, including a restructuring plan, investor injection and a business plan that showed viability. Those conditions are still in place.

● (1430)

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, Canada 3000 employees are trying to do their part. The flight attendants' union has offered to accept 500 layoffs and a wage rollback, all of which have been rejected by their employer.

Is the transport minister prepared to accept his share of the responsibility for this fiasco? Will he at least agree to the flight attendants' request that he intervene personally to help seek out a solution to this crisis?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, on the assumption that the judge grants the application, the matter is now being supervised under a statute and we have to let the process take its course.

* * *

GRANTS AND CONTRIBUTIONS

Right Hon. Joe Clark (Calgary Centre, PC/DR): Mr. Speaker, my question is for the Deputy Prime Minister. Yesterday a long time crony of the Prime Minister, Paul Lemire, pleaded guilty to defrauding two federally funded organizations, Groupe Forces and the Canadian Institute of Tourism and E-commerce. Paul Lemire was a director of Groupe Forces in 1997 when a loan of \$200,000 was extended to the Auberge Grand-Mère.

Why did the Prime Minister deliberately not mention this loan by Groupe Forces last spring when he carefully specified in his letter to me all the other sources of funding for the Auberge Grand-Mère?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, I will have to check the text of the letter, but I do want to say that this matter is being dealt with by the courts. One should not forget that this matter came to the attention of police authorities because it was brought to their attention by the Office of the Prime Minister.

Miss Deborah Grey (Edmonton North, PC/DR): Mr. Speaker, that is just one of five investigations going on about the Shawinigan deal. Paul Lemire, who has been involved with using \$190,000 of taxpayer funds, just kept thinking he shall win again except he got caught.

When is the Prime Minister finally going to admit that he can no longer keep propping up his pals?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the hon. member's premise is totally wrong and the innuendo is wrong. He has not been propping up his pals. In fact, and I repeat, it was his office that brought the allegations in question to the attention of the police authorities which led to the action reported in the press today.

* * *

NATIONAL DEFENCE

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, the Liberal chair of the defence committee complained in the committee's report, when referring to the actions of his government on the military. He said "Canada has shown a certain ambivalence when it comes to our commitments. We can't have it both ways".

Will the Minister of Finance end his ambivalence today and make a specific commitment to fund the rebuilding of our military?

Oral Questions

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, that matter has been before the cabinet for some period of time as to what additional resources are needed for the Canadian forces. We have been looking at many of the issues that are in this report, which was issued by the committee yesterday. It was a good piece of work on its part, however the Alliance did not support it.

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, this so-called good piece of work did not mention any specific requirements for the government to meet the recommendations. There was no specific funding amount asked for.

Several ministers have paid lip service to the idea that security is the top priority of the government. The military is our largest security force.

Will the Minister of Finance put the money where his mouth is and commit funds in his budget to demonstrate that security is the top priority? Will he commit at least \$2 billion per year?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, if the hon. member would care to take a look at the October statement and at the previous budget, he would see that over the last three years there have been substantial increases in the military budget.

At the same time, if the hon. member would care to take a look at the role that the Canadians have played in Kosovo and the role that they are playing now in Afghanistan, he would see a military effort that makes Canada proud.

The Minister of National Defence has fought very hard for the military and that is the main reason that there have been those substantial increases in funding, and we will stand behind our armed forces.

* * *

• (1435)

[Translation]

TERRORISM

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, in September, I accompanied the Prime Minister to New York and had the opportunity to hear him speak with conviction during his conversation with Kofi Annan.

Unfortunately, this head of state attitude has not remained with him. The Prime Minister still has the opportunity to have his say, but is not exercising it, fearing that he will not succeed in convincing the Americans to stop the use of cluster bombs.

What is the explanation of this complete about-face by the Prime Minister, who has moved from conviction to absolute passivity within the space of a month?

[English]

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, the United Nations, both in general assembly and in the security council, has made it quite clear that the United States and its allies have every right to self-defence under article 51 of the UN charter.

That is exactly what is being done with respect to this campaign in Afghanistan. Every legal operation is being followed and followed correctly. Cluster bombs are only being used against the military

because we need to stamp out the al-Qaeda and their Taliban supporters. That is what it is all about.

[Translation]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, there are several other types of bomb that could be used. The same argument was used to justify anti-personnel mines. This is shameful.

In the aftermath of the September 11 events, the Prime Minister has declared loud and clear that Canada's attitude would be one of patience and wisdom.

Is not the attitude we are being shown now a completely different one: silence and weakness, rather than patience and wisdom?

[English]

Hon. Art Eggleton (Minister of National Defence, Lib.): No, we are not, Mr. Speaker. The government is very concerned about the people of Afghanistan. It is very concerned about getting humanitarian assistance to them. It is very concerned about how in fact they will recover from all of this.

We want to see the Afghan people recover from the kind of terror that is being inflicted on them by the al-Qaeda and by the Taliban. That is what this operation is all about.

* * *

THE ECONOMY

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, the finance minister likes to blame everyone but himself for the recession that he sleepwalked the country into. Yesterday he even blamed the opposition for having the temerity to ask him to tell the truth about his recession.

Was the Governor of the Bank of Canada fearmongering yesterday when he said he was "very concerned about the lame Liberal loonie?" Are private sector economists spreading fear when they talk about his recession?

When will he fess up to the fact that Canada is in its second quarter of negative growth, that he has led the country into a recession? When will he tell the truth?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the other day I had occasion to sit down and do a calculation of the spending proposals put forward by the Alliance since the election campaign.

The House might be interested in knowing that the Alliance Party has put forth some \$36 billion in new spending since the election campaign. The only thing I can say is that the tax and spend Alliance even makes the NDP look responsible.

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, I guess the auditors at HRD did that accounting for him. That is complete and utter hogwash. There are published reports that the finance minister will give six billion scarce tax dollars to those great custodians of the public purse, his friends in industry and human resources.

Oral Questions

Instead of giving them \$6 billion for pork and special Liberal projects, will he take that money and invest it in tax relief to create jobs in a time of recession and put it into national securities? Will he get his priorities straight or will he spend more tax dollars on old fashioned Liberal pork?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, what the Alliance calls pork is CAPC, a program to help young mothers and young families. What the Alliance calls pork is the child benefit, the most important new innovation.

By 2004 there will be \$9 billion going out to young Canadian families, helping them raise their children. That is what Alliance members call pork. If they want to see pork they ought to look in the mirror.

* * *

[Translation]

CHARITABLE ORGANIZATIONS

Mrs. Pauline Picard (Drummond, BQ): Mr. Speaker, we have asked the Minister of National Revenue to review the unfair treatment of *L'Action nationale*, which is losing its right to issue tax receipts, a right it has had until now, and one which the Council for Canadian Unity enjoys.

Does the Minister of National Revenue intend to review this Canada Customs and Revenue Agency decision, and at the same time clarify why such an apparently incomprehensible decision was taken?

• (1440)

Hon. Martin Cauchon (Minister of National Revenue and Secretary of State (Economic Development Agency of Canada for the Regions of Quebec), Lib.): Mr. Speaker, first of all, I have already confirmed in the House that the organization to which the member is referring had its charitable organization status withdrawn this past June.

Second, the rules on what constitutes a charitable organization are contained in the Income Tax Act. Any specific information concerning this organization is therefore confidential in nature, and I may not comment.

Mrs. Pauline Picard (Drummond, BQ): Mr. Speaker, how very interesting.

L'Action nationale has sent me a letter in which it requests the minister to allow me access to its tax file and authorizes the information to be made public.

Does the minister now intend to make public the explanations provided by the Canada Customs and Revenue Agency so that we may understand the reasoning behind such a decision?

Hon. Martin Cauchon (Minister of National Revenue and Secretary of State (Economic Development Agency of Canada for the Regions of Quebec), Lib.): Mr. Speaker, first, giving a member such permission does not release me from my duty of confidentiality under the Income Tax Act.

Second, the act also provides for procedures, including a judicial review procedure. In this case, one may apply to the federal court for a judicial review within 30 days. This is not a hard and fast number.

In addition, the organization may re-apply for charitable organization status.

* * *

[English]

GRANTS AND CONTRIBUTIONS

Mr. Kevin Sorenson (Crowfoot, Canadian Alliance): Mr. Speaker, yesterday Mr. Paul Lemire was convicted of defrauding almost \$200,000 in HRDC grants in good old Shawinigan. This man travelled with the Prime Minister on a team Canada mission in 1996. This man donated money to the Liberal campaign in 1997. This individual received millions in grants in 1998 while under yet another investigation for fraud against Revenue Canada, for which he was finally convicted in 1999.

Why did the Prime Minister fail to put into place protection that would have prevented millions in grants to flow to Paul Lemire?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, I would direct the hon. member to the answers that I gave to the same kinds of questions. This matter is being dealt with in the courts.

One should not forget that this matter was brought to the attention of the police authorities by the people in the Prime Minister's Office itself. I think that speaks for something.

Mr. Kevin Sorenson (Crowfoot, Canadian Alliance): Mr. Speaker, the question was asked again because it was not answered the first time. The Prime Minister claimed that a BDC document showing that the Auberge Grand-Mère owed \$23,000 to him personally was a forgery. It was sent to the RCMP over six months ago for criminal investigation but we have not heard a word since.

If it is not a forgery, the Prime Minister would be in direct financial conflict of interest in lobbying for money for the auberge. Will the solicitor general tell us when the RCMP investigation will be completed, and will he promise to report to the House when it is?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, I think my hon. colleague is well aware that I do not conduct or direct RCMP investigations. He is well aware the only group that can respond to his question is the Royal Canadian Mounted Police.

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HEALTH

Mr. Tony Tirabassi (Niagara Centre, Lib.): Mr. Speaker, my question is for the Minister of Health. Yesterday the minister hosted a meeting of his counterparts from the G-7 and the OECD countries on health security and bioterrorism.

The minister has agreed to co-operate and forge a new partnership to address the critical issue of protecting public health and security. Will the minister tell the House what role Canada will play in this new global action?

Oral Questions

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, it is clear that defeating terrorism and bioterrorism will take an international effort. It is for that reason I was delighted yesterday to host the G-7 and OECD health ministers in Ottawa.

I am also pleased to tell the House that Canada will play a major role in international collaboration. At the request of those ministers, Canada will take the lead in co-ordinating international efforts to link laboratories, to share information, to have surveillance systems work together, and on pharmaceutical and vaccine stockpiling and other issues. Canada will lead this effort because we believe strongly in protecting public health.

• (1445)

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, it has now been 10 years since Health Canada did the research showing pressure treated wood in decks and play structures contains dangerous toxins and poses a threat to the health of our children. For most Canadians this would be an urgent matter, a no-brainer, but not for the health minister.

Could the minister tell us what possible reason he has for not acting on this research, knowing the danger to our health, and could he tell us what deadline he has now for ensuring that children are not exposed to arsenic laced wood?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, for many years Health Canada has worked with partners to make sure that we research, understand and respond to the health needs of Canadians in connection with treated wood.

Health Canada is now leading an effort among many departments of government and other stakeholders to look at this issue with up to date science, not 10 year old science that the member relies upon. Next spring we expect to issue a consensus report to protect the health of Canadians in relation to this subject.

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, the question today is: Whatever happened to Canada being a leader in public health here at home and around the world?

It is an embarrassment to all of us in this country that at the WTO next week Canada will be one of five countries in the world opposing a declaration that would ensure access to essential medicines for millions of people.

Why has the government brought such shame to bear on all Canadians? How can the health minister justify the government not supporting countries like Africa, struggling to cope with an AIDS epidemic?

Mr. Pat O'Brien (Parliamentary Secretary to the Minister for International Trade, Lib.): Mr. Speaker, that is absolutely incorrect. The government has put forth language which will achieve exactly what the member is calling for.

The government is on record as wanting to help the countries that are facing pandemics. The minister will be making that point very clearly in Doha.

* * *

SHIPBUILDING INDUSTRY

Mr. John Herron (Fundy—Royal, PC/DR): Mr. Speaker, my question is for the Minister of Industry. It is clear that Canada's

military needs rebuilding. That includes the navy: smart ships and supply vessels. Meanwhile the Saint John dockyard, Canada's shipyard of excellence, sits empty.

Workers are fed up waiting for the industry minister to table his report on Canada's long term procurement needs as promised this fall and demanded by the defence committee.

When will the minister give Canada's shipyard workers a straight answer on long term procurement? The minister's negligent inaction is jeopardizing the livelihood of thousands of Canadians.

Hon. Brian Tobin (Minister of Industry, Lib.): Mr. Speaker, the structured financing facility is now up and running with the new shipbuilding policy. It is a key element of the new program. It has been very well received by shipyards across the country.

I do not know why the member is saying that he is waiting to find out what is the policy. The policy was announced months ago. The structured financing facility is up and running. There has been a take up at yards all across Canada.

If the member were doing his job and paying attention to these announcements, he could communicate that information to his constituents.

* * *

FINANCE

Mr. Jay Hill (Prince George—Peace River, PC/DR): Mr. Speaker, Canada is a week away from hosting our first international gathering of democratic nations since September 11. Yet there are no indications that the government is taking any serious steps to protect the city of Ottawa and its residents from potential riots or violent demonstrations that unfortunately usually accompany such meetings.

The citizens of Ottawa want to know. Does the solicitor general intend to erect a fortress Ottawa fence around Ottawa as he did in Quebec City?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, as my hon. colleague is well aware, international events are under the authority of the RCMP. It puts the plan in place in order to make sure that all foreign people who come to this country to conduct business are protected in a proper manner.

Canada has been and will continue to be one of the safest countries in the world to conduct these meetings. It will continue to be that way.

* * *

AIRLINE SECURITY

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Mr. Speaker, this Sunday will mark two months since the tragic attacks in the United States where commercial airliners were used as weapons.

Oral Questions

In the past two months the House and Senate transport committees have studied three transport related bills: Bill C-34 to create a transportation tribunal, Bill C-38 to amend the Air Canada Act and Bill S-23 to update an airline liability convention passed in 1929.

Airport security is the top priority of the industry right now. Yet no legislation at all has come forward from the transport minister. When will the transport minister show leadership and table legislation to get people flying again so we can have first tier security in our skies?

• (1450)

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, the hon. member should be aware that under the Aeronautics Act the Minister of Transport and his officials have all the appropriate powers to deal with security measures that occurred not only in the aftermath of the September 11 but obviously for the security issues that were there before September 11.

We plan to bring in further amendments to the Aeronautics Act, but there has been no need for legislative changes to put in place the very tough measures that have been in place since September 11.

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Mr. Speaker, I think the transport minister is coming dangerously close to setting an indoor record for missing the point. The fact is that airport security in this country is not good enough. There are stories all over the place and on the front page of the *Globe and Mail* today.

The member for Mississauga South has said that the transport security system is not good enough. Senator Colin Kenny has said it is not good enough.

When will the transport minister table legislation and show leadership on this issue rather than deferring it to his bureaucrats and give Canadians the confidence they need to return to the skies? When will he table legislation?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, the hon. member obviously has not been reading his mail because we have issued a number of communications since September 11 detailing the very strict measures that have been put in place, measures put in place under existing legislation.

The hon. member talks about incidents of security lapses and he refers to one that is in one of the newspapers today. This is a very serious allegation. It will be investigated, it is being investigated, and if the facts warrant, disciplinary action will be taken.

* * *

[Translation]

EMPLOYMENT INSURANCE

Mr. Jean-Yves Roy (Matapédia—Matane, BQ): Mr. Speaker, the Coalition-Chômage Gaspésie—Îles—Matapédia—Matane strongly denounces the unacceptable attitude of the government and of the Liberal member for the region, who refuses to support the unanimous report of the Standing Committee on Human Resources Development on changes to employment insurance.

How can the government and Liberal members allow the promises they made during the election campaign to be broken, in complete disregard for those who believed them and who trusted in them?

[English]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, on the contrary, the commitments that we made were kept. As a result of decisions taken by the government, improvements to the employment insurance system have been made.

I want to point out to that side and to the House that the Bloc chose to vote against those changes. It chose to vote against support for seasonal workers in the Gaspé and right across the country.

[Translation]

Mr. Jean-Yves Roy (Matapédia—Matane, BQ): Mr. Speaker, how can the Minister of Human Resources Development remain impassive in response to the legitimate claims that her Liberal colleagues from Quebec misled people during the election campaign, by leading them to believe that employment insurance would be changed to meet their demands, to take into consideration the difficult economic situation that the regions are experiencing?

[English]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, I say again that changes were made. They can be found in the changes in Bill C-2. They can be found in the decisions that we made to make the small weeks pilot project permanent and in changes to undeclared earnings.

What is also very important to understand is that our members of parliament are working with their communities to find new ways of diversifying their economies because Canadians want jobs.

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IMMIGRATION

Mr. Peter Goldring (Edmonton Centre-East, Canadian Alliance): Mr. Speaker, we know that Mr. Creuso, a disgraced Italian senator, has been investigated for corruption, sentenced to jail and skipped out on his fine, and then he emigrated to Canada, the land of new golden opportunity.

Mr. Creuso, a convicted felon, was rewarded with a Canadian citizenship and a \$60,000 a year government contract.

Canadians would like to know if Mr. Creuso is under investigation to have his citizenship revoked for false declarations, and if not, why not?

Hon. Elinor Caplan (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, the member opposite knows that privacy legislation does not permit me to give details on individual cases. What he should also know is that there are procedures under the Citizenship Act of Canada where anyone who has information can present that information so that investigations can take place, and if an individual through fraud or misrepresentation obtains Canadian citizenship there are provisions to revoke that citizenship.

Oral Questions

Mr. Peter Goldring (Edmonton Centre-East, Canadian Alliance): Mr. Speaker, the public works minister said he was not aware that his special adviser, Mr. Creuso, was a criminal in Italy before coming to Canada.

Canadians want to know why convicted criminals can pose as business people and ministerial advisers and have unrestricted access to foreign leaders because of lax Canadian security.

• (1455)

Hon. Alfonso Gagliano (Minister of Public Works and Government Services, Lib.): Mr. Speaker, let us make it clear Mr. Creuso was not my special adviser. He was acting as marketing agent for one of the corporations, or two corporations, I am responsible for.

I said from the beginning that I do not intervene in current operations of crown corporations. There is a board of directors and there is a management board.

* * *

[Translation]

THE ECONOMY

Mr. Claude Duplain (Portneuf, Lib.): Mr. Speaker, my question is for the Minister of National Revenue.

In light of the current economic situation, the regional chamber of commerce of the Portneuf RCM held, on November 6, an economic forum entitled "Signé Portneuf", which the minister attended.

Following this visit, could the Minister of National Revenue tell the House what he noticed about Portneuf's economic situation?

Hon. Martin Cauchon (Minister of National Revenue and Secretary of State (Economic Development Agency of Canada for the Regions of Quebec), Lib.): Mr. Speaker, first, I want to thank the hon. member for his excellent question.

Indeed, the hon. member and I had the pleasure of attending the "Signé Portneuf" economic forum. This initiative, which reflects the dynamism of all the business people and residents of this great and beautiful region, helped create new partnerships, while allowing the whole region to target and prioritize certain issues.

When I delivered my closing speech, I had the pleasure of announcing that the Rural Enterprise program would be part of the regional strategic initiative and apply more specifically to this great and dynamic region.

Congratulations to the people of Portneuf.

