CANADA

House of Commons Debates

VOLUME 137 • NUMBER 126 • 1st SESSION • 37th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Thursday, December 6, 2001

Speaker: The Honourable Peter Milliken

CONTENTS

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

HOUSE OF COMMONS

Thursday, December 6, 2001

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

● (1000)

[*Translation*]

CANADA'S PERFORMANCE 2001

Hon. Lucienne Robillard (President of the Treasury Board and Minister responsible for Infrastructure, Lib.): Mr. Speaker, pursuant to Standing Order 32(2), I have the honour to table in the House, in both official languages, the report entitled "Canada's Performance 2001".

* * *

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 two petitions.

* * *

● (1005)

EXCISE ACT, 2001

Hon. Pierre Pettigrew (for the Minister of National Revenue) moved for leave to introduce Bill C-47, an act respecting the taxation of spirits, wine and tobacco and the treatment of ships' stores.

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

* * *

COMMITTEES OF THE HOUSE

PUBLIC ACCOUNTS

Mr. John Williams (St. Albert, Canadian Alliance): Mr. Speaker, I have the honour to present, in both official languages, the 10th report of the Standing Committee on Public Accounts relating to Chapter 16, Health Canada—First Nations Health: Follow-up, of the report of the auditor general, October 2000.

I would also like to present the 11th report of the Standing Committee on Public Accounts relating to Chapter 21, Post-Secondary Recruitment Program of the Federal Public Service, of the report of the auditor general, December 2000.

Finally, I would also like to table the 12th report of the Standing Committee on Public Accounts relating to Chapter 9, Streamlining the Human Resource Management Regime: A Study of Changing Roles and Responsibilities, of the report of the auditor general April 2000.

Pursuant to Standing Order 109, the Standing Committee on Public Accounts requests that the government table a comprehensive response to these three reports.

[*English*]

CITIZENSHIP AND IMMIGRATION

Mr. Joe Fontana (London North Centre, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the second report of the Standing Committee on Citizenship and Immigration entitled "Hands Across the Border: Working Together at Our Shared Border and Abroad to Ensure Safety, Security and Efficiency".

I take this opportunity to thank members of the committee for their hard work in putting forward 67 recommendations that we believe will help our nation, our relationship with the United States and our international community in dealing with security threats at our borders, but more important, how we can continue our fine tradition of immigration and refugee protection in this country.

Pursuant to Standing Order 109, the committee requests the government to table a comprehensive response to this report.

SCRUTINY OF REGULATIONS

Mr. Gurmant Grewal (Surrey Central, Canadian Alliance): Mr. Speaker, pursuant to Standing Order 123(1) I have the honour to present, in both official languages, the fourth report of the Standing Joint Committee on Scrutiny of Regulations concerning the revocation of subsection 15(5) of the Northwest Territories Reindeer Regulations, C.R.C. 1978, c. 1238.

The text of the relevant subsection of the regulations is contained in this report.

[*Translation*]

HUMAN RESOURCES DEVELOPMENT AND THE STATUS OF PERSONS WITH DISABILITIES

Mr. Marcel Gagnon (Champlain, BQ) moved:

That the sixth report of the Standing Committee on Human Resources Development and the Status of Persons with Disabilities tabled on Tuesday, March 4, 2001, be concurred in.

He said: Mr. Speaker, last Tuesday we tabled in the House the report of the Standing Committee on Human Resources Development and the Status of Persons with Disabilities. This report addressed a particular aspect, one that is of extreme importance, particularly for seniors.

I would like to start by thanking those who worked on this committee. Regardless of party affiliation, it was my impression that the work done, at least every time I was there, was extremely efficient and extremely important. Non partisan too, I might add.

I also wish to thank all the witnesses invited to appear before the committee. They came to share their views with us on a problem that affects close to 20% of seniors, the most vulnerable members of society. I therefore wish to thank them for enlightening us and also for showing us just how inhumane the Department of Human Resources Development is sometimes, too often in fact.

They showed us how, after taking over the contents of the EI fund, the government cheated workers of the income they deserved after paying into the fund to protect themselves from unemployment. Hon. members are well aware of this, as it has been much discussed here in the House. Some $42 billion have disappeared out of the fund in question and found themselves in the government's general coffers.

There is one thing even worse than that, which the committee also addressed: the fact that the department is depriving the least advantaged members of society of their entitlement. They are not asking for charity. This is something to which they have been entitled for many years.

Hon. members may well ask why they are being denied the guaranteed income supplement?" The reason given is that they cannot be contacted. The TV is constantly showing us advertising and propaganda, boasting of how beautiful and great Canada is. They are pushing all manner of things.

An hon. member: But not that.

Mr. Marcel Gagnon: Yes, but not that. Perhaps such advertising would not even reach those people.

This represents a minimum of $3.2 billion. Some 20% of seniors are among the most disadvantaged.

An hon. member: Our relatives.

Mr. Marcel Gagnon: They are our relatives, your relatives, Mr. Speaker. In each family, there may be someone living in such precarious conditions and who, after having contributed greatly to our country, have become aged, sick and alone. Some may be illiterate, unable to understand the information they are given. These people are going through a difficult situation. We have not made the effort to contact them and pay what they are entitled to. The amounts due to these people vary between zero and $6,000 a year.

It is generally acknowledged that 270,000 Canadians, and among them 68,000 Quebecers, are eligible for those benefits. They have a basic right to it.

● (1010)

This is not charity on the part of the government.

An hon. member: They are entitled to those benefits.

Mr. Marcel Gagnon: They are entitled to those benefits, as my hon. colleague just said. These people have contributed to building this country. They are now in their later years and as seniors they deserve better than what they are now getting. Sometimes, these people have never worked outside of their home. Many of them are mothers and are still able to fix the Christmas dinner.

They have never filed an income tax return, and they wonder why they should, having nothing to declare and living on a strict minimum.

An hon. member: They often have less than the minimum.

Mr. Marcel Gagnon: Sometimes even less than the minimum, as my colleague just said. Some of them are natives, people living in remote areas, small communities. Again, they may be illiterate. Let us not forget that in Quebec, since the beginning of the quiet revolution of the 1960s and even before, not everyone had the opportunity to get an education—

An hon. member: Nor the means.

Mr. Marcel Gagnon: Not everyone can read a report as complex as the one provided to apply for the guaranteed income supplement. There may be people who know neither one of the official languages. Included in this group of people I am referring to, who are being deprived of essential income, are some who know neither of the official languages.

Some of them may be sick and have a disability. I think that this is the case for most of them, the majority of the people I am talking about, the people we are trying to reach to help them, not with charity, but to help them claim what they are entitled to.

An hon. member: Give them what they are entitled to.

Mr. Marcel Gagnon: Indeed, give them what they are entitled to. I am sure that we all know someone who, after the age of 65, has found themselves in a precarious situation, or is in poor health, precisely because they worked to build this country. They have become vulnerable.

Mr. Speaker, I believe that you too will find the situation scandalous. Since 1993, at least $3.2 billion has been saved on the backs of these people. When we mention billions here in the House, it sounds like two or three billion dollars is not that much, because we hear so many figures quoted so often.

Personally, what I do in order to understand, is come up with an image. I try to simplify the number; I try to give it an order of magnitude. Three billion dollars is three thousand million dollars that the government has put in its coffers and that it is using to brag about how well it has managed public finances, and even brought down the debt. However, the Minister of Finance must know that by reducing the debt by $3 billion, there are $3 billion that the poorest in our society—

An hon. member: They have paid for it.

Mr. Marcel Gagnon: Right, they have paid for it, and they were not the ones that put the government in debt. This is a scandal that must be exposed.

There is also the homeless in Montreal, Quebec City, and other large cities in Canada. I saw pictures from Vancouver, and other places last winter—

An hon. member: And in Northern Ontario.

Mr. Marcel Gagnon: I also saw cases in northern Ontario. Just go and see the homeless; these people have done nothing to earn such a predicament. Very often they were neglected at a time when they most needed help from society. I am sure there are a lot of homeless persons among those 270,000 individuals.

● (1015)

According to me, the committee has brought to light one of the worst scandals ever seen at Human Resources Development Canada. However, other people also find themselves in difficult situations. This scandal is just as bad as the looting of the employment insurance fund.

There are $42 billion in that fund. In this case, the amount is $3 billion. They have lowered the debt. They brag about how efficient they were. In order to lower the debt, they cut funds to provinces and particularly the funds meant for health care in Quebec. It is utterly unfortunate.

An hon. member: It is not true.

Mr. Marcel Gagnon: On the contrary, it is absolutely true. The member will have the opportunity to speak when his turn comes. It is disturbing to see such a situation when we hear the government brag about Canada being the best country in the world. It is incredible.

The report now before us makes recommendations. Some will ask why these people did not fill out the application forms to ask for the income supplement they were entitled to.

First of all, most of the time, that application form is impossible to find. Let us try to imagine that we are 70 years old, that we are sick, that we have some very serious problems and that we are all alone in the world. One day, we learn that we are entitled to an income supplement we are not receiving. So we ask ourselves how to get it.

We pick up the telephone, dial the 1-800 number and wait. We are then told that to get service in French we have to press one, to get service in English we have to press three, and to get all kinds of information we are told to press this or that number. One thing is sure: at that point, the person stops pressing numbers and gives up. It is extremely difficult to get the form when it should be easy to obtain it, considering the clientele that we are dealing with.

I am 65 and I spent a large part of my life filling out forms. I once was a manager responsible for a certain territory. My work required me to fill out forms and prepare balance sheets. When I see a form like this one, I get uncomfortable before even picking up a pencil to fill it out. It is an impossible task. It is extremely complicated. It is as if the form had been drafted in such a way as to discourage people from filling it out. It is difficult to find and almost impossible to fill out for people who are in that situation.

A journalist asked me if I thought this was done on purpose. I do not dare say that I believe so, but sometimes I think it is. We are going through times when cuts are being made everywhere. There are areas where it is more difficult to make cuts. When cuts are made in the health sector at the provincial level, including in Quebec, people can protest. They can complain to try to change things.

But it is easy to keep 270,000 people in the dark by not telling them what they are entitled to. These people will not come to protest on Parliament Hill. They are not able to do so. Very few people are prepared to help them. Fortunately, this week I met Ms. Bourdon, who joined me at a press conference. She looks after elderly people throughout Quebec. Her organization has branches all over the province. The people in these branches are prepared to work to track down beneficiaries, to find those who need that money and who are owed that money, so as to inform them and help them fill out the forms.

● (1020)

I think we will see an operation aimed at relieving seniors who are in a precarious situation, because some people will be kind enough to help them. I myself will tour Quebec to meet with these people. With my Bloc Quebecois colleagues and all those who are willing to co-operate, we will organize something aimed at informing people so that they can get their money. We will tell them that the government will not be giving them money out of charity since they are entitled to that money.

It is possible to simplify the mechanisms to get the application form. It is possible also to make it almost automatic. Some things are absurd. Why would anyone, sick and 68, 70 or 72 years old, have to apply to get the minimum? Surely it is possible to make that application automatic. It is possible also to eliminate administrative excesses.

Oddly enough, the principle of communicating vessels between departments works better when there is money to be collected. However, when there is money to be given, the government says there are no communicating vessels between departments, that one department's secrets cannot be disclosed to another.

I have no doubt that if these 270,000 people had owed money to the government, instead of the other way around, the government would have tracked them down today. It would have found a way. Of that I have no doubt.

The committee did an excellent job. It submitted recommendations to the minister. What people need to know is that, should a parent or a friend turn out to have been entitled to this money for the past five years, they will only receive retroactive payments for 11 months. This is quite awful. When they go after me for owing taxes, I am not asked to pay up for just 11 months. They want the full amount owing, even it is five years' worth.

The committee feels that this 11 month cut-off is shocking. If someone can actually get their hands on the form and find someone to help them fill it out, and then realizes that they were entitled to $2,000, $3,000, $4,000 or $5,000 annually over the last two, three, four or five years, it is unbelievable that the maximum period for retroactive payments is 11 months. Why? Because someone is poor? Because they are vulnerable? This is a double standard.

When it is a case of taxpayers owing money, the government is not shy: there is no limit on retroactive payments. But when it comes to giving seniors their due, a limit is imposed. The committee recommends that this cap on retroactivity be dropped. If a person was entitled for three years, they should receive retroactive payments for the full period of entitlement.

I hope that the minister, who told me yesterday, in response to a question I asked her, that she was studying the report, will do so quickly. There is someone who is prepared to help her study it. This is a unanimous report, supported by both the Liberal Party members and members of other parties on the committee.

I ask the minister to show a bit of decency. Let us study the report, change things,and find a way to give the most vulnerable members of society the amount to which they are entitled.

● (1025)

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, first, I would like to congratulate my colleague, the hon. member for Champlain, on the excellent work he is doing for senior citizens, women and men of Quebec who are entitled to a little respect on the part of the Liberal government. I thank again my colleague from Champlain for his excellent work.

When the federal government tries to contact Canadians to draw up, among other things, the electoral list or simply for the census, when it wants to contact electors, including senior citizens, to get them to vote, it finds a way to do so.

Does the hon. member for Champlain not believe that the government should use all the means at its disposal to find these people? It can do it. We have the examples of the census and the make-up of the electoral list. Therefore, it should use all the means at its disposal to find these people; one way of doing it is to instruct its employees to go door to door.

Does the hon. member for Champlain believe this would be an acceptable solution? Until there is a real door to door campaign, Quebecers, including senior citizens who are watching us, who would be entitled to it, should be able to contact their member of the Bloc Quebecois so that we can help them. We are ready to do that.

● (1030)

Mr. Marcel Gagnon (Champlain, BQ): Mr. Speaker, I thank my colleague for his question. It is obvious that when the government wants to find people for something else, to ask for money for example, it has ways to find them.

The member referred to the voters list. It is the same thing. In that case, they find a way to send people out and knock on doors. It is normal. I am not criticizing this procedure. But why not do the same thing to give the most vulnerable members of our society what they are entitled to? Various associations working in the communities would be happy to lend a hand. These are often seniors associations such as the Association québécoise pour la défense des droits des retraités et des préretraités, the Quebec Federation of Senior Citizens and all sorts of community based organizations which know the community well and can easily go knocking on doors. Their help could be sought. I have met with these people and received calls from them offering to help; I know that they are prepared to help. I realize this is a huge task. They would not be asking for money, but ensuring that citizens are given the money they are entitled to. This is not a handout.

Bloc Quebecois members have already promised me their support, and we are ready. On our tour, we plan to visit all the ridings. The members of the Bloc Quebecois will participate in this bee.

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, I also want to congratulate my colleague, the hon. member for Champlain. To avoid any partisanship, I want to congratulate members of all parties for this unanimous report. As for Quebec Liberal members, I recognize in the House the member for Chicoutimi—Le Fjord, the member for Abitibi—Baie-James—Nunavik, the member for Frontenac—Mégantic, the member for Anjou—Rivière-des-Prairies, the member for—

[*English*]

Mr. Geoff Regan: Mr. Speaker, I rise on a point of order. As you are aware, it is inappropriate to call attention to the presence or absence of members in the House. I would like to draw this to the member's attention.

[*Translation*]

The Acting Speaker (Mr. Bélair): Order, please. The hon. parliamentary secretary is right. The presence or absence of members in the House must not be mentioned.

Mr. Michel Guimond: Mr. Speaker, I make an appeal to the Liberal members from Quebec. Considering that in each election campaign they say to vote for someone who is on the right side; to vote for a candidate for a party that is likely to form the government, could they tell us if they will get the Minister of Human Resources Development, that paragon of stubbornness, to think?

The other day, I was on my way to visit my parents in Chicoutimi, when I heard on the radio "The Government of Canada wishes you a successful hare hunt". Soon, we will hear messages like "The Government of Canada wishes you a good day", "Be careful when you shovel your driveway, because we have had 25 centimetres of snow", "The Government of Canada wishes you a good trip to the grocery store". This is nonsense.

If the Government of Canada has such good intentions as regards information, it should give some to the needy who might qualify for the guaranteed income supplement. The list is public and 68,000 Quebecers are on it. The government should take the initiative in communicating with these persons who are often handicapped and in need.

As for me, being 45 years of age, I belong to the baby boomer generation that benefits from the self-sacrifices of the 60, 70 and 75 year olds. Not everyone is well off. Not all our senior citizens can afford a condo in Florida.

Consequently, I am urging my colleague from Champlain to maintain the pressure on the Government of Canada so that it informs these 68,000 Quebecers who qualify for the guaranteed income supplement.

● (1035)

Mr. Marcel Gagnon: Mr. Speaker, I will certainly accede to my colleague's request. We will not give up. We will certainly not accept that the minister not give the money back, as she said. We will not give up: the 11 month retroactivity must be eliminated. This money is owed. In this regard, we will exert enormous pressure.

I see members opposite agreeing with this. I see among others—we were told not to name members, but there are some who nodded—the member for Anjou—Rivière-des-Prairies, whom I will not name. But I know he agrees with what I am saying. We will do this work for the benefit of Quebecers and Canadians, because we want the minister to give in. It is 270,000 Canadians who will benefit.

Mr. Gilles-A. Perron (Rivière-des-Mille-Îles, BQ): Mr. Speaker, I have a question for my colleague from Champlain, who did a great job.

Are the forms available, so that I can bring them to my riding to distribute them to the seniors whom I might find?

Mr. Marcel Gagnon: Mr. Speaker, the forms are extremely difficult to find. I explained earlier how to get them.

This is an amendment that we suggested in the report. The forms should be more readily available. Why not have forms in members' riding offices, for example? When people come in to get information, we could hand out forms to them so they can apply.

When the government hands out forms, it does not necessarily have to write a cheque. It is what is on the filled out forms that counts. Why not make these forms available?

[*English*]

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

That the House proceed to orders of the day.

The Acting Speaker (Mr. Bélair): Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Mr. Bélair): All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Acting Speaker (Mr. Bélair): All those opposed will please say nay.

Some hon. members: Nay.

The Acting Speaker (Mr. Bélair): In my opinion the yeas have it.

And more than five members having risen:

The Acting Speaker (Mr. Bélair): Call in the members.

● (1120)

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

(Division No. 213)

YEAS

Members

Adams	Allard
Anderson (Cypress Hills—Grasslands)	Anderson (Victoria)
Assad	Assadourian
Augustine	Bagnell
Bailey	Baker
Bakopanos	Barnes
Beaumier	Bélanger
Bellemare	Bennett
Bertrand	Binet
Blondin-Andrew	Bonin
Bonwick	Boudria
Bradshaw	Brown
Bryden	Bulte
Burton	Byrne
Caccia	Cadman
Calder	Cannis
Caplan	Castonguay
Catterall	Charbonneau
Chatters	Coderre
Collenette	Cotler
Cullen	Cummins
Cuzner	Day
DeVillers	Dhaliwal
Dion	Dromisky
Drouin	Duplain
Easter	Epp
Eyking	Farrah
Finlay	Fitzpatrick
Folco	Fry
Gagliano	Gallant
Godfrey	Goldring
Goodale	Graham
Grewal	Grose
Guarnieri	Harb
Harris	Harvard
Harvey	Hilstrom
Hinton	Hubbard
Jackson	Johnston
Jordan	Karetak-Lindell
Keyes	Kilgour (Edmonton Southeast)
Knutson	Kraft Sloan
Lastewka	Lee
Lincoln	Longfield
Lunney (Nanaimo—Alberni)	MacAulay
Macklin	Mahoney
Malhi	Manning
Marcil	Martin (LaSalle—Émard)
Matthews	Mayfield
McCallum	McGuire
McKay (Scarborough East)	McLellan
McTeague	Merrifield
Minna	Mitchell
Moore	Murphy
Myers	Normand
O'Brien (Labrador)	O'Brien (London—Fanshawe)
O'Reilly	Obhrai
Owen	Pagtakhan
Paradis	Parrish
Patry	Peric
Peterson	Pettigrew
Phinney	Pratt
Price	Proulx
Provenzano	Redman
Reed (Halton)	Regan
Richardson	Ritz
Robillard	Rock
Saada	Savoy
Scherrer	Schmidt
Scott	Sgro
Shepherd	Skelton
Solberg	Sorenson
Speller	Spencer

St-Jacques
St. Denis
Szabo
Thibault (West Nova)
Thompson (Wild Rose)
Tobin
Tonks
Wappel
Wood– — 161

St-Julien
Stewart
Telegdi
Thibeault (Saint-Lambert)
Tirabassi
Toews
Valeri
Wilfert

NAYS

Members

Anders
Bachand (Saint-Jean)
Bergeron
Borotsik
Brien
Cardin
Desjarlais
Dubé
Gagnon (Québec)
Gauthier
Godin
Guay
Hearn
Hill (Prince George—Peace River)
Laframboise
Lebel
Marceau
McNally
Paquette
Picard (Drummond)
St-Hilaire
Strahl– — 43

Asselin
Bellehumeur
Blaikie
Bourgeois
Brison
Comartin
Doyle
Duceppe
Gagnon (Champlain)
Girard-Bujold
Grey (Edmonton North)
Guimond
Herron
Keddy (South Shore)
Lanctôt
Lill
Martin (Winnipeg Centre)
Meredith
Perron
Plamondon
Stoffer

PAIRED

Members

Carroll
Fontana
LeBlanc
Martin (LaSalle—Émard)
Torsney
Tremblay (Rimouski-Neigette-et-la Mitis)

Desrochers
Lalonde
Manley
Roy
Tremblay (Lac-Saint-Jean—Saguenay)
Venne– — 12

The Acting Speaker (Mr. Bélair): I declare the motion carried.

GOVERNMENT ORDERS

[*English*]

AERONAUTICS ACT

The House proceeded to the consideration of Bill C-44, an act to amend the Aeronautics Act, as reported (with amendment) from the committee.

Hon. Lucienne Robillard (for the Minister of Transport) moved that the bill, as amended, be concurred in.

The Acting Speaker (Mr. Bélair): Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: On division.

(Motion agreed to)

The Acting Speaker (Mr. Bélair): When shall the bill be read the third time? By leave, now?

Some hon. members: Agreed.

Hon. Lucienne Robillard (for the Minister of Transport) moved that the bill be read the third time and passed.

[*Translation*]

Mr. André Harvey (Parliamentary Secretary to the Minister of Transport, Lib.): Mr. Speaker, I am pleased to intervene today at third reading of Bill C-44. As all of my colleagues are aware, this bill is an extract of an important clause of Bill C-42 on public safety.

The central purpose of this bill is to enable Canadian air carriers to work constructively with their international partners in conducting an effective fight against terrorism.

The bill obviously is in response not to all of the countries affected by this war, but specifically to the U.S. bill entitled the Aviation and Transportation Security Act. In this bill, we are asked to work with the U.S. commissioner of customs and provide all relevant information needed to bring this fight to an end.

As the Minister of Transport has said on several occasions, it is the prerogative of a sovereign country, like our neighbour to the south, to request vital information so we can together put an end to this extremely difficult task of fighting international terrorism.

Our American counterparts have yet to spell out the details they require, but it will not be long. They will soon define the most essential criteria that will allow them, and us too, to fight terrorism effectively.

The most important consideration is that this U.S. measure comes into force on January 18. There is therefore an absolutely inescapable time constraint. The government, through the Minister of Transport, must act quickly so our carriers can deliver the goods quickly and continue to assume their responsibilities, for the very important economic recovery aided by the air carriers.

Unlike many of our international colleagues in work on economic development, Canada has a Privacy Act, which currently prevents us from collaborating more openly to meet U.S. demands.

Obviously, we had to check closely—and I wish to pay tribute to my colleagues on the committee—with the privacy commissioner that Bill C-44 was consistent with his mandate to protect privacy. The commissioner, according to a study that was considered important, had to deal with restrictions. He initially suggested amendments to the bill.

I had the opportunity to move an amendment in which the commissioner stresses that, regarding information asked on a very short term by our U.S. colleagues and by other countries, in terms of privacy, we will obviously have to invoke, national security, public security and collective defence.

The role of the commissioner has been extremely important and the amendment we have moved allows these requirements to be met.

The committee obviously had a lot to do to rapidly meet these requirements. I wish to thank and congratulate my colleagues on the Standing Committee on Transport. They worked in an extremely efficient way. I had the opportunity to appreciate the quality of the input of all my colleagues on the committee. I can assure you that it is quite impressive to see the seriousness with which all my colleagues on the Standing Committee on Transport worked.

● (1125)

I am convinced that Bill C-44 will meet those important requirements and allow us to satisfy our international colleagues, while respecting the rights and privacy of citizens.

This was done in co-operation with the privacy commissioner but most of all with all my colleagues on the committee. Once again, I thank them. I want to pay tribute to them for the quality of the work they did on the Standing Committee on Transport.

Of course, I am pleased to start debate on the bill at third reading. I am convinced that we will be able to pass this bill before the House rises for recess, since the Americans have decided that, by January 16, we should be able to meet their minimum requirements regarding a thorough screening of travellers entering their territory. I believe this is a highly sovereign demand on the part of the U.S. government and we should be able to respond in a constructive way.

[*English*]

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Mr. Speaker, I appreciate the presentation by the Parliamentary Secretary to the Minister of Transport. I rise to speak in favour of Bill C-44.

In the aftermath of the September 11 attacks, on both sides of the 49th parallel, there has been a blur of legislative activity. In the United States, a mere 10 days after the horrendous attacks, Senator Ernest Hollings of South Carolina introduced Bill S-1447, the aviation and transportation security act.

In one bold act, congress sought to restore the confidence of the American flying public. Passengers, baggage, mail and cargo were to be screened. In flight crew were mandated new training to deal with air rage and terrorist crisis management. Air marshals appeared on U.S. flights. A complex passenger profiling system was enhanced and improved.

Despite an anthrax attack on Capitol Hill, which shut down congressional offices, consensus was quickly reached to prove that, while America led an impressive fight against terrorism abroad, the fight at home would be just as vigorous. The bill moved through both houses of congress faster than a rumour went through our parliamentary press gallery. President Bush signed the bill into law a mere eight weeks after its introduction.

In Canada the blur of activity was akin to the way tires spin in the first winter snowstorm: lots of noise, a little bit of smoke, but little action. The government was about as agile and as surefooted as a newborn calf. Unlike the calf, both the Prime Minister and the Minister of Transport are seasoned professional politicians with nearly 50 years of parliamentary experience between them. The lack of leadership would have been funny if it were not so dangerous.

The Standing Committee on Transport and Government Operations was promptly mandated to look into aviation security. However the government quickly sent what it saw as more urgent matters in terms of legislation to the House. The Civil Aviation Tribunal needed to be extended to cover mariners and Air Canada's 15% share limit needed to be raised so that those who owned less than 10% of its shares could somehow be encouraged to buy more. Yet we do not know of a single current shareholder who owns the 10% limit who wants to buy more.

The Warsaw convention of 1929 also needed to be updated to deal with the realities of the third millennium. High priorities all, but top priorities for the air industry and Canadians they are not at all.

I must not omit the fact that the standing committee was paying some attention to the matter of aviation security. However, while witnesses from Air Canada, the pilots association and CUPE were advocating air marshals and other security measures, the government was desperately trying to be seen to be acting without in any way being sure what it wanted to achieve or how.

Then on the eve of the standing committee's scheduled November 26 and 27 trip to Washington, D.C., the rumour mill began to swirl with promises of action. On November 20, at about 5.25 in the evening, the government House leader sought unanimous consent to suspend the standing orders and introduce a government bill at 2 p. m. the next afternoon. The bill, an act to amend certain acts of Canada and to enact measures for implementing the biological and toxin weapon convention in order to enhance public safety, would be complex and a briefing would be offered.

Two months had passed since Senator Hollings introduced the aviation and transportation security act and there was now a flicker of hope that our government would finally react with some real legislation.

At 2 o`clock in the afternoon of November 21, the promised bill was nowhere in sight. Last minute problems delayed its introduction. In fact Bill C-42 was introduced the next day, on November 22, and contained some 19 parts dealing with everything from money laundering to the implementation of a 1977 treaty on biotoxins with a miniature section on aviation security thrown in for good measure and optics.

With the same deft touch that marked the bill's introduction, last Wednesday at 3.05 p.m., within a week of first reading of Bill C-42 in the House, the government House leader was again on his feet to state that unanimous consent had been obtained and required to delete section 4.83 in clause 5 from that bill and introduce a new bill, introducing that section immediately. Furthermore, the new bill would be ordered for consideration at second reading for last Friday, November 30, less than two sitting days later.

The House ran out of things to say not long after that and there were calls to adjourn early. On the one hand, the government agenda is light, but the need to add the contents of section 4.83 in clause 5 of the former Bill C-42 of the Aeronautics Act was urgent. Given the recent directionless "hurry up and wait" antics of the government, we have to wonder why one clause is worth so much haste.

There is a saying that everything makes sense. In other words, if we examine a situation long enough, hard enough and carefully enough in the fullness of time, everything will make sense. For this reason we need to look at the clauses in Bill C-42 which deal with the type of information an airline or other transport authority may provide to authorities.

● (1130)

Essentially there are three clauses. First, section 5, clause 4.82 would allow the Minister of Transport to require any air carrier to provide the minister with information that is in the air carrier's control concerning the persons on board or expected to be on board an aircraft for any flight where the minister believed there is a threat to that flight and therefore the public.

Second, section 5, clause 4.83 would allow a Canadian airline operating an international flight to a foreign state to provide a competent authority of that state any information that is in its control relating to persons on board or expected to be on board the aircraft and that is required by the laws of the foreign state.

Third, section 69 adds a new section 88.1 to the Immigration Act. The new section reads:

> A transportation company bringing persons to Canada shall, in accordance with the regulations, provide prescribed information, including documentation and reports.

The summary, which accompanied Bill C-42, described the first two clauses as requiring air carriers or persons who operated aviation reservation systems to provide information to the minister concerning specified flights or persons. The same summary stated that the purpose of the third clause was to require transportation companies bringing persons to Canada to provide prescribed information which would enhance the department's ability to perform border checks and execute arrest warrants. In fact, clauses 4.82 and 4.83 of section 5 had a different purpose than section 69, so perhaps it is not a complete surprise that they address different types of information. It may, however, come as a surprise to some member in the House that airlines maintain two different types of files on their passengers.

The first is called the passenger name record, or PNR. This is the file that the airline creates when it reserves a flight for a passenger. It contains information such as the passenger's name, address, phone number and form of payment. It also contains the information on the reservation itself, such as boarding city, destination, connections, flight numbers, dates, stops and seat assignment. Based on this information the manifest is prepared for each flight showing who is sitting where. Routinely, at present, this is the type of information that is handed over to the authorities whenever there is an airline accident.

The second type of information is the APIS, or advanced passenger information system data. It includes only five data fields: passenger name; date of birth; citizenship, nationality, document issuing country; gender; and passport number or document number. Other than the passenger's name, this information is not normally collected by the airlines. In fact, unless passports are machine readable, much of this information has to be entered manually. For this reason, airlines only collect it when they have to provide it to immigration authorities. Currently the United States requires this type of information for U.S. bound Asian passengers transiting through Vancouver under the Canada-U.S. memorandum of understanding which allows such passengers to go to U.S. customs without first passing through Canadian customs.

It is my understanding that clauses 4.82 and 4.83 of section 5 of Bill C-42 would have required the airlines to give the PNR information to the Minister of Transport and that section 69 would have required them to give APIS information to the Minister of Citizenship and Immigration.

Let us contrast this with the U.S. legislation. There, the new aviation and transportation security act mandates the administrator of the federal aviation administration to require air carriers to expand the application of the current computer assisted passenger prescreening system, CAPPS, to all passengers, regardless of baggage. In addition, passengers selected under this system are subject to additional security measures, including checks of carry on baggage and person before boarding. In effect both the PNR and APIS information are sent electronically to the U.S. customs service super computer in Newington, Maryland. There the CAPPS system which they have developed enables the passenger profiling that keeps America's skies safe. The United States is actively fighting its war on terrorism. It is walking the talk, unlike what we see from this government.

Thus it is instructional to read section 115 of America's aviation and transportation security act. It reads:

> Not later than 60 days after the date of enactment of the Aviation and Transportation Security Act, each air carrier and foreign air carrier operating a passenger flight in foreign air transportation to the United States shall provide to the commissioner of customs by electronic transmission a passenger and crew manifest containing the information specified in paragraph (2). Carriers may use the advanced passenger information system...
>
> (2) INFORMATION-A passenger and crew manifest for a flight required under paragraph (1) shall contain the following information:
>
> (A) The full name of each passenger and crew member.
>
> (B) The date of birth and citizenship of each passenger and crew member.
>
> (C) The sex of each passenger and crew member.
>
> (D) The passport number and country of issuance of each passenger and crew member if required for travel.
>
> (E) The United States visa number or resident alien card number of each passenger and crew member, as applicable.
>
> (F) Such other information as the Under Secretary, in consultation with the Commissioner of Customs, determines is reasonably necessary to ensure aviation safety.
>
> (3) PASSENGER NAME RECORDS-The carriers shall make passenger name record information available to the customs service upon request.

● (1135)

I would like, now, to consider the text that Bill C-44, which we are debating today, would add to the Aeronautics Act:

> Despite section 5 of the Personal Information Protection and Electronic Documents Act, to the extent that section relates to obligations set out in Schedule 1 to that Act relating to the disclosure of information, an operator of an aircraft departing from Canada or of a Canadian aircraft departing from any place outside Canada may, in accordance with the regulations, provide to a competent authority in a foreign state any information that is in its control relating to persons on board or expected to be on board the aircraft and that is required by the laws of the foreign state.

If we boil it down to its essentials, it reads that an operator of an aircraft departing from Canada, or of a Canadian aircraft departing from any place outside of Canada, may provide to a competent authority any information that is required by the laws of that foreign state relating to persons on board.

For example, the words "operator of an aircraft departing from Canada" in Bill C-44 would allow Air Canada to give the U.S. customs service the information that section 115, which I read, of the Aviation and Transportation Security Act mandates with respect to passengers on its transborder routes.

Similarly, the words "Canadian aircraft departing from any place outside Canada" would permit Air Canada to give the same information with respect to its flights from Australia and New Zealand to Honolulu en route to Canada.

Members will remember that I said that everything in the end makes sense. Just as I was trying to figure why, after several aborted attempts by the government to improve aviation security in Canada, Bill C-44 was being rushed through with such haste, I had a look at section 115 of the U.S. aviation and transportation security act. There are two concepts that are very important.

First, it applies to both U.S. and foreign carriers flying to the United States from other countries. Therefore, it applies to Air Canada and charter flights operated by WestJet, Air Transat and Sky Service.

Second, section 115 comes into force not later than 60 days after the date of enactment of the act, which was signed by President Bush on November 19. That means that it will come into force on January 18, 2002, while the House is still not back in session from its Christmas break. Therefore, as I understand it, if Canadian carriers are to comply with U.S. legislation, the House has to add the text of clause 4.83 to the Aeronautics Act before we rise mid next week.

The reason we are discussing this clause in the legislation today is not because of any desire, as was said by the Parliamentary Secretary for the Minister of Transport, by the government to make our skies safer or to show leadership through decisive action, but because the United States acted and Canada's airlines told the government that if they could not lead, at least they should try to follow the U.S. and do so quickly.

Canadians can thank the United States congress for the bill. To the extent that it keeps our skies safer, no credit should go to the government but to the air industry for leaning on the government to follow the United States.

In the meantime, about the broader question of airport and airline security, Canadians are still left waiting and wondering when a hint of leadership may tumble out of the government and onto some legislation. It has been 14 weeks since the terrorist attacks and no serious legislative action has yet been taken by the government.

It sure makes one wonder. We have: an airport security system that has been clearly documented to be inadequate in terms of security; new security regimes being put in place in countless other countries; public demand for new security systems; air carrier demands for new management of airport security; pilot and fright crew demands for a new security regime, not to mention terrorist attacks; a massive drop in consumer confidence in flying; and a war. If this environment is not enough to inspire action from the government on air security, one has to wonder if it will ever get up off its backside and show some real leadership.

● (1140)

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, it gives me great pleasure to rise today and speak to Bill C-44, which was split as suggested by the Bloc Quebecois. This is part of Bill C-42, which was a follow-up to Bill C-36.

I would like to help Quebecers and Canadians who are listening understand how it is that Bill C-42 ended up being introduced in the House on November 22, 2001. This bill is 98 pages in length. The bill is considered to be a measure of extreme urgency. This is the second anti-terrorist bill, the first one being Bill C-36.

Thanks to the Bloc Quebecois' actions, particularly questions to the government on the relevance of Bill C-42, it became clear that the only true measure in Bill C-42 that needs to be dealt with in a hurry is the one which became Bill C-44, a bill that is one page long. Bill C-44, which we are discussing today, is essentially a measure to align Canadian legislation with that of the U.S.

I will come back to this, because since September 11, all this government has done is harmonize our policy and procedures with the U.S., because it has no initiative, nor has it ever had any.

All this government does, is go along with what is done elsewhere. Obviously, one can understand that when events as tragic as those that occurred in the United States happen, it is our duty, as neighbours, to adopt security measures.

We would hope and wish that all of these security measures would respect the rights and freedoms of Quebecers and Canadians, rights that are so important to our democratic society which, we hope, preserves our personal rights and freedoms at all times.

If ever we were to violate these rights, we would quite simply be conceding to terrorists. Once again, they would win if we were to make any significant changes that would result in a violation of our rights and freedoms. That is what the Liberal government has been doing since this crisis.

In the end, the week of November 22 was a difficult week for the Liberal government. First, there was Bill C-36. For two weeks now, since November 22 when the bill was introduced in the House and debate was stifled, the Liberal government has gagged debate on this bill, the first antiterrorist bill for which more than 80 witnesses were heard.

In the end, the government passed the bill, in spite of the recommendations and in spite of the 66 very relevant amendments moved by the Bloc Quebecois. In particular, we were asking a sunset clause to be included in this anti-terrorist bill, which was obviously aimed at limiting the rights of Quebecers and Canadians.

We all felt, like the majority of the witnesses who appeared before the committee, that this bill had to cease to be in force after three years. We see what is happening elsewhere, in other societies and in other countries. We should already plan an end to this bill, which would compel us to review it in its entirety. In the meantime, again, the Bloc Quebecois moved an amendment requiring an annual review of the bill to ensure that rights and freedoms are respected.

Of course, the Liberal government rejected all these amendments. It would much rather keep on violating rights and freedoms as much as possible and appropriating all the power it can.

We always wonder why a government that should be working in the best interests of its population acts in such a way. I keep telling our listeners that we have to be careful because a government always want to control things.

● (1145)

In Bill C-36, the government made sure it had control over pretty well everything, including the rights and freedoms of the people in this country, especially Quebec, which concerns me. It is difficult when the ministers, who have made statements in the House on Bills C-36, C-42 and C-44, tell us we will be able to exercise our rights in committee, we will be able to make amendments there and they will listen to us there. But this is not the case. This is the harsh reality for our viewers.

The government does not listen to us. It listens to itself. It does not even listen to the recommendations of its own members. There are members of the Liberal Party who were opposed. Some did not vote for Bill C-36.

Today in the papers, a Liberal member was very critical of Bill C-42. So, obviously, we are not the only ones defending the rights and freedoms of people in Quebec and Canada.

Few people in the Liberal Party, only one member in fact, since the advent of the important Bills C-36 and C-42, have opposed the direction taken by the Liberal government. It is all to his credit, but it reflects very badly on all the others who blithely follow the recommendations of officials and, more importantly, the directives of ministers. That is what is hard to accept.

This is what the citizens of Quebec and Canada must understand. They are lucky, in the end, there are still opposition parties in the House that can ask the right questions and, more importantly, hold the real debates, which do not take place in the House. The real debates are in the media, through the media, which have stepped in because that is the way it works here in the House.

We are not heard. Our amendment proposals are not heard. Once again, the media hear the recommendations and especially the real substantive debates contributed by the opposition parties.

A very important substantive debate, initiated by the Bloc, among others, in fact by my colleague from Berthier—Montcalm, was the one on Bill C-36. The debate is not over yet. Daily resolutions arrive in our offices in protest over Bill C-36. The people of Quebec and Canada call on us daily to oppose Bill C-36, but it was passed in the House.

Even if we wanted to help them, we can no longer do so. There was a gag order. The Liberal government, unilaterally, put an end to discussions on Bill C-36, the Anti-terrorism Act. Yet, the day after, there was no debate in the House for two hours because there was nothing to debate. This is the harsh reality. We have to live with that every day.

Earlier we had a substantive discussion the hon. member for Champlain initiated on the sad situation of some 278,000 seniors who are deprived of the guaranteed income supplement simply because they are not unaware that they are entitled to it. A House committee, which includes Liberal members, has unanimously put this terrible situation before the House.

Today the hon. member for Champlain wanted to debate the issue. Of course, the government has once again forced, by a vote, an end to the debate. Therefore, we were unable to learn the positions of the members of the Liberal Party, the Canadian Alliance or other opposition parties on this terrible issue where 230,000 seniors, men and women, have been for many years deprived of money they are entitled to. That is the harsh reality members of parliament have to deal with.