* * *

[English]

VETERANS AFFAIRS

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance): Mr. Speaker, my question is for the Minister of Veterans Affairs. Last October a supreme court judge ruled that the federal government wrongfully withheld interest payments to the funds it managed on behalf of those veterans who were unable to manage their own money.

Now we learn that the government lawyers want the judge removed. Government lawyers are claiming that the judge's ruling is biased against the government. Is the government to keep changing judges until it gets a ruling it agrees with?

Hon. Ronald Duhamel (Minister of Veterans Affairs, Lib.): Mr. Speaker, the government will follow the process as outlined in the law. That is what we are doing now and that is what we will continue to do.

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance): Mr. Speaker, the judge has ordered the government to pay the vets, their families or their estates the money that the judge ruled was owed. The judge ordered the government to do so.

Why not settle the dispute rather than going on and on and spending government money on litigation?

Hon. Ronald Duhamel (Minister of Veterans Affairs, Lib.): Mr. Speaker, the government chose to contest the decision and it is doing so now. It will continue to do so because it feels as if it intrudes into an area of decision making of government. The process is happening. We will await the results.

* * *

[Translation]

ST. HUBERT TECHNOBASE

Ms. Caroline St-Hilaire (Longueuil, BQ): Mr. Speaker, the Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec praised the management of the St. Hubert South Shore Technobase, saying that an audit report recommended staying the course.

Oddly enough, this report cannot be found, and the CEO of Technobase refuses to release it, despite a request from the town of St. Hubert.

Since the minister used that report as the basis for stating that things should not change, could he table it in the House, so that we can look at it, otherwise we might be tempted to conclude that the report is far from being as positive as the minister claims?

Hon. Martin Cauchon (Secretary of State (Economic Development Agency of Canada for the Regions of Quebec), Lib.): Mr. Speaker, the documents requested are subject to the Access to Information Act. I would simply suggest that the hon. member use that route.

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[English]

TRADE

Mr. John Harvard (Charleswood St. James—Assiniboia, Lib.): Mr. Speaker, my question is for the Parliamentary Secretary to the Minister for International Trade.

The final report from the WTO on the Air Wisconsin transaction is expected soon. If the ruling is not in favour of Canada, what would happen to the financing commitment that convinced Air Wisconsin to buy 150 regional jets from the Canadian company, Bombardier? After all, the parliamentary secretary knows that many aerospace jobs are at stake.

Mr. Pat O'Brien (Parliamentary Secretary to the Minister for International Trade, Lib.): Mr. Speaker, the parties involved will receive the report by the end of the week and WTO members will receive it within two weeks when it will be made public to them, so I cannot comment on the report now.

I can make very clear the commitment of the government to Bombardier, to its employees across Canada, and I can tell the House that in the face of illegal Brazilian subsidies the Canadian government will stand up for Bombardier, its employees and clients right across the country.

* * *

• (1500)

[Translation]

SOFTWOOD LUMBER

Right Hon. Joe Clark (Calgary Centre, PC/DR): Mr. Speaker, yesterday, on the subject of cluster bombs, the Prime Minister said, and I quote: “—we must also be realistic. If, tomorrow, I were to ask the U.S. president to stop using these weapons, I doubt it will happen”.

If the Prime Minister thinks he has so little influence over President Bush in connection with the fight against terrorism, how can he convince Canadians that his phone calls will influence him in the case of softwood lumber?

When will the Prime Minister take this industry seriously? When will he go to Washington himself?

[English]

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, I want to draw the hon. member's attention to a statement today by the B.C. lumber council, representing most of the B.C. industry. The statement said:

We congratulate the Prime Minister on his efforts to date and urge him to continue to do everything within his power to work with President Bush and his Administration to negotiate a fast, fair and free trade solution to this dispute.

The industry obviously knows a lot more about the facts of the successful efforts of the Prime Minister than the leader of the discredited fifth party in the House.

* * *

NATIONAL DEFENCE

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, when our troops go overseas it is tough enough for them to be away from their families. It is tough enough for them to be in harm's way. The government has now placed severe restrictions on schoolchildren across the country from sending get well wishes and Christmas cards to our troops overseas.

My question is for the Minister of National Defence. Why put severe restrictions on schoolchildren sending Christmas wishes and

Business of the House

best wishes to our troops overseas? Why put this hardship on children?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, we want to encourage Canadians to send Christmas wishes or other good wishes to our troops overseas. I would particularly suggest that e-mails or postcards would be most appropriate. We are in fact trying to keep down the number of envelopes, in particular envelopes that do not have return addresses, for obvious security reasons.

* * *

[Translation]

PRESENCE IN GALLERY

The Speaker: Order, please. I wish to inform the House of the presence in the gallery of General Tiécoura Doumbia, the Minister for Security and Public Protection of the Republic of Mali.

Some hon. members: Hear, hear.

* * *

[English]

POINTS OF ORDER

ORAL QUESTION PERIOD

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, I rise on a point of order. I would like to make a small correction to one of my answers. The press release of the British Columbia lumber council came out yesterday. Inadvertently I said it came out today, but my quotation from it in the House was accurate and remains accurate today, right now, in support of the Prime Minister's efforts in the lumber issue.

* * *

BUSINESS OF THE HOUSE

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance): Mr. Speaker, it being Thursday I will ask what the House business is for the rest of today, tomorrow and for the week after the recess in our ridings.

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, this afternoon we will continue with Bill C-10, the marine parks bill.

Tomorrow we will consider Bill S-31, respecting a number of tax treaties.

As indicated by the deputy House leader for the opposition, next week is a week in our constituencies. When we return we will consider: report stages and third reading of Bill C-38, respecting Air Canada; second reading of Bill C-41, respecting the Canadian Commercial Corporation; report stages and third reading of Bill C-27, the nuclear waste legislation; Bill C-35, respecting foreign missions; and second reading of Bill S-33, respecting carriage by air. During that week the government may introduce another bill dealing with public safety and we would begin debate on that matter as soon as possible.

Government Orders

Finally, I intend to consult colleagues later this afternoon, given the uncertainty in the airline industry, to see whether there would be a favourable disposition, notwithstanding the tabling of the report on Bill C-38 today, to see if the House would agree with dealing with third reading tomorrow. I intend to consult later this day on this matter.

* * *

• (1505)

POINTS OF ORDER

OFFICIAL REPORT—SPEAKER'S RULING

The Speaker: I am now prepared to rule on the point of order raised yesterday by the hon. member for Pictou—Antigonish—Guysborough concerning the *Hansard* of Tuesday, November 6, 2001, specifically on the exchange between the right hon. Prime Minister and the hon. leader of the New Democratic Party during question period.

[*Translation*]

I have had an opportunity to look at all the relevant information in this regard.

[*English*]

I have reviewed the videotape of the exchange, the blues, the official *Hansard*, and I have asked for a report from my officials on this matter.

The videotape of the exchange shows the Prime Minister's reply with the phrase "shake a lot". This has been erroneously transcribed by House staff as "shake it a lot". I have asked that a corrigendum be issued to rectify that error.

I have further ascertained that at no time were there any interventions, either by the Prime Minister or his office, on this matter. The error, regrettable as it is, appears in the original blues.

I am therefore satisfied that the allegations of impropriety are totally without foundation and that there has been no interference with the usual practices in the preparation of the official record of the House *Debates*.

I thank the hon. member for Pictou—Antigonish—Guysborough for raising the matter and now consider it closed.

GOVERNMENT ORDERS

[*English*]

**CANADA NATIONAL MARINE CONSERVATION AREAS
ACT**

The House resumed consideration of the motion that Bill C-10, an act respecting the national marine conservation areas of Canada, be read the third time and passed, and of the amendment.

Mrs. Betty Hinton (Kamloops, Thompson and Highland Valleys, Canadian Alliance): Mr. Speaker, I will be splitting my time with my hon. colleague the member for Surrey North.

I am pleased to join in the debate on Bill C-10, an act respecting national marine conservation areas in Canada. As has been said several times today, this is the third time the government has brought the bill to the House of Commons. Each time the Liberal government allowed the bill to lapse before it completed its parliamentary course. That is the reason it has taken three years to do the bill.

One would hope that after three tries the government would get it right, but that is still not the case. We have a number of problems with the bill. We have raised our concerns during debate sessions in the heritage committee meetings. We have also tried to remedy this through the amendment process. We have been unsuccessful.

Earlier today my hon. colleague from Simcoe—Grey made a comment that I found particularly offensive regarding what we have been trying to do with the bill. I would like him to name one of the ridiculous amendments that he claims has been put forward by this party. The amendments we have put forward to date have all been in the interests of all stakeholders concerned.

I need to give a bit of background about what it is our party has been trying to do. In order to give that background, I am asking for a bit of leniency.

The province of British Columbia is not the only province that is affected by this marine conservation bill, but I can only speak for the province of British Columbia on this one particular issue.

The northern part of British Columbia has a problem with the pine beetle epidemic which is threatening our lumber industry. The only support or help that has been suggested so far by the government side of the House has been to hope for a very cold snap. If there is a very cold snap the beetles may die, otherwise B.C. will lose part of its forest.

If that is not enough to concern British Columbians, there is also the problem of the softwood lumber issue. The softwood lumber issue was no surprise to the Liberal side of the House. The government had five years to prepare for this but it did not so now Canada is in a crisis situation. Once again we are forced into being reactive instead of proactive.

We also have another serious issue in my province and that is the native land claim issue.

Members may wonder why I am raising these issues. I am trying to give the House a bit of the picture of how the province of British Columbia stands today and how this new conservation bill is a further slap in the face.

When British Columbia came to the federal government level and asked for time to look at what was going on and have more input and consultation take place because it was a brand new provincial government, that request was turned down. When the Union of British Columbia Municipalities, which represents every community in British Columbia, asked for the very same consideration, it was turned down. When the native component came before the committee and asked for those considerations, it got them.

I accept that native people need to have a voice in this issue. My party has been fighting for a better voice for native people for a long time. Yes, they do have to have a voice in this issue, but the government also has to consider all the other stakeholders in exactly the same vein and it did not do that. The government turned down the province. It turned down the municipalities. The only people the government has given legislative rights to in the bill are native people. That is what my party objects to. This is completely wrong. All parties have to be given equal access.

I do not know how we are going to resolve all of the problems we face in Canada today. Some of the problems we face would be very simply looked after if the government side would just listen carefully to the amendments that were made. I would again challenge my colleague from Simcoe—Grey to point out one ridiculous amendment that was put forward by the Canadian Alliance Party. There was none. We only put forward amendments that were going to give the same consideration to all stakeholders that the government side of the House had given to native people.

• (1510)

I am new to the heritage committee, but that does not make me foolish. I have listened very carefully to what has been said. I do not understand the method that the bill has taken.

I am personally not going to support the bill. It is not because I do not believe in conservation; I do severely. But as I pointed out earlier, the bill as it stands today is going to slam the door in the face of the province of British Columbia for any alternative it might have for economic reasons.

We are in serious trouble in British Columbia. We may very well need to look at doing something offshore. If the legislation passes, we cannot. That is what I object to. The government cannot slam the door of the economy in the face of British Columbia and expect us as representatives across the country to accept it. We are not going to.

We have coastal communities that were not consulted. Well, that is not fair. They were consulted. They were consulted, but the government is under absolutely no obligation to do anything they say.

Another concern I have and I have had this raised by many of my colleagues is where are the lines for this conservation area? Generally speaking, in Canada when we designate a park or a conservation area there are nice, clearly defined lines on a map. We can look at it and say “That is where we are going to conserve. We will not do anything in here. There will be no mineral exploration, nothing will happen”. In this particular case that line is out there somewhere in the ocean. I have not seen where the government is drawing it. I am not certain what the aim is, but I do not like the way it is being done.

It is not the fault of anyone in the House, except perhaps the government, that it has taken three tries to get this marine conservation act in place. There is no need to rush it at this point in time. There needed to be more time for consultation and that is all we asked for as a party. We did not get it.

This is third reading. I want to make it very clear that the reason I will not support the bill and I will vote against it are for the reasons I have outlined today.

Government Orders

There was a lack of consideration given to the province of British Columbia. I object to that strongly on behalf of all the people in that province. We need to do things better and we need to do things in a more co-operative manner.

I would further say that I resent when a member of the House, especially a member of the same committee that I sit on, takes the facts and skews them to their own good. Members cannot say that anything the Canadian Alliance has done with heritage did anything but try to improve the bill for all stakeholders in Canada. We wanted it expanded so everyone had the same equal opportunity to voice their concerns. That is all we asked for. There is nothing ridiculous about that. I am not supporting the bill.

• (1515)

Ms. Sarmite Bulte (Parliamentary Secretary to the Minister of Canadian Heritage, Lib.): Mr. Speaker, I would like to thank the hon. member for her comments.

I wish to thank all the committee members again for their input on the legislation. As Alliance Party members know, there were three amendments which were proposed and actually incorporated, and one of those happened at report stage. There was one which was the same one that the government proposed. One of the concerns that the member raised was that there is no obligation on the government to do anything at all.

I would ask the member to read clause 10 of the bill. This is an amendment that came about from all the committee members working together and being concerned that there were no mandatory words, that there were prefatory words about consultations. Indeed, the amendments made to clause 10 at committee that the minister shall consult are definitely mandatory words versus prefatory words.

There were other concerns, not just on a federal marine reserve, but on any proposed reserve. Those words were put in as well.

Again, I would ask the member in the spirit of co-operation, having listened to the concerns raised by people about the fear of consultation, certainly would she not admit that this is one area where there is mandatory consultation?

Also, clause 7(1), which again was a proposed amendment by the Alliance Party, ensures that consultations list the organizations, the dates, times and people who were consulted. Is this not perhaps a clear indication of trying to allay those fears and to work with all parties in the House?

Mrs. Betty Hinton: Mr. Speaker, first let me say that I recognize the hard work the member has put into the bill. I take nothing away from what she has tried to do.

Yes, there were amendments that were passed. I actually have one in front of me. It says that the results of any assessments of mineral and energy resources undertaken will have to be made public. That is one of the 30 recommendations we put forward. The other 29 were equally reasonable but this is the only one that passed.

Government Orders

The consultation process the member talked about is a valid thing. We need to consult. I am very supportive of it and that is what we have been pushing for. The way it reads, one can consult but one does not have to take any advice. We can go around, ask questions and hear what people have to say, but it does not make us change anything. That is what I object to.

For example, the Minister of Indian Affairs and Northern Development has been having a consultation process. He came to my community to speak to native people.

For the last six months I have been going around the country and talking to native people in their settings. I have gone to reserves. I have had meetings on back roads because some people are very nervous about saying what they need to say in the presence of anyone else. I accept that and I will go to back roads and meet with these people. I will go to reserves and meet with these people. I will go to rehabilitation centres. I will do whatever I have to do.

In the case of the Minister of Indian Affairs and Northern Development, the consultation with native people which took place in my community took place in a very nice hotel, one of the finest in our city. I think 20 people showed up in total. The reason for that was they were not very comfortable in the setting that was selected. That is not how to get feedback from people.

I use that only as an example. When you are doing your consulting process for this bill, and you say you are going to ask for input from other people, you may ask for input, but if you do not do it in the right way, or you do not take the results that come from those meetings, the consulting is worth nothing.

• (1520)

The Deputy Speaker: Before resuming debate I would like to have the attention of the hon. member who last had the floor. I remind all colleagues that when interventions are made, they must come through the Chair. Sometimes they can be rather cordial, as the case may have been in this last instance, but other times we know that with our enthusiasm, energy and passion, it may not be the case. That is why everything must come through the Chair and not directly across the floor from one member to another.

Mr. Gurmant Grewal (Surrey Central, Canadian Alliance): Mr. Speaker, I thank the hon. member for Kamloops, Thompson and Highland Valleys for allowing me to share her time.

I am pleased to rise on behalf of the people of Surrey Central to participate in the third reading debate on Bill C-10, the Liberal government's attempt to create national marine conservation areas, which will have a far reaching impact on the entire coastal region of British Columbia as well as on the Atlantic coast.

The bill started out as a policy initiative of Parks Canada in the 1980s. As I am sure all members of the House know the history of the bill, I will not belabour the point except to say that two previous versions of the bill did not pass in earlier sessions of parliament.

On this point, I have to say that this gravely defective and punitive bill would have passed had it not been for members, particularly my colleagues from the Canadian Alliance, such as the hon. member for Skeena and the hon. member for West Vancouver—Sunshine Coast. I thank them for their efforts.

Preserving our marine areas and managing them in a sustainable fashion is a laudable goal. However, when we seek to protect marine ecosystems, we need to balance this with the economic interests at stake, as well as the environmental aspect. The bill utterly fails to realize this fact.

At second reading, the Parliamentary Secretary for the Minister of Canadian Heritage said that marine conservation areas were designed to be models of sustainable use and that they were administered so as to balance protection and use.

Our coastline holds vast treasures, including a deposit of hydrocarbons, and the legislation would put the future development of these reserves at stake. Should Bill C-10 pass with clause 13 intact, the future of British Columbia's offshore oil and gas industry will most certainly die with the bill.

Why is such a blunt prohibition needed against resource development, so that our companies cannot use their sophisticated drilling equipment and drill under the marine conservation area from a point outside the park?

It would seem that a truly balanced approach would have sought to preserve the integrity of the marine conservation areas and provide a future income for B.C. However, departmental officials tell us that as the bill is currently drafted this is not possible.

My colleagues tried to arrive at a compromise in committee by introducing an amendment that would have allowed directional drilling from a point outside an MCA to a point within an MCA to place the onus of environmental safety on the backs of the oil companies to prove their methods posed no harm to the environment.

The Canadian Alliance heard expert witnesses plead and try to fix the problem but the Liberals, as my previous colleague mentioned, ignored them in the committee.

In fact the government called mostly witnesses representing the environmental side of the issue. It chose to ignore the voices of experts from the oil and gas field, as well as the fisheries.

This is not about opening up marine conservation areas for big businesses. This is about protecting the interests of small fishermen who depend on the sea for their livelihoods, as well as the oil companies, which form the future potential for the province and will be the backbone of our economy, I believe, in the future.

If the areas that are slated for at least one MCA each and the jurisdiction of their waters is currently under dispute by the provincial government, how does this affect the creation of MCAs and the rules laid out in Bill C-10?

The federal government does not consider these areas as under disputed jurisdiction. It believes they are the federal governments, period.

Government Orders

• (1525)

Getting back to clause 13, if the federal government can unilaterally place an MCA in an area it believes is within its right to do, and that same area holds an untold amount of reserves of oil and gas, clause 13 prevents, in perpetuity, that area from ever being harvested and explored. This could potentially have a devastating effect on the already poor economies of coastal British Columbia.

We need oil and gas reserves to put our province back on the map. If Bill C-10 goes through the House without clause 13 deleted, B.C. can kiss its future economic potential goodbye. We know what happened to the fisheries and other industries, like mining, tourism and now the softwood lumber industry, all because of mismanagement by the federal government.

Government rhetoric aside, what I see on paper in Bill C-10 is a blank cheque for government to carve out marine conservation areas wherever it pleases, regardless of the cost to local interests.

The people of British Columbia have already been victims of the government's short-sightedness in many industries but most important in the softwood lumber resource. Now we are expected to hand over stewardship of offshore hydrocarbon and sub-seabed mineral and gas exploration to the government as well. I for one do not trust the government's track record enough to hand over such power to the government or its cabinet.

The Parliamentary Secretary to the Minister of Canadian Heritage tipped the government's hand when she said that Bill C-10 would require federal ownership of all lands included in the national marine conservation area, both above and below the water. This would ensure that the Minister of Canadian Heritage has the administration and control over these areas. Even though the member is working very hard, I am concerned about her comments on the issue.

The message the government is sending is that we should trust it because it knows what is best for us. This does not work in British Columbia. British Columbians are sick and tired of this type of wanton paternalism. We watched the government destroy the softwood lumber industry and now we are supposed to watch passively while it destroys British Columbia's future economic prospects.

Communication with all interested stakeholders should have been done prior to the creation and implementation of Bill C-10. This would have ensured a balanced approach and ensured that the legislation was drafted in a manner acceptable to British Columbia, the province with the largest coastline. Since this was not the approach chosen by the government, the bill remains poorly drafted from the preamble to the creation of marine conservation areas to the consultation and regulations.

One of the big concerns is that no one will ever be able to use the natural resources within or below that seabed.

The Liberal government has a defective piece of legislation. Should those MCAs be on disputed lands I am sure the federal government will be looking at constitutional challenges from the province, and likely will be won by the provinces, which is what worries me most. All of this could be avoided if the government would just amend Bill C-10 by deleting clause 13.

I have not focused on the jurisdictional dispute over water in Atlantic Canada but that could also be held hostage if the clause is left in the bill.

In conclusion, the bill is faulty, defective and must be corrected. We still have a chance. We are giving the government a chance to correct this before it puts the lives of many British Columbians and people in Atlantic Canada in jeopardy.

• (1530)

Ms. Sarmite Bulte (Parliamentary Secretary to the Minister of Canadian Heritage, Lib.): Mr. Speaker, one of the things that was discussed time and again at committee was the concern for consultations. After the member from Kamloops made her presentation, we spoke about clause 10 where we had worked as a committee to make it stronger to ensure that there are indeed consultations.

I would like to point out to the hon. member that subclause 5(2) sets out how a marine conservation area can be created. It can be done in three cases: first, if the Government of Canada has unencumbered clear title; second, if the province transfers its control and management; and third, if it complies with the land claims agreement.

I have said time and again, and I will stress it again, the government does not and will not act unilaterally. I suppose one of the best examples of that is a year or two ago they were looking into doing a feasibility study on the east coast in Bonavista and preliminary consultations began. What we are talking about is preliminary consultations and then the feasibility study. I would like to guide the hon. member to subclause 7(1). It deals with consultations in the proposed area. The member from Kamloops was asking where the area was. Having come to the both Houses of parliament and to committee, we deleted clauses that would have limited debate on this matter to address those concerns.

I would ask the member to look at those clauses, which I think we as a committee have made stronger. With respect to oil and gas exploration, again using the Bonavista example, we did not proceed because people did not want it. I would also refer to the Gwaii Haanas area where oil leases were surrendered by four oil companies to the Nature Conservancy of Canada which in turn ceded them to the federal government after a feasibility study found that there were no renewable resources or very little potential for oil and gas. Having addressed the concern that was raised at the committee just a day or so ago, we, by unanimous consent of the House, agreed to a further amendment to address these concerns.

I ask the hon. member to look at these clauses. Do they not provide more comfort, that we will not act unilaterally as a government?

Mr. Gurmant Grewal: Mr. Speaker, I thank the hon. member for shedding some light on some of the issues. However the issue still remains that the only witnesses who appeared before the committee were from the environmental sector. No one from fisheries or from the oil and gas sector appeared before the committee.

Government Orders

The major concern is about the oil and gas sector as well as the fisheries. I am quite positive that my hon. colleague, who is our chief critic on fisheries, will speak on this issue and address the fisheries aspect. That is why I did not discuss it in my speech.

Could the hon. member on the other side name a single witness who appeared before the committee either from fisheries or from oil and gas? I am sure that she cannot name even one witness who appeared.

On another note, the government is getting into a habit of governing through the back door through the regulations. We see time and again that either the contents of a bill are vague or defective and this bill in particular is defective.

I am sure the government is doing it again through the back door by throwing in a big lump of regulations which will never be debated in parliament and people will not have access to making any input in those areas.

I would argue with the parliamentary secretary as well as my friends on the other side that we still have a chance. Let us look at the issues. Let us not kill industries one by one in British Columbia and the west. We still have a chance.

• (1535)

[*Translation*]

Mr. Clifford Lincoln (Lac-Saint-Louis, Lib.): Mr. Speaker, as committee chair, I have taken part in the deliberations and hearings on the marine conservation areas, which started in 1998 and culminated in Bill C-10 and the major amendments at report stage in the House.

I would like to address the following aspects today: the background of the bill, the need for legislation and the benefits of it.

Parks Canada has had a mission in the area of the aquatic environment for the past 15 years. The policy Bill C-10 is based on is the product of intensive consultation over a number of years. In fact, the discussion paper on the bill dates from 1997—four years ago. It was followed by the tabling of Bill C-48 in 1998. Since then, the bill has been the subject of consultation and ongoing discussions.

I am happy and grateful that this bill can finally come to fruition, since it is vital to the conservation of our aquatic resources, to initiate sustainable development within our community and to meet Canada's international obligations.

Over the course of the hearings, the bill received solid support from conservation groups and scientists in the marine sciences, who consider it vitally urgent for the conservation of our aquatic resources.

[*English*]

My colleague from Kamloops, Thompson and Highland Valleys whom I esteem as a member of our committee mentioned the lack of consultation in British Columbia. In the last days of the bill before it went to clause by clause, we had three video conferences: one in Prince Rupert, one in Vancouver and one in Kitimat. Members from British Columbia came before the committee in person. At least 20 people were involved in video conferences, including six mayors or

municipal leaders, the B.C. chamber of commerce and the oil and gas industry.

To pretend the bill would destroy the oil and gas industry in British Columbia or somewhere else is a complete negation of the law. It is obvious that the member cannot have read the law, if he says the bill would suddenly destroy the oil and gas industry in Canada, British Columbia or anywhere else.

Under the bill no marine conservation area could be set up without extensive consultations. Any management plan would need to be tabled in both the House of Commons and the Senate and referred to the appropriate committees of both houses.

What about the precedents that have been carried out before? They should satisfy the member from British Columbia that this would not be a takeover. It happened before with the Gwaii Haanas marine conservation park. There was a signed agreement between the province and the federal government before it could go forward.

It was the same with the Saguenay park in the St. Lawrence. The Saguenay park has not stopped shipping in the St. Lawrence or anything else. The province and the federal government agreed and a marine park was created. If they had not agreed it would not have happened.

Right now there are extensive negotiations in the Lake Superior area and the same thing is happening. If there is no consensus by the community involved, nothing will happen. To say the act, which is only a framework legislation, would suddenly destroy the oil and gas industry or the fishery in British Columbia is a total exaggeration. It is a complete negation of the facts and the provisions of the law. It is a lot of nonsense.

We should not be ashamed to say the purpose of a marine conservation area is conservation of the area and its natural resources. I will quote Dr. John Lien, one of our leading marine scientific experts from Memorial University in Newfoundland. He said:

The collapse of the groundfish and northern cod resources in Newfoundland was caused by human error, and that is very important to understand. It was errors of science and it was errors of greed. The effects of these errors were profound on the stocks, because natural sanctuaries that had existed forever simply were gone.

Historically, we could not fish through ice. We couldn't fish at great distances from the shore because we did not have refrigeration. We couldn't take certain kinds of weather because our boats weren't secure, and so on. There were all kinds of areas of the ocean where fish naturally had protection from us, but our technology has changed since the Second World War. We can now catch fish through pack ice, at great depths, in any kind of weather, and at any distance. Fish have no place to hide. So when we make mistakes and when we are greedy, there is no cushion. That has disappeared.

Fundamentally, that's the reason we need marine protected areas, and it doesn't really matter how we get them, under what legislation. We must now artificially restore sanctuaries as a hedge against these kinds of human error. It's not just the fish that need protection, and I want to emphasize this. It is the fish and our coastal communities, because they go hand in hand.

Government Orders

Professor Philip Dearden of the department of geography at the University of Victoria in British Columbia spoke convincingly of the need for this legislation. He told the committee a scientific consensus statement on the value of marine protected areas had been issued by the American Association for the Advancement of Science. That is a prestigious body if ever there was one.

● (1540)

The consensus statement was endorsed by the world's most eminent marine biologists. They set up tests around the world to see what would happen to fisheries if certain areas were declared no take areas. The findings were surprising even to that prestigious committee. It found that after only one or two years of protection population densities were 91% higher, biomass was 192% higher, average organism size was 31% higher and species diversity was 23% higher.

Dr. Dearden added "These same results have been duplicated on the coast of British Columbia. We know for sure that fisheries are one of the main beneficiaries if areas are set aside as marine reserves".

The scientists who appeared before our committee spoke strongly of the need for conservation legislation. Bill C-10 would also ensure the long term viability of coastal communities. The committee heard from community representatives who consistently had the same message about the importance of marine resources to coastal communities, whether they agreed or disagreed with the bill.

Bill C-10 would provide for long term protection of marine resources and sustainable use through a zoning mechanism. The bill's provisions for public consultation and involvement during every step of the process from identification, evaluation and designation to the subsequent management of the areas would ensure local support, something that is essential to the success of the legislation. If there is no local support marine conservation areas do not happen.

There is an explicit mandate for public education in the bill. Parks Canada is an internationally recognized leading agency in public education and interpretation of natural ecosystems. This would ensure Canadians gain a better appreciation of their connection to the ocean and the need to take greater responsibility in its stewardship.

Bill C-10 is also an affirmation of the importance of marine ecosystems to the preservation of overall global diversity. In 1996 the Prime Minister of Canada made a commitment at the World Conservation Congress to introduce marine conservation legislation. As a signatory to the biodiversity convention Canada is committed to passing such legislation.

Again I will quote Dr. John Lien of Memorial University, who addressed the international implications of the legislation. He said "It's important for you to realize that in an international context Canada is far behind in establishing ocean sanctuaries". He told us he recently attended a meeting of the North American Commission for Environmental Cooperation, under NAFTA, where Mexican colleagues told him 19% of their territorial waters are in sanctuary status and they have an annual budget of \$45 million U.S. to manage them.

Dr. Lien added that the U.S. vice-president's commission on ocean policy had received a recommendation that 20% of all U.S. waters be placed in some kind of sanctuary status. President Clinton implemented this under executive order. The steps are already underway to place 20% of America's coral reefs in sanctuary status and the initiative is moving forward.

Dr. Lien said it is not only governments that are coming to this realization. The American Association for the Advancement of Science, probably one of the most distinguished bodies of science in North America, has recommended that 20% of all ocean area be set aside for protection from the kinds of errors we make.

We hear our hon. friends say we need to drill for more oil and gas and exploit every corner of the ocean. What we say is this: Not all corners of the ocean should be exploited for oil, gas or mineral exploration. We need sanctuaries. We need areas of protection. This does not mean oil and gas exploration and mineral exploration cannot go on next door. There is a lot of ocean to do both.

Canada has a role to play in protecting the biodiversity of the planet and this legislation is needed urgently in the effort. Bill C-10 is a forward looking piece of legislation that would give Canadians a closer connection to our great marine environment and protect precious marine resources for future generations.

That is what it is about. It is not about exhausting our marine resources. It is not about repeating what happened on the east coast and part of the west coast when the total fishery disappeared and thousands of coastal communities were out of work.

● (1545)

This bill has noble goals and is well designed to ensure the achievement of those goals. It would ensure conservation of our marine heritage and provide a model for sustainable use.

The bill's strong provisions for local community involvement and consultation would ensure the successful implementation of the act and give Parks Canada new tools to bring knowledge and pride to Canadians about their marine heritage. I urge the House to adopt Bill C-10 for the benefit of marine conservation and for all Canadians.

[*Translation*]

Mr. Marcel Gagnon (Champlain, BQ): Mr. Speaker, I listened with great interest to the speech given by the member for Lac-Saint-Louis. It rekindled happy memories from when we used to work together at Quebec's national assembly. He was already concerned about the environment back then, in Quebec City.

Earlier in the debate, a Liberal member stated—and I will cut to the quick—that the Bloc Québécois was being mean, that it was apparently here to block it, because there is never enough for the provinces.

Could the member for Lac-Saint-Louis tell me what he thinks of the amendments that were rejected? I believe, as he explained, that everyone agrees with the principle of the bill. The rejected amendments, however, dealt with the requirement to negotiate with the provinces.

Government Orders

The hon. parliamentary secretary said that negotiating was normal. Why then was an amendment to that effect rejected by the government?

The amendments called for the participation of the provinces and consultations with local and aboriginal communities, while reducing the involvement of Heritage Canada, which should not be involved in conservation. The amendments reduced the number of stakeholders in the area. They harmonized the regulations with those of Fisheries and Oceans Canada and ensured that environmental considerations were given precedence over economic considerations.

It seems to me that these are very good amendments that would improve the bill. They show that we are not only here to block, but to move things forward, in the best sense of the word. This type of bill must not encroach on areas of provincial responsibility. I would like to hear the comments of the member for Lac-Saint-Louis on this.

Mr. Clifford Lincoln: Mr. Speaker, I think there has been a complete misunderstanding of the provisions of this bill, which are very clear.

Clause 5(2)(b) says, and I quote:

(b) in a case where Her Majesty in right of a province had the administration and control of any of the lands to be included in the marine conservation area, the government of the province agreed to the use of those lands as a marine conservation area and transferred their administration and control to Her Majesty in right of Canada for that purpose;

If there is no transfer from the province to the federal government, if there is no agreement between the province and the federal government, then under this bill, it is not possible to create a marine conservation area.

What the Bloc Québécois wanted, and this is what my colleague was talking about, was a complete veto in the case of wholly federal lands or jurisdictions in Quebec. This bill provides that the federal government may act only if it has "clear title to or an unencumbered right of ownership in the lands". It is therefore only where the federal government has clear title. But if the provinces have rights over natural resources, which is the case most of the time, because the provinces manage natural resources, the federal government may not act without the agreement of the provinces, without their consent.

As for consultation, I will read clause 10, paragraph 1 of which says, and I quote:

10(1) The Minister shall consult with relevant federal and provincial ministers and agencies, with affected coastal communities, aboriginal organizations, aboriginal governments and bodies established under land claims agreements, and with other persons and bodies that the Minister considers appropriate in the development of marine conservation area policy and regulations—

There are therefore three ground rules. We cannot transfer when we want. The federal government can do nothing without the agreement of the provinces, if they have rights over natural resources. There must be broad consultation. Finally, all this must be debated in the House of Commons and the Senate, and referred to the House committee. I think that this bill provides all the necessary safeguards.

• (1550)

[*English*]

Mr. Monte Solberg (Medicine Hat, Canadian Alliance): Mr. Speaker, one of the incoherent parts of this legislation is the part that

prohibits the use of horizontal drilling. Horizontal drilling is drilling that would occur outside the marine conservation area. The drilling would finally make its way underneath the marine conservation area, below the surface of the ocean floor.

In my riding we do horizontal drill under a lake just south of where I live, called Lake Newell in Kinbrook Island Provincial Park. We also horizontal drill, as far as I know, under a world heritage site in my riding which is Dinosaur Provincial Park.

Why on earth would the government not permit horizontal drilling when it will have absolutely no impact on the marine conservation areas?

Mr. Clifford Lincoln: Mr. Speaker, the question is extremely subjective. I respect the member completely for his knowledge of these areas and the facts of the case. At the same time he takes for granted that there will be no impact. That is not what the scientists who appeared before us said. That is not what has happened in the north where they have drilled for diamonds. Lac de Gras has been severely impacted directly or indirectly by the drilling.

We are saying there is lots of room in the ocean. Before this marine conservation area is set up, the province will have to agree anyway. There will be extensive consultations. Once we have agreed, then we can say that particular area has to be protected fully from direct or indirect drilling.

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I must remind my colleague from Lac-Saint-Louis that the amendment proposed by the Bloc Québécois was a very simple one. It reads as follows:

(d) if a provincial legislature has passed legislation for the protection of marine areas, the federal government must negotiate with that province an agreement enabling that government to establish a marine conservation area within the province.

It merely means that when a province has decided to enact legislation on marine areas, the federal government must enter into an agreement with that province.

In Quebec, there has already been an agreement in connection with the Saguenay—St. Lawrence marine park. I do not see why, today, we are rehashing a bill on which we, the representatives of Quebec, do not much agree, and in connection with which the amendment proposed might make things easier for everyone.

Mr. Clifford Lincoln: Mr. Speaker, the amendment proposed by the Bloc Québécois was totally redundant, because if the province has enacted legislation concerning marine areas, that is because it has a title to that resource. If it has title to that resource, then the law requires the federal government to negotiate with it.

If it does not have title and the land is wholly federal—for example, aboriginal lands or a lake under aboriginal jurisdiction, something wholly under federal jurisdiction with clear title—how could a province such as Quebec or B.C. create a marine area in a place it does not own? That is the question.

Government Orders

If, on the other hand, it does—which is the case 90% of the time, if not 99%, because the provinces control natural resources—then the federal government is required, according to clause 5(2)(b) of the bill, to negotiate.

• (1555)

[*English*]

Mr. John Cummins (Delta—South Richmond, Canadian Alliance): Mr. Speaker, it is a pleasure to speak on the bill today. I have a number of concerns about it. It is interesting that in question period today we were talking about the possibility of a recession and a need for spending scarce government funds on a variety of issues.

When money is scarce and the government still has to spend money, we have to look at where we will find it. One area is to try to do something about controlling government spending. The bill, as far as I can see, flies right in the face of that objective of streamlining government and making government accountable.

Currently the Minister of Fisheries and Oceans has a constitutional responsibility to protect the fisheries resource. Section 91(12) of the Constitution Act, 1867 states that the federal government has jurisdiction over “sea coast and inland fisheries”. This constitutional jurisdiction is exercised by the Department of Fisheries and Oceans, which manages and controls fisheries through the provisions of the Fisheries Act.

In a nutshell, the responsibility of the federal government has been addressed many times in court. In the Agawa decision, in the Ontario courts, it stated quite clearly that:

The purpose of the Fisheries Act and Regulations made thereunder, although binding upon all persons, is not to abolish the rights to fish of all persons, but to monitor and regulate, so that the fisheries resource will provide an adequate supply of fish now, and in the future.

In this constitutional obligation to manage the fishery, it is implicit upon the minister that he manage the fisheries resource and fish habitat so as to provide an adequate supply of fish now and in the future.

That comment in the Agawa decision is one which has been reflected in other decisions, not only of the Ontario court, but also the Supreme Court of Canada.

In that regard, back in 1995 John Fraser, a former speaker of the House, a former ambassador to the environment and a former minister of fisheries, made the statement in a report on the Fraser River sockeye. He said:

We recommend that DFO retain and exercise its constitutional conservation responsibilities and not in any way abrogate its stewardship of resources under federal jurisdiction. Conservation (of salmon stocks) must be the primary objective...

Mr. Fraser was saying that the federal minister had this constitutional obligation to protect the fisheries resource.

In this bill I see a wearing away of that particular responsibility. Not only that, it adds costs. What the constitution envisioned was that the minister of fisheries would be completely responsible for fish and fish habitat. That responsibility was his and his alone. There is a direct line drawn between the Minister of Fisheries and Oceans and his responsibilities; fish and fish habitat.