We try to initiate debates in the House. Today the government forced us to vote on having the House proceed to the orders of the day. Of course, once again, the harsh reality is that debates will be delayed. Meanwhile, just before the holiday season, there are seniors, men and women, who will not get such big sums, which would ensure them to enjoy a nice holiday season. The Liberal government chose not to hold a debate on this substantive report, which pointed to the existence of this tragic situation.

Again, I thank the Bloc Quebecois member for Champlain, who raised that issue. He held a press conference to highlight this sad situation, where 230,000 Canadians, men and women, including 64,000 Quebecers, who are entitled to income supplement, are not getting that money.

● (1150)

This is over $3.2 billion that the government kept unjustifiably and that belongs to them. The government cannot tell us today that it is unable to reach them. When it wants them to go voting, when it is doing the census, it goes knocking on their doors and gets them.

However, when the time comes to help them and give them what is owed to them—this is not money that they owe the government; it is money that the government owes them—what the Liberal government does is hide the money, through all kinds of forms that are so complicated that, eventually, people are unable to submit them or, in the case of some seniors, they cannot even read them.

These past two weeks have been very difficult for the Liberal government, which is not listening at all to the people, which is not listening at all to the thoughtful and smart recommendations that may come from opposition parties, and even from its own ranks.

I will continue with Bill C-42 that is leading us to Bill C-44.

Bill C-42 was introduced in the House on November 22. We had a difficult debate on this bill. Right from the start, the Bloc Quebecois was able to clearly read the intentions of the government, especially concerning major powers that it is now giving to ministers, and them alone. These are powers delegated to ministers, including the Minister of Environment, the Minister of Agriculture and other ministers in this House, powers to take interim orders without being subject to parliamentary procedure.

In this regard, when regulations are prepared, there is a very important procedure requiring that regulations be submitted to the Privy Council so that it can ensure that they are in accordance with the charter of rights and freedoms. Ministers have been given the power to take interim orders. This obviously goes against the whole parliamentary procedure.

Quebecers and Canadians who are listening should be aware that, were it not for the Bloc Quebecois and other opposition parties, Bill C-42 would have been passed before the holiday season. The government was determined to ram Bill C-42 through the House. Finally, when direct questions were put to the leader of the government by the Bloc Quebecois and others as to what could not have been done on September 11 that could now be done under the bill, no answer was forthcoming.

The only answer we got about Bill C-44 was "The Americans have their requirements. They want to check the information on passengers. If we want Canadian airlines to do business in the United States, they will have to provide the information required by the American government".

Naturally, we asked questions to the government House leader. Among other things, we asked him why the urgent provisions would not be included in a separate bill, since we have to meet the requirements of the American legislation by January 18. That is why we have Bill C-44 before us today, and I obviously have comments to make on this bill.

But I have more to say about Bill C-42. When this legislation was introduced in the House, we were opposed to these interim orders which, without any input from the House, give discretionary powers to ministers and even allow the Minister of National Defence to create military security zones without the authorization, which has normally always been required, of the provincial governors in council. Thus, it is an exceptional power that is given only to the Minister of National Defence.

For the benefit of our listeners, let me quote from an article published in today's *La Presse*, that sums up well the position of one Liberal member. Manon Cornellier, from the *La Presse* bureau in Ottawa, wrote:

> If Bill C-42 on public security is not amended, the Liberal member for Mount Royal told *Le Devoir* that he will have to vote against it. He thus becomes the first government member to show publicly his disagreement with this legislation.
>
> The problem with this legislation is that it upsets the balance between the executive, parliamentary and judiciary arms. More powers are given to the executive.

Of course, the article refers to the Liberal member for Mount Royal, an internationally known lawyer and law teacher at McGill University. The article goes on to say:

> A first study of Bill C-42 prompted the member to worry about the provisions that will allow the creation of military security zones and those that will give some ministers the power to issue interim orders without first obtaining the agreement of the cabinet or parliament.

● (1155)

The Liberal member for Mount Royal is adopting the position that was defended from the very first moment here in this House by the Bloc Quebecois. If the Bloc had not been here in the House to defend the interests of Quebecers, today we would be having to live with Bill C-42, a danger for the rights and freedoms of Quebecers. It is dangerous to give ministers the possibility of making interim orders that do not comply with the Charter of Rights and Freedoms, or to give the Minister of National Defence the power of imposing his army anywhere in Quebec without being invited to by the Government of Quebec. This is the harsh reality of a government which has made such a decision in the name of a noble cause.

The battle against terrorism throughout the world is a noble cause, and not one single person in Quebec or in Canada is unaffected by it. All of us have been touched by the tragic events that struck our American neighbours on September 11. There is, however, not one single person who is prepared to have all his or her rights taken away because of those events, particularly when the leader of the government, the Prime Minister, is asked "What could you not do on September 11 that you could do now once a bill like Bill C-42 is enacted?" No answer is forthcoming, purely and simply because the government could take action under existing legislation.

The Prime Minister and ministers such as the Minister of National Defence and the Minister of Transport tell us: "The powers contained in Bill C-42 are all ones we have already". That is false. These are not existing powers, they are new powers the government wants to acquire. Proof of this lies in the statement made by the Liberal member for Mount Royal, quoted in today's *La Presse* and available for all Quebecers to read.

In this House, it must be understood that the people of Quebec and of Canada are nobody's fools, and they may well be better informed than the ministers and members of the Liberal government.

Opposition members, including Bloc Quebecois members, were very quick in finding out the problems with Bill C-42 and explaining them to the public. The debates did not take place in this House, but outside, in the media. We had to use the media. This is the harsh reality.

Why? Because the government used closure with Bill C-36. The government gagged the opposition to prevent it from getting to the bottom of things and helping Quebecers and Canadians fully understand the scope of Bill C-36. We were gagged. This is why the debates took place outside the House, so much so that every day we still talk to Quebecers and Canadians who ask us to do something to prevent Bill C-36 from coming into effect. But it is too late. The debate was not concluded here in the House. This is why it is still raging in the media. Every day, we read the comments of people who are opposed to Bill C-36. But it is too late. The bill was passed by the government, rushed through by the Liberal majority in the House. This is the reality and this is what Quebecers must understand.

Luckily for Quebecers, we will not have to live with Bill C-42 before the Christmas holiday.

There is no doubt that the government will use closure again if it runs out of time, as was the case this week. We discussed Bill C-42. I am the Bloc Quebecois critic for transport issues. I was contacted. We were told that there was not enough on the legislative agenda and that Bill C-42 would be brought back. It was not even on the agenda that day.

The government brought back this very important bill, which is challenged even by Liberal members, and said "There is not enough on the legislative agenda; therefore, we are bringing back Bill C-42". We discussed the issue and the debates are underway. I had the opportunity to make a speech on Bill C-42 which is not yet completed. I have 29 minutes left. But what will happen if the government again runs out of things to do before the Christmas holiday? It will again bring back a bill that is extremely controversial and regarding which the Liberal majority still has a lot of work to do. Ministers must try to understand the bill and explain it to their colleagues. The harsh reality is that we will again debate Bill C-42.

I just hope for Quebecers that this is not the Christmas gift the federal government is planning for them. If Bill C-42 were passed before the holidays, that would be quite a lump of coal for them to get in their Christmas stocking. That is what the government is trying to do; it wants to pull a fast one on us by ramming Bill C-42 through the House.

● (1200)

This brings me to Bill C-44 now before us. Again, Bill C-44 was put together in a rush by drawing from Bill C-42 because the Americans want information on passengers on flights to the U.S. or passing through U.S. airspace. It is very understandable that we should discuss the American requirements.

How can the Canadian government distort these requirements? Everything seemed perfectly clear, but I read section 115 of the American legislation passed last November 19. It says:

> 115. Not later than 60 days after the date of enactment of the Aviation and Transportation Security Act,each air carrier and foreign air carrier operating a passenger flight in foreign air transportation to the United States shall provide to the Commissioner of Customs by electronic transmission a passenger and crew manifest containing the information specified in paragraph (2).
>
> (*a*) The full name of each passenger and crew member
>
> (*b*) The date of birth and citizenship of each passenger and crew member
>
> (*c*) The sex of each passenger and crew member.
>
> (*d*) The passport number and country of issuance of each passenger and crew member if required for travel.
>
> (*e*) The United States visa number or resident alien card number of each passenger and crew member, as applicable.
>
> (*f*) Such other information as the Under Secretary,in consultation with the Commissioner of Customs, determines is reasonably necessary to ensure aviation safety.

These are the requirements of the American legislation.

Reading Bill C-44, we see that it contains what the Canadian government is asking for. Section 115 of the American legislation gives an explanation of the requirements, that is what information the Americans require.

There is no mention in Bill C-44 of the list of requirements. It states as follows:

> 4.83 (1) Despite section 5 of the Personal Information Protection and Electronic Documents Act—

We have legislation to protect the personal information we are obliged to provide and, obviously, we have to deviate from that act:

> —to the extent that that section relates to obligations set out in Schedule 1 to that Act...an operator of an aircraft departing from Canada or of a Canadian aircraft departing from any place outside Canada may...provide to a competent authority... any information—

The information is not specified. It is stated that the governor in council may make regulations respecting the type or classes of information that may be provided.

Thus, instead of having a clear and simple bill indicating what information is to be required, it is stated that this will be given in subsequent regulations.

The Bloc Quebecois' first question for the government House leader in connection with Bill C-44 is: Could you provide us with the bill's companion regulations, so that we can have a better idea of Bill C-44? Why is the required information not listed? You plan to put it in regulations? Well then, give us the regulations.

We were promised the regulations for last Friday. The House leader had mentioned an outline and came to tell me that they thought regulations would be better. Then he changed his mind and came back to tell me that we were back to an outline only. We did not receive the regulations on Friday. We received them on Monday, toward the end of the afternoon, so late that we were not able to examine them until the next morning in committee. It was the same for the government members.

We had documents that were given us prior to the committee meeting, but we had not had the time to go through them all individually. There was a pile of material. Even the members of the Liberal majority on the committee had questions. I sincerely believed that we had not received the regulations and they did not even know that they had.

Finally, at some point, an official came to tell the parliamentary secretary that the regulations were included as an attachment to the material.

We then examined the list of regulations and the list of information required. Once again, there was a list, which had been mentioned by the government. But that was not what the parliamentary secretary wanted to talk to us about in committee.

● (1205)

He did not want to talk to us about the regulations. He had an amendment to put forward. Obviously, this is what goes on in committee; we put forward amendments. The amendment was put forward by the government and all the parliamentary secretary had to tell us was "We will get started while we are waiting. There is an amendment on the way and I should have it".

Finally, we received it during our proceedings, because it was not yet ready. According to an intelligent explanation given by the parliamentary secretary, this amendment came from the privacy commissioner, who had been consulted about Bill C-44 and who had suggested this amendment, which I will read in a minute. Finally, we received the amendment and the privacy commissioner appeared before the committee.

The privacy commissioner had not had the list of information contained in the regulations or in the draft regulations. The commissioner had discussed Bill C-44 without the list of information to be supplied. This bill will allow airline companies to release information about Quebecers and Canadians, and Canada's privacy commissioner had not seen the list of information that would be supplied.

When I asked him if it was important that he have the list, he answered that he had received it 30 minutes before appearing before the committee. I then asked him whether he had it when the bill was being discussed, and he said no. It was not important. It did not matter, when introducing an amendment, to know what information had to be provided to the Americans.

Things have been going badly for the Liberal government for two weeks now, and it kept on going badly for the Standing Committee on Transport. The privacy commissioner was appearing before the committee and, 30 minutes prior to the start of the meeting, the minister did not know what information the Americans were requiring, and what information on Quebec and Canadian citizens we were to provide. This was not important to him. He had even proposed an amendment without knowing what information would be contained in future regulations that the governor in council might pass in the future. Talk about confusing.

When we questioned the privacy commissioner, we asked him "Are you not concerned about the list of information, which you only saw 30 minutes prior to testifying?" He replied, "No, it does not concern us".

One of the information items, item no. 23 reads as follows:

> Airlines could provide passengers' telephone numbers to the Americans.

I have great difficulty in understanding how the privacy commissioner is not concerned that we would be providing the Americans with the telephone numbers of citizens of Quebec and Canada. He himself admitted that such measures could be discussed.

It is important to understand that no regulations have been adopted yet, but once all regulations are, they will come into force immediately. They will not come back to the committee for review until several days later—even up to one year later—at which time the committee will be able to examine the regulations and propose amendments.

I have here the amendment proposed by the privacy commissioner. It is a relevant amendment, and it reads as follows:

> No information provided to a competent authority of a foreign state may be collected from that foreign state by the government of Canada or an institution thereof, as defined in section 3 of the Privacy Act, unless the information is collected for the purposes of protecting national security, public safety or defence.

His concern about the information provided to the Americans was that Canada could not request it, except for certain purposes. He had quite a problem with that. The commissioner feared that the Government of Canada might try to obtain the information through the back door.

There was clearly a problem, but not knowing what information was to be provided was not a problem. It was not important. As for the 29 types of information requested by the Americans, besides the phone number, and the fact that so much information could be provided to the Americans about our lives, about what we do and so on, about how the ticket was paid for, whether in cash or on a credit card—the credit card number could even be requested—that was not important for the commissioner. What mattered, however, was that the information provided to American authorities not come back to Canada through the back door.

● (1210)

The nature of the information that we give is not important, as long as it does not come back to Canada. I have a big problem with that. I asked the privacy commissioner "Why did you not present an amendment containing all that is included in the American legislation?" It is the list that I read a few moments ago, the list of information the Americans included in their legislation. They put everything they wanted: the full name of each passenger, the full name of each crew member, their date of birth, and so forth. His answer was "That would not have gone through. If I had proposed that amendment, it would not have been passed". They would not have included anything contained in the American legislation. He was probably right. That is the reality. They did not want to include what was already in the American legislation. Why?

We asked the House what information was to be provided. The government would not tell us and then agreed to table draft regulations that would include the list. We got the draft regulations two days later than we were supposed to. Its aim was to get them to us so late we would not have time to analyze them. It tabled an amendment in committee so our legal service could not analyze it. That is the reality. That is the way things work in this House.

The privacy commissioner, whose job it is to protect our interests, said "I have not tabled an amendment that would include the list, because I knew it would not be passed, that the government would reject it".

When I asked him further questions to find out what he was afraid of, he said he was afraid he would no longer be listened to. I had to ask him "Are you afraid of losing your job?" He said he was not. He was not, because he had a seven year mandate. This means there will be someone else after that. I think he is afraid he will not be reappointed. That is the truth of it. That is the way it works. Quebecers and Canadians have to understand that.

The government controls the House of Commons, the Senate, the supreme court and the privacy commissioner. Such is life. This is the way it works. Then the government tables bills and asks us for amendments in committee. The government asks us to table amendments. "You will see", it says, "we will look at them". The Bloc Quebecois tabled 66 amendments to the anti-terrorism legislation. As many again were tabled by the other opposition parties. The government did nothing with them. The one accepted, in the case of the Bloc Quebecois, was the one that added the word "cemetery" to the list of heinous crimes. They agreed to add the word "cemetery". I am very grateful. This is the reality.

Quebecers must understand that this government controls everything, from start to finish. I realize the Prime Minister says "I have no problem. If you have a problem with this bill, challenge it in court". I will not say what I think, I could be accused of all sorts of things. I have a good idea what will happen. I have no doubt that, when the Prime Minister says there is no problem, he knows that in advance. He controls everything in this country. It is no problem, that is the way it works.

We must examine Bill C-44. We are only at report stage and we will have some tough questions for the government on this bill and on Bill C-42.

I have a message for those who are listening to us: keep sending us e-mails and letters telling us that you do not want Bill C-36 to be implemented by the government, even though it has already passed it. Bill C-36 is now in effect. You can be sure that the government will not amend it. The government will wait until a colossal blunder occurs before acting on the recommendations made by the 80 witnesses who appeared before the committee, and by opposition parties. These recommendations were perfectly acceptable and included a sunset clause, a clause providing for an annual review like the one included in similar legislation throughout the world.

The harsh reality is that the current Liberal government has decided to control everything, including the House of Commons, the other place, the supreme court, the office of the privacy commissioner and all the institutions in this country that should protect our interests.

● (1215)

I cannot get over the fact that, as regards Bill C-44, the privacy commissioner, who proposed an amendment that was accepted by the government, did not want to propose another one whereby the information to be provided to the Americans would have been listed. He did not make that suggestion because, as he said, the government would not have accepted it.

The Americans are smart enough to include such a provision in their legislation, but not us. We must trust the government in making regulations that will be adopted, as provided under the bill, by the governor in council. And these regulations will specify the types or classes of information.

We are given the list of the 29 types of information to be included in the regulations, but we do not have any say in the process. That information will be included in the regulations, which will then be submitted to the committee in a few months.

Meanwhile, the rights and freedoms of Canadians will have been infringed on by a government that does not have any backbone and that wants increasingly more power to control everyone.

The government surely figured that with $30 million, given the number of federal public servants, it could divide them and control them all. This is what the Liberal government is doing.

On that note, I hope that all members will have a nice Christmas holiday and that Liberal Party members will take this opportunity to do some soul searching and make good resolutions for the year 2002, because they are ending 2001 on a very bad note.

● (1220)

[*English*]

Mrs. Bev Desjarlais (Churchill, NDP): Mr. Speaker, I am pleased to have the opportunity to speak to Bill C-44, an act to amend the Aeronautics Act. As has been mentioned earlier by my colleagues from other parties, the bill was the result of significant co-operation by opposition parties in the House.

It would enable the government to remove a section of Bill C-42 and bring it forth as an urgent piece of legislation to address the concerns of the United States regarding access to information with respect to passenger lists on flights within Canada.

As I indicated, there was great co-operation on behalf of the opposition parties in allowing this to take place. We all recognize in the House that there is urgency in a number of areas to address the problems that have come forth as a result of the terrorist attacks of September 11. There has been great co-operation in trying to address those concerns.

Bill C-44 would give airlines the right to release information to the government of the United States in regard to passenger lists. I will read a descriptive note we got in committee regarding section 4.83 which would be included in the Aeronautics Act:

> It relieves air carriers from certain requirements of the *Personal Information Protection and Electronic Documents Act* and allows them to provide passenger information to foreign authorities, where foreign law requires such information.
>
> Subsection 4.83(2) authorizes the making of regulations generally for the purposes of carrying out section 4.83, including regulations respecting the type of information that may be provided to the foreign authority, as well as the foreign authorities to which the information may be provided.

At committee we are given a rationale. For Canadians and others listening to this, here is the rationale:

> This section is necessary to allow air carriers to pass on passenger information to foreign authorities, but only in circumstances where foreign law requires such information as a pre-condition to landing in that country.

At first blush this does not seem to be a big issue. Canadians have recognized as have people throughout the world that times have changed. We are willing to accept that there may be some infringements on our privacy rights and civil liberties. Canadians recognize this and we in the House have recognized it. We have been open to it.

The concern is that the government is not as forthright about the type of information it would include. My colleague from the Bloc stressed this point and it is important to stress it. The legislation does not specify what the information would be.

As we met in committee and wanted to know what type of information would be requested we were given only the intent of the regulations. We were told the intent of the information the government would include. The reason we could only get the intent of the regulations was that the government does not know what will be requested. That is a scary point.

The Government of Canada is putting in place legislation but will not include in it the specific information that is required because it does not yet know. It has said that. The Americans have not told the government exactly what they need.

As a citizen of Canada, a sovereign nation, I have a real problem with agreeing to put in whatever information on the basis of the request of another country.

I recognize the need to address the problem of terrorism and to identify terrorists. However I have a real problem with a government that would leave a blanket opening in a bill to put in whatever regulations it likes and decide whatever information can be released without allowing it to be debated in the House of Commons so that members who represent all Canadians can have a say.

● (1225)

There was concern at committee. Concerns were raised and not only by opposition members. There was concern from a few Liberal members on the committee. There was concern about the type of information the government would then release.

The reason that concern is there is that there is not a lot of faith in the government. There is not a lot of faith on the part of opposition members or Canadians that the government will act respectfully on behalf of Canadian citizens first and not buckle down to what the Americans say. Quite frankly, I am not against Americans and the U. S. The bottom line is that my priority and what we are here for is to represent Canadians first. That is not happening. It is not happening in a number of areas, but specifically the government is not putting the respect and the privacy of Canadians first. As my colleague from the Bloc has mentioned as well, the U.S. legislation specifies exactly what information will be required. This does not happen here.

At committee we did attempt to at least have this intensive schedule of the type of information that would be requested. We tried to have it put within the legislation but were unable to have it passed at committee.

My party thinks the way the government is intending to deal with this, although we do not really know for sure yet, is to have schedules. Schedule I would be the type of information that the foreign states will receive on absolutely all passengers. They would receive some information on everyone. Should they then request information on specific passengers there would be schedule II, which would be the type of information that will be asked for on those passengers. The bottom line is that they could request the schedule II information on every single passenger. There is nothing to restrict that from happening. Schedule III, in section 1, lists the countries that the government has agreed to give this information to. Again, it is only in schedule, in regulation, and is not part of the legislation, so the government at its whim can change it. The government can add on one, two, three or fifty countries and release the information within their schedules, and we do not know what they will be yet. The government could release that information to those countries.

I have a concern about this. I will give members an idea of what the schedule I information is. Quite frankly, the privacy commissioner did not have a big issue with schedule I. The privacy commissioner thought, under specific reasons, schedule II was not a problem either. However even the privacy commissioner felt it would be much better if these schedules were incorporated into the legislation.

There is one thing that we are very clear about after listening to the privacy commissioner. He is in place to respect Canadians and to act on their behalf. It says a lot when we must have a separate commissioner to act on behalf of the privacy of Canadians because we cannot trust the government to do it. This is a crucial point.

Schedule I is the information that would be given to a foreign state on all passengers:

> 1. The surname, first name and initial or initials, if any, of each passenger or crew member.
>
> 2. The date of birth of each passenger or crew member.
>
> 3. The citizenship or nationality, or failing either of these, the country that issued travel documents for the flight, of each passenger or crew member.
>
> 4. The gender of each passenger or crew member.
>
> 5. The passport number or, if the person does not have a passport, the number on the travel document that identifies the person, of each passenger or crew member.

At first blush, it is basic information. I think a lot of us who travel tend to think that information pretty much is available to a lot of people anyway because we book through our travel agent, through other charter companies, through the airlines and we know we are all tied to reservation systems. I think there are a lot of us out there who do not really believe that any information on the computer is private anyway because we know a lot of people seem to be able to access that information. At first blush it is not a big issue.

Where it gets a little touchy is in schedule II. Schedule II mentions things such as:

> 8. A notation that the passenger's ticket for a flight is a one-way ticket.
>
> 9. A notation that a passenger's ticket for the flight is a ticket that is valid for one year and that is issued in travel between specified points with no dates or flight numbers—

It goes on. There are actually 29 notations as to the type of information, but again, this could change. There could be numerous other bits of information that the government at its whim could add to the regulations at any given point.

● (1230)

Schedule II continues:

> 23. The phone numbers of the passenger and, if applicable, the phone number of the travel agency that made the travel arrangements.
>
> 22. The passenger name record number.
>
> 24. The address of the passenger and, if applicable, of the travel agency that made the travel arrangements.
>
> 26. A notation that the ticket was paid for by a person other than the passenger.

Also there is one that was of considerable concern to a number of members:

25. The manner in which the ticket was paid for.

Again there was a concern. It would be fine here if it just requested to know whether it is by cheque, cash or credit card, but there was a concern that the credit card numbers might be included in the information. One of the concerns the airlines have raised is the amount of the costs that would be incurred if they had to input a whole lot more information or if the information requested had to be disseminated from the information they already have. In other words, areas would have to be blanked out so there would be increased costs to the airlines.

A number of us recognized that at this time there is a need for increased security and without question the safety and security of passengers in the air and on the ground has to be the priority, but we do not want to put the airlines in any greater financial difficulty than they are already. There was concern that the credit card information the airlines have would end up flowing if they just hand over whatever information they have.

As well, there was concern that when the information is handed over to those receiving the information, whatever government departments it might be, they might then pass on information, whether to different bits of industry or possibly back to the country from which it came. I was pleased that the amendment the privacy commissioner suggested to the committee and to the government was agreed to unanimously by the committee. It was put forth at report stage and accepted.

The amendment put forth by the privacy commissioner states:

That Bill C-44, in Clause 1, be amended by replacing line 19 on page 1 with the following:

Restriction—government institutions

(2) No information provided under subsection (1) to a competent authority in a foreign state may be collected from that foreign state by a government institution, within the meaning of section 3 of the Privacy Act, unless it is collected for the purpose of protecting national security or public safety or for the purpose of defence, and any such information collected by the government institution may be used or disclosed by it only for one or more of those purposes.

It is crucial to note that up until that amendment came in there was no safeguard as to what would happen with the information. It is definitely an improvement to the bill.

I also note that there is no reciprocal agreement between the United States and Canada or, for that matter, between any other foreign state and Canada so that foreign states would have to give that information to our security services within Canada.

The reason we had to make these changes within our legislation and allow the airlines to give that information is that we do have a Privacy Act that represents the rights of Canadians. There is no such act in the U.S. That information can already be given if the airlines decide to do it, but the bottom line is that they do not have to. Our government has not ensured that there will be a reciprocal agreement because it was not there saying it would stand up for the rights of Canadians. It was in there jumping when the U.S. said "Give this to us right now or you're not flying into our country". That is what it was about.

Quite frankly, the privacy commissioner commented on that as well. He commented on how it was unjust. I will not use his exact words, because there were some who were not happy with his words. I did not have a problem with them. He thought it was somewhat unjust that the U.S. would demand the information right now and not give Canadians and the Parliament of Canada a reasonable period of time in which to have input and debate. Normally we would get a bill, take it to committee and witnesses would be able to come to committee. Citizens of Canada who had objections would be able to possibly appear before committee, but because the U.S. wanted the information immediately or it would disallow or restrict flights into the U.S., no opportunity was given to have the legislation to go through the normal process within the Parliament of Canada.

● (1235)

That is not just unjust but is really a show of disrespect and disregard, I believe, for the relationship that Canada has with the U. S. We have not been a confrontational northern neighbour. We have been a willing, caring, approachable neighbour. Canada has worked well with countries throughout the world, not just with the U.S. It is not acceptable that at the whim of the Americans, at the snap of their fingers, the government jumps to the tune of the U.S. government. We are here to represent Canadians. We are not here to jump.

The minister responsible for the issues relating to softwood lumber is in the House. Frankly, the softwood lumber issue has been quite an annoyance for me simply because I am greatly concerned that this government is going to buckle under and sell out our forestry workers in B.C. and throughout Canada. I am concerned that the government will sell out workers in general who have fought to maintain raw logs within Canada for value added jobs within the country. I am concerned that U.S. officials are going to snap their fingers and demand that raw logs head down to the U.S. so its sawmills and plants can operate and to heck with Canadian workers.

Quite frankly, I see this government buckling under and I think that is what we are going to see over the holidays. Merry Christmas, forestry workers in Canada, and from the Government of Canada, no jobs, as we send the present of raw logs down to the U.S. Merry Christmas. It has been disappointing to see this from our government.

I also want to comment on Bill C-42, the public safety act, from which this legislation was taken so it could be rushed through to address the concerns of the Americans. We expected a lot more decisive action on the part of the government with respect to that bill. Bill C-42 gives a lot of power to a lot of ministers but there is not a whole lot of oversight to ensure they act responsibly. Again, the government does not have the respect of Canadians for its actions. It is becoming very clear that Canadians do not expect the government to act on their behalf.

That became quite clear last week when Bill C-36 was before us. I wish to say again that I believe opposition parties in the House have been very willing to co-operate with the government to try to move legislation forward to address the issues that came up as a result of September 11. What we saw last week was a show of absolute disregard for the voices of Canadians, with closure implemented on Bill C-36, the anti-terrorism legislation, which is one of the most crucial pieces of legislation to come before the House and one of the most crucial pieces of legislation infringing on the civil liberties of Canadians. The government invoked closure. Was there any need for it? Was there a big rush for it? Was somebody running off to a Christmas party so that legislation concerning the civil liberties of Canadians had to be rushed through? Was there some other absolutely urgent piece of legislation that we had to get before the House? Did we have to make sure all of this was done before the Christmas break? Was that more important than listening to the comments parliamentarians were hearing from citizens in their ridings?

We are still hearing comments about this. I would wager that the greatest number of comments coming through on everybody's e-mail were telling us to get rid of Bill C-36 because it does not have to be like this. We do not have to go to the great length of infringing on the civil liberties of Canadians in order to address terrorist concerns and we can fight terrorism without all the infringements within Bill C-36.

What is crucially important is to recognize that this government invoked closure and then had no business to deal with. Talk about a slap in the face for the rights of Canadians. The government did not want to hear any more debate on Bill C-36 because it wanted this legislation and would not listen to anybody else. That is what it appears to be and it is not acceptable.

At some point I expect that Canadians will let the government know what they think about it, whether it be before the next election or at the time of the next election. I do not think we will see the arrogant kind of approach to the views of Canadians and parliamentarians that we have been seeing over the last while.

● (1240)

I hope the government recognizes that Canadians are not happy with that, will take it to heart and will not continue with this type of approach in the House.

Ms. Val Meredith (South Surrey—White Rock—Langley, PC/DR): Mr. Speaker, I, unlike some of my colleagues, will refrain from wandering from the bill at hand, which is Bill C-44.

As has been mentioned, members are curious as to why the bill, which was introduced last week, is now before the House at third reading. The reason for rushing the bill through the House, as was mentioned, is to comply with American legislation, the aviation and transportation security act.

Unlike some of my colleagues, I do not accuse the American government of overreacting or forcing Canadians to deal with it. I understand why the Americans put through very detailed legislation on how they would protect themselves. It is very understandable and I will probably refer to it later in my comments.

The bill responds to the American legislation. The American legislation requires that any air carrier flying to the United States must transmit its passenger manifest to the United States customs service in advance of the aircraft landing.The reason that the Americans are asking for this is obvious. It should not take much imagination, remembering the visuals of the aircraft flying into the two towers in New York City, for anybody to understand why the Americans felt it necessary to ask for this co-operation.

I assume that Canadians will also understand why Canada has responded in kind. Yes, the government tried to bring this particular response to the American legislation in through Bill C-42. We can get into a long debate, as others have done, on what is wrong with Bill C-42. However, I think the Canadian government was right in removing this. The Americans, unlike their Canadian counterparts, do not hesitate to be firm in legislation and to put timeframes on it. I think the U.S. government was responsible in putting a timeframe on when it expected this response from foreign carriers to submit passenger manifests.

It gives our Canadian carriers, which are the ones that have asked for the government to allow this, the legal right to provide the manifest. That is what the legislation would do. It would not mandate how it is to be done or what is to be done. It would give the Canadian carriers the legal right to release this information and not be in violation of our privacy legislation.

This is enabling legislation from our Canadian government to allow the airlines to comply with the American government regulations and legislation.

For Canadians travelling to the United States, it should not be a surprise that this is happening. They should not be upset with the information that the Americans are requesting. I would suggest that 94% of all Canadians flying to U.S. destinations already give this information through preclearance at customs in the seven major Canadian airports. When they give this information to U.S. customs prior to boarding the aircraft, they are giving the same information that is being asked for in schedule 1 that the regulations will provide for.

The U.S. customs already will have that information and they will have it in a more timely fashion than the airline transmitting the passenger manifest to them. That is already happening. It will not have much effect on Canadian travellers.

● (1245)

What has happened, as is happening here, is that it is the perception of a government providing greater security which seems to be important. Americans and Canadians need to feel that their governments are reacting in a manner that will provide greater protection and greater security for them. Although this was already happening in Canada, with 94% of our passengers already providing this information, it is important to remind passengers that the governments are looking out for their interests.

I think the American legislation asks for all foreign air carriers. Canada has already been meeting these requirements because of our close relationship with the United States. We have a different relationship with our friends south of the border than other countries do. This legislation really applies to all other foreign carriers. As I mentioned, it will not make much difference for Canadians.

Two types of information are included in the legislation that is responding to the American legislation. The first is a group of basic information that most countries seek from individuals who come to their country: full name, date of birth, gender; citizenship and passport number of the individual. Canada requires that of anyone entering our country. The air carriers will now be able to manifest that information, as required, of all passengers and crew members for each flight that travels to the United States.

The second type of information that concerns some individuals a little more, which my colleagues from the NDP and the Bloc raised, is the information that gives more detail about the actual flight that a passenger is taking. It is called the passenger name record. This is a file on the information that is gathered by the airline on the individual passenger: how the flight was booked, the name of the travel agency used, whether the ticket was paid for in cash or by credit card, the type of payment, all that kind of information, even those things that we voluntarily give an airline, such as our meal preference, our seat preference and those sorts of thing. There is some concern that more information is being given than is necessary and certainly a more personal type of information.

What has to be understood and understood very clearly is that this information about an individual passenger will only be given by the airlines when it is specifically requested by the competent authorities in the foreign country, and at this time it is only the United States. This information will not be for the whole crew or the whole list of passengers but about individual passengers. One might wonder why or how that comes about. It may come about if someone is concerned or has reason to be concerned about an individual passenger who has appeared on a list. The information would then be requested to clear up some uncertainties or to provide more information.

One thing we did hear when the committee studied airline security was that one of the greatest problems we have, not only in our country but in the United States as well, is the sharing of information and intelligence, and that had this sharing of information and intelligence occurred we may not have had the incidents of September 11. The most important factor is that intelligence is shared not only from agency to agency but between the countries that might be involved. This is a sharing of information and intelligence that may prevent a reoccurrence of the tragic events of September 11.

People have pointed out the privacy concern. Some individuals, especially the privacy commissioner, find that the American legislation would be, in his words, repugnant. His concern is that the information being provided to the American authorities will not be protected under the American privacy legislation. I am not sure the information of foreigners or aliens in Canada is protected by the Canadian privacy legislation.

● (1250)

Yes, there may be a concern there, but one has to understand that if a Canadian is flying into the United States that government has the right, just as Canada has the right, to ask whatever questions it may want to ask to confirm that an individual has the legal right to come into the country and that the individual does not pose any threat to national security. Canada has that right and so does the United States. If a person is not willing to comply with the request, then the choice is not to travel to the United States.

I repeat, the Americans will only ask for more detailed information if the name, the alias or the passport number has been red-flagged. It is not that they will be asking for detailed information on every individual who flies to the United States. Millions and millions of people fly into the United States every year. The Americans do not have the resources, time or interest to check every single person to that extent, but what they will want is to have access to the information when they have concerns about an individual. It is their right, as it is Canada's right, to do so, which will be addressed in Bill C-42.

We also have to look at the amendment that the privacy commissioner requested be put in, that any information collected by the U.S. authorities through this process cannot be then given to the Canadian government through the back door. We really have to wonder if Canadians will sleep any better tonight knowing that the Canadian government cannot get this information from the American government unless it pertains to national security, public safety or defence.

If the Canadian government wanted to get the name, address, telephone number and passport number of a Canadian citizen, I think it would be far easier to pick up the phone and call the passport division of foreign affairs then to try and get hold of someone in the American administration to get the information. Let us be real here. If the Canadian government wants my name and passport number, it knows where to find them.

As far as Canadian authorities getting more personal information about any of us, about any person they might be concerned about, they already have that authority. If they are conducting a legal investigation, the investigative body has the legal authority to get whatever information it wants about us. It does not need to go through any back door to get that information.

The amendment would only ensure that Canadian agencies, which could not get the information before under Canadian law, would still not be able to get the information. The Canadian agencies that had the right under Canadian law to get that information would still be able to get that information. In other words, the amendment really does not do anything. It may sound good but it really would not make a difference. The legislation itself will not really make a whole lot of difference to a Canadian who is travelling to the United States.

As I said earlier, 94% of Canadians travelling to the United States now give this information when they are pre-cleared at the seven major airports flying into the United States.

What we need to be concerned about is that the government has not shown any real initiatives. Yes, it can be accused of reacting to the perceived demands of the Americans. It can be accused of seemingly only reacting when pressures are put on it by outside sources.

Over the past eight years the government has shown very little initiative or creative thinking on how we can better our country and better the security for our country.

● (1255)

If the Americans and Canadians truly want an improved system of communication to prevent terrorist activity, they should review the binational border management agency which the coalition proposed on November 1.

Until the Liberal government develops some real foresight, some innovation and an ability to think a little further than the next election, we are going to have to deal with piecemeal legislation that is reactive and not proactive.

For ordinary Canadians, the bill would have very little impact. It is not going to make a whole lot of difference in their lives when they travel to the United States. While the coalition might criticize and wonder about the effectiveness of the legislation, we do not see anything in the legislation that is negative or that would have an adverse effect on Canadians, so we will be supporting it.

Mr. Jay Hill (Prince George—Peace River, PC/DR): Mr. Speaker, toward the end of my colleague's comments she mentioned a whole issue that goes well beyond the bill we are debating. It is very relevant to the discussion that needs to happen between the United States of America and Canada, and even Mexico if we were to expand that discussion, about perimeter security and the exchange of information, with which the bill deals specifically. It goes beyond the exchange of information.

We need to make sure that the continent, as it were, is as secure as possible. Hopefully at some point the three countries, but perhaps as an initial step bilaterally the two countries, Canada and the United States, must clearly understand what the policies of each other are and that they are in sync.

My colleague who just spoke and I, as well as a number of opposition members from many of the parties, dating all the way back to when the House reconvened following the terrible tragedy of September 11, basically pleaded with the government to open doors and the lines of communication with the Americans to ensure that we did not end up with a situation where Canada was effectively outside of what was potentially being called fortress America.

Instead, we worked very closely with the Americans and reassured them that our policies on immigration, refugees, security and all those types of issues, are comforting enough to them that they could allow the access and free flow of goods and services back and forth across the largest undefended border in the world.

My colleague mentioned her thoughts. She has worked hard. She has had a number of meetings with different agencies and individuals. Could she enlighten the House and the viewing public as to what she has done and what reception this plan of hers to create this binational agency is receiving, particularly from the Americans? Also, is it being looked upon favourably by the government?

Ms. Val Meredith: Mr. Speaker, it is a proposal on the table by the coalition. There are three parts to it.

The part of the proposal my colleague has referred to is the binational agency. In essence it would hold a database of all the names of individuals who are travelling, coming into our country as well as leaving it. It would include Canada and the United States and potentially Mexico.

The database would hold names of individuals who are of a concern to the various agencies that would participate, for example, the intelligence communities, the police, customs and immigration. It would also contain the names of people who have voluntarily gone through a preclearance program. Individuals who had been precleared would be expedited when they came to the border. Individuals who are a concern to any of the nations' agencies would be red flagged and put into a secondary inspection process.

The interesting thing about the proposal is that it also includes freight, the movement of goods. It would expedite not only the movement of persons but the movement of goods, which is beneficial to the enormous trade that occurs between Canada and the United States.

We are very enthusiastic about it. There has been a lot of support indicated for the concept both in Canada and in the United States. We look forward to the government realizing what a good idea it is and bringing it into its system. We hope the government shows some foresight and some willingness to recognize good ideas and innovative approaches. We hope it will show some leadership rather than always following what other countries do.

● (1300)

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, since this morning, I have been listening carefully to the debate about this very important bill. When I heard what the Bloc Quebecois member for Argenteuil—Papineau—Mirabel had to say, I decided to speak to the bill myself, given its importance.

The House will understand that this is an issue which the member for Argenteuil—Papineau—Mirabel has followed closely and on which he has done a considerable amount of work. He advises and informs the Bloc Quebecois members on this topic. I listened to him earlier and several things that he said about Bill C-44 caught my attention. I am thinking of such things as all the legislative measures that the government has put in place to fight terrorism, and the atmosphere that has been created as a result.

I simply had to speak because this is an issue that is terribly important to me, since it touches on key concepts, on the criminal code and related legislation. It is important for the legal system of Canada and of Quebec. I therefore decided to rise and speak.

As my colleague said, this is a very important bill, which will influence our justice system for years to come. To give a bit of context, it must be recalled that the government began by introducing Bill C-36, the anti-terrorism bill. This bill gave various powers to ministers, including the solicitor general and the Minister of National Defence, with respect to arrests without warrant, very broad electronic eavesdropping, and so forth. It is a very complex piece of legislation, whose principle we agreed with, and we thought we should support it. That is what we did.

But we had such major reservations that, in the end, we voted against the bill at third reading. At the time, we thought that this was the government's anti-terrorism measure. Surprise, surprise. We see that Bill C-35 contains all sorts of clauses giving increased powers to the RCMP, special powers to peace officers during visits by foreign heads of state. So there is another anti-terrorism measure.

Then came another such measure—this is basically how Bill C-44 came about—it was Bill C-42. Bill C-42 is highly complex. As we said earlier, it is about a hundred pages long. Once again, more powers are given to ministers, the solicitor general and the Minister of Defence. Interim orders may be taken and military zones may be created. This is another legislative measure to combat terrorism.