What is happening now is a wearing away or an erosion of that responsibility. We see it with the Oceans Act. The Oceans Act puts on an equal footing with fish and fish habitat things like the exploration and drilling for oil and gas on the seabed. It puts aquaculture at the same level as fish and fish habitat. It equalizes and it makes for competing interests for the ocean resources.

I have a serious problem with that because the constitution intended that the minister would be responsible for fish and fish habitat and that responsibility gave fish and fish habitat a priority over all other ocean activities. The Oceans Act detracts from that responsibility.

In detracting from it with the Oceans Act, Bill C-10 and the Minister of the Environment, and I will get to that in a minute, we are putting another level of government into play here. In essence, who is responsible and why are we paying for another level of government when it comes to the management of the fisheries resource?

• (1600)

The Department of Canadian Heritage does not have the capability now to manage in the ocean environment. It will have to develop it. It will have to put in place the people and acquire the expertise to do its job of managing these ocean parks.

By the same token with the Fisheries Act, those responsibilities will have to be paid for. As I will demonstrate a little more clearly in a minute, under the environment ministry, it too will have to develop the expertise, expertise which the minister should have at his hand in the department now.

The question that comes to mind then is what really is the purpose of the bill? We should be asking that of any piece of legislation that comes before the House. What is its purpose? Is the purpose of the bill to protect fish and fish habitat?

The member for Lac-Saint-Louis spoke a little while ago about the cod prices on the east coast. He suggested that somehow by the creation of these marine parks we would prevent that sort of tragedy from happening again. However, that is not the fact. Fish are mobile creatures. They are not sedentary; they move. Simply establishing these marine parks as no catch zones will not protect the fisheries resource.

Is the purpose of these parks to protect the ocean environment from oil exploration and that sort of thing? I think not. It will protect a particular section of the ocean resource. However, earlier I heard a member on this side of the House talk about the fact that certain activities were taking place within 5 or 25 kilometres of the gully off Nova Scotia. That is true. If we establish a marine park and allow the drilling of oil five kilometres off the edge of that park and there is an accident, park or no park, there will be a problem. The bill will not protect the ocean environment from that sort of activity.

Is it then just to establish marine sanctuaries because someone else has done that? I heard that from the member for Lac-Saint-Louis. He suggested that others were doing it and that we were the last boys on the block to establish these kinds of sanctuaries. If that is the case, it is a poor reason to do it. If the purpose is to protect marine resources from a total collapse, I suggest that will simply not happen.

Government Orders

I mentioned earlier about the erosion on the authority of the Minister of Fisheries and Oceans to manage ocean resources and to manage fish and fisheries. I raised the issue about the Department of the Environment and the responsibilities that it seems to have.

In July 2001 there was an environment document entitled "Habitat Protection and Pollution Prevention Provisions—of the Fisheries Act". This document claims that the Department of the Environment has a responsibility for habitat under the Fisheries Act, not the Department of Fisheries and Oceans. The document states:

The Department of the Environment has been assigned responsibility for administration and enforcement of Fisheries Act provisions dealing with the deposit of deleterious substances into the water frequented by fish through a 1978 Prime Ministerial decision.

We tried to find this prime ministerial decision. What we found was a letter which was written November 9, 1978, from Prime Minister Trudeau to then fisheries minister Leblanc. That apparently is where this authority comes from. It does not come from an order in council or what in normal language we would call a cabinet decision. It comes from a decision made by a government nearing the end of its mandate and which, for all intents and purposes, I think may well have been simply a political decision, or an election ploy or whatever.

• (1605)

The Department of the Environment has taken this to the extreme. I draw the House's attention to an Environment Canada document, which is a compliance and enforcement policy for habitat protection and pollution prevention provisions of the Fisheries Act. This document lays out the notion that the Department of the Environment is already accepting responsibility for the ocean environment. I will quote from the document:

Any interested person—whether an individual, private company, federal department or agency, provincial, territorial or aboriginal government, environmental, health or labour group, aboriginal group or municipality—may comment. Environment Canada invites all interested persons to provide their comments, observations, recommendations or criticisms to the individual whose name and address appear below.

What this document does contain is an actual application form. The application form refers to types of activity and lists aquaculture.

The other place down the hall from here has just completed a study on aquaculture. The auditor general did a study on aquaculture and the government's response to it within the past year. The House of Commons Standing Committee on Fisheries and Oceans has been looking at the issue also. The House committee has not yet published its report but certainly the auditor general and the folks down the way at the other place have made it very clear that the federal minister of fisheries is not fulfilling his mandate to protect fish and fish habitat in this critical area.

The bill is not going to accomplish what many people hope it will do. It is not going to protect fish or fish habitat. It is not going to protect the oceans from over exploitation. The only thing it is going to accomplish is to muddy the waters and eliminate direct responsibility of the Minister of Fisheries and Oceans for fish and fish habitat and make it much more difficult for legitimate concerns like fishing companies and fishermen to do their business. It will not prevent serious harm happening to our resources. The only way we

accomplish that is to provide the minister with encouragement to do the job that he is constitutionally required to do.

In conclusion, I would like to thank my friend down the way who allowed me to speak in her place.

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, the member for Delta—South Richmond spoke of the British North America Act. I would like to hear what he has to say on the fact that the Constitution, the Constitution Act 1867—since we are on the topic of Canada's important constitutional legislation—gives the federal government exclusive jurisdictions. And it is recognized in principle that whatever is not a matter of exclusive jurisdiction is of shared jurisdiction. So, the environment, among others, is shared, as everyone recognizes.

The bill currently being considered, Bill C-10, which concerns national marine areas, is an environmental bill and must be assumed to be a bill of shared jurisdictions.

I would like to hear the hon. member on the fact that this bill is an environmental matter and its jurisdiction is shared between the federal government and the provinces.

• (1610)

[*English*]

Mr. John Cummins: Mr. Speaker, I do not see this as an environmental bill. The push behind it or the driving force may be to protect the marine environment, but it is a bill essentially to create conservation areas.

The federal government is clearly responsible for the ocean below the low water mark. That is the minister's constitutional responsibility. The member is quite correct in that in this day and age we cannot simply march in and have our will prevail. The provinces certainly want a say, and have a right to a say, regarding the waters off their shores and how they want them developed.

My point is that ultimately somebody has to be responsible. The wisdom of the constitution was that it made somebody responsible. That somebody was the Minister of Fisheries and Oceans. There was someone we could point the finger at when things went wrong. This bill is going to muddy that. No one is going to be responsible. I think it bodes ill for the fisheries and the fisheries resource.

[*Translation*]

Mr. Mario Laframboise: Mr. Speaker, I agree with my colleague that the bill causes confusion. I would like us to be clear on the meaning of my next question.

It is an environmental bill and this is why the Bloc introduced the following amendment:

(d) if a provincial legislature has passed legislation for the protection of marine areas, the federal government must negotiate with that province an agreement enabling that government to establish a marine conservation area within the province.

This is what has to be agreed on. Given that the jurisdiction is shared, if a province decides to have legislation on marine areas, why not agree to a consensus between the two levels of government as was the case with the Saguenay—St. Lawrence marine park, where the two levels of government agreed.

Government Orders

Should the bill, which seems muddled, not contain the amendment proposed by the Bloc?

[*English*]

Mr. John Cummins: Mr. Speaker, I do not have a problem with a provincial government stating that it wants to establish some sort of a marine park on its shores. In many ways it is certainly more accountable to the people that live in that province than we are in this place. That is just the nature of the government. I certainly do not have any difficulty with the federal government acting on that request of a provincial government.

The one caution I would make is that act can be complicated, especially in waters such as the Gulf of St. Lawrence where there are competing provincial jurisdictions and competing interests from other provinces. The lines in many respects are not clear there and that could be a complicating factor.

I do not have a problem with the principle of a province suggesting to the federal government minister that it would like something to happen, something that is not harmful to the environment but which may well help it, but ultimately the federal minister must have the clear responsibility to protect the resource because when things go wrong we have to know who to hold accountable.

• (1615)

[*Translation*]

Mr. Marcel Gagnon (Champlain, BQ): Mr. Speaker, I listened to the interesting speech made by the hon. member. As regards the protection of the resource, he referred to, among other things, the unfortunate experience that we had with the almost total extinction of certain species such as cod.

He also said that the act should go further and include restrictions or means to protect species such as cod.

I wonder if the hon. member could explain that part of his remarks again to make sure that I understood him correctly.

[*English*]

Mr. John Cummins: Mr. Speaker, when I commented on the disappearance of the cod, I was responding to the suggestion of my friend from Lac-Saint-Louis that somehow these marine protected areas might assist in preventing that sort of thing from happening again.

My take on the cod issue is that there were too many politics in place in the allocation of access to the cod resource. What was really lacking were clear principles to manage the fisheries resource by. That is something that is still out there somewhere but has not been clearly stated. The minister has the authority but he must establish some clear principles by which to manage that resource. They must be principles against which we can measure his performance and thus hold him accountable. That is the best way to protect that fisheries resource.

[*Translation*]

The Deputy Speaker: Order, please. 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 Yorkton—Melville, Gun control; the hon. member for New Brunswick Southwest, Health.

The hon. member for Drummond.

Mrs. Pauline Picard (Drummond, BQ): Mr. Speaker, it is nice to see that the government has decided to follow up on parliamentary issues that began during the 36th parliament.

National marine conservation areas have already been the object of two bills, namely Bill C-8 and Bill C-48.

Bill C-8 was introduced by Heritage Canada to provide a legal framework for the establishment of 28 marine conservation areas, representative of each of the Canadian ecosystems.

As always, the Bloc Québécois supports the establishment of environmental protection measures. We supported the government when it introduced its legislation to create the Saguenay—St. Lawrence marine park.

I should point out that the Quebec government is currently taking measures to protect the environment and, more specifically, the seabed.

The Quebec government is also open to joint management, as demonstrated by phase III of the St. Lawrence action plan.

Having said that, we cannot support Bill C-10 for three reasons.

First, contrary to what was done in the case of the Saguenay—St. Lawrence marine park, the federal government wants to act alone by giving itself the right to establish marine conservation areas without any regard for Quebec's jurisdiction over its territory and environment.

Second, the creation of a new structure proposed by Canadian Heritage will duplicate Fisheries and Oceans Canada's marine protected areas and Environment Canada's protected areas.

Third, although it is unable to protect the ecosystems in existing national parks, Canadian Heritage wants to create marine conservation areas.

The bill is consistent with the course set by a federal government, which is increasingly intruding on areas of provincial jurisdiction. Not only is it intruding, but now it is proposing duplication. In fact it would like to duplicate its own responsibilities.

Is it necessary to stress the fact that the bill before us does not respect the integrity of Quebec's territory? One of the main conditions to establish a marine conservation area is for the federal government to be the owner of the territory where it is to be established. The Constitution Act, 1867, states that the sale and management of public lands are an area of exclusive provincial jurisdiction.

Quebec legislation on public lands applies to all public lands in Quebec, including the beds of waterways and lakes and the bed of the St. Lawrence River, estuary and gulf, which belong to Quebec by sovereign right.

In addition, the legislation would provide that Quebec could authorize the federal government to use its lands in connection with matters under federal jurisdiction but only by order in council.

Government Orders

I would add that habitat and wildlife protection is an area of shared jurisdiction and that the Quebec government is planning to establish a framework for the protection of marine areas in the near future.

It would be in the best interests of the federal government to work with the provinces instead of challenging them.

We already have several examples of co-operation such as the protection of the ecosystems in the Saguenay—St. Lawrence marine park and in the St. Lawrence River. All federal and Quebec departments have endorsed the St. Lawrence action plan, phase III.

Can the government explain clearly why it wants clear title to submerged lands to establish marine conservation areas?

Can it give us assurances and commit to respecting Quebec's land claims? Or is it going to ignore them as usual and establish marine areas wherever it sees fit?

• (1620)

It is our opinion that the mirror legislation which established the Saguenay—St. Lawrence marine park must serve as the model. It provides that both levels of governments, in Quebec City and Ottawa, continue to exercise their respective jurisdictions. There was no transfer of lands. The co-ordinating committee, which was struck to recommend to the minister responsible measures to reach the management plan objectives, encourages the involvement of local communities and is part of a Canada-Quebec co-operation framework.

There are other examples of co-operation. The environment is a shared jurisdiction under the Constitution Act 1867, and Quebec's jurisdiction is also recognized in the British North America Act, 1867.

By rejecting the concept of co-operation and by imposing title to the territory as an essential condition for the creation of marine conservation areas, the federal government is disregarding Quebec's jurisdiction over the environment, a further intrusion into areas of provincial jurisdiction.

I would like to illustrate just how complex the situation is in Canada when it comes to bodies of water. I will give an example that I have already given in a prior parliament but I believe it demonstrates just how complex the issues of jurisdiction are in relation to bodies of water, and the duplication between the federal and provincial governments.

Take the example of a fisherman who wants to go fishing on the St. Lawrence River. So far, so good. This fisherman has to ask the provincial government for a fishing licence.

He fishes on a boat he purchased in Quebec but on which he obviously paid a federal tax and a provincial tax. In order to launch his boat he must register it with the federal government.

Up to this point, everything is fine but before launching his boat he gets ready on the shore. He is on a territory under Quebec jurisdiction since the shores come under provincial jurisdiction.

However, the moment he launches his boat he changes jurisdiction because his boat is now on water, which comes under federal jurisdiction.

However, for clarity I must say that the bottom of the river is still under provincial jurisdiction. The fish that swims in the water and that the fisherman will try to catch is, unknowingly, under federal jurisdiction. But its friend, the crab, which is crawling on the bottom of the river, is under shared jurisdiction, even though the bottom of the river is still under provincial jurisdiction.

Once it is harvested, the fish that swims in federal waters will end up at the bottom of a boat. Then it falls under provincial jurisdiction. One must pay very close attention to the regulations, since there are federal quotas for those fish.

If we are talking about commercial fishing, there are federal and provincial laws and regulations regarding food, the environment, safety, equipment and so on. Do members understand? It is very complicated, is it not?

It is even hard for us to find our way through all this, so members can imagine how lost the average citizen who is not familiar with all these jurisdictions feels when he is told to get a licence.

An hon. member: But fishers know how to cook fish.

Mrs. Pauline Picard: As my colleague just said, fishers know how to cook fish.

As if that was not enough, Bill C-10 would create duplication within the federal government through Canadian Heritage, Fisheries and Oceans Canada and Environment Canada, which is why I said earlier that it was duplicating its own responsibilities.

• (1625)

There is good reason to be confused. The federal government wants to create marine conservation areas through Canadian Heritage, marine protected areas through Fisheries and Oceans Canada and, on top of that, marine wildlife areas through Environment Canada.

As shown in the example I gave a few moments ago, a particular site could have several designations. Why would Canadian Heritage want to create marine conservation areas?

We must go back to the preamble to the bill, where these reasons are listed:

—[protect] natural, self-regulating marine ecosystems ... for the maintenance of biological diversity;

establish a system of marine conservation areas that are representative—

ensure that Canada contributes to international efforts for the establishment of a worldwide network of representative marine protected areas,

provide opportunities for the people of Canada and of the world to appreciate and enjoy Canada's natural and cultural marine heritage,

provide opportunities... for the ecologically sustainable use of marine resources for the lasting benefit of coastal communities;

Government Orders

At Fisheries and Oceans Canada these are called marine protection zones. It uses a different terminology. In January 1997, a discussion paper entitled "An Approach to the Establishment and Management of Marine Protected Areas under the Oceans Act" specified the objectives of these zones: to protect fishery resources, commercial and others, including marine mammals and their habitats, unique habitats, marine areas of high biodiversity or biological productivity and any other marine resource.

The government likes to say that local communities will play a major role in the establishment of marine protection areas. Could the government tell us to how many information and organization meetings local people were invited to attend to satisfy its bureaucracy?

Let us keep going. As for Environment Canada, it proposes the establishment of what will likely be called marine nature areas. Drafters have a lot of imagination. In fact, these areas are an extension of the concept of national wildlife areas beyond the territorial sea to the 200 mile limit.

This is clear as mud. Complicated, is it not? Even Fisheries and Oceans Canada officials came to the conclusion that the different terms used generate a great deal of confusion among stakeholders regarding the various federal programs on protected marine areas: marine protection zones, national marine conservation areas and wildlife marine reserves. Why do the departments concerned not harmonize their efforts and co-operate in establishing these protected marine areas?

Would it not be preferable to have one, not three but one, department responsible for managing the protection of ecosystems, and would it not be preferable for the departments concerned to sign a framework agreement and delegate their respective responsibilities to that department? This government really likes to keep things simple.

Other sources of confusion? As if this was not enough. The bill provides that each federal department will keep its jurisdictions over marine conservation areas. The result is worse than in my story about the fisher. When Heritage Canada deems appropriate to do so, it can make regulations on a marine conservation area that differ from existing provisions, subject to the agreement of the minister concerned.

This change takes precedence over any other regulations made under the Fisheries Act, the Coastal Fisheries Protection Act, the Canada Shipping Act, the Arctic Waters Pollution Prevention Act, the Navigable Waters Protection Act, or the Aeronautics Act.

• (1630)

I think that is plenty of confusion. It is enough to cause bloody chaos. Just reading it, one is aware of the increase in the coefficient of complication when this applies. To list them again: marine protected areas, marine wildlife areas and marine conservation areas, each with their own regulations, and then on top of that, the regulations superimposed by Heritage Canada. One can easily get lost.

Now let us look a little more closely at Heritage Canada's ability to protect the ecosystems of its existing national parks.

In 1996, the auditor general pointed out that Parks Canada's biophysical data were incomplete, or to put it more bluntly just not up to date, except for the Mauricie National Park. According to him, the department has not monitored ecological conditions in any regular and ongoing way.

The management plan for 18 of the national parks was 12 years old, whereas it was supposed to be reviewed every five years. During his visits, he became aware that there was no connection between the parks' business plans and their management plans. What is more, the management plans placed more emphasis on economic and social factors than on ecological ones.

There is also the marketing plan, which is aimed at drawing more visitors to national parks. The auditor general is concerned about Parks Canada's ability to preserve ecological integrity in national parks and to ensure sustainable park use.

People will understand, in the light of this unfortunate discovery, that we have little faith in Parks Canada's ability to preserve marine conservation areas, since it does not seem to have the resources to protect existing national parks.

In conclusion, the Bloc Québécois would like the Saguenay—St. Lawrence marine park to serve as an example. This way, each time a new conservation area is to be established, the federal government would have to negotiate a partnership with Quebec. It must accept the principle that nothing is done without the agreement of the provinces concerned.

The opposition parties have proposed a whole series of amendments to prevent the federal government from acting unilaterally, but the government rejected them all.

The bill is another attack, another foray into the jurisdictions of Quebec and the other provinces, when they are involved. Quebec cannot function in this system. We have clearly demonstrated our openness to the federal government, particularly in the management of the marine area of the Saguenay—St. Lawrence marine park. It is sad and regrettable that this government has not learned the lesson.

This is why we continue to oppose Bill C-10, given that the Bloc's amendment was rejected and that we consider the improvements made are insufficient. Quebec's lands are not for sale.