That is when we said "This is too much, this is going too far". We cannot even support Bill C-42 in principle, because it disregards the Canadian Charter of Rights and Freedoms, and gives far too broad powers to one single man or woman. We need to examine this more closely. We need to take time to study the whole issue.

Once again, the government is rushing us. The government is gagging us. It introduced motions to study all of these bills quickly under the pretext that we had to meet international requirements.

According to the government, Bill C-42 responds to important international requirements. Is this not strange? When the government realized that it was not able to rush the bill through before the holidays, is it not strange that it managed to limit to one page what had to be passed by then? It is as though all of the rest of Bill C-42 confirmed what we on this side of the House have been saying all along: the events of September 11 were a pretext for this government to turn upside down a number of statutory approaches.

● (1305)

The events of September 11 have provided the government with the opportunity to grab the powers it has always dreamed of, but lacked the political guts to.

This is so much the case that they have taken what was important on the international scene and put it into a bill to be called Bill C-44, the provisions of which fit on an 8½ x 11 sheet of paper.

These important provisions concern air travel, and I will be returning to that later.

What is of concern to me is the improvisational approach the government, which claims to be a responsible government, is taking at present. It is improvising legislation of great importance, seemingly not knowing where it is headed.

This is so much the case that, at one point, the government imposed a gag order for Bill C-36, and the next day we were forced to adjourn at 4 p.m., or maybe it was 5 or 5.30 p.m., I do not remember, because there was nothing left on the order paper. There was nothing more to look at. That shows lack of vision, not knowing where they are headed.

This improvisation goes back to the very start. For weeks on end, the response from the other side when opposition members, particularly the official opposition, were asking the government whether there ought not to be anti-terrorism legislation in Canada, was that it was not needed, that we already had all the legislation required.

Then overnight, two weeks later, a complex bill was introduced; a week later, another; a week later, yet another. Today, the government came up with a bill that we absolutely must pass before Christmas, one that is going to be divided in two. When it comes down to it, it all boils down to one clause.

I feel the government does not know where it is going. This is dangerous when something as important as rights and freedoms are concerned.

The objective we have always tried to attain, with bills C-36, C-35, C-42 and now C-44, is to strike a balance between national security and individual and group rights. This is hardly complicated.

We have an international reputation, and deservedly so, of being a country where rights are preserved. At least, that reputation used to be deserved. We have case law, lawyers to apply it, judges who bring down good decisions. There are some very important elements on which to focus, to invest. It is a good thing for the country, in a way, to live in a place where that balance can be sought.

In all these bills, including Bill C-44 currently before us, we have always been able to draw on the expertise of lawyers, people who for years have worked with the Canadian Charter of Rights and Freedoms and with individual and group rights. There are even experts among the Liberal government members, including the member for Mount Royal, who claims to be—and I think it is true—a great defender of individual and group rights.

They all, including the member for Mount Royal, criticized bills C-36, C-42, and C-44 now before us.

I read in the papers that the member for Mount Royal criticized Bill C-42, which is in a way the starting point for Bill C-44. He said it was problematic because it upset the balance between the executive, legislative and judiciary branches. The executive is being given more powers. He says he will oppose it.

● (1310)

I should be rejoicing, but I will not be. Why? Because the member for Mount Royal said the same thing about Bill C-36.

Once the steam roller passed on the other side, he did what the majority of Liberals did, he voted in favour of Bill C-36. But those who appeared before the committee, the civil liberties union of Canada, the great and true defenders of individual and group rights continues to condemn this bill, which will come into effect one day, because it has been passed by the House.

I have no illusions about Bill C-42 and Bill C-44. However, I must say that the government opposite has a knack. It has a way of getting many people to swallow affronts. It has a magic potion that makes people accept things they would otherwise reject. It worked with us at first and second reading of Bill C-36. But it did not work afterward, because we saw them coming from miles away.

However, this way of doing things may work with the public as long as it does not see the real impact of the legislation. This is the case with Bill C-44.

The government tells us "We moved an amendment in committee, with the result that the privacy commissioner agrees with the whole thing. Things are fine. There is no problem". Still, when I look at Bill C-44 and at the amendment, I am very concerned.

What is Bill C-44? It is an act which, once in force, will allow the government to provide information on air travellers. This information will not only include names, addresses and passport numbers: it will be much more detailed. The government says that, thanks to this amendment, the privacy commissioner agrees with the legislation and there is no problem, since everything will be secure. I will read the amendment.

> No information provided under subsection (1) to a competent authority in a foreign state may be collected from that foreign state by a government institution, within the meaning of section 3 of the Privacy Act, unless it is collected for the purpose of protecting national security—

I have no problem with that.

> —or public safety.

This is where I have a problem. Public safety is a very broad concept. What is public safety? For example, could a department such as Human Resources Development Canada get from the United States information relating to a monetary issue, for reasons of public safety?

It will be up to the courts to interpret this provision. But in the meantime, how will this provision be applied? Will there be abuse? We must never forget that, to fully understand the meaning of this bill, it must be examined along with all the other acts that will come into effect at the same time. We need all the pieces of the puzzle to fully understand the scope of the government's anti-terrorism legislation.

This is worrisome. I cannot see how this amendment can reassure the privacy commissioner, particularly since the governor in council will define through regulations the information that travellers will have to disclose to the government. The government had promised us that we would have the regulations.

● (1315)

As the member for Argenteuil—Papineau—Mirabel has said on numerous occasions, we asked for copies of these regulations. We asked for the information. The government always stalled.

At some point, we felt that we could not wait any longer, that we wanted something in our hands. It sent us a summary of what might be in the regulations. As everyone knows, a summary is always the minimum. When we see the actual regulations, it is clear that the government added little things that it never told us about. It is clear even from the summary that a lot of information is required, even a passenger's social insurance number, telephone number, itinerary, everywhere he has travelled. This is far-reaching.

Using public safety as an excuse, a minister can ask the United States for this information. In other words, it will be possible for someone to invoke public safety and do indirectly something that is outright illegal in Canada. This is using the events of September 11 for highly political ends.

The more we look at the legislative measures, such as Bill C-36, Bill C-35, Bill C-44 and Bill C-42, the closer we get to a police state. That is what is disturbing. I am not saying that this will happen tomorrow morning, but all the ingredients are there to set the stage for a rather ugly situation, a way of doing things which is foreign to Canada and to Quebec. I do not want to live in such a country.

Everyone knows our party's platform. This shows once again that it is high time that Quebecers cast off this central authority, which shows unbelievable arrogance in passing legislation as important as this.

The principle of the bill is understandable, as is the fact that we must have legislation to comply with certain international obligations and with American legislation. The Americans have the right to pass the laws they wish when it comes to their country's security. If they want to allow our carriers to land in their country, I understand that we do not have a big say.

This is why we will support Bill C-44. However, this is another example of the way the government really thinks. It uses an obligation to give itself even greater powers and to do indirectly what it cannot do directly. This flagrant lack of political courage needs to be stressed. But we should stress even more the ad hoc attitude this government has shown throughout the whole process by introducing piecemeal legislation to deal with terrorism.

The opposition would probably have had cooperated fully with the government if it had proceeded through a single bill. However, to do so you must know what you want to do. This may be where the problem lies: the government does not know where it is going, which explains why it deals with such an important issue in a piecemeal way. This is very concerning, because this approach will taint the legislation as a whole and the Canadian way of doing things.

I conclude by saying that we will support Bill C-44 reluctantly, considering that its object is to meet certain obligations. But the government should get its act together and deal with such an important issue much more seriously.

● (1320)

[*English*]

Mr. Jay Hill (Prince George—Peace River, PC/DR): Mr. Speaker, I listened to the remarks of the hon. member from the Bloc with great interest. I note that during his remarks he talked about the government's piecemeal approach and the fact that the bill was originally an omnibus bill.

The government then hived off the one clause dealing with aircraft passenger lists, making them available to the Americans to reassure them that we were interested in their security as much as they were.

Looking at the bill from the government's perspective, there might be an appearance of a contradiction in the sense that most of us have been critical of government when it brings forward omnibus bills. Yet my colleague from the Bloc sounded as though he was a bit critical that the government brought forward one specific part when it carved off one clause of the bill.

I believe I understood what the member was saying. When we talk about the government's piecemeal approach to dealing with the security issues that have become so evident in the aftermath of the horrendous attacks of September 11, my position and that of the coalition is that we are talking about an overall vision and communicating that vision to Canadians.

The government should be bringing forward a comprehensive plan on how it will address all issues that are inherent in the security of our people, our country and the North American continent.

Far be it from me to answer my own question, but if I understood the member correctly he was critical of the piecemeal approach. I believe he was supportive of the government's focus when it brought forward clear legislation so that we could understand the single issue before us. We could vote on the good or the bad in the legislation rather than be confronted, as we have often been in the past, with an omnibus bill where some parts are good and some parts are bad. We would support some and oppose other parts. Then we would have to come to a very difficult choice of whether to support the bill or to vote against it.

Would the hon. member care to elaborate further on what he meant when he talked about the government's piecemeal approach to addressing the important issue of continental and national security?

[*Translation*]

Mr. Michel Bellehumeur: Mr. Speaker, I will try to be a little bit clearer. The Bloc Quebecois and, I believe, Quebecers and Canadians as a whole, would have liked to hear the government say: "This is what we intend to do to fight terrorism. A bill will deal with an issue, and another one with another issue. Bill C-42 will be about this and that". We would have liked the government to explain the approach on which is based the anti-terrorism legislation we are going to pass.

This does not mean that everything should be put in a single bill. I agree with the member who said that an omnibus bill always contains elements that are frightening or that we would like to oppose, and others elements that are interesting and we would like to support.

Right now, we are in between: we do not know what to do and we feel the government tried to slip us a pill we did not want along with something we did. I have always been against such an approach. I have always said that the government should not proceed in such a way and I still hold that view.

We would have liked the government to show the political courage it seems to lack and spell out everything it wanted in terms of the legislation to fight terrorism.

I can immediately say that if we had been shown Bills C-35, C-36, C-42 and C-44, and if I had examined them with my colleagues in the Bloc Quebecois, we would not have supported Bill C-36 at second reading, because it went too far, because it was not consistent with the Canadian Charter of Rights and Freedoms, and because it lacks the proper balance between national security and individual and group rights.

The government decided to introduce Bill C-36 first, and then Bill C-35. Still later, it came up with Bill C-42, which was supposed to be extremely important and which had to be passed in a hurry before the holiday season. Suddenly, we found out that the only very important part in this 100 page bill could hold on a single 8½ X 11 sheet of paper.

What are we to believe in everything this government is saying? This is called a piecemeal approach.

I congratulate the government on this initiative to have the minister remove a clause from the bill and introduce new legislation, Bill C-44. I agree with the splitting of this part, which will allow us to support it, although not wholeheartedly as I was saying earlier on Bill C-44, but in general. My colleague from Argenteuil—Papineau—Mirabel made a very eloquent speech in this regard.

We will indeed support this bill, even if we might add that the government has gone too far and that it is not abiding by the promises it made regarding the regulations. We will support it because life has to go on, particularly since many people deal with the United States in Quebec and in Canada. A lot of people travel, et cetera. On January 18 or 19, there would be a problem if we did not have legislation. Therefore we are going ahead with this.

But the government might be going too far. For the rest of Bill C-42, when the debate will be held, when all of that will be examined in committee, we will realize once more that it is really going too far and that we have to analyze all the pieces of the puzzle to understand the government's approach to the fight against terrorism.

I sincerely hope that there will be opposition members, who have done an excellent job on these rights, as well as some government members, such as the hon. member for Mount Royal, who told reporters before the bill was passed that it made no sense and he would be voting against it, but yet when the time came to vote, he stood up and voted the same as the rest of the government.

I trust they will be logical in their thinking, and will not yield to the government's pressure, the pressure it puts on every time it introduces bills of this kind.

I think I have been sufficiently clear this time on how I see things, and I believe I am not alone in my views. I think this is what the public wants, and it deserves to have the government act according to its wishes.

● (1325)

[*English*]

Mr. Joe Comartin (Windsor—St. Clair, NDP): Mr. Speaker, has my colleague from the Bloc or his party taken a position on whether there should be reciprocity with respect to the provisions the Americans are demanding from us, namely giving up all this information?

Should there be a similar provision in the bill that the Americans must provide us with information about their passengers?

● (1330)

[*Translation*]

Mr. Michel Bellehumeur: Mr. Speaker, I think the experience of other countries needs to be looked at. If it is important for the U.S. to have this information before allowing planes to land there, if it is important for them to have names, addresses, phone numbers, SIN numbers and goodness knows what else, perhaps thought would have to be given to requiring the same of them.

The hon. member will understand that I have not, personally, examined that approach. The member for Argenteuil—Papineau—Mirabel is our critic and expert in this field. This would certainly be a highly pertinent question, particularly for an overall view. This is a bill that is even more complex, because it is Bill C-42 in its entirety. This is a question my colleague is going to be able to answer readily.

[*English*]

Mr. Jay Hill (Prince George—Peace River, PC/DR): Mr. Speaker, I am not sure I will utilize all my time, but listening to the debate today I thought it would be a good opportunity to participate in the larger issue of the way the government is conducting the business of the House in its so-called fight against terrorism.

As I said to my colleague from the Bloc during questions and comments, I found myself agreeing with his overarching statement that one of the problems we in the House, let alone Canadians out in the real world, have with the government's approach to the war on terrorism is the way it is bringing in legislation.

We all recognize that while the legislation is hurried it must be done properly. There is not only a great need for the government to bring forward thoughtful legislation that will stand the test of time. It must allow the legislation to be open to amendments from all parties in the House. It must listen attentively to representations by people and organizations out in the real world who would ultimately be affected by the legislation we pass in this place.

Unfortunately what we have seen in the last two months or so, as my colleague was saying, is Bill C-36, the so-called anti-terrorism legislation; Bill C-35; and Bill C-42. Bill C-44 which we are debating today was hived off Bill C-42 because of the sense of urgency that the clause needed to be passed before the House rose for mid-winter break.

It is this approach that is causing consternation and concern among all opposition parties and to a certain degree the Canadian public. The government has not communicated an overall vision of what it intends to do to address the issue. It is encouraging the Canadian public to get back to business as usual.

We want to minimize the economic impact of the war on terrorism and the aftermath of the horrendous attacks. We all understand that. However the world has changed forever. People outside the Ottawa bubble recognize that at least as much as we do and possibly more. The world is not the same place. Canadians are looking to the government for leadership.

The government is bringing bills before the House one at a time. We in the opposition are expected to assist the government in making sure the best possible legislation is ultimately put into law, or at least sent to the other place for the Senate to consider. While we struggle with this it is extremely difficult if we do not understand the government's overall vision and exactly what it intends to bring forward.

As a number of individuals said prior to my remarks, we might react quite differently to legislation if we could see it within the overall context of what is coming down the road. We might be more supportive or more opposed.

We have no idea what bills the government may introduce between now and when the House rises next week. We do not know what it will bring forward in late January or early February to address different facets of the huge issue of terrorism and try to make our country, society and people safer and more secure.

● (1335)

As the previous speakers have said, we are supportive of the fact that the legislation before us today, Bill C-44, is very simple in nature. We are concerned about the lack of vision and foresight that the government continually exhibits and what that elicits in the minds of the public. It is not very comforting for the people of a country, who are looking for leadership, to see this piecemeal approach wherein legislation is very hurriedly brought in and then amended by the government amends.

In the case of Bill C-36, there were somewhere in the order of 100 amendments, the vast majority of which were brought forward by the government. Those types of procedures send a very clear message to Canadians that the government is not in control and that it does not have a clear plan. If it did, it would not have brought the bill forward and before it was barely in the House start looking at possible amendments, tearing it apart and rejigging it.

With Bill C-42, the government brought the bill forward, then rushed around and talked to all the opposition parties to see if there was some way the bill could be shuttled off to committee right away so the committee could hive off the clause that was needed right away. The government had some concerns about that because it wanted to adequately debate Bill C-42 on the floor of the House.

When the government ran into resistance with that, it then thought it could perhaps get unanimous consent to carve off one piece of the bill, submit it as new legislation in the form of Bill C-44 and then rush it through the House. That type of activity by the government is far from comforting or reassuring to Canadians, let alone to Americans.

I can well remember rising in my place to speak shortly after the House reconvened in late September. I believe it was the September 18, if memory serves me correctly. In my remarks at that time I suggested that it was incumbent upon the government to communicate to the Canadian people and Americans a vision of what it intended to do to make our country, and indeed our continent, more secure. Sadly, over two months have passed since the House reconvened and we have not seen that type of vision or comprehensive plan put forward by the government. We have not seen it communicate its plan is to Canadians and Americans or North Americans as a whole.

Instead, as my colleague from the Bloc just said, the government has brought forward one piece of legislation at a time thinking it could perhaps plug the problem with airline security, or airport security, or passenger lists or some potential problem at a seaport. I believe it is this piecemeal approach that is of great concern to the Canadian people. It does not send the proper message to Canadians or Americans that the government knows what it is doing on this all important issue.

My colleague from South Surrey—White Rock—Langley who spoke earlier on this legislation has done an incredible amount of work, not just in the last couple of months but in the last few years on the issue of border management. The issue of trade corridors is obviously of huge importance to her because her riding is very close to the U.S. border.

● (1340)

Cross-border trade is a big issue, not only to all Canadians but to the Americans as well. Eighty per cent of our trade is with the Americans and one-quarter of theirs is with us. However it also is a huge issue for her and to people of her riding. She has done an incredible amount of work on this very complex issue of border management, even prior to the horrendous terrorist attacks of September 11 and the fallout those attacks.

Unfortunately what we are witnessing now is a tightening of security at the U.S. border. The coalition has argued that that tightening of our entry points should be on a continental perimeter rather than restricted only to the American-Canadian border. I know this is of grave concern to local politicians. The mayors and councils of the cities closest to the U.S.-Canada border have become quite involved because they have recognized the fallout. Whether it is Quebec and the New England states, or the Windsor border area of Ontario or at different points across western Canada, this problem has affected the vast majority of Canadians, and we want to see it solved.

That is why my colleague, on behalf of the coalition, put forward more of a comprehensive plan, or a vision, on greater border management and security. One of the facets of the plan is a binational or bilateral agency to exchange freely information between the United States and Canada by setting up a databank computer system. By doing that our systems would be fully integrated and both countries would know exactly what was going back and forth across the border. We would then have the reassurance that both countries would know what is going on.

I am reminded of the example I used when I spoke to the issue back home in my riding of Prince George—Peace River during the November break week. I was talking to some Rotary clubs and chambers of commerce in the riding. I made the comment about the banks designing a bank card which could be used almost everywhere in the world. People could go to an international bank, put in a bank card and get money out in local currency. That truly is amazing when one thinks about it. If the banks could design something like that, then surely to goodness two countries with so much at stake, as Canada and the United States have on the issues of security and safety for our citizens, could design an integrated computer system and establish an agency to monitor that system. By doing that, both countries could feel comfortable in knowing who and what goods were travelling back and forth across our common border.

I commend my colleague for the work she has done on this issue and I commend our proposal put forward by the coalition on November 1. I know that she has had discussions with some Americans and American agencies on this issue and that the vision of a new way of managing the border between the U.S. and Canada has been relatively well received. It could bear some great fruit on how we approach this.

● (1345)

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, according to the member, given his experience and how he has seen the Liberal government manage debate in the House since the last election, should Quebecers and Canadians feel reassured when the Prime Minister, the Minister of Justice, the Minister of Transport and the Minister of National Defence all tell us, about different bills that we have seen, Bills C-36, C-42, C-35 and C-44, "All you have to do is propose amendments in committee and you will then have the to opportunity to amend these bills"?

Should people feel reassured when those ministers and the Prime Minister himself make such statements?

[*English*]

Mr. Jay Hill: Mr. Speaker, I thank my hon. colleague from the Bloc Quebecois for his comments and his question. Obviously what we have seen transpire is of great concern to the very basis of democracy in this place. We have seen the government utilize time allocation and closure more than any previous government. That in and of itself is of great concern.

We saw the way the government handled Bill C-36 even though concerns were expressed, not only in this place, but in committee, by organizations from coast to coast, by every province and territory and by the average Canadians, about the potential for abuse in the area of civil rights and liberties. The government rammed the legislation through the House in the most undemocratic way possible with the use of time allocation. It shut down debate and, as my hon colleague alluded to, it shut off debate on amendments. There were some potentially excellent amendments brought forward by opposition parties which were never debated on the floor of the House. Some of the amendments were never debated in committee, despite the assurances of the Minister of Justice that we would have adequate debate and that there would be lots of time taken to ensure that we did it right. That was a very sad day for democracy, for Canada and for parliament.