• (1635)

Mr. Clifford Lincoln (Lac-Saint-Louis, Lib.): Mr. Speaker, I listened very carefully to the remarks by the hon. member for Drummond. I was closely involved in the creation of the Saguenay marine park. I signed the agreement in 1987, I think it was, for \$10 million. It was signed with the Progressive Conservative government of the day, which launched the negotiations for the Saguenay marine park.

I am therefore very up on how this works. It is not correct to say today that this bill will not protect provincial jurisdictions. We rejected the Bloc Québécois' amendment because it was redundant. Clause 5, if the member reads it, has three parts.

The first part provides that the federal government may not establish a marine conservation area unless it has complete and indisputable jurisdiction over the lands in question. For example, in the case of the Arctic Ocean, who has jurisdiction?

Government Orders

The second part provides for the case where a province has the administration and control of the lands. This is true in 90%, if not 99%, of cases. I agree with the member that the seabed belongs to the province. The federal government may not act without the express signed agreement of the province.

The third part of clause 5 says “the requirements of any applicable land claim agreement respecting the establishment of the marine conservation area have been fulfilled”.

It is therefore completely incorrect to say that, tomorrow morning, the federal government can establish a marine conservation area in British Columbia, Quebec or anywhere else without the agreement of the province. One need only take a look at what happened with the Saguenay. It was clear that Quebec had control of the lands and that an agreement was required. One can see what happened in British Columbia with Gwaii Hannas. The government of British Columbia had to sign an agreement. There is the example of Newfoundland where there was no agreement and the marine conservation area was not established.

I ask the member if she can show me where in the bill it says that the federal government can override the right a province which has control of its lands. Where does it say that? If she can tell me right now, I will agree. Can she tell me where she sees this in the bill? I have the bill here with me. Perhaps she could tell me where she saw it.

Mrs. Pauline Picard: Mr. Speaker, it is strange to see that this government is so interested in marine areas, that it is such an important issue for this government. Let us not forget that the idea of passing mirror legislation with regard to the Saguenay-St. Lawrence marine park came from the government of Quebec.

The federal government thought it was a good idea and decided to copy it. So it included in its bill, as a condition for the establishment of a marine conservation area, that the federal government must own the lands where such marine conservation area is to be established.

So, unless one does not know how to read or is completely dumb, it seems to me that an essential condition for the establishment of a marine conservation area is that the federal government must own the lands where the marine conservation area is to be established.

This condition was not in the Saguenay marine park mirror legislation. In that case, we saw good co-operation between the federal government and the Quebec government. Everything was done through joint management, which we do not see in this bill.

Moreover, there is all this overlapping between the various departments I mentioned earlier. They are invading one another's areas of responsibility. It is so confusing. And, on top of that, the provinces would have to give up part of their lands so that the federal government can once again encroach on our jurisdiction.

This is typical of this government. Since we came here in 1993, it has been trying, in a roundabout way, to interfere in provincial jurisdictions. It needs all these powers to achieve the status of supranational government. It does everything it can to try to take away chunks of each province's territory and jurisdiction. We are not surprised to see the government impose a condition for the establishment of marine conservation areas. This is such an insidious way of getting what it wants. Canadian Heritage is using marine

conservation areas to take away a chunk of Quebec's territory. We are not fooled.

● (1640)

Mr. Clifford Lincoln: Mr. Speaker, the member did not answer my question. Could she tell me in which clause I can find what she mentioned?

There are three parts to her remarks: first, the federal government does not want to establish marine areas without having full title; second, when dealing with provincial lands, the federal government must have the agreement of the province. This is exactly what happened in the Saguenay.

In which clause did the member see that the government can go ahead without the provinces' agreement? It is absolutely not true.

Mrs. Pauline Picard: Mr. Speaker, with all due respect to my government colleague, we do know that he is not neutral in this whole story. He is very partisan. He has that reputation.

Perhaps I could ask him a question. Can his government give us some assurances and commit to respecting Quebec's land claims or is it going to ignore them as usual and establish marine areas wherever it sees fit?

Let the federal government prove that it is going to respect Quebec's land claims. As things stand now, there is nothing in the bill in this respect. The onus is on the government, not on the opposition.

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, the question I want to put to my colleague from Drummond flows from the comments made by the member for Lac-Saint-Louis.

The Bloc's amendment was simple. I will read it again:

In the event a provincial legislature has passed legislation to protect marine areas, the federal government must negotiate an agreement with the province in question to permit the federal government to set up a marine conservation area in the province.

This is the objective. If the province has legislation, the federal government must negotiate with the province. The member for Lac-Saint-Louis is telling us that if the provincial government has lands, it is going to have to negotiate with the federal government. Obviously, nobody is going to establish a marine area on lands belonging to Quebec.

One thing is certain though. What we are asking regarding this bill—and this is my question to my colleague—is for the federal government to recognize the legislation of the province and agree to negotiate with the province, when the latter has passed legislation. This was the objective of the Bloc's amendment and this is what the member for Lac-Saint-Louis and his government do not want to give us.

Mrs. Pauline Picard: Mr. Speaker, I would like to remind the House that the Constitution Act, 1867 recognizes that the management and sale of crown land are matters of exclusive provincial jurisdiction and that the Quebec legislation on crown lands applies to all crown lands in Quebec, including the beds of waterways and lakes and the bed of the St. Lawrence river, estuary and gulf, which belong to Quebec by sovereign right.

Government Orders

I would like this government to assure us that it will respect the territories. To create the marine areas, it will need part of the territory. It cannot do otherwise.

We will never accept to surrender our lands to the federal government, so that it can meddle further in our affairs and intrude on our jurisdictions.

I urge this government to abide by the Constitution Act, 1867.

• (1645)

[*English*]

Mr. Andy Burton (Skeena, Canadian Alliance): Mr. Speaker, one problem with the bill is the jurisdictional aspect. Where there is provincial jurisdiction the province would have a great deal of input. However there are some major jurisdictional disputes over the seabed off the west coast of Canada. This is where we will run into problems in the long term. They are concerns for my colleagues down the road in this regard.

Given the lack of clarity over jurisdiction in some provinces, how does the hon. member feel about my amendment to the bill at third reading which would see the bill go back to the heritage committee to be amended to include a provincial veto. Does the member agree that the bill needs to include stronger provincial powers before it becomes law?

[*Translation*]

Mrs. Pauline Picard: Mr. Speaker, I totally agree with the member. I would like to repeat what I said in my speech, that the protection of habitats and fauna is a matter of joint jurisdiction, and that the Government of Quebec plans to establish a framework for the protection of marine areas in the near future.

Therefore, it would be in the best interests of the federal government to agree to work in co-operation with all provinces instead of challenging them.

[*English*]

Mr. John Herron (Fundy—Royal, PC/DR): Mr. Speaker, I will be sharing my time with the hon. member from the fabulous riding of St. John's West. I would like to discuss today the intent of the Government of Canada with this piece of legislation. Preserving our natural legacy and national heritage on land is fundamentally important, as are maintaining and preserving the biodiversity that we have in our oceans. We can concur that those are noble objectives that Canadians support from coast to coast to coast.

I am sure, Mr. Speaker, that you have had the same situation in your caucus as we have had in our caucus. There are always divergent opinions each and every time a piece of legislation comes forward that relates to environmental protection, the preservation of the fisheries, natural resources or agriculture. There are concerns about trying to find an appropriate balance by ensuring that we protect our environment and natural heritage.

This is the third attempt that the Government of Canada has made to bring forth a bill with respect to preserving our natural heritage through the creation of marine conservation regions. The government brought the bill forward in the past. However each time it called a premature election a bill that it said was of fundamental

importance died on the order paper. This took place leading up to the election in June 1997 and again last November 2000.

The bill would give the Government of Canada the capacity to declare marine conservation regions. It also has an obligation beyond a mere declaration to consult. Stakeholders may be concerned about a particular region being chosen, as it may have an economic cost with respect to offshore development of oil and gas or it may relate to the preservation of a viable fishery. Members of parliament are only representing their constituents when they flag those concerns.

There is a consultative process in the bill where stakeholders would be asked to make a contribution when the establishment of a marine conservation region was being considered. It must respect the interventions of the provinces. They should be taken seriously. Those consultations must be substantive in nature and not merely lip service.

Given that a consultative process is in the bill I am comfortable with it, but I am sending a signal to the Government of Canada in that regard. It is getting the support of members of parliament on this side based on the aspect that a consultative process with stakeholders will be taken seriously.

• (1650)

Individuals concerned about a marine conservation region being selected should be aware there are permanent provisions in the bill where the minister can permit activities to take place in conservation regions which take socioeconomic implications into play. Enabling the Government of Canada to establish marine conservation regions is positive.

I would wager we would be having the same kind of tug and pull debate if we had absolutely no national parks in Canada today and we had a government bill put forward to enable the Government of Canada to establish national parks in certain regions. Canadians are proud of the natural heritage in our national parks. It is something they embrace and actually signal to be a centre of their own identity.

As a member of the Progressive Conservative Party of Canada I would like to highlight that our party is the founding party of this nation in terms of the spirit of Cartier and Macdonald, but it was Sir John A. Macdonald who established the first national park in Canada. It is in that spirit that I support Bill C-10.

I have concerns about the Government of Canada ensuring that the consultative process is genuine, sincere, comprehensive and taken into account. There are members of parliament who represent regions with broader fisheries and oil and gas issues who will have different levels of concerns. Maintaining our biodiversity whether on land or at sea is something that Canadians embrace. They want to celebrate it. However there are concerns that must be taken into consideration and we want to make sure that the Government of Canada does just that.

It will be our role in the opposition context during the next three years to ensure the government respects the consultative process. When we are on the other side of the aisle I trust that the Liberal Party of Canada will have the same capacity if we were to exercise that enabling capacity.

Government Orders

I enjoyed the commentary from both sides of the House. Usually my speeches do not derive that amount of passion. I hope I did not offend any member, particularly the member for Saint-Hyacinthe—Bagot or the member for Lac-Saint-Louis. I was very happy for their ongoing commentary on my earlier speech.

ROUTINE PROCEEDINGS

• (1655)

[English]

COMMITTEES OF THE HOUSE

NON-MEDICAL USE OF DRUGS

Mr. Joe Jordan (Parliamentary Secretary to the Prime Minister, Lib.): Mr. Speaker, there have been consultations among House leaders and I believe if you were to seek it that you would find support for the following motion. I move:

That the Special Committee on non-medical use of drugs be authorized to broadcast its proceedings and to travel to Montreal and Vancouver.

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

Some hon. members: Agreed.

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

Some hon. members: Agreed.

(Motion agreed to)

GOVERNMENT ORDERS

[Translation]

CANADA NATIONAL MARINE CONSERVATION AREAS ACT

The House resumed consideration of the motion that Bill C-10, an act respecting the national marine conservation areas of Canada, be read the third time and passed; and of the amendment.

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, the question I would like to ask my colleague is quite simple. The Bloc Québécois had moved an amendment, and I take this opportunity to read it:

(d) if a provincial legislature has passed legislation for the protection of marine areas, the federal government must negotiate with that province an agreement enabling that government to establish a marine conservation area within the province.

Was the amendment moved by the Bloc Québécois acceptable to him?

[English]

Mr. John Herron: Mr. Speaker, I want to clarify what I believe the hon. member is saying, which is that if a provincial law has been established and is in place that is equitable in nature then the federal law need not apply. I think that is the intent of the amendment.

I do not know if the hon. member knows that I serve as the environment critic for the Progressive Conservative Party of Canada. The approach we have tried to take in terms of establishing a safety net, a protection, in provincial laws and federal laws is to ensure that we respect the capacities of provincial or territorial legislatures to write their own laws in that regard. If there is a law in place that is equivalent in nature and protects species at risk, the provincial law should apply and the federal law should not apply. That is the approach which we have taken in areas where there could be potentially shared jurisdiction.

With regard to marine issues, principally when we look at sections 35 and 36 of the Fisheries Act, that aspect is exclusively the domain of the federal government. Those two particular aspects of law have been enshrined in the constitution since 1867. In this case, preservation of marine conservation areas is in the domain of the federal government. It is my view that we can take into account the initiative brought forth by a provincial government but categorically this would be in the domain of the federal government.

However, in regard to the spirit of what the hon. member wants to advocate I want to assure the hon. member that the Progressive Conservative Party has always been very respectful of provincial rights and jurisdiction and very respectful of the specific nature of the province of Quebec and its capacity to assert its own responsibilities. Of course we would agree with that kind of approach in general, but not in this circumstance since the law of 1867 that has been in place in the Fisheries Act in sections 35 and 36.

• (1700)

Mr. Loyola Hearn (St. John's West, PC/DR): Mr. Speaker, I thank my colleague from Fundy—Royal for sharing his time with me. I have some very grave concerns about the legislation. I sat on the heritage committee for quite some time while we debated the legislation and made known my concerns during that time. The amendments that have been made recently, the small changes to the bill, have not done much to alleviate those concerns and in fact as presently constituted I can in no way support such a piece of legislation. Hopefully by the time the final vote comes some of the concerns we raised will have been addressed.

I certainly am not against conservation or protection of our resource. Coming from the great province of Newfoundland and Labrador, I have seen what a lack of concern about our environment and protecting our resources led to, especially in relation to the complete collapse of our northern cod stocks, the reduction of many more of our fish stocks and of course a depletion of our resources generally. It happened without any great amount of management control or perhaps concern and that certainly has to stop.

However, my concern with the present legislation is not that it is intended to protect and preserve. I praise these elements. It is how the preserving and protecting take place that concerns me.

During the hearings on the bill in committee we had a number of groups and agencies appear. However, and I am not sure whether it was by design, by government invitation or whatever, most of the groups and agencies that appeared before our committee were very strong supporters of the environment and of protecting our environment. I suppose we could use the term environmentalists.

Government Orders

Very few people appearing were those who try to eke a living from that very same environment and know what government control can do to their ability to do so. One individual stands out, Ovide Mercredi, who is a political adviser now to the first nations, I believe, and a former chief. He made some very pertinent comments which showed the concern that a lot of his people have in relation to the effect legislation such as this could have on people who earn their living in marine environments. That is certainly where I am coming from.

There are two agencies that I think should be extremely concerned, one being the minister of fisheries and his department. Who controls the ocean? That is a question that has to be settled. Right now we have three ministers who have a fair amount of say. We have the Minister of the Environment, the Minister of Canadian Heritage, who will have, if this legislation is approved, a tremendous amount of say in relation to these zones, and we have the Minister of Fisheries and Oceans. We wonder what role he plays in it all when really he should be the one who has complete and utter control over everything that happens once we get our feet wet in an ocean. Until we get his jurisdiction clear and the powers vested where they should be, we will have a tremendous amount of concern and duplication.

The other agencies that should be concerned are the provincial governments, because I believe that in this case, like some of my colleagues from the Bloc have already stated, the provinces are being bypassed. Their powers are being eroded. They are to be consulted, the same as other groups listed.

● (1705)

One of the groups missing from the list spelled out in the bill is the group "fishermen" We talk about aboriginal people and community groups and what have you. The people who will be most affected by the establishment of marine conservation zones are fishermen, or fisherpersons, perhaps, if one wants to be politically correct. They are not even listed as groups to be consulted. I know some may say they are rolled in with the others, but surely a group like that is important enough to be highlighted.

Provincial governments, community groups, first nations groups and fishermen, whether or not they are included, must be consulted, but we all know what federal consultation means. It does not mean that their concerns will be listened to. Our concerns in committee were certainly not listened to. The concerns of the Bloc were not listened to. The concerns of the NDP were not listened to. The concerns of the CA were not listened to. That was because the minister wants to ram through a piece of legislation that has been around so long it is becoming an embarrassment.

It is becoming an embarrassment because the government would not listen to people who want the legislation as bad or worse than the government does, but they want legislation that is good legislation for everyone in the country. They want legislation that will protect the people who live in these environments. I appreciate and respect the views of someone who is in the heart of Toronto and feels we should preserve our marine environment, but I more fully appreciate the fellow who is sitting in Badger's Quay knowing that he has to make a living from that very environment.

I have also seen the evolution of the development of our resources from the marine environment. We started by catching the fish that

swam, then we moved to the crustaceans that crawled and then we started mining liquid minerals, oil and gas.

Some day down the road, in the not too distant future in fact, we will probably be mining hard minerals from under the ocean floor. Whether we should or should not do it might be another argument, but if we are to sustain the population of the country there is only one way to do it and that is to develop our resources. We cannot do it if our hands are tied by legislation, by an act which tells the minister that she can create new zones wherever she wants, that she has to consult but she does not have to listen, that if the property is in dispute it does not matter because the bill can make sure she gets jurisdiction over it, and that if she wants to enlarge it she can through governor in council. However if someone wants to reduce it, it cannot be done.

Consequently, it is not a good piece of legislation. We must get it back to the drawing board and get the proper jurisdictions involved so that a uncaring government, and I am not necessarily saying this government is uncaring but I am sure I would get arguments on that statement, or a minister who wants to ride roughshod over an area in the country cannot do so. The bill would give that minister or that government every power to do so. Consequently, the people who are to be consulted now should have some definite say and should have some veto rights. Certainly the provinces and affected individuals and agencies within the area should.

I know there can be objections. People say that in Newfoundland such a zone was to be put in such and the people said no and the government backed away. It took a lot of hard work and sweat before the government was made to back away. Next time around, with heavier legislation, it may not back away.

I would support legislation to the effect of preserving our environment, our marine life, our scenery, our history, our culture and everything else, but it has to be good legislation. Until this legislation is changed I will certainly not be able to support it.

Mr. Andy Burton (Skeena, Canadian Alliance): Mr. Speaker, I certainly congratulate my colleague for his comments. I think they were very appropriate and I certainly share a lot of his concerns.

He mentioned the consultation process not necessarily being a listening process. That is a huge concern. I wonder if he could expand on that and give us a few more of his concerns about the committee level and his feelings on consulting but not listening.

● (1710)

Mr. Loyola Hearn: Mr. Speaker, the question is one that gets to the crux of the problem most of the parties find with the legislation.

As we read the legislation we see the words "must consult". Must sounds like a very strong word but the minister has to consult. It means that the minister can ask what people would think of the government creating a marine conservation zone in their fishing area. When everybody says no it cannot do that, the minister can say he consulted and that is all he had to do. That is all the legislation asks him to do. That is too dangerous. I have seen too many people use that before.

Government Orders

There should be proper consultation and a reasonable right to veto. We cannot say no for the sake of saying no. There may be many areas of the country where everybody, even with just the consultation process, would support the creation of a marine conservation zone. It is too dangerous to give the minister power to run roughshod with the word consult without having to act upon the objections put forth or address the concerns raised in that consultation process.

If the committee and the House had listened to the concerns raised by the members of the committee and here in the House, the legislation could be changed, brought back and, I would think, approved by everybody here.

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): M. Speaker, my question for my colleague from St. John's West will be simple.

The government has introduced a bill entitled an act respecting the national marine conservation areas of Canada. This really is all about marine conservation areas. Conservation of flora and fauna is part of environmental protection. The environment, under the constitution and all Canadian constitutional documents, is a shared jurisdiction.

Does my colleague not think that, if this is a shared jurisdiction, the government should have an agreement with the provinces that have also decided to pass legislation on the protection of marine areas? Does he not consider that there should be an agreement between the federal government and the provinces that have such legislation on conservation? I am talking about an agreement and not only consultation.