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

Some hon. members: Question.

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

Some hon. members: Agreed.

An hon. member: On division.

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

* * *

● (1350)

CRIMINAL CODE

Hon. Anne McLellan (Minister of Justice and Attorney General of Canada, Lib.) moved the second reading of, and concurrence in, amendments made by the Senate to Bill C-24, an act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other acts.

Mr. Stephen Owen (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, as members will recall, Bill C-24 was introduced on April 5 and received approval at third reading on June 13. The bill has now been passed at third reading with amendments by the other place.

The amendments made in the other place do not change the essential nature of Bill C-24. As members will recall, Bill C-24 is intended to strengthen Canada's ability to deal with organized crime and to make a number of related changes to improve our law enforcement capability.

As passed by the House in June, the bill included four main elements, all of which are attained in the bill as amended by the other place. Very briefly, the four elements are: first, a new enhanced definition of "criminal organization" and the creation of a number of new offences targeting involvement with criminal organizations; second, measures to improve the protection from intimidation of people who play a role in the justice system; third, the creation of an accountable process to protect law enforcement officers from criminal liability for certain otherwise illegal acts committed in the course of an investigation; fourth, the broadening of powers to forfeit and seize proceeds of crime and property that has been used in a crime.

As I have indicated, these elements in all of their essential nature remain in the bill as amended. Rather than change the essential nature of the bill, the amendments made by the other place make enhancements to the bill. In particular, the amendments provide enhancements to control and accountability under the law enforcement justification for certain otherwise illegal acts committed in the course of an investigation. These amendments were made by way of two motions which were carried in the other chamber.

Members of the House will recall that an essential condition of the law enforcement justification is that it can only apply to designated public officers. Both motions to amend Bill C-24 that were made and carried in the other place relate to this designation requirement.

The designation requirement is a key aspect of control and accountability under the scheme. Under the requirement the responsible minister has a "competent authority" and must turn his or her mind to the need for and qualifications of the particular officers who are proposed to have this special jurisdiction and justification under the criminal code. The minister will be accountable for these decisions with respect to designation.

As originally passed by the House, Bill C-24 allowed the responsible minister to designate individual public officers or groups of public officers. In the other place it was pointed out that allowing for group designation instead of just for the designation of individual officers may undermine to some degree the key ministerial control and accountability function. It was suggested that greater control and accountability would be achieved if ministers were required to exercise this function with respect to each officer. This would directly require the minister to turn his or her mind to the essential characteristics of each officer in respect of the appropriateness of and eligibility for designation.

Members in the other chamber evidently agreed that allowing only for individual designations would be preferable. A motion was carried that eliminated authority for group designations in the number of places where it appeared.

Upon full consideration of this change, I believe the House should fully support it. The change enhances the control and accountability mechanisms under the scheme. Although these mechanisms already were strong, it is appropriate that they be made stronger by requiring individual consideration of each officer for whom designation is proposed.

Further, the change will not undermine the effectiveness of the scheme. While there may be some additional administrative burden in requiring that designation be done on an individual basis, this is a small and acceptable price to pay for enhanced control and accountability.

The additional motion to amend which was carried in the other place relates to the function of civilian oversight for police officers. It has been pointed out previously that the control and accountability mechanisms directly incorporated in the law enforcement justification scheme are in addition to, not a replacement for, existing control and accountability over law enforcement officers in Canada. Among the ways that this currently takes place in Canada is through the work of the bodies established for the civilian oversight of police. Such bodies are widely employed in this country.

● (1355)

The exact manner in which they are constituted and function can vary from jurisdiction to jurisdiction. Nevertheless effective methods of civilian review of police conduct, most notably through jurisdiction to receive and consider public complaints, is well established in Canada.

Nothing in Bill C-24 removes or undermines the role of civilian oversight. It is fully expected that civilian oversight bodies established in the various Canadian jurisdictions can and will play a role in reviewing the conduct of police officers under the law enforcement justification in the same manner as they currently play a role in reviewing law enforcement conduct.

Some have argued however, that because of the nature of the law enforcement justification and the absolute need to guard against abuse, we should make it a condition that civilian oversight bodies must be in place with respect to any enforcement officers sought to be designated under the scheme. As it has been suggested that civilian oversight bodies have an important role to play in relation to the law enforcement justification scheme, it has in turn been argued that we must ensure prior to designation that this role can be carried out. In situations where this civilian oversight capacity does not exist or where it may conceivably not exist in the future, although it is certainly not a trend to eliminate civilian oversight in Canada, perhaps the special authority granted by the law enforcement justification should also not exist.

Members of the other place evidently accepted these arguments. A motion to amend Bill C-24 was carried. It adds two subsections to proposed section 25.1 of the criminal code.

The first new subsection, subsection 3.1, provides that a competent authority may not designate a member of a police force unless there exists a public authority composed of persons who are not peace officers who have the power to review the conduct of the officers proposed to be designated. This achieves the condition on the scheme that I have discussed, that a civilian oversight authority must be in place to allow designation.

The second new subsection, subsection 3.2, allows the governor in council or a lieutenant governor in council as the case may be, to designate a person or body as a public authority for the purpose of the other added subsection and provides that this designation is conclusive evidence that this person or body is such a public authority. This will avoid any uncertainty of the existence of civilian oversight and avoids collateral attacks on the competence of the oversight bodies.

These are changes that the House can and should support. It is vital that the law enforcement justification scheme be subject to review and we can rightfully anticipate civilian oversight bodies will play an important part in this review. In order to assure the House and the Canadian public that this civilian oversight review capacity is in place in relation to the law enforcement justification, it is appropriate to make it a condition of the scheme.

The Deputy Speaker: Order, please. The hon. parliamentary secretary has unlimited time in this debate. He will have an opportunity to continue his remarks following question period. We will now proceed to statements by members.

STATEMENTS BY MEMBERS

[*English*]

INUIT TAPIRIIT KANATAMI

Ms. Nancy Karetak-Lindell (Nunavut, Lib.): Mr. Speaker, December marks a great milestone in Inuit society as the Inuit Tapiriit Kanatami is celebrating its 30th anniversary.

Formerly known as Inuit Tapirisat of Canada, this national organization has been instrumental in the successful signing of three land claim settlements. Also, negotiations for the Labrador Inuit land claim settlement are nearly complete.

Raising the profile of Inuit in the Canadian consciousness and the creation of Nunavut are only a glimpse of the results of the hard work of ITK.

On Sunday night at a gala celebration of the 30th anniversary of ITC, a man of vision, Tagak Curley, was honoured for having the inspiration and the courage to create the Inuit Tapirisat of Canada. Looking back over the achievements by Inuit over the last 30 years, Tagak Curley can be proud of what he started and what has directly occurred from his vision 30 years ago.

On behalf of all Inuit, I thank Tagak Curley for all his hard work and for being such a visionary.

Mutna.

* * *

VIOLENCE AGAINST WOMEN

Mr. Vic Toews (Provencher, Canadian Alliance): Madam Speaker, I rise today to pay tribute to the memory of the 14 female engineering students who were brutally murdered in Montreal on this day in 1989. I would like to extend the condolences of the people of Provencher to the families and friends of these women.

As a father of a young woman who is also an engineering student, the Montreal massacre is a very personal reminder to me that our society must continue to condemn those who advocate hate and intolerance.

Last year in Provencher I attended a memorial service in honour of these 14 women which was sponsored by Agape House, the women's shelter in Steinbach. I would like to congratulate the dedicated staff of Agape House and the volunteers who have again organized the memorial this year. The mayor of Steinbach, Les Magnussen, and the city council should also be recognized for their steadfast support in honouring these women.

* * *

● (1400)

HIGHWAYS

Mr. Andy Savoy (Tobique—Mactaquac, Lib.): Madam Speaker, I rise today to speak about the Trans-Canada Highway from Longs Creek to Grand Falls, New Brunswick, commonly referred to as suicide alley. It is one of the few remaining sections of the highway in eastern Canada without a twinning program in place.

This region is the gateway to Atlantic Canada. In fact, one-third of Atlantic Canada's exports travel this two lane trade corridor. My riding is also a major hub for traffic entering Canada from the U.S. eastern seaboard via I-95. In addition, it claims the most trucks per capita than anywhere else in the nation.

Given the importance of this trade corridor to Atlantic Canada's tourist and commercial traffic, this region should have the same modern, efficient road network as the rest of the country. Between 1996 and 2000, 43 lives were lost on this dangerous stretch of road. Every year, on average, 9 people are killed and 84 are injured travelling suicide alley.

For the safety of the travelling public and for the economic strength of Atlantic Canada, I urge the government to make construction of this four lane highway a federal priority.

* * *

HARBOURS

Mr. Geoff Regan (Halifax West, Lib.): Madam Speaker, the Halifax harbour solutions project, known to most residents simply as the Harbour cleanup, is finally progressing after years of delay. Successive city councils, provincial and federal governments have debated the merits of different approaches and cost sharing arrangements for almost my entire life.

The plan currently before city council calls for the construction of two or three treatment plants around the city. The plants would be used to turn some 180 million litres of effluent that are produced every day into water that could safely flow into the harbour. Once the flow of untreated waste stops, the clock on 250 years of abuse would slowly return back as the harbour cleans itself.

I strongly encourage the ministers responsible to give this project the consideration it deserves as they prepare for Monday's budget.

* * *

CEDARBRAE COLLEGIATE INSTITUTE

Mr. John Cannis (Scarborough Centre, Lib.): Madam Speaker, I take this opportunity to welcome the students from Cedarbrae Collegiate Institute to Ottawa today. The students have travelled to Ottawa from my riding of Scarborough Centre to visit the impressive Parliament Buildings and to see firsthand how their government functions. This trip will no doubt be an enriching experience in their lives.

I have had the opportunity to meet with the students at Cedarbrae Collegiate Institute in the past. I believe it is important for all Canadians of all ages to visit the capital and bear witness to the legislative process at work. As such, I extend an invitation to all my constituents to do as the students at Cedarbrae CI have done and visit our capital.

I welcome the students from Cedarbrae and thank them for visiting us today. I am sure that their stay will be a memorable one.

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VIOLENCE

Mrs. Betty Hinton (Kamloops, Thompson and Highland Valleys, Canadian Alliance): Madam Speaker, December 6 is the National Day of Remembrance and Action on Violence Against Women. The Secretary of State for the Status of Women and her Liberal colleagues argue that by registering and continuing to tighten the rules on gun ownership they would be helping to eliminate violence against women.

Rather than targeting law-abiding gun owners, we need to address the source of the violence. We need to eliminate violence not only against women but against all Canadians. We must teach our children that violence is unacceptable. We need to exercise parental control and stop allowing our children to be exposed to gratuitous violence in movies and on television. Violence is a gender neutral crime.

Today I wear this button for the young women we honour, but I also wear it for all victims of violence, whether they be men or women.

* * *

VIOLENCE AGAINST WOMEN

Mrs. Sue Barnes (London West, Lib.): Madam Speaker, today we commemorate the National Day of Remembrance and Action on Violence Against Women in response to the tragic events of December 6, 1989, when 14 young women were killed because of their gender.

The deaths of these women must not be in vain. Let us learn from their lives and their loss. Let us learn that all forms of abuse, which is not necessarily physical or sexual abuse but can be more subtle abuse, psychological or financial, will not be tolerated.

Global and local initiatives are necessary. Community organizations across Canada, including the London co-ordinating committee to end woman abuse, must be supported.

The promotion of gender equality must continue to play an important part of Canada's foreign aid policies and programs. At this time Canadians have expectations that Canada will make a significant contribution to positive change for women in Afghanistan. Canadians must think globally and they must act locally to ensure the tragic events like those of December—

The Acting Speaker (Ms. Bakopanos): The hon. member for Témiscamingue.

* * *

● (1405)

[*Translation*]

MOST REVEREND JEAN-GUY HAMELIN

Mr. Pierre Brien (Témiscamingue, BQ): Madam Speaker, last week, following 28 years of devoted service to our community, the Most Reverend Jean-Guy Hamelin left his position as Bishop of the Diocese of Rouyn-Noranda.

Born in Trois-Rivières, Monsignor Hamelin was ordained as a priest in 1949. On November 29, 1973, Pope Paul VI appointed him as the first Bishop of the Diocese of Rouyn-Noranda.

A man of action, he took on various responsibilities within the Assemblée des évêques du Québec and the Canadian Conference of Catholic Bishops, of which he was president from 1993 to 1995. A member of the executive committee for the Canadian Catholic Organization for Development and Peace, he was also a religious adviser for International Cooperation for Development and Solidarity.

On behalf of myself and the people of Témiscamingue, I would like to pay tribute to the Most Reverend Jean-Guy Hamelin for his 28 years of faithful service to our community. I wish him a happy retirement, and, in the words of his motto, “joy in hope”.

S. O. 31

[*English*]

VIOLENCE AGAINST WOMEN

Mr. Joe McGuire (Egmont, Lib.): Madam Speaker, I rise in the House today on a sombre note. December 6 is the National Day of Remembrance and Action on Violence Against Women. It is a day to pause and reflect on the phenomenon of violence against women.

It is difficult to understand this phenomenon and therefore it is difficult to find a solution. I applaud the efforts of the citizens of Prince Edward Island who held a series of vigils calling attention to this serious issue and the need to stop domestic violence.

It appears that this type of violence is escalating. I know of one woman in Prince Edward Island who was beaten to death with a baseball bat while her five year old child was in the next room. The man who committed this horrific crime received a sentence of manslaughter with the possibility of parole in three years. This is but one example of punishment not fitting the crime.

The current response of the police and court systems to the perpetrators of these crimes does not provide protection to women who are harassed, threatened and assaulted by their abusers. In today's so-called—

The Acting Speaker (Ms. Bakopanos): The hon. member for Saskatoon—Rosetown—Biggar.

* * *

VIOLENCE

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance): Madam Speaker, today marks the anniversary of an horrific act of violence against 14 young women at Montreal's Ecole Polytechnique. Their killer shot them in cold blood simply because they were women. Our flags are at half mast today. Our thoughts and prayers are with the family and friends of these innocent victims. We pause today to remember all innocent victims of violence.

The Canadian Alliance deplores violence against any innocent victim, whether male, female, gay or straight. We deplore violence against religious and racial groups. We especially remember those who are targeted for violence because they are women. We are asking Canadians what we can do to protect women who live under the daily threat from abusive partners.

We also want the Liberals to do more to end the threat of violence against women from criminals and sexual predators.

* * *

VIOLENCE AGAINST WOMEN

Ms. Carolyn Bennett (St. Paul's, Lib.): Madam Speaker, today is the day that Canadians recognize as a day of remembrance in honour of the 14 young women who were tragically killed at Ecole Polytechnique because of their gender. However this day should also be a day of action on violence against women so that as we mourn we can work toward change.

On Tuesday evening the women's caucus held an open roundtable on international women's issues and heard firsthand the accounts of the realities of violence against women worldwide. We must start by acknowledging this sad anniversary as well as the deaths of those women that have died as victims worldwide and work toward breaking the cycle of violence.

Today in Toronto, Women's College Hospital is holding a commemorative service whereby a rose for each of the 14 women is being presented in their memory. The guest of this event is Pamela Cross, executive and legal director of Metrac, whose timely remarks will focus on violence against women in a violent world culture.

This tragedy is further evidence that more research such as that led by Dr. Heather Maclean and Dr. Robin Badgley at the centre of research in women's health at Women's College Hospital is necessary.

Let us hope that as Canadians reflect on this tragedy we can find concrete ways to work toward the—

The Speaker: The hon. member for Winnipeg North Centre.

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VIOLENCE AGAINST WOMEN

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, I join with other members in underscoring the significance of the National Day of Remembrance and Action on Violence Against Women. Flags are flying at half mast and in a few moments parliamentary business will stop to mark the occasion.

● (1410)

[*Translation*]

Today is a day of remembrance and action. In remembrance, let us take a moment to remember the 14 women who died at the École Polytechnique in Montreal 12 years ago, killed simply because they were women.

Let us remember these women, and all women who have suffered because of violence, or who continue to suffer because of it today.

[*English*]

Out of this tragedy we have been given an occasion to focus on the violence against women that still permeates our society, the violence and threat of violence that women in Canada face every day at home, at work or on the street.

It is a time to assess our response over the past year and our progress toward eliminating violence from women's lives and to plan for the future. Today is an occasion to recommit ourselves to non-violence.

* * *

[*Translation*]

VIOLENCE AGAINST WOMEN

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, even after 12 years, nothing can erase the memory of December 6, 1989, when 14 young women at the École Polytechnique in Montreal were killed. Their crime was having been women.

It is our duty to think about the real measures that each of us can take to prevent and eliminate violence against women. It is also our duty to ensure that these women did not die in vain, and that their tragic deaths serve to heighten our awareness that the fight against violence is one that continues.

On behalf of the Bloc Quebecois and myself, I would like to extend my support to the families of all of these young women, these young victims, for whom, every year, December 6 reminds them of the loss of a dear one and the senseless nature of this terrible crime.

As a sign of support, I invite members to wear a white ribbon, or the pin designed to commemorate this sad event.

* * *

VIOLENCE AGAINST WOMEN

Ms. Eleni Bakopanos (Ahuntsic, Lib.): Mr. Speaker, following the December 6, 1989 tragedy at Montreal's École polytechnique, this day has been designated by our government as the National Day of Remembrance and Action on Violence Against Women.

Now, more than a decade later, we are unfortunately still living in a society where violence against women is ever present.

Today, a series of events are taking place across the country to remember all the victims of violence against women who lost their lives.

In my riding of Ahuntsic, the Centre des femmes italiennes de Montréal is showing its solidarity with all women by distributing white candles to residents of Ahuntsic. I congratulate them and I reiterate my support to organizations such as the centre that work to eliminate all forms of violence against women.

[*English*]

It is our responsibility as Canadian parliamentarians to regroup our efforts and to eliminate any and all types of violence against women in our society. Let us all work together to put an end to all forms of violence.

* * *

VIOLENCE

Mr. Norman Doyle (St. John's East, PC/DR): Mr. Speaker, December 6 is the National Day of Remembrance and Action on Violence Against Women. This day coincides with the sad anniversary of the 1989 Montreal massacre when 14 young women were tragically killed at Ecole Polytechnique in Montreal.

It is a time to pause and reflect on the phenomenon of violence against women in our society. It is a time to reflect upon and give serious consideration to those men, women and children all over the world who live daily with the threat of violence or who have died as a result of violence.

It is also a day for all of us as a community to speak out on this issue and to rededicate ourselves to taking concrete action in our daily lives to prevent and eliminate violence against women.

S. O. 31

ACTS OF BRAVERY

Mrs. Karen Redman (Kitchener Centre, Lib.): Mr. Speaker, I rise to pay tribute to a special Kitchener hero. This morning the Governor General recognized Constable David Nicholson in a posthumous decoration for bravery. Senior Constable Curtis Rutt and Constable Robert Sauvé also received medals of bravery in connection with the same event.

On August 12, 1998, Constable Nicholson lost his life while attempting to rescue a 12 year old boy at the Grand River's Parkhill Dam. Constable Nicholson was trapped underwater when his scuba tank wedged in a hole. Constables Rutt and Sauvé made valiant efforts to save their colleague but sadly their efforts were unsuccessful.

The Ontario Police Memorial carries the words “Heroes in life not death”. These words were inspired by words from Constable Nicholson's own family. These words remind us that every man and woman who dons the uniform of a police officer is a living hero, deserving our respect and admiration.

I ask the House to join me in saluting Constable Nicholson and all our police heroes who go about their duties every day, proud to serve and protect.

* * *

GARY MERLIN

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Mr. Speaker, on December 20, 2000, Gary Merlin saved a six year old girl from a house fire in Surrey, B. C. Mr. Merlin was visiting friends when he was awakened by cries for help and the smell of smoke. Mr. Merlin and the friends' two older daughters exited the house. When they realized the six year old was missing, Mr. Merlin dashed back in the house and was struck by a fireball.

After running back out to extinguish the flames that had engulfed him, he re-entered the house and followed the little girl's cries through the dense smoke. He found the young victim in her bed hiding under covers. Although he wrapped the child and himself in quilts, both were seriously burned when the bedroom erupted into flames.

Disoriented, Mr. Merlin tried to retrace his steps back through the path to the front door but was blocked by fire. He rushed the girl into another room where he punched a double paned window with his forearm. Despite a deep cut on his wrist and forearm he then escaped the inferno by jumping out of the window holding the child tightly. Although severely burned, both Mr. Merlin and the child recovered.

Today, my constituent Gary Merlin was honoured with the decoration of bravery by the Governor General of Canada. I thank Gary for his amazing bravery. He is a fine Canadian.

● (1415)

[*Translation*]

ÉCOLE POLYTECHNIQUE

The Speaker: Order, please. I believe there is an agreement that the House will observe one minute of silence in memory of the victims of the École polytechnique.

[*English*]

I invite hon. members to rise for a moment of silence.

[*Editor's Note: The House stood in silence*]

ORAL QUESTION PERIOD

[*English*]

AUDITOR GENERAL'S REPORT

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, the Prime Minister has publicly said that he is not a visionary, and we all agree with that. He has also tried to compensate by saying that he is a good money manager, and the auditor general does not agree with that. As a matter of fact she said that the Prime Minister and his colleagues were probably the worst money managers in all of Canadian history.

The Prime Minister clearly has a spending addiction problem, but there is good news: he could feed his addiction if he would increase spending in the areas of health, security and defence. The bad news is that he has to stop the stupid spending. Will he stop the stupid spending and increase health care, security and defence?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the hon. member has mischaracterized the comments of the auditor general. She pointed out:

> The federal government has taken steps to strengthen financial management in its departments and agencies.

I take note of the call of the Leader of the Opposition for additional spending. It is an interesting comment from the Alliance Party.

We will be having what I am sure will be an excellent budget in a few days. I am sure that the needs of Canadians will be well recognized in that budget.

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, the problem is that we have the worst money managers in Canadian history sitting over there. It is interesting that at one time there was a position called comptroller of the treasury. That position was there to protect taxpayers from unauthorized spending, and the auditor general comments on the need for that kind of protection.

Will the Prime Minister stand and admit he has an addiction problem? That is a very important step to overcome addiction. One has to admit one has the problem. Then would he agree to reappoint the taxpayer protector, the position of comptroller of the treasury? Would he agree to do that?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the Leader of the Opposition is addicted in a very sick way to making statements that have no basis in fact. He ignores the fact that we were faced with a $42 billion deficit from his Conservative friends. We eliminated that.

We not only balanced the budget. We went on to have three successive years of surpluses. In addition, we have paid down the nation debt, freeing up billions of dollars, freeing up some $2.5 billion every year for constructive spending.

If the hon. member were fair and balanced and did not have an addiction to imaginary statements, he would recognize these strong points.

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, I am very fair. They paid down the Tory deficit by slashing health care, slashing security and raising taxes. That is simply how they did it.

● (1420)

[*Translation*]

The Liberal government is slashing defence, health, and security, but refuses to slash waste. It is clear from the auditor general's report that there is waste and mismanagement throughout this government.

Will the government finally listen to the opposition and boost spending on security and health, keep tax cuts, and cut the fat and waste?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, we have already increased health spending by $21 billion.

So the hon. member is mistaken, as usual. He should get help for his terrible addiction to saying things that are not true as soon as possible.

* * *

[*English*]

TERRORISM

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, it is bad enough to be an addict. Now he is trying to push it on everybody else.

[*Translation*]

Yesterday, Canada supported a UN resolution condemning Israel for violating the Geneva convention.

Israel, the United States and Australia boycotted this meeting, which took place after innocent Israelis were murdered. The Liberal government continues to attend meetings such as those in Geneva and Bonn.

If this government will not listen to the opposition, why will it not listen to—

The Speaker: I am sorry to interrupt the hon. member. The questions and answers are rather long today.

[*English*]

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, as the Prime Minister said yesterday, we believe it is better to attend gatherings like the one in question to speak out against what we consider unacceptable. I do not see why the hon. member would want us not to do something constructive like that. After all, at the conference Canada issued a statement. Its first paragraph began:

> Canadians were outraged by the recent, indiscriminate attacks in Jerusalem and Haifa, and offer their sympathy to the victims and their families. There can be no justification for these horrific acts. They serve only to demonstrate contempt for the universal humanitarian principles which have brought all of us into this room today.

Mr. Stockwell Day (Leader of the Opposition, Canadian Alliance): Mr. Speaker, let us be very clear. The government continues to support wrong activity by not speaking out and condemning not just the action but the perpetrators.

The record is clear. Canada voted for resolution 1322 which condemned only Israel for violence in the West Bank. Canada supported the Durban declaration which condemned only Israel for racism. Now Canada has supported the Geneva declaration which condemns Israel alone for killing civilians. My question is, we want to—

The Speaker: We will need to have shorter preambles if we are to have questions. The hon. Deputy Prime Minister.

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, there is balance in our approach and I think I can say on behalf of the government that there is no country, except perhaps for the United States, that stands up in a more forthright and balanced way for Israel.

I want to point out that the declaration at the Geneva conference also said:

> —the Palestinian Authority should ensure respect for the universal principles of International Humanitarian Law, including the protection of Israeli civilians—

This is part of Canada's statement of reservation criticizing the declaration at that meeting. The hon. member should recognize that and admit that because the decency and balance of these important—

[*Translation*]

The Speaker: The hon. member for Laurier—Sainte-Marie.

* * *

CINAR

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, in order to justify his refusal to hand the tax file of CINAR over to the RCMP, thus facilitating a fraud investigation, the Minister of National Revenue has always cited confidentiality, which he has described in the House as being one of the fundamental principles, one of the cornerstones, of the Income Tax Act.

Yesterday, however, Radio-Canada revealed that, in other cases of fraud, Revenue Canada regularly provides confidential information to the RCMP.

Could the government explain to us why, in the case of CINAR, the Minister of National Revenue has chosen not to co-operate in the fraud investigation being carried out by the RCMP?

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I myself have answered the leader of the Bloc on a number of occasions in the past, as well as certain of his colleagues, citing section 241, which forbids the disclosure of information before charges have been laid.

There is, of course, the possibility of co-operation, but not at first. This is the law, and the hon. member knows it.

● (1425)

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the RCMP says otherwise. The facts do too. It is being used as a way of hiding a number of things. Maybe some of the people involved do not want anything to get out.

The minister has even chosen not to help the RCMP in the CINAR affair, and has refused to make use of his department's power of investigation to shed full light on the matter, preferring instead to sign an out of court settlement with CINAR rather than help with the fraud investigation.

What was it the Minister of National Revenue wanted to hide? Who was it the minister wanted to protect? That is the question.

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, gratuitous accusations of this kind do nothing whatsoever to enhance the quality of the debate in this House.

The leader of the Bloc Quebecois is fully aware of the text of the law. If he is not, I will be delighted to send him a copy of the section in question, one I myself have quoted several times in this House. It is even in the *Debates* of the House of Commons.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, at the start of the CINAR business, the government spoke of urban legends. A little further along, the Minister of National Revenue avoided questions, even those that were not on the essence of the matter, claiming confidentiality. Finally, we learn that the department did not co-operate with the RCMP in the matter.

Why, when he had the chance, did the Minister of National Revenue not carry out his own investigation on CINAR, something that is provided for in the legislation and that would have thus permitted an exchange of information between the department of revenue and the RCMP? Why?

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the Minister of National Revenue has always responded and continues to respond in full compliance with the law. That is what he is doing. He does it very well. He has the confidence of everyone on this side of the House. We all know it. These accusations are unfounded. He does an excellent job for Canada.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the Minister of National Revenue did not answer a single question, even the one on his decisions and on the form. So there is no point in telling us just any old thing.

I would like to know how the Minister of National Revenue managed to concoct a secret agreement with CINAR based on financial statements that even the firm of accountants retained by CINAR did not want to sign.

Is this Revenue Canada's usual approach?

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I have said several times that the minister did his job quite properly in this matter, in the interests of Canadian taxpayers, as he always does, and in full compliance with the law. This is how he does his work, in this and all other matters.

* * *

[*English*]

FINANCE

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, the government cannot count. Over the last seven years Liberal budget predictions have been wrong by $75 billion. It has chronically exaggerated deficits and underrepresented surpluses. This is not fiscal prudence. This is a deliberate tactic, an excuse for underfunding the priorities of Canadians.

Will the government tell the truth, that there is still room within a balanced budget to make an extra $10 billion investment in the real needs and priorities of Canadians?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the hon. member is wrong. The Minister of Finance was not wrong. He did better than his predictions. He should be praised for that. Only the NDP would turn things upside down in such a foolish way.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, if the government had the guts or the intellect to challenge the economic reactionaries, we would not be heading for—

The Speaker: Order, please. The hon. member for Halifax knows that expression is not one that is commonly used in the House and indeed has been frowned on by previous Speakers as I frown on it now.

I invite her to rephrase her question and perhaps use a little more delicate language.

Ms. Alexa McDonough: Mr. Speaker, I will try to find delicate language for a disgusting practice. If the government would just challenge the economic reactionaries we would not be headed for a recession in this country. By committing just 1% of the gross domestic product to fiscal stimulus, to health care, to the environment and to housing we could prevent a Liberal recession.

Will the government acknowledge that its conservative finance minister has been deceiving Canadians? Will it deliver a budget that tackles the real needs and priorities of Canadians?

● (1430)

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, we have already taken steps to offset the effects of a possible recession. We have a $100 billion tax plan. We have $21 billion in additional spending for health care. We have our infrastructure program. We have our low income housing program. We have a program under way, but we are part of the world.

Only the NDP could be in such a dream world not to recognize that the economies of the world are slowing down. We do our utmost but we may not be able to escape the impact of that entirely.

AUDITOR GENERAL'S REPORT

Mr. Chuck Strahl (Fraser Valley, PC/DR): Mr. Speaker, the recent auditor general's report is perhaps the most critical analysis of the government's wasteful spending practices ever written. Page after page describes government abuse and negligence in handling our tax dollars. While the government did not like the last auditor general, it must like this auditor general even less.

Yesterday ministers were bailing out of committees and today they are making themselves scarce as hens teeth in an effort to avoid answering questions. Since they apparently cannot fix this management mess, are the Liberals simply hoping that next week's budget will camouflage or somehow detract from the auditor general's obviously damning indictment of the government's spending habits?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the hon. member's question is amazingly empty of substance. They must really be in trouble.

Mr. Chuck Strahl (Fraser Valley, PC/DR): Mr. Speaker, here is the substance of the auditor general's report: "Treasury Board continues to reject our recommendations".

On national defence it states:

> Little progress has been made in carrying out the recommendations addressed.

On agriculture it states:

> The organizations have made limited progress...since our audit.

On government grants and contributions, a cesspool of abuse, the auditor general says:

> —these programs...have chronic problems and run an ongoing risk of using public funds ineffectively and inefficiently.

Is the reason the Liberals will not fix these chronic problems because they do not know how, they do not have the will, or they simply do not care about the government's wasteful spending?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, it is amazing, the nerve of the Conservative Party and its allies. After they built up a $42 billion deficit, after they added astronomical amounts to the national debt and the steps they took which we are correcting, they now get up to try to attack us on financial management overall. I am surprised they even raise this as a question. I repeat, the auditor general said:

> "the federal government has taken steps to strengthen financial management in its departments and agencies.

I think the report has many positive observations about what the government is doing as well as criticisms, and on balance he should recognize that.

TERRORISM

Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance): Mr. Speaker, the Canadian Alliance is very concerned that the Liberal position in the Middle East is not a balanced one.

Yesterday I asked the Prime Minister about his government's position on the anti-Israeli Geneva declaration and he told the House that the resolution was completely unacceptable. Yet, as he spoke those words, his representative had already supported the declaration.

When the Prime Minister attempted to create the impression that his government had said no, did he or did he not know that his representative had already said yes?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, the hon. member is totally mistaken in his allegations. There were no votes at that meeting and the statement of Canada criticizing the declaration shows clearly that the Government of Canada found that statement to be unacceptable. To say that Canada said yes, is absolutely something to which we have to say no.

Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance): Mr. Speaker, I totally reject the premise of the member's answer.

The government's position will be used by terrorists, sadly, to legitimize their actions against Israeli civilians. A respected government member agrees with our position that this is one-sided. This declaration is not helpful to the peace process. The Canadian delegate to the conference said that it was more detrimental than ever to the diplomatic process. The Prime Minister himself called it totally unacceptable and the government supported it.

Was the government's position a mistake or does it agree with the anti-Israeli resolution? Which is it?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, there was no vote. To say that the Government of Canada supported the declaration is wrong. In our statement of reservation and criticism of that declaration, the government also stated:

> —the Palestinian Authority should also ensure respect for the universal principles of International Humanitarian Law, including for the protection of Israeli civilians, regardless of their legal status.

Why does the hon. member not recognize the reality that Canada did not accept the declaration at that conference?

* * *

● (1435)

[*Translation*]

CINAR

Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ): Mr. Speaker, in order to avoid answering our questions on the CINAR affair, the Minister of National Revenue hid behind confidentiality.

In order to avoid providing the necessary information for the RCMP investigation, he once again cited confidentiality.

Does the minister not realize that confidentiality is there to protect citizens who obey the law, not those who break it?

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the principle of confidentiality is included in the legislation. The member opposite should know this. It is in the legislation, and it applies to everyone.

If the member does not believe that the confidentiality of income tax returns is important, perhaps he should turn around and speak with some of his colleagues, sitting not far from him here in the House, who have had experience with this.

Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ): Mr. Speaker, the principle of confidentiality is there in the legislation, as I was saying, to protect citizens who obey the law, not those who break it.

How does he explain the Minister of National Revenue's complacency as regards CINAR directors? Why did he allow them to avoid a full investigation by Revenue Canada? Why, in fact, is he protecting them like this?

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the minister has done nothing of the sort. The member's accusations are not at all true.

The Canada Customs and Revenue Agency may provide the RCMP with information only for the purpose of enforcing the Income Tax Act, once charges have been laid, and only if tax information is requested and related to the charges in question. That is the law.

* * *

[*English*]

EMPLOYMENT INSURANCE

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, the government of Ontario has called the EI surplus "staggering excess taxation" and "a money grab".

Two-thirds of the surplus comes from Ontario workers and the best the government can do is a measly five cent cut in premiums. That means there will still be a $6 billion annual money grab from workers by the federal government with Ontario workers footing most of the bill.

When will the government stop its excess taxation and let workers keep the money that rightfully belongs to them?

Hon. Jim Peterson (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, the hon. member said that we have been grabbing money away from workers and taxpayers. Let me tell the member what we have done for the workers and taxpayers.

Since we have been in surplus we have cut personal income taxes 27% and 35% for families with children. That is on top of the cuts of $6.8 billion that we have made each year for the EI premiums.

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, the minister is living in a parallel universe from the one where the government has raised payroll taxes by 26% since coming to power. The government will be giving a measly 38 cents a week back to workers in EI premiums but it will be taking back seven times as much next year in CPP premiums. Instead of giving a break to workers and employers, the government will be spending $100 million more on a crazy Internet scheme.

When will the government get its priorities straight and let workers keep the money that belongs to them, instead of giving it to the industry minister?

Hon. Jim Peterson (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, let us go back and look at what we have done to help the workers.

When we took office the employment insurance rate was at $3.07. It is now at $2.20. This is a huge saving of $6.8 billion this year for those workers.

The member should look at the overall picture of what we have done in terms of our tax cuts. We have cut personal income taxes for our workers with families by 35%. That is a huge cut.

The member should not just pick out one small portion of it and say that we are wrong.

* * *

[*Translation*]

GUARANTEED INCOME SUPPLEMENT

Mr. Marcel Gagnon (Champlain, BQ): Mr. Speaker, the principle of retroactivity is not new.

It exists, for example, in connection with income tax, and the government is not shy about using it to collect money from taxpayers.

Does the Minister of Human Resources intend to apply the principle of full retroactivity and give seniors all the money she owes them?

● (1440)

[*English*]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, with regard to the guaranteed income supplement, there is already a retroactive component to the legislation. The hon. member will know that it is the same retroactive principle that applies for the Canada pension plan.

I understand that in its work the standing committee reviewed the program. As I said before, I am looking forward to reviewing the recommendations of the committee and responding to them in due course.

[*Translation*]

Mr. Marcel Gagnon (Champlain, BQ): Mr. Speaker, why limit the retroactivity to 11 months, as in the law? Why not full retroactivity? The minister has no excuse for refusing to pay up.

So, I ask her once again when she intends to pay and pay back the money she owes seniors.

[*English*]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, when it comes to the guaranteed income supplement, the most important thing we must do is ensure that Canadian seniors are aware that the program exists.

One of the key priorities for us, and indeed for the committee, is to take all opportunities, in forms of outreach, to make sure Canadian seniors who are eligible for the guaranteed income supplement have access to it.

I would welcome recommendations and suggestions from the hon. member as to what organizations in his own community we should work with to ensure that seniors in his region know about the guaranteed income supplement.

* * *

EMPLOYMENT INSURANCE

Mr. Joe Peschisolido (Richmond, Canadian Alliance): Mr. Speaker, this question is for the finance minister.

The chief actuary has said that a $15 billion EI surplus that exists is enough for the worst recession, but by March 2002, the EI account should be more than $40 billion. Premiums can be cut by 50 cents, yet all Canadians have received is a five cent reduction.

The question needs to be asked again because the government has not dealt with it. If the EI account is in such good shape, why does the government not provide working men and women with a real EI premium cut?

Hon. Jim Peterson (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, I would like to point out what we have done in order to help Canada's workers.

When we took office, the unemployment rate was at 11.4%. It is now significantly below that with the government having created over two million new jobs.

Let us look at what we have done in terms of tax cuts. A one earner family of four earning $40,000 will save $1,100 this year. That is 30%, rising to 59% by 2004.

A two earner family of four earning $60,000 will save $1,000 this year. That is about 18%, rising to 34% by 2004.

A single parent—

The Speaker: The hon. member for Richmond.

Mr. Joe Peschisolido (Richmond, Canadian Alliance): Mr. Speaker, the government does not want to deal with the question.

It is very simple. We have a $40 billion surplus in that account. The chief actuary says that we only need $15 billion. It is obvious the government does not trust its own numbers.

Since the minister must be using some other numbers rather than those of the chief actuary, is the finance minister prepared to table those numbers? How much does he need? Is it $25 billion, $50 billion or $35 billion? What is the number?

Hon. Jim Peterson (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, let us look at what the official opposition would have us do. In just a little over a year since the last election it has come up with additional spending measures of over $30 billion and additional tax cuts of over $25 billion. Now it wants another huge tax cut.

This type of irresponsibility is maybe not surprising because when the leader of that party was the treasurer of his province, he increased spending 28 times. Within six months of Alberta passing its balanced budget legislation, it had to scrap it.

COPYRIGHT ACT

Mr. Rodger Cuzner (Bras d'Or—Cape Breton, Lib.): Mr. Speaker, the Copyright Act currently allows a compulsory licence for the retransmission of a broadcaster's signal by cable and satellite companies. As we know, several companies have shown that it is unclear whether and how the Copyright Act applies to retransmission via the Internet. Broadcasters, film and television producers have been very concerned that the unrestricted transmission via the Internet would adversely affect our rights.

Could the Parliamentary Secretary for the Minister of Canadian Heritage tell us what the House will do?

● (1445)

Ms. Sarmite Bulte (Parliamentary Secretary to the Minister of Canadian Heritage, Lib.): Mr. Speaker, the government committed in the Speech from the Throne to make sure we have better copyright protection for new ideas and to ensure that Canada's intellectual property rights laws remain among the most modern in the world.

Therefore I am glad to announce that the government will be tabling a bill to amend the Copyright Act to ensure how the compulsry licence applies to the Internet.

* * *

ABORIGINAL AFFAIRS

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, the longer the federal government remains silent on the tragic death of Dudley George the more it shields and protects Mike Harris.

The public has a right to know if the premier of Ontario improperly influenced the OPP. It is a very serious matter and Harris stonewalls at every attempt to get to the truth. It is up to the federal government now if we are ever going to learn the truth about Ipperwash.

Will the Minister of Indian Affairs and Northern Development use his authority to call for a full public inquiry into the tragic events at Ipperwash that led to the death of Dudley George?

Hon. Robert Nault (Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I do not have the power that the member suggests to call an inquiry of that kind. It is a tragic incident obviously. We are working with the community to heal the community as it relates to the issues of that particular night. We are working as well to deal with the claims between the Stoney and Kettle Point. I think that is the way to proceed. That is the way to improve the lives of aboriginal people. The inquiry will not solve those particular issues.

* * *

TRANSPORTATION

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, my question is for the Minister of Transport.

Subsequent to the privatization of CN and the merger with Illinois Central, CN has not only become a railway that is owned by American shareholders, it has also increasingly become a railway that is run by American managers. The result of this in Winnipeg has been that jobs are increasingly leaving Winnipeg and going south. There is a rumour now that the Motive Power Shop at the Transcona shops will close. Other jobs are leaving Symington as traffic is diverted south for repair, maintenance and inspection.