[*English*]

Mr. Loyola Hearn: Mr. Speaker, I certainly agree. Over the years, particularly I would think with the present government more so than any others in the past, there has been severe erosion of shared jurisdiction between the federal government and the provincial government.

Certainly in relation to our own province, I am personally seeing an erosion of provincial control especially as it relates to our resources generally, whether it be our marine resources, our marine areas or the resources within our province. We seem to have less and less say in what happens. We seem to get fewer and fewer benefits from the development. Unless the province agrees with such things, not being consulted but agrees to such development, such development should not occur.

Mr. Ken Epp (Elk Island, Canadian Alliance): Mr. Speaker, again I am honoured to stand in my place and enter into what I believe is a very important debate on Bill C-10.

This is an environmental bill. As people who have been paying attention all day know, it has to do with marine areas. We are speaking of water and the land underneath water bodies. The purpose of the bill is to establish some of these areas as being protected in a similar way to our national parks on land.

I begin my intervention today by expressing a bit of sadness at the stereotyping which has occurred in many instances regarding members of our party. We have been characterized in various ways. The generalizations that have been made from time to time by

various members of the governing party are very offensive. I think particularly of during the election campaign when the minister of immigration made very scurrilous remarks regarding all and any members of our party, attributes and characteristics that just were not true. It was done very flippantly and was designed to have an electoral effect. I was very offended by that.

The same thing has happened with respect to environmentalism. There is a myth that if one is a fiscal conservative, if one is a social conservative, then by definition one does not give a hoot about other people or about the environment. Both of those statements are patently false.

I did not run as a member of parliament for any reason other than the fact that I care about people. I care about our country. I care about our future. I care about our environment. To be characterized, as we are from time to time, as being opposite to this is very unfair, inaccurate and does not give proper respect to members of parliament on this side of the House who have deep concerns in these areas.

I have mentioned before that I have taken the opportunity to do what I could to preserve the environment. Some members may have heard me relate some of these things before. I used to ride a bicycle to work. Members may think that would be quite a sight, a guy my size riding a bicycle, but I did it before it was fashionable to do so. When I first started riding my bicycle to work a number of years ago, there were no bike racks on the campus where I worked. I had to park my bicycle up against a power pole and lock it with a chain so that some vandal would not take my method of transportation.

I always felt very good about that. I was saving money. With the huge taxes we were paying I had to do everything I could in order to provide for my family. But I was also reducing the amount of pollution and the use of the non-renewable resources in our country.

That is one example which shows that I am an environmentalist. I believe in preserving a healthy and safe environment for future generations and for our present generation, not only for Canadians but for inhabitants right around the world.

All my life I have driven energy efficient vehicles. I should not say that; I had a few vehicles that were guzzlers way back. I have driven the little econoboxes that yield much less pollution and are very preservative of the non-renewable resources because they are very small and practical. I drove a motorcycle for a while which gave me 100 miles per gallon for the same reason.

I say that in preamble simply to say that I do believe very much in conservation and in the care of our environment.

• (1715)

Bill C-10 proposes to preserve both the cultural and the environmental attributes of some of our water resources. It is a marine conservation bill and the bill is designed to actually set up and enforce rules governing that. The preamble states:

to provide opportunities for the people of Canada and of the world to appreciate and enjoy Canada's natural and cultural marine heritage,

Government Orders

I accept that as a purpose. I sometimes wonder why the bill has been sponsored by the Minister of Canadian Heritage, whose record in this regard is less than stellar. I think of some of the land parks in Canada where many attempts have been made not to educate and help people enjoy the environment there, but actually to exclude them from it.

Believe it or not, the government has used the club of high entrance fees to prevent ordinary citizens from enjoying our parks. Some of the entrance fees in our national parks are at the point where ordinary citizens, single earner families with three or four children and a tent in the back of the vehicle cannot afford to even go into the parks.

There is this phenomenon in Alberta where increasingly families are camping outside Banff National Park and Jasper National Park. Why? They cannot afford to enter the parks. It is too expensive. The costs per day are excessive. It is the government and its mismanagement and sometimes its misguided priorities that have driven the costs up in such an exorbitant fashion.

When I was a young man with a young family, we took vacation trips into the parks. It was affordable. We could not afford to stay in a hotel, but we could afford to camp and we did it. Now I look at similar families, including our own children who now have their children, our wonderful grandchildren, and they are finding it very challenging and difficult to stay in the park for more than a day or two at a time, simply because of the increase in fees.

Even though the preamble says that the reason is to provide these areas for the enjoyment of Canadians and people from around the world, it seems to me that hidden behind that wonderful sounding statement is the true objective of the government, which is to fleece Canadians who go into these areas and make it impossible for those with average or low incomes to enjoy them.

I will also say on the whole issue of establishing these parks that in principle it has merit. There are some people and perhaps even some businesses that would abuse our environment in pursuit of profit or other objectives. I have a problem when instead of sticking to that theme, the legislation before us differentiates between the groups of people who might want to make use of the designated area. We ought to make very sure that things are done equally and fairly for all Canadians.

● (1720)

I am speaking particularly of clause 2(2) in which there is special emphasis made that:

—nothing in this act shall be construed so as to abrogate or derogate from the protection provided for existing aboriginal or treaty rights of the aboriginal peoples of Canada by the recognition and affirmation of those rights in section 35 of the Constitution Act, 1982.

I appreciate that we are trying to be fair to the natives of our land, but we ought to be very careful, when we have rules and regulations which protect our environment and the enjoyment of these areas for future generations, that we not put into bills and acts clauses which would allow one portion of our population for whatever reason to be exempt from part of those regulations and laws which are passed for the benefit of us all.

Furthermore, I hope that our aboriginals would wish not to be excluded. I hope they too, and in general I believe they do, participate fully in conservation efforts. From time to time we hear, read and see on television examples of total disregard for true scientifically based conservation principles being applied by aboriginals.

I would ask the government that: first, it not make rules that exempt aboriginals; and, second, it appeal to the natives to willingly, forcefully and fully participate in the protection of our environment for the future. This means that they have to not only respect their culture, heritage and history, but they also must respect the scientific data which occasionally shows it is necessary to comply with certain prescribed behaviour to achieve that result.

I am looking at other parts of the act. When I scanned it, I saw some things that were rather significant to me. I took great interest in the administration section which begins at section 8. I will read the first few words of a few subsections in sections 8 to 11. They goes like this: subsection (1) says “The Minister is responsible”; subsection (2) says “The Minister has the administration”; subsection 3 says “The Minister may maintain and operate facilities”; and subsection (4) says “The Minister may enter agreements”.

Every phrase for about two and a half pages of the act begins with “The Minister may” or “The Minister shall”. I have a large concern about the degree to which we are reverting the control of these things to the minister without proper accountability. Obviously, the bill gives him the authority but there is no accountability. Some of these things I find expressly offensive.

It says for example:

The Minister shall consult with relevant federal and provincial ministers and agencies, with affected coastal communities, aboriginal organizations, aboriginal governments and bodies established under land claims agreements, and with other persons and bodies that the Minister considers appropriate...

Then it goes on to say of course that it has to do with the development and designation of the conservation area.

I have no problem with consultation, but too often we have just observed. I personally have observed over the last eight years that the government consults in name only.

● (1725)

It is a formality it goes through. I will put it this way. It is there but it does not hear. It listens but does not hear and does not act on what it hears.

It is regrettable that the clock says I need to quit because I am just on a roll and I am just really on the first part of the things that I wanted to speak about. I presume when this resumes I will be able to get the rest of my time.

The Deputy Speaker: The member will certainly have his time remaining. I believe it is approximately five minutes. We look forward to his follow up intervention.

It being 5.30 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

*Private Members' Business***PRIVATE MEMBERS' BUSINESS**

● (1730)

[English]

CRIMINAL CODE

The House resumed from September 20 consideration of the motion that Bill C-284, an act to amend the Criminal Code (offences by corporations, directors and officers), be read the second time and referred to a committee.

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, I am proud to support Bill C-284 put forward by my colleague, the member for Churchill, an act to amend the Criminal Code of Canada concerning offences by corporations, directors and officers.

I also wish to acknowledge the great work done on this issue by my leader, the member for Halifax, and by the member for Pictou—Antigonish—Guysborough.

This bill has been a long time coming before parliament and it has been known by many names: the corporate responsibility act; the workplace safety act; the corporate manslaughter act; and the corporate killing act. However, most people still call it by its original name, the Westray act.

People call this the Westray act in reference to the tragic Westray mine disaster in Stellarton, Nova Scotia. On that day in 1992, 26 miners died when a methane gas explosion tore through the Westray mine. Those 26 deaths, like so many deaths and injuries that occur in the workplace, could have been prevented were it not for the company management practices that deliberately and systematically refused to comply with health and safety regulations.

Mr. Justice Richard's inquest into the Westray mine disaster was very clear on this point: it was the wilful decision of the mine's manager to ignore and indeed encourage violations of safety regulations that led to the fatal gas explosion.

The miners tried to complain about the unsafe working conditions, but their complaints were ignored and they were threatened with dismissal unless they kept quiet.

I believe that it is time that we in this House finally complete our criminal law by making it a criminal offence for an employer or a manager to wilfully violate reasonable standards of conduct of safety or safety of workers in their care thus causing an employee's death.

It has always struck me as strange that in Canada people are allowed under the law to wilfully create the conditions that causes someone's death because of their status as a boss, director or manager. The current criminal code lets them escape responsibility for the safety of their employees. Why is that?

If we are negligent about the safety of our neighbour and cause their death we would be guilty of manslaughter. If we killed someone by driving drunk, the penalties are justifiably severe. If we cause death as a caregiver in a hospital we may be charged with murder. However, if a manager of a mine, who knows the mine is unsafe and keeps making decisions that keep it unsafe, sends employees into those unsafe conditions and 26 people die, no criminal liability exists in Canada. That is shocking.

Let us not be coy here. That is what is allowed under the law right now.

The case that is used most often when discussing this is the Westray explosion. However the Westray disaster is only the tip of the iceberg in Canada.

Every day Canadians are injured or killed on the job. Every day these accidents happen because the employer refuses to create a workplace that is safe. Every day Canadians are killed because the boss will not pay an extra buck to make sure that safety is in place. Every day our criminal code lets this happen without punishment. Our job as parliamentarians is to stop this fundamental injustice.

I would like to take a minute to pay tribute to an individual who spent most of his life fighting for safe workplaces for working men and women. I am referring to former Canada Labour Congress vice president, Dick Martin, who passed away last week.

Dick started fighting for the rights of workers as a steelworker working for Inco in northern Manitoba. He fought tirelessly for better health and safety. He saw how many of his co-workers at Inco were injured through company or supervisory neglect. He was angry about the fact that thousands of workers were being injured or killed on the job and our nation failed to mourn or act.

Dick was instrumental in having this place declare April 28 as the national day of mourning for Canadians who have died at work. I am so happy that Dick was able to see us mourn for these unnecessary deaths. However I am sad that Dick is not here today to see us pass this bill, a bill that would act to prevent unnecessary workplace death. Dick would be here lobbying like crazy to see this one through.

● (1735)

It is difficult for me to understand why some are opposing the bill. After all it does have a noble and practical objective. Some oppose it because they believe there are jurisdictional problems. To them I say, pass the bill at second reading and we will fix any jurisdictional problems at committee. That is why we have a clause by clause process to look at legislation and to tighten up the technical details.

I wonder if that is the real reason. I would hate to think that anyone in this place would believe that a corporation or a boss should be above the law simply because of status. I hope that all members would condemn that notion.

I have heard from some who oppose the legislation. They believe workers in Canada are protected from dangerous workplaces and predatory actions from bosses because they can always refuse to work. That argument is basically that it is the victim's fault. That argument is not only immoral and offensive, it is also inaccurate.

If we look at what happened in Stellarton, the Westray example clearly shows that the argument is inaccurate. Westray mine was part of the Foord coal seam, a geological structure eloquently called a spider web of coal by Westray survivor Shaun Comish in his book *A Miner's Story*. As Sean pointed out, the Foord coal seam had already claimed the lives of 244 miners before the explosion in 1992.

Everyone, including the managers, knew that this seam was unstable with constant cave-ins, heavy build-up of explosive coal dust and very prone to methane build-ups. It was a disaster waiting to happen. However, to cut costs and to maximize profits, the safety of the miners was willingly compromised by the company and 26 miners were added to the list of victims at the Foord coal seam.

Why did they still go down in the hole when they knew it was unsafe? It is simple. They had to eat. They had to support their families. They had to pay their bills. That is what working people of Canada have always done. Even when they know their lives are in danger, they have worked.

Before I became a member of parliament, I was a playwright and I had the honour of writing a play called *The Glace Bay Miners' Museum* based on a story by a writer named Sheldon Currie. It is the story of a young woman who sees her father and brother, then later on her husband and her other brother die in the Glace Bay mines.

It is a wonderful story but much of it is this argument that goes on between two brothers, one named Neil. Neil believed that real men worked above the ground and were farmers or fishermen or played bagpipes. Real men would not crawl in the earth like worms.

The other brother believed instead that real men worked under the ground. He joined the union and worked for better health and safety conditions. He fought for better hours and better pay and to hold management accountable and make it pay for part of the risk that they were taking underground.

At the end of the story both went down in the mine and both were killed at the exact same instant. It is a very sad story, but it is more than just a story.

Thousands of people in Canada do very dangerous work because of necessity. They also do it because they bring massive resources to the surface or from the waters.

Yesterday there was a huge storm in Atlantic Canada. Meteorologists called it a perfect storm. Again it is one of those situations where workers find themselves in the middle of very dangerous situations. In that case they are the masters of their own fortune in that it is their boats and their gear. That is not the case when working for a mine. People are very dependent on management for their safety.

Parliament has a role to play right now and right here to ensure we protect the health and safety of our workers by making sure managers do not escape criminal liability for their actions. Make no mistake, by allowing corporations not to be responsible for killing their workers, we let those 26 miners to die.

● (1740)

In memory of these men and their families, we have the opportunity to correct this situation. We can make corporate directors, managers and supervisors know that they have a legal responsibility not to ignore safety for profit.

We can honour their memory by passing the bill. In doing so we honour the memory of John Bates; Larry Bell; Bennie Benoit, a grandfather; Wayne Conway; Ferris Dewan; Adonis Dollimont; Robert Doyle, only 22 years old; Remi Drolet; Roy Feltmate;

Private Members' Business

Charles Fraser; Myles "Sparkie" Gillis; John Halloran; Randolph House; T.J. Jahn; Laurence James; Eugene Johnson; Stephen Lilley; Michael MacKay; Angus MacNeil; Glenn Martin; Harry McCallum; Eric McIsaac; George Munroe; Danny Poplar; Romeo Short; and Peter Vickers.

Their lives were cut short. They were fathers, grandfathers, husbands, lovers, brothers and friends. They were workers who died in a mine that management knew was unsafe. They are victims and the law failed them. Let us fix the law in their memory.

Mr. Scott Reid (Lanark—Carleton, Canadian Alliance): Mr. Speaker, it is a pleasure to rise today to address Bill C-284, an act to amend the criminal code, sponsored by my hon. colleague from Churchill.

The bill would amend the criminal code in order to introduce new provisions for corporate criminal liability. Bill C-284 originated in response to the horrible catastrophe that occurred at the Westray mine in Stellarton, Nova Scotia in 1992 in which 26 people, just named by my hon. colleague, were killed.

On May 9, 1992, all the miners in the Westray mine were killed following an explosion that could have been prevented. A commission of inquiry was established under Mr. Justice Richard of the Nova Scotia Supreme Court. Mr. Justice Richard concluded that the miners were in no way responsible for the explosion but rather that safety conditions at the mine were at fault.

It was also revealed that the miners who worked at Westray had been attempting to reform their working conditions but to no avail. Their efforts were seemingly ignored by management, by regulators and by the government.

Justice Richard recommended that parliament introduce criminal code amendments to strengthen corporate criminal liability and to introduce a new offence of corporate killing.

Since that time there have been two legislative initiatives in this regard. Bill C-259, similar to the current bill, was introduced by the member for Halifax in the 36th parliament. The member for Pictou—Antigonish—Guysborough later introduced a motion to bring forth similar legislation and the Standing Committee on Justice and Human Rights voted unanimously to act in accordance with the motion. The bill was introduced in this new parliament and we have it before us today.

Bill C-284 contains provisions that would have the effect of holding directors and officers of corporations criminally liable for the actions or omissions of the employees of a corporation. It would also hold directors and officers criminally liable for failing to provide a safe working environment for employees. Both the United Kingdom and Australia have embarked upon similar legislative provisions.

I will begin my assessment by stating that I believe in principle with the general intention of the bill in addressing the issue of negligence on the part of corporations in providing safe working conditions for employees. I believe all actors in society, including corporations and government agencies, act rationally in their own self-interest and that it therefore makes sense to craft laws that provide incentives to act in a manner that promotes the well-being of their employees and of their clients.

Private Members' Business

I do however have certain concerns with the bill in its current form. I believe we must tread very carefully in our legislative endeavours for fear that we may inadvertently alter our legal system in such a fashion as to provide a basis for criminal culpability without criminal intent, which would not be congruent with natural justice.

I believe firmly that in any case of criminal prosecution the person or persons absolutely responsible for any acts or omissions must be held accountable. Generally, however, the larger a corporation gets the more divorced the directors are from day to day operations and decision making by management. I do not mention this fact to deflect responsibility from these directors. I mention it in order that we may most accurately direct matters of investigation, responsibility and prevent potential culpability in order to ensure that the intended end of fewer workplace deaths is actually achieved.

Directors of corporations tend to deal with issues such as strategic marketing and profit margins, whereas middle management tends to deal with operations on the ground. Is it fair to say that the manager who oversees the safety conditions in the factory is not ultimately responsible for the safety conditions in the factory, whereas the director who spends his or her time studying pie charts relating to relative market share is culpable of corporate killing?

If corporate directors knew of the risks involved, as they did at Westray, then they should face penalties. If they did not, and could not reasonably be expected to do so, then no culpability can properly be assigned.

Our criminal code contains provisions for criminal negligence. Perhaps these need to be strengthened for there is no question that workplaces are responsible for the safe conduct of business. Should we go down a path that would automatically pursue company directors, even when they are entirely removed from day to day operations, in order to satisfy a need for quick blame and closure? I am hesitant to believe so.

Equally important, I find a great deficiency in the bill as it addresses private corporations while leaving Canada's largest and most impersonal institutions, that is to say, government departments and crown corporations, outside its reach. Let me offer an example.

● (1745)

Several years ago here in Ottawa an employee of the transit company, OC Transpo, walked into his workplace and opened fire at his colleagues. There were fatalities. The later investigation revealed that the abnormal behaviour of the person in question was reported on more than one occasion to staff supervisors but that they had failed to take action.

Surely that would be a textbook example of the kind of criminal culpability the bill seeks to create. However, under the proposed legislation, the fact that OC Transpo is publicly owned would exonerate its directors and managers and the politicians who oversee it. It seems incomprehensible to me that no one would be held criminally responsible, other than the shooter, for the simple reason that these events transpired in a public sector workplace rather than in the private sphere.

However I do think there is a need for such measures to be applied in a manner that creates liability for governmental and semi-

governmental agencies so that they too can be prosecuted when they abuse their trust. This should certainly be so in cases that lead to needless deaths and, let me suggest, it should also be so in cases where the abuse of power leads to a loss of property or civil liberties.

One interesting example of how this was done can be drawn from the United States. Under a 1997 law, government agencies, such as the internal revenue service, now face severe financial penalties if they abuse their power in order to engage in malicious prosecution, when they conduct actions toward those who are in their care in bad faith, or when they otherwise violate their legal mandates. This law, which is known as the Hyde amendment, has been remarkably successful in reining in this notoriously abusive agency.

If such a law were to apply in Canada with regard to any gross abuses in the behaviour of governmental and semi-governmental agencies toward their employees, we might see some form of justice toward the victims of tragedies like the one that occurred at the OC Transpo sheds.

I wish to conclude by congratulating my colleague from Churchill. She is right to highlight the need for improved workplace safety. I say to my colleague, yes, the cause is just, but we must be careful not to create new injustices in our efforts to remedy existing ones.

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, it is a pleasure for me to enter this debate, as I am well aware that this is a very difficult situation for the families involved, and surely one we should pause to consider.

I will be brief, this not being the first time we have to deal with this kind of legislation.

The member for Pictou—Antigonish—Guysborough also put forward a motion that I want to repeat, because I believe it summarizes well the objectives sought by this House. The motion read as follows:

That, in the opinion of this House, the Criminal Code or other appropriate federal statutes should be amended in accordance with Recommendation 73 of the Province of Nova Scotia's Public Inquiry into the Westray disaster, specifically with the goal of ensuring that corporate executives and directors are held properly accountable for workplace safety.

It may seem extremely ironic that, in 2001, we have to discuss such considerations, because occupational accidents in mines, in literature and in people's imaginations are mostly associated with the 19th century.

It is extremely sad that, as legislators, we did not act, so that on the day of the tragedy, on May 9 1992, we realized that there was some sort of regulatory vacuum.

Concerning the matter being addressed today, section 220 of the criminal code deals with criminal negligence. There is also case law on this, and we are aware of the scope of section 220. The criminal code even has provisions whereby charges of involuntary homicide may be laid, that is second degree murder.

Private Members' Business

That is not what we are talking about today, however. We are talking about people with responsibility, people who own capital and the means of production, people with executive responsibilities who have been negligent in their moral, professional and civil responsibility to provide a safe working environment. That is what we are talking about.

In Quebec there is a point of reference. For a long time there were clearly identified areas—the primary sector was certainly one of them, manufacturing, textiles, clothing, footwear—with very difficult working conditions.

Quebec created a body called the Commission de santé et sécurité au travail. It was set up under a statute that had some real teeth, one that enabled the Quebec legislator, via the National Assembly and its various monitoring mechanisms, to intervene even when it only suspected a potential problem. The CSST is allowed to take preventive measures.

Debates such as this one are not good vehicles for partisan considerations, but I feel compelled to point out that we reviewed the Canada Labour Code in the House. So, we know that there is a labour code that applies to approximately 10% of the labour force.

When we reviewed the labour code, when the government introduced legislation—there are three parts to the Canada Labour Code—it was unfortunately fairly unconvinced by arguments made by the opposition parties, which were designed to remedy situations similar to the one we are discussing today.

It is hard to imagine that, in May 1992, people who were doing something that seemed so ordinary, something they did every day—getting up and going to earn a decent living to support their family, their wives and their children—would lose their lives.

Looking at what happened over the course of the events of May 1992, 26 persons lost their lives, all this again, because their workplace was unsafe. This is what we are discussing. We are not calling into question the capitalist system. We are not saying that there should not be any bosses, that they should not be able to have the means to produce and the capital. This is not what we are talking about.

• (1750)

The question that we must ask ourselves as members of parliament is this: Do we want workplace responsibility—which may be recognized by a court of justice, which may be sanctioned by a tribunal—to go so far as to include a provision in the criminal code stipulating that anyone not providing safe working conditions is committing an offence?

I believe that I can speak for my Bloc Quebec colleagues in saying that we will enthusiastically support the essence of such an amendment. Why will we do so? Because in itself speaking of negligence is not enough.

There was a commission of inquiry. After the events of 1992, the legislator made use of the provisions of the Public Inquiries Act of Nova Scotia. A magistrate was mandated to carry out an inquiry and the commission produced a very substantial report. The Richard Report contains hundreds of recommendations.

It is interesting, as an aid to our understanding of this phenomenon, to note that among the Nova Scotia statutes which could have been of some use in providing a safer environment for workers were the Mineral Resources Act, the Occupational Health and Safety Act, and the Coal Mining Regulation Act.

The presence of existing legislative frameworks was not enough to ensure that the environment in which the 26 miners worked was free of threats and dangers. We have a duty to ensure that this never happens again.

So we are becoming aware of the inadequacy of the legislation and the regulatory framework, specifically with respect to the operation of mines. It must be remembered that warnings had been issued to the government of Nova Scotia. This brings home the responsibilities we have as parliamentarians. Sometimes, our role is preventive, but we also have a responsibility to remedy situations.

I must admit that I would find it really upsetting if we ended up with some parties in this House rejecting the hon. member's bill. Perhaps it can be improved on. When one drafts a private member's bill, one does not have access to the same resources as the Minister of Justice. Those who draft these bills work very efficiently and in good faith. In some cases their work is brilliant, but still we cannot compare the resources at the disposal of an opposition member with those of a minister.

Earlier, an hon. member suggested that the bill be improved in a parliamentary committee. This is a great idea. I am sure that all members in this House will agree that being able to improve a bill is a positive thing.

But I hope that the government, the official opposition and all the parties will rise to the occasion provided by the New Democratic Party and the sponsor of the bill. This legislation seeks to correct things. In conclusion, we must tighten the provisions of the criminal code so that no member of parliament, regardless of his political allegiance, will ever again have to rise in this House because workers have lost their lives.

• (1755)

[English]

Mr. Lynn Myers (Parliamentary Secretary to the Solicitor General of Canada, Lib.): Mr. Speaker, I am pleased to enter the debate with respect to Bill C-284. The bill is essentially the same as Bill C-259 in the last parliament. The only change is that the maximum fine has been doubled to \$2 million.

The Standing Committee on Justice and Human Rights held a single day of hearings on the issue in the last parliament. No submissions were heard from the corporate sector, or from any experts in criminal law or for that matter the charter of rights and freedoms. There was no review of what was being done in other countries and no presentations were made with respect to specific legislation abroad.

Private Members' Business

The committee passed a motion that the criminal code or other appropriate federal statutes should be amended after consideration by the Standing Committee on Justice and Human Rights in accordance with recommendation 73 of the inquiry into the Westray disaster by the province of Nova Scotia. Given the brevity of the committee's hearing, it is understandable that it called for changes without specifying precisely what those changes should be.

The issue of corporate liability for criminal acts is complex and has been the subject of study by legislatures and courts for many years. There is no simple solution.

Attempts to reform the law in this area invariably require a great deal of study. In Britain the law commission began consulting on the law of manslaughter, including corporate responsibility for wrongful death in 1994. In May 2000, six years after the study began, the government accepted in principle the law commission's recommendation to create a new offence of corporate killing. It then proceeded to further consult on some points. No legislation has yet been introduced.

Australia passed new legislation dealing with corporate criminal liability in 1995, but the legislation was to come into force on proclamation or after five years to allow time to prepare for the changes. The process there began in 1987 with a report by experts reviewing the criminal law. The proposals were then studied by the standing committee of attorneys general and by the model criminal code officers committee.

We do not have to follow the approach taken in Australia or England in changing the law. We can make use of their experience and, more important, we can deal with a narrower question. What changes need to be made to make the criminal law reflect the reality of business in the 21st century?

Both the British and Australian processes were much wider with corporate liability as just one of many issues. Nevertheless, we must expect to take time to consider the issue fully because we will have to wrestle with very complex issues such as: Who for the purposes of criminal law is the corporation?

In some cases this may be clear. An individual often is the mind directing a large corporation and what that individual thinks and does is what the corporation thinks and does. However, if someone is killed in an industrial accident in a corporate office, it is quite probable that the individual who is the directing mind has never set foot in that office and has absolutely no idea of working conditions.

Bill C-284 proposes one model for determining who is the corporation by assigning criminal liability to a corporation for acts and omissions of directors, officers or persons to whom day to day management of a part of the company's activities has been delegated

This is, at least on the surface, somewhat wider than the current Canadian law which looks to the directing mind of the corporation, but it does not appear to be as broad as the American vicarious liability standard.

However the proposed legislation still requires an examination of the corporate structure. How much control is implied by day to day management and what is a part of the corporation? Would this mean

that a retailer is criminally responsible for the actions of the head of a shipping department in one of its stores even when he or she acted directly contrary to specific instructions? We must have legal advice on the implications of the proposed wording because these are important questions.

Should the change in the law be general or specific to certain offences?

• (1800)

The criminal code currently includes Her Majesty, public bodies, bodies corporate, societies and companies as persons, so that all of the offences in the code would apply to corporations, to the extent that a corporation is capable of committing them.

The leading case of Canadian Dredge and Dock, for example, dealt with a conspiracy to defraud. The Westray principals were charged with manslaughter and causing death by criminal negligence.

Bill C-284 both makes a corporation liable for any offence of which an individual could be found guilty and creates a separate new offence for a corporation of failing to take reasonable steps to provide safe working conditions. It is not clear why this particular offence should apply only to corporations. It is possible for a government to turn a blind eye to the many violations and not enforce the laws that are in fact on the books.

As I previously stated, in England the government has accepted a proposal by the law commission to create a new offence of corporate killing, where death results from corporate conduct far below the standard of what is reasonably to be expected. Fashioning a specific offence for a corporation might, in the result, prove to be the best approach.

The Australians, however, did not choose to proceed in this fashion. They created a new part which begins with the general principle "This code applies to bodies corporate in the same way as it applies to individuals. It so applies with such modifications as are set out in this part, and with such other modifications as are made necessary by the fact criminal liability is being imposed on bodies corporate rather than individuals". The part then sets out rules regarding such matters as how to determine negligence.

In a paper prepared for the Uniform Law Conference, Professor Anne-Marie Boisvert of the faculty of law of the University of Montreal in 1999 recommended that there should be codified a notion of corporate fault that is more closely related to the way in which bodies corporate actually operate. She also recommended that there should be a distinct part of the criminal code expressly covering corporations. Such a part would define the conditions under which a corporation can be criminally liable; provide that any body corporate including not for profit corporations may be held liable; define what is an act of the corporation; clarify whether a corporation can raise such defences as necessity or compulsion by threats; and define what constitutes fault.

Private Members' Business

On what basis do we attribute criminal intent to a corporation? This too is a very important question.

The directing mind test, especially because it requires the same responsible person to have the necessary intent and to commit the offence, may not fit well with the way complex organizations work with head offices issuing directives, regional offices interpreting them and local managers implementing them.

It is highly unlikely that evidence will be found of a single person in a large corporation who issued an order to break the law. The actual criminal activity may be, as was the case in Westray, the result of many officers and employees of the company cutting corners.

Bill C-284 follows to some extent the recent changes to the law in Australia which provide that where negligence is a fault element and no individual in the company has that fault element, it is possible to find the necessary fault by proving that a corporate culture existed that directed, encouraged, tolerated or led to non-compliance.

It is important that we note a number of these issues. It is important that we deal with them appropriately. They are important questions.

I want to simply say in summary that while we recognize the desire of the sponsor of the bill to ensure that the criminal law copes better with potentially criminal activity by corporations, we are not convinced that Bill C-284 is necessarily the best model. Significantly more study and very broad consultation are required before the House can be satisfied that it has fashioned the best amendments to the criminal law.

Finally, I feel it is appropriate to remind members of the House that the criminal law always requires the highest level of proof, namely, proof beyond a reasonable doubt. Given the complexities of modern corporations, any criminal investigation is going to be lengthy and complex. Criminal law and criminal trials will also be long and complex.

The charge to the jury in the leading case, *Canadian Dredge and Dock*, took 11 days. It is highly unlikely that the investigation or prosecution of those charges would have been any simpler if the crown had to prove a corporate culture.

• (1805)

For this reason, it is vital that we ensure that the law governing Canadian corporations has appropriate penalties for breaches of safety. Action to prevent tragedies will always be more effective than trying to use criminal law after the fact.

This is an important issue, one well worth debating in the House. I look forward to listening to other members of parliament on this very important issue.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC/DR): Mr. Speaker, before I begin my remarks, I would hope that the Chair would indulge me and the House, just in keeping with personal and professional accountability, and allow me to advise the House and the Chair that I sent a letter to the Prime Minister's office after hearing the Speaker's ruling today. I wish to just read that letter:

I wish to unreservedly withdraw the allegation of improper conduct that I made in the House of Commons earlier this week.

Turning to Bill C-284, I commend the hon. member for Churchill for bringing the issue forward. I will begin by stating that the Progressive Conservative/Democratic Representative Coalition will give its initial support to the bill. We certainly believe this continues to be a timely and important issue, one which should be placed before the justice committee. I believe there is a willingness on the part of the department and the minister herself to permit that to happen.

I can say with a great deal of sincerity and emotion that this hits very close to home. In fact the place where I grew up is a neighbouring community to Plymouth, where the Westray mine rests and where the bodies of those 26 men continue to rest underground.

May 9, 1992, the day that the Westray mine in Plymouth, Nova Scotia blew up killing 26 men, is a day that the people of Pictou county, in fact the people of Canada, will not forget.

Although we have concerns about the way in which the bill has been drafted in terms of its scope, we certainly support seeing the bill, this issue, continue through the process and to the justice committee for proper review. It will take far more than criminal code amendments to deal with this issue in a proper fashion. As the parliamentary secretary quite properly stated, this is a complex issue. It is an issue involving provincial jurisdictions; it is an issue involving provincial legislation.

Bill C-284 speaks of the need to bring about greater accountability on the part of corporations. It includes acts or omissions, and rightly so, because of what happened in the case of Westray, which was encapsulated in a report tabled by Mr. Justice Peter Richards after hearing numerous testimony.

His report "The Westray Story: A Predictable Path to Disaster" highlighted the acts of omission on the part of provincial safety inspectors and mine managers in making legitimate and real attempts to prevent a situation that was known all too well to those miners, many of whom escaped by the simple fortune of not being in the mine that day. I knew some of those men whose names were read into the record by the hon. member for Dartmouth. In fact, as a summer student with Satellite Construction, I had worked on the site of the Westray mine during its construction phase.

Criminal negligence and in particular manslaughter by criminal negligence is perhaps arguably one of the most difficult sections of the criminal code to prove. It involves proving the intention. It involves proving the mens rea. Particularly when the mens rea is an act of omission, this is a very difficult criminal matter to prove beyond a reasonable doubt.

Private Members' Business

The bill is very similar to a private member's motion which I presented. It was the first private member's motion that I was permitted to submit upon being elected to the House in 1997. That motion, Motion No. 455, and later Motion No. 79, was passed and received overwhelming all party support to proceed to the justice committee.

That motion dealt specifically with the amendment of the criminal code and all appropriate federal statutes in accordance with recommendation 73 of the Nova Scotia public inquiry into the Westray disaster and was specifically focused at holding corporate executives and directors accountable for workplace safety.

Mr. Justice Richards' report was a direct message to this and all federal governments that there is a responsibility that rests on the Parliament of Canada to take steps to ensure workplace safety.

The issue is seen, understandably, as being predominantly under provincial jurisdiction, but human safety is something that all legislatures have to take responsibility for.

• (1810)

I have some concerns regarding the reverse onus of the legislation, yet the need for workplace safety overrides that concern. There is a pressing if not urgent need to delve into this issue.

Those who are in the corporate world, who sit on boards of directors, who sometimes take very little hands-on control of the day to day running and operations of businesses would be encouraged, I would suggest compelled, to show greater concern and insight into what is happening in those businesses to ensure that elements of safety exist, to ensure it is a priority for those corporations lest they be found to be criminally responsible when horrible disasters occur such as what occurred at the Westray mine.

That tragedy in Plymouth, Nova Scotia reminds us that all corporations in that world should hold concern for their employees as among their top priorities. They have to see them as people and not only look at the bottom line in terms of financial gain.

As was previously mentioned, other jurisdictions have dealt with this issue and legislated in this area, Australia and Great Britain to mention a couple. I want to take a moment to express again, as I have before in the context of this legislation, my sincere thanks and the thanks of the people of Pictou county to the draegermen and the emergency response teams who arrived on the scene in the aftermath of that explosion. They put their own safety at risk and entered the mine shaft in the vain hope of rescuing survivors of that explosion.

The attempt to locate the 26 men who died in that mine underground remains a testament to the bravery and selflessness of those workers. Many of those draegermen came from Cape Breton, an area which has endured more than its own share of mining tragedy. The people of Pictou county will never forget the assistance that was offered.

I might add that many of those emergency response workers from the local area and the province of Nova Scotia again rallied to the cause in the Swissair disaster off the coast of Peggy's Cove. Once again those individuals deserve our bottomless thanks for what they did and the quality of mercy they showed during that troubled time.

Pictou county has a long and rich tradition of coal mining. The Pictou coalfield has been mined for nearly 200 years, yet there has always been danger in the mining and in the thick and gassy coal seams that are found there. The Foord and Wimpey seams in particular are notorious for their volatility.

As the need for coal diminished, Westray was the only operational underground coal mine in Pictou county at the time of the explosion in 1992. Management's disregard for worker safety combined with the workers' need to keep their jobs seemed to cause a sense of urgency in keeping the mine going. There were financial pressures that were brought to bear as well. What a heartbreaking tragedy it was in terms of the loss of lives. If that mine were operating today, the economic advantage would flow to an area that is very economically depressed. That remains part of that tragedy. If that mine had been properly managed, I would suggest it would still be operating.

Turning back to this bill, and my previous motion, this is an attempt by the opposition, by all members of parliament, to remind the government and ourselves that we must do everything in our power to ensure there is workplace safety. We have to be engaged actively with those in the labour community to ensure we are doing our utmost to protect workers on the job.

There is a need for safety in mining but also in farming, manufacturing, fish plants, in all areas where danger lurks in any occupation. Too often death and injury in the workplace, in the fullness of time, is discovered to have been avoidable.

It is a daunting task to try to enact legislation and to put into law provisions that would protect and encourage those in the industry to abide by legislative initiatives to ensure safety. Yet a criminal code provision, a law that would help ensure accountability, is one such way to do so, leading to higher levels of accountability among executives, CEOs and management in companies. It certainly is a worthwhile exercise for us.

• (1815)

Those who make decisions in the workplace that affect workplace safety need to be held accountable. The bill speaks of fines. It speaks of greater corporate activity in terms of knowledge. It speaks of executives being actively engaged in the workplace over which they preside. It would create offences and penalties for the corporate sector.

After eight years in office the Liberal government has a mandate to address the issue. It has the mandate by virtue not only of private members' bills and motions but of this report and the fact that the problems continue to exist day to day. The tragedy of September 11 increased the need for security in all sectors but the situation in the workplace is omnipresent.

During the public inquiry into the Westray matter the criminal prosecution proceeded through the courts all the way to the Supreme Court of Canada. The prosecutors in the case had a very difficult time presenting evidence due to procedural interference. This highlights the need for amendments to the criminal code.

We look forward to having the opportunity to revisit this debate in the House but more so in committee where we will hear from stakeholders and individuals who can advise us how to improve workplace safety nationally.

* * *

● (1820)

[Translation]

MESSAGE FROM THE SENATE

The Deputy Speaker: Order, please. Before resuming debate, I have the honour to inform the House that a message has been received from the Senate informing this House that the Senate has passed a bill to which the concurrence of this House is desired.

* * *

[English]

CRIMINAL CODE

The House resumed consideration of the motion that Bill C-284, an act to amend the criminal code (offences by corporations, directors and officers), be read the second time and referred to a committee.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I have enjoyed listening to the views of members from all parties in the House. On behalf of the hon. member for Churchill I thank all members for the thoughtfulness that has gone into their remarks. It is plain to see that everyone in the House from all parties takes the issue seriously. I appreciate the thoughtful research that has gone into all the speeches I have heard so far.

There is one thing we must keep in mind as we enter a debate of this nature that can be so emotional. Canadians get up in the morning and go to work to earn a living, not to die. Canadians must adopt the fundamental attitude shift that it is possible to run clean, safe and healthy workplaces and still be profitable.

We must realize that safety is not a cost factor. Unfortunately there are sectors within the business community where that is the mentality. There are those who believe safety is a cost factor and that it would cost money to run a safe workplace as opposed to a dangerous one.

I challenge that logic. Until people adopt the view that it is more fiscally responsible to run a clean, safe and healthy workplace, we will need legislation that motivates employers to adopt that view.

All Canadians were horrified when 26 miners were killed on May 9, 1992. Canadians were even more horrified when they learned the crown prosecutors of the province of Nova Scotia had to stay all charges against the operators of the mine because under the existing criminal code they could not make the charges stick. This was in spite of overwhelming evidence of gross negligence and wilful blindness toward workplace safety and health.

At the Westray inquiry Justice Peter Richard used some of the strongest language any of us have seen in a document of that nature. He pulled no punches. He said it was a case of gross negligence and wilful blindness.

Private Members' Business

One would think it would be quite simple and straightforward to bring to justice those responsible for the deaths. We know after hearing witnesses at the Westray inquiry that the company did not just commit acts of omission. It did not just ignore workplace health and safety. It actively encouraged workers to do unsafe things. This was the most glaring evidence we have ever seen in an investigation into workplace accident or death.

We have heard people like the member for Pictou—Antigonish—Guysborough and the hon. Parliamentary Secretary to the Minister of Justice and Attorney General of Canada point out that in cases like this the burden of proof is onerous. In this case it was not. It was blatantly obvious. It should have resulted in someone being charged, fined or punished.

Bill C-284 seeks to give federal prosecutors the tools they need to make such charges stick so we would not have to face similar situations where after their best efforts prosecutors must drop or stay charges that should otherwise be straightforward and simple.

Bill C-284 is about accountability, a word we often hear in the House of Commons. It is about corporate accountability or responsibility. Someone must take responsibility. Accountability goes right up the corporate ladder. It extends from frontline supervisors, managers and directors of the board all the way to the CEO.

It is not a justifiable excuse for CEOs to say their work is in the office, that they have never set foot in the plant or that it is only one of many enterprises they have under their direction and control. That is no excuse. The buck should not stop at the frontline manager who works in the plant where the offence might have taken place. The buck stops at the CEO's desk. If CEOs do not know what is happening in their plants they have an obligation to know.

● (1825)

If Bill C-284 went through they would make a point of knowing. People would not accept directorships on boards without first asking solid questions about the enterprises that would be under their control. They would ask if reasonable steps were being taken to ensure the workplace was safe so that there would be no problem.

Three people a day are killed on the job in Canada. That is over 1,000 a year. I am not saying they would all result in prosecutions if Bill C-284 became law. That would be rare because such cases would need to meet all the tests and burden of proof as in any criminal charge. There would be an investigation and if the evidence were there someone would be charged. That would be a deterrent. It would clean up workplaces.

If Bill C-284 were in effect executives would take an instant interest in the workplaces under their control. They would ensure that basic, reasonable steps in workplace safety and health were taken. Smart managers and CEOs know that a clean, healthy and safe workplace is more profitable and that safety is not a cost factor. I will give the House an example.

Adjournment Debate

Two years ago the province of Manitoba lost 50,000 person days to strikes and lockouts. In the same period the province lost 550,000 person days to injuries on the job. Managers, directors and corporations interested in productivity and profitability should know that eliminating 550,000 person days lost to injuries on the job would surely affect their bottom line.

The member for Dartmouth mentioned brother Dick Martin, a close friend of mine and the former head of local 6166 of the steelworkers union. Dick Martin dedicated his life to trying to elevate conditions for working people. He founded the occupational health centre in the province of Manitoba when he was president of the Manitoba Federation of Labour.

Dick and I met a number of times as Bill C-284 was being developed. Dick took a strong personal interest in the bill. Unfortunately he passed away last week and will not be with us to see the bill come to fruition. His funeral was last Sunday.

In recognizing the important work Dick has done I also want to take note of the important work the United Steelworkers of America has done in advocating on behalf of Westray families.

In the nearly 10 years since May 9, 1992, the only group that has consistently hung in with the Westray families and promoted and pushed this kind of legislation has been the United Steelworkers of America. It is to its great credit that Bill C-284 has come as far along as it has.

Twelve lobbyists with the steelworkers came to the Hill last year and worked out of my office. Many of them had worked at the Westray mine. Two were dragger men who had pulled bodies out of the mine. They visited virtually every member of parliament to encourage parliamentarians to implement a bill much like the one we have here which would require some form of corporate accountability and responsibility for workplace safety and health.

Their visit prompted the justice committee to call a special meeting to hear representations from the steelworkers. That is what prompted the committee to unanimously endorse a motion which appealed to the Minister of Justice to introduce legislation that would implement article 73 of the Westray inquiry recommendations. This would amend the criminal code to include corporate murder and corporate manslaughter and thereby give prosecutors the tools they need to make criminal charges stick in the event of wilful blindness and gross negligence to worker safety and health.

We are looking forward to a third hour of debate and a vote on the bill. We strongly hope members of parliament on all sides will find it in their hearts to adopt this important amendment to the criminal code on behalf of all Canadian workers.

[*Translation*]

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

ADJOURNMENT PROCEEDINGS

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

• (1830)

[*English*]

GUN CONTROL

Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance): Mr. Speaker, in the House on June 4 the Minister of Justice failed to answer my question about the four amnesties she had declared with respect to the 1995 banning of thousands of short barrelled .25 calibre and .22 calibre handguns, all legally owned and registered, I should remind the House.

A little background information is necessary to understand this issue and that the passing of these amnesties is actually contrary to the government's stated objectives of its firearms program.

On April 12, 1994, the then justice minister was quoted in a number of newspapers across the country. He said:

I came to Ottawa in November of last year with a firm belief that the only people in this country who should have guns are police officers and soldiers—

Six months later, he had changed his public tune but not his personal beliefs. In 1995 he used time allocation to ram his draconian bill through parliament requiring the licensing of all law-abiding firearms owners, the registration of all legally owned guns and the banning of 555,000 legal owned, properly registered handguns. The justice minister offered no statistical evidence to support the ban. In fact the statistical evidence showed that these registered handguns were no threat to public safety while they were in the hands of their registered owners.

To justify his decision to ban and eventually confiscate legally owned private property without any compensation, the justice minister simply declared these registered handguns as scary Saturday night specials.

Rather than rely on any statistical evidence, on February 16, 1995, the justice minister made his emotional argument in this House. Again I will quote:

These handguns are by their design and characteristics suitable for concealment, inexpensive to buy, easy to trade in the underground and not appropriate for target shooting because of their lack of accuracy.

The justice minister's lack of candor was duly noted by tens of thousands of front line police officers and RCMP who were still carrying the four inch barrelled .38 calibre specials that were soon to become prohibited with the passage of Bill C-68. In the legislation the justice minister tried to ban the sale of these registered handguns from the day he introduced the bill on February 14, 1995. He said that anyone buying a short barrelled .25 calibre or .32 calibre handgun after that date would have it seized by the police without compensation.

Adjournment Debate

This move telegraphed the government's true intentions about what registration really means. People should register their guns and some day the government will declare them dangerous and then it will confiscate them without compensation, just like it did with the Saturday night specials people registered. Remember?

Now every responsible firearms owner remember. The justice minister ordered his bureaucrats to set the first deadline for confiscating thousands of legally owned firearms. We must remember that these are properly registered short barrelled handguns from dealers' inventories and from individuals cleared by the police to buy these firearms.

As every deadline approached, the government lost its courage and passed an amnesty. It has had four amnesties to date. With every amnesty passed by the government it is admitting that these so-called Saturday night specials are not dangerous at all when in the hands of a person licensed by the government and approved by the police to own them.

Even the 555,000 legally owned registered handguns banned in 1995 were left in the hands of their law-abiding owners through a grandfathering clause, not to be confiscated until the current owner dies. Grandfathering proved that once again the government did not consider these handguns dangerous at all when safely in the hands of their law-abiding owners.

The hypocrisy of all this is disgusting and that is why I asked the justice minister, instead of proclaiming amnesty after amnesty, why she does not admit that the government was wrong to ban these registered firearms in the first place.

Mr. Lynn Myers (Parliamentary Secretary to the Solicitor General of Canada, Lib.): Mr. Speaker, I am very proud of the fact that our government continues to listen to the concerns of firearm dealers and owners. They have important points to make and we are very attuned to what they are saying. That is why an amnesty is currently in place for prohibited handguns and unregistered restricted firearms until December 31, 2001.

The amnesty allows individuals who purchased prohibited, that is short barrelled .25 calibre or .32 calibre, handguns after the intended prohibition was announced in February 1995, and dealers who were left with inventory, to take appropriate action as required. The amnesty also protects individuals who may have come into possession of an unregistered restricted firearm, often through an estate, allowing them the opportunity to either register or dispose of it without fear or repercussion.

Responding to concerns from the public and the policing community, the government announced the prohibition of these handguns in February 1995. Incidentally, the police were at the justice committee last night and both the chiefs of police and the Canadian Association of Police again reaffirmed their strong views that this was appropriate and good legislation, and I think the record should reflect that.

However, all individuals who had registered or who had applied to register a prohibited handgun at that time were grandfathered and can continue to use their firearm with the appropriate authorization.

While the prohibition of these easily concealed firearms is in the interest of public safety and security, the government also recognizes

the difficult situation of businesses that were caught with large inventories of short barrelled .25 calibre or .32 calibre handguns on February 14, 1995. This situation is addressed in amendments proposed in Bill C-15, which would grandfather these inventories, and was also addressed last year in Bill C-17.

Grandfathering these inventories would mean that businesses could dispose of the prohibited handguns by selling them to individuals who are grandfathered to possess such handguns and licensed to acquire them. This would help businesses and would not affect public safety as only licensed individuals could acquire them.

Another proposed amendment would change the grandfathering date for prohibited handguns to December 1, 1998, from February 14, 1995, so that correctly licensed individuals who lawfully acquired and registered a handgun while it was still restricted, that is between February 14, 1995 and December 1, 1998, can keep it.

Public safety would be maintained with the proposed changes because only those who were already in legal possession of these handguns since December 1, 1998, and who are properly trained and licensed to use prohibited handguns would be able to keep them. Ownership of prohibited handguns would continue to be limited to a very small number of individuals with grandfathered privileges.

Given the government's resolve to address these issues through Bill C-15B, the amnesty was recently extended until the end of this year to continue to protect both dealer inventories and individuals in possession of prohibited handguns until parliament completes its consideration of Bill C-15. I think that represents the values of Canadians and the values of this parliament.

• (1835)

Mr. Garry Breitkreuz: Mr. Speaker, the government has its spin but let us look at the facts. The law has required handguns to be registered since 1934 yet the government has been unable to present a shred of evidence that registration of these firearms has helped prevent or solve one crime.

Last week's Statistics Canada report "Homicides in Canada 2000" shows that the government's 67 year registration of handguns project has been a complete failure. Of the 183 firearm murderers last year, 58% were committed with handguns. Since 1990 the use of handguns and firearms in homicides has doubled from 30% to 60%. Between 1997 and 2000, 69% of the handguns recovered from firearms homicides were not registered.

Let us scrap Bill C-68 and instead enlist the support of the provinces, the territories and responsible firearms owners and draft a workable gun control program. Nearly \$700 million has been wasted on Bill C-68.

Adjournment Debate

Mr. Lynn Myers: Mr. Speaker, if we look at the security measures that are in place and the safety for communities, small towns, villages, cities and rural areas across Canada, it is implicit and inherent that our society is much safer as a result of gun control. This is not about confiscating guns. I resent the implication and the mythology that is portrayed by using that statement because it is incorrect. It is an urban and a rural myth.

What this is about is carving out values for Canada, values that are dependent on the safety and security for each and every one of us, and especially for young people, and about making sure our communities are safe and secure. I am not alone in saying this. As I said previously, the police association and the chiefs of police are unanimous in saying that this is a wise move. This is what Canada is all about.

•(1840)

HEALTH

Mr. Greg Thompson (New Brunswick Southwest, PC/DR): Mr. Speaker, I am on my feet tonight to question the response I received to a question I put to the Minister of Health on October 23. The question had to do with the minister approving the use of the drug Cipro. When he did that he broke Canadian drug patent law, and that is not a good thing to do. The drug patent law protects the ability of drug companies to research and develop drugs and it was wrong for him to do that.

One of the points I want to make in this presentation is the very ad hoc approach that the government has taken to terrorism. It is indicative of the Prime Minister's laissez-faire approach to government.

One of the disappointments for me and I think many other Canadians was when the Prime Minister formed his war cabinet and left out the Minister of Health. Given the abilities of the health minister, his intellect would surpass most of his fellow cabinet ministers. I am not questioning his ability, but the fact that the Prime Minister left him out of that war cabinet left a lot of us shaking our heads in wonder. It was a case of the minister attempting to play catch-up on terrorism without being fully consulted by the Prime Minister or indeed his cabinet colleagues on the approach that he should take in terms of coming up with a drug to combat anthrax.

It is a bigger problem than the fact that he did order the drug and he did break patent law. There is not much research going on in the antibiotic field. It is not a lucrative field in health science and drug companies recognize that. When we break a patent protection law we are discouraging companies from investing in research. They have to be protected and that is the bigger problem when a minister knowingly does that because he did have alternatives.

There are a number of drugs in addition to Cipro that could have been used that were not or were not ordered by the Government of Canada. Hopefully they will never have to be used. He could have applied to have the patent protection law lifted if indeed it was an emergency. He did not do that either.

An hon. member: He broke the law.

Mr. Greg Thompson: As my justice critic points out, the long and the short of it is that he broke the law.

His own industry minister said that he did not break the law intentionally. None of us said that he did, but again it is that uncoordinated ad hoc approach that we have seen on the government side of the House since September 11. We were saddened by that approach and we are hoping the government has learned a lesson by having made that mistake.

[*Translation*]

Mr. Jeannot Castonguay (Parliamentary Secretary to the Minister of Health, Lib.): Mr. Speaker, I will set the record straight. First, the minister has said before, and I will reiterate it for him. He makes no apology for the actions of his officials. We support the officials of Health Canada for the actions they took in ensuring appropriate levels of antibiotics would be available for Canadians to protect them in case of a biological attack involving anthrax.

The affidavits of officials at Health Canada are within the public domain. They show quite clearly that Bayer was contacted not once, but twice, to supply the national emergency stockpile system with the antibiotic Cipro. But Bayer could not supply the Cipro.

I ask but one question. And I ask honourable members to listen carefully. If Bayer could provide enough of the antibiotic to ensure the health security of Canadians, why would Health Canada officials have to look elsewhere to secure the supply? Why? Because, the only logical answer is that Bayer said that they could not supply the Cipro. If Bayer could supply this antibiotic, Health Canada would not have had to seek a source of the antibiotic Cipro elsewhere.

Health Canada officials made a mistake in how they tried to secure another source of drugs. That mistake has been acknowledged and corrected. But they made the mistake in an honest effort to protect the health of Canadians and, at the end of the day, Canadians are protected.

It is Health Canada's responsibility to guarantee the security of the citizens of Canada by protecting the health of all Canadians. It is Health Canada's responsibility to ensure that sufficient quantities of health and social service supplies are available for Canadians in times of emergencies. Health Canada secured a supply of antibiotics for Canadians on Canadian soil.

We have now what we have always been after. A secure supply of drugs to protect the health of Canadians. This government will continue to protect the health and safety of Canadians and we will continue to do it aggressively.

The agreement reached to purchase drugs will not cost the taxpayer a single penny more.

Furthermore, after the United States government forced Bayer to provide the drug at a cheaper price, the Minister of Health took similar action. I am sure all members will be pleased to learn that, as a result of the minister's actions, Bayer has offered the same deal to Canada.

I also want to quickly review some of the other drugs Health Canada is stockpiling. The national emergency stockpile system is stockpiling the following drugs that are usually effective in against a variety of organisms: Ciprofloxacin, Doxycycline—including Vibramycin—Amoxicillin, Tetracycline and Penicillin. The target number is 100,000 Canadians.

These drugs are recommended as standard treatments for this infection by leading health authorities, including the U.S. Centres for Disease Control, NATO and the U.S. Army Medical Research Institute of Infectious Diseases.

Instead of impugning the integrity of the Minister of Health and of public servants who are acting in good faith to protect Canadians, the opposition parties in the House of Commons should be standing with the Minister of Health and applauding those public servants for their dedication to ensuring that the health security of Canadians is protected in a time of crisis.

• (1845)

[English]

Mr. Greg Thompson: Mr. Speaker, one thing I never did is question the integrity of the minister. I never would because I believe that he would operate in the best interests of Canadians, but he did make a mistake. That is the point I am making.

The bigger question is protection for the drug companies that actually invest in creating or developing those drugs, lifesaving drugs that we, our families, friends and this nation need. If patent law is broken it gives those companies no incentive to reinvest in new drugs.

There is one point I want to make before I sit down, and I will quote from *Business Week* magazine of November 5, which gives an example of how some of these bugs or bacteria can evolve and how difficult they are to treat.

In other words, we have to reward these companies. The economics of it are important. We cannot violate the economics of research.

Adjournment Debate

Business Week states:

Indeed, antibiotic resistance is one of the world's most pressing public-health problems.

The doctor would know this. The statement continues:

A single case of so-called multidrug-resistant tuberculosis costs more than \$250,000 to cure—and the deadly germs are on the rise in many countries. Up to 30% of bacteria that cause ear infections and pneumonia in the U.S. can fight off standard antibiotics.

That is the point we are trying to make, that we have to encourage the drug companies to invest, that we must reward discovery and that when we have a minister breaking Canadian patent law, it is wrong. We do not want it to happen again.

• (1850)

[Translation]

Mr. Jeannot Castonguay: Mr. Speaker, under normal circumstances, things are done in the usual way. But because of the crisis that we have been going through since September 11, there were important things that had to be done.

Since Bayer could not guarantee that it could supply the drugs we needed to protect the health of Canadians, it was important for us to have access to those drugs. That is what we did, that is what the Minister of Health did, and his officials worked very hard to make sure we had access to those drugs.

A mistake was made, and we admitted it again and again. Now we have all the drugs we need. We are ready to respond to this type of emergency and we are very proud of our officials.

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24 (1).

(The House adjourned at 6.51 p.m.)

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