Will the Minister of Transport use his good offices to talk to CN to make sure it keeps jobs here in Canada where they belong?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, the privatization of CN has been a remarkable achievement for the government because CN now has a market capitalization of $11 billion. It is one of the great railroads in North America. It has created thousands of jobs in Canada right across the country and that will continue.

On the particular point that he raised, I will certainly use my good offices to speak to the president of CN to see if we can help the situation.

* * *

AUDITOR GENERAL'S REPORT

Mr. Scott Brison (Kings—Hants, PC/DR): Mr. Speaker, in the first line of her first report, Canada's new auditor general criticized the Liberals for "the erosion of parliamentary control over how the government raises money and spends it".

On Monday the Liberals are presenting a budget only four days before the House adjourns for the holidays. Now it even wants to cut the debate down to only two days.

Will the government commit to four days of budget debate before the holidays instead of closing the House early so that its ministers can go on to their leadership campaigns?

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, that is a rather unusual question from a member who should know the House rules better than that. He knows that the budget is adopted on the strength of the subamendment. If he does not believe that he should ask his leader. He was defeated on the subamendment and subsequently lost power.

Mr. Scott Brison (Kings—Hants, PC/DR): Mr. Speaker, the hon. member sounds more like the rat packer that he was. There is no excuse for the Liberals dashing off like Prancer and Vixen on December 12.

Why are the Liberals manipulating the House of Commons timetable to go home early? Is it that they want to perhaps sleep in the morning after their big Christmas party? Or is it that the finance minister fears scrutiny and debate on his budget and supports this government attack on parliamentary control?

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, again the hon. member is wrong. There are four days for the budget in the Standing Orders of the House of Commons. That is the way it works. After the second day there is a vote on the subamendment. He can ask his House leader. He knows all about that stuff. After that subamendment, then the next day there is a vote on the amendment, and the next day of debate and the one after that is on the main motion. That is the process.

The days are not necessarily consecutive, but all four days will take place because those are the rules and this government obeys the rules.

* * *

● (1450)

JUSTICE

Mr. Kevin Sorenson (Crowfoot, Canadian Alliance): Mr. Speaker, all is not well within Canada's prisons. According to a CBC radio report, inmates at Bath penitentiary allege that money buys them a quicker ticket out of maximum security.

There are stories of drug smuggling and drug dealing in Kingston and other penitentiaries. Correctional officers and their families are threatened and intimidated.

How can the solicitor general assure Canadians that these and all allegations of illegal activity within our correctional facilities are being investigated and prosecuted to the full extent of the law?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, these are serious allegations and the commissioner of Correctional Service Canada and I are aware of them.

Correctional Service Canada has a zero tolerance for any allegations of wrongdoing by their staff members. An investigation has been put in place to look into these serious allegations.

Mr. Kevin Sorenson (Crowfoot, Canadian Alliance): Mr. Speaker, whether we are talking about Ontario, Quebec or Alberta, repeatedly there are stories about the lives of correctional officers and their families being threatened if they do not comply with the extortion and blackmail of inmates, particularly organized criminals and those who are involved in biker gangs.

The jobs of correctional officers are inherently dangerous, but certain safeguards such as better detection of drugs could alleviate some of the risks. I ask the solicitor general, why has he repeatedly failed to listen to the frontline correctional officers and implement more stringent drug detection—

The Speaker: The hon. solicitor general.

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): First, Mr. Speaker, if my hon. colleague has any information on the allegations he has mentioned, to start with he should bring that forward.

As to what has taken place, we have put dogs in medium and maximum institutions. We have ion scanners in medium and maximum institutions. We have one of the best correctional services in this world in Canada. We will continue to make sure that the workers are protected in Correctional Service Canada.

[*Translation*]

OLDER WORKERS

Mr. Yves Rocheleau (Trois-Rivières, BQ): Mr. Speaker, employees in their fifties who have been laid off by three companies in the Mauricie region came to Ottawa to meet a representative of the Department of Human Resources Development and demand the establishment of an assistance program for older workers.

Does the Minister of Human Resources Development intend to act on the requests of these workers and does she plan to help them?

[*English*]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, I was very pleased that members of my staff were able to meet with the former workers of several organizations and companies in the hon. member's region.

We understand how difficult it can be when older workers lose their jobs and have to find others. That is why back in June of 1999 we announced $30 million specifically for older worker pilot projects. We have a specific agreement with the Government of Quebec and $9 million is transferred to that province for use in support of older workers.

I am hopeful that these former workers will be able to take advantage of that program.

[*Translation*]

Mr. Yves Rocheleau (Trois-Rivières, BQ): Mr. Speaker, are we to understand from what the minister says that she is telling the workers here today she does not intend helping them because the surplus in the employment insurance fund has already been spent?

Is that what she is telling them?

[*English*]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, it is extraordinarily important that older workers have access to programming that will assist them as they transition from one job to another.

I would remind the hon. member that we transfer close to half a billion dollars to the Government of Quebec every single year for it to use in assistance for all workers, including older workers in the province.

* * *

BUSINESS DEVELOPMENT BANK OF CANADA

Mr. Charlie Penson (Peace River, Canadian Alliance): Mr. Speaker, yesterday the Deputy Prime Minister told the House that he who asserts must prove.

Eight months ago the Prime Minister asserted that the document showing him to be in a direct conflict of interest was forged, but the RCMP has refused to back his story.

The onus is on the Prime Minister to prove the forgery. What we cannot understand is, if the RCMP cannot prove the document was forged, how will the Prime Minister prove it?

● (1455)

Hon. Brian Tobin (Minister of Industry, Lib.): Mr. Speaker, the hon. member is proving true the old saying that an empty barrel makes the most noise.

Mr. Charlie Penson (Peace River, Canadian Alliance): Mr. Speaker, this is a very important matter despite what the industry minister says. It strikes to the heart of the ethics of the Prime Minister.

He has asserted there is a criminal conspiracy to undermine him. However, the RCMP is not backing his claim.

The footnote on the document suggests the Prime Minister was lobbying the government for money so he could collect on a personal debt. If this is a forgery, what is the Prime Minister doing to clear his name?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, this document was not a document from the Prime Minister or his office. It represents something in the files of the Business Development Bank.

The matter of the document is being looked into by the RCMP. I repeat, it is not necessary in our system of British and Canadian justice when somebody like the Alliance member makes an unwarranted allegation for the person against whom the allegation is made to prove the contrary.

The Alliance member has not offered any proof. He should withdraw his unwarranted assertion.

* * *

VIOLENCE AGAINST WOMEN

Ms. Jean Augustine (Etobicoke—Lakeshore, Lib.): Mr. Speaker, for the last 10 years the Government of Canada has had a family violence strategy.

On this national day of remembrance and action on violence against women, I would like to ask the Secretary of State for the Status of Women, has anything changed? Is anything new? Are there any innovative ways in which the government is dealing with the issue of violence against women?

Hon. Hedy Fry (Secretary of State (Multiculturalism) (Status of Women), Lib.): Mr. Speaker, the hon. member has asked a very insightful question.

In fact, research has shown us that the nature and intensity of violence against women is changing. For instance, over the last seven years we have moved from 12 women in a million who are victims of spousal homicide to 7 in a million.

We have begun to focus not only on legislative changes but also on prevention strategies. Specifically, we are looking at youth and children, especially disadvantaged youth and sexually exploited youth, in order to do our preventive measures.

AUDITOR GENERAL'S REPORT

Mr. Rob Merrifield (Yellowhead, Canadian Alliance): Mr. Speaker, the auditor general has revealed that Health Canada is another hotbed of waste and mismanagement. One example is the HIV-AIDS strategy.

A reviewer rejects a submission for an $84,000 study. Two external reviewers recommend major revisions. What happens? In spite of the negative assessment, the project gets the go-ahead, not for $84,000 but for $130,000.

How can that be?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, it was discovered after the whole application was looked at that to get value for the $84,000 we had to add other components, including evaluation.

The auditor general made a number of recommendations. I am here to say that Health Canada has already accepted and acted on every single one of them. We are going to make sure that we meet the highest standards of accountability at Health Canada as we serve the needs of Canadians.

Mr. Rob Merrifield (Yellowhead, Canadian Alliance): Mr. Speaker, the minister may defend his actions on Health Canada but health care continues to suffer.

Let us take a look at another couple of examples from the auditor's report.

Six large national projects were approved. They were not eligible for the funding under the branch's own program guidelines.

Another one is that projects were eligible for one year of funding but were approved for five years of funding. We are not talking small change. We are talking $1.2 billion a year.

When will the waste stop in this minister's department?

Hon. Allan Rock (Minister of Health, Lib.): Mr. Speaker, one of the projects referred to by the member was a cancer research project. There is excellent work being done at the Vancouver centre of excellence in cancer research.

The auditor general decided that instead of being filed in one filing cabinet, the papers should have been filed in another cabinet. There is no question about the quality of the research; it is a centre of excellence to help save lives.

We are going to move the papers from one filing cabinet to the other and it will still be an excellent use of taxpayers' dollars.

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[*Translation*]

PORT FACILITIES

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, in 1995, the federal Minister of Transport announced that he wanted to transfer the majority of regional ports in Canada.

Ever since the Government of Quebec announced that it was prepared to accept the transfer of nine ports, the federal government has seemed in no hurry to negotiate.

Will the Minister of Transport confirm to us that transferring these port facilities is still a priority for his department and that he will invest the necessary money, over $100 million, so that Quebec can create a strategic and effective ports system?

● (1500)

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, we have established a competition policy in the airline industry and we will support any measure to encourage competition, such as the introduction of amendments to the Competition Act this week.

* * *

[*English*]

ABORIGINAL AFFAIRS

Ms. Nancy Karetak-Lindell (Nunavut, Lib.): Mr. Speaker, tomorrow in Ottawa there will be a meeting between the federal, provincial and territorial ministers responsible for aboriginal affairs and the national aboriginal leaders. I understand that aboriginal youth is one of the items on the agenda.

Could the Secretary of State for Children and Youth please tell the House what are some of the key issues facing aboriginal youth and how the ministers and leaders are responding to them?

Hon. Ethel Blondin-Andrew (Secretary of State (Children and Youth), Lib.): Mr. Speaker, aboriginal youth are facing some very daunting challenges, be they teenage pregnancy, suicide, drug and alcohol abuse or limited access to employment opportunities. These are the challenges they are facing. Therefore, we are engaging our federal, provincial, territorial and aboriginal colleagues and governments and organizations to find solutions to these challenges.

In October we met with 150 aboriginal youth from across Canada to get their views on a national aboriginal youth strategy. We are today furthering these discussions with those leaders who are gathering together to face those challenges and to help aboriginal youth have a brighter future.

* * *

AGRICULTURE

Mr. Rick Borotsik (Brandon—Souris, PC/DR): Mr. Speaker, Statistics Canada reported yesterday that field crop production was down in western Canada for all major crops. In fact, the growing conditions were the worst since the 1988 drought.

The minister of agriculture last week said that improvements could be made to the safety net program.

My question is for the minister of agriculture. We know there is a need. We know that the minister of agriculture would like to satisfy that need. Has the minister of agriculture had enough influence at the cabinet table to have this reflected in next week's budget?

Hon. Ralph Goodale (Minister of Natural Resources, Lib.): Mr. Speaker, the payments in this calendar year for our various safety net programs, federally and provincially, will total very close to $4 billion, much of that related to crop insurance to deal with the drought.

The minister of agriculture is engaged in an ongoing discussion with his provincial and territorial counterparts as well as colleagues within the Government of Canada. They are working on the strengthening of safety nets for the future.

I am confident that as the next days and weeks go by the messages will be very strong in terms of the support provided by all governments in Canada for agriculture—

The Speaker: The hon. member for Windsor—St. Clair.

* * *

INTERNATIONAL TRADE

Mr. Joe Comartin (Windsor—St. Clair, NDP): Mr. Speaker, both before and after September 11 we tried to get the U.S. to increase the flow of commercial traffic from Canada into the U.S. It is very important for the auto industry. In fact, it is an absolute priority.

Could the Deputy Prime Minister tell the House and the Windsor community whether we have any indication that the U.S. is willing to put in place new programs that would facilitate the flow of cargo from Canada to the U.S., as we have done for the U.S. from the U.S. to Canada?

Hon. Herb Gray (Deputy Prime Minister, Lib.): Mr. Speaker, I think the agreement announced as a result of the visit of Attorney General Ashcroft earlier this week is a very good indication of the interest of the Americans in responding to Canadian initiatives. We will continue to press them for action. This is important to us in the Windsor area, but it is important for all Canadians.

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BUSINESS OF THE HOUSE

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance): Mr. Speaker, it being Thursday, I will ask the Thursday question. What will be the business for the rest of today and next week?

[*Translation*]

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, we will continue this afternoon with Bill C-24, the organized crime legislation, which is currently before the House, and at least consider the Senate's amendments to Bill C-24.

This will be followed by Bill C-15B, the criminal code amendments, as I announced yesterday to the House leaders of the other parties.

Then, if there is any time remaining today, we will continue with Bill C-27, the nuclear safety bill.

Tomorrow, we hope to pass Bill C-46, the ignition interlock device bill sponsored by the Minister of Justice, at all stages. I thank the leaders of all parties for having consented to move this through all stages before the holidays.

We will then call report stage and second reading of Bill C-23, the competition legislation. If there is any time left tomorrow, we will turn to report stage and third reading of Bill C-43, the technical amendments bill.

On Monday, we will return to the bills I have listed, and those that have not been completed, that is unfinished business from today and tomorrow.

I would remind hon. members that the budget will be presented at 4 p.m. on Monday, of course, and the budget debate, that is the debate on the amendment to the amendment—in the improbable event of some hon. members wishing to propose an amendment to the amendment—would take place on Tuesday and Wednesday, with division at the end of the day, on Wednesday.

● (1505)

[*English*]

The business scheduled for Thursday and Friday of next week, if the House is sitting, would be Bill C-42.

[*Translation*]

Mr. Jacques Saada (Brossard—La Prairie, Lib.): Mr. Speaker, I rise on a point of order. Discussions have taken place between all parties and the member for Saint-Lambert concerning the taking of the division on Bill S-10 scheduled for later today at the conclusion of private members' business. I believe you would find consent for the following motion:

I move:

That at the conclusion of today's debate on Bill S-10, all questions necessary to dispose of the motion be deemed put, a recorded division deemed requested and deferred to Tuesday, December 11, 2001, at 3 p.m.

The Speaker: Is there unanimous consent of the House for the hon. member to move this motion?

Some hon. members: Agreed.

[*English*]

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

Some hon. members: Agreed.

(Motion agreed to)

GOVERNMENT ORDERS

[*English*]

CRIMINAL CODE

The House resumed consideration of the motion in relation to the amendments made by the Senate to Bill C-24, an act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other acts.

Mr. Stephen Owen (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the two amendments passed by the other place would maintain the essential strong elements of Bill C-24. I will summarize these. First, the bill would provide an enhanced definition of criminal

organization and create a new offence to target involvement with criminal organizations.

Second, it would improve measures to protect people from intimidation who play a role in the justice system. This would include members of the news media investigating organized crime.

Third, it would create an accountable process to protect law enforcement officers from criminal liability for certain otherwise illegal acts committed in the course of an investigation. This element of the bill is the subject of the two amendments from the other place.

Fourth, the bill would broaden powers to forfeit and seize proceeds of crime and property used in a crime.

The two amendments which I urge members of the House to support wholeheartedly deal with greater accountability in the lawful justification sections of the bill.

First, they would provide that when the minister designates officers to be under this protection he does so on an individual rather than a group basis as had been provided for in the bill passed by the House.

Second, they urge that the designation only take place in a jurisdiction of Canada where there is civilian oversight of police activities and a body to investigate public complaints concerning them.

The two amendments are immensely important. They would maintain and enhance the elements of the bill as passed in the House. I urge all members of the House to vote in favour of them.

● (1510)

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, as indicated by the parliamentary secretary, the import of the amendments is to increase clarity and independent review with respect to the designations of public officers.

The amendments are timely. They are born of the rapid succession of bills brought forward by the government to deal with public security matters. There is a growing unease among Canadians that the government is not concerned about debating the principles or details of bills it brings forward. The unease has increased as a result of the Liberals' imposition of closure with respect to Bill C-36.

While the position of my party vis-à-vis the Senate, the other place, is clearly in favour of democratic reform and accountability, it is ironic that non-elected members of that house have more freedom to take steps to safeguard the security and traditional liberties of Canadians.

This is because of the shameful conduct of the Prime Minister. It is shameful that the House is no longer permitted to vote in accordance with the values of Canadians. The Prime Minister and the government consistently use the dispensation of political favour or the withholding of political favour to ensure government members vote in accordance with the Prime Minister's personal wishes.

I am prepared to recommend support for the amendments, perhaps as a result of the troubling conduct of the government over the past few months. The amendments are more necessary now than they were a few months ago.

Bill C-24 still has serious shortcomings. It is procedurally cumbersome. It would do nothing to streamline prosecutions. It would require substantial expenditures on the part of provincial and local police authorities. At the same time the federal government demonstrates increasing reluctance to fund the operations and prosecutions flowing from the legislation it passes.

Law enforcement in the country is being crippled by cumbersome legislation and inadequate resources. It is ironic that the member opposite stands and talks about improved definitions. We have seen this type of legislation add detail to the process without an appreciable increase in security.

I am prepared to recommend the amendments born of the concerns raised in the Senate. I urge the government to review this type of legislation and re-examine the principles underlying many of the bills it is passing. They are not effective. Nor do they do anything to enhance civil liberties in the country.

[*Translation*]

Mr. Michel Bellehumeur (Berthier—Montcalm, BQ): Mr. Speaker, I am pleased to address Bill C-24, but I will be very brief.

I will briefly discuss the background of Bill C-24, which seeks to fight organized crime. The Bloc Quebecois repeatedly asked the government to take measures. We will not go so far as to say that we are the sponsors of this bill, but we pressured the government regarding several clauses in this bill. Indeed, we were relentless in asking the government to provide Canada with proper tools to fight gangs, including criminal biker gangs.

We worked very hard to propose some changes. We also made gains. When I say we, I mean Quebec, since Quebec was among those asking for major legislative changes.

So, the House passed Bill C-24, which was then sent to the other place. Senators examined it and felt the need to propose amendments. I took a close look at these amendments—we are not against them—but I sincerely think that the bill would have been very acceptable without these changes.

It is true, as the Canadian Alliance member said, that it is a bit funny that the other, unelected, chamber seems to have more power than duly elected representatives of the people, those who were actually chosen in a very democratic ballot.

But that is how the system is. As people know, the Bloc Quebecois would like out of this system. But, for now, we are still part of Canada. We therefore live with the rules dealt us. The Senate has put forward amendments. Do we have a major objection in this regard? No. Should this bill be passed quickly? Yes. Are we already late passing it? Yes again.

I will conclude with this. Before even studying Bill C-24, before even studying the bill which is intended to do something about the problem of criminal biker gangs, the Senate preferred to start out in September by looking at Bill C-7, which is intended to something about the problem of young offenders, instead of assuming its responsibilities and doing something about organized crime, so that Canada will have the legislation it needs.

We are past the point of worrying about commas, dropping periods and fussing over wording. We have reached the point where we must pass this bill. We must do so quickly so that the public knows that we have taken action, so that people feel safe as well, but especially so that the police and the system will have the legislative tools they need to combat organized crime for once and for all.

The government has taken so long reacting that even before Bill C-24 becomes law, organized crime has already examined the legislation and is getting ready to challenge it. That is how very slow the system is, with its two chambers, among other things. The bill has therefore come back here and we will have to pass it again, and then it must receive royal assent. Some of Bill C-24's provisions probably already no longer apply.

We will still be very vigilant. Yes, it is a step in the right direction. Yes, we must pass Bill C-24 quickly. Yes, the Bloc Quebecois will continue to be vigilant and push the government to take appropriate action if ever any provisions of this bill are no longer adequate to deal with the present organized crime and biker gang situation. It is no to violence, no to intimidation and yes to Bill C-24. We must act quickly.

● (1515)

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, I agree with my colleague from the Bloc Quebecois on the role of the Senate in this debate and on the amendments to Bill C-24.

[*English*]

It is odd indeed that the very things we tried to achieve in committee, which could not be achieved because of a docile Liberal majority on the committee, can now be achieved because presumably we have a less docile Liberal majority in the Senate. These things have come back to us to address concerns that needed to be addressed, and which were raised in the House of Commons, the elected Chamber, but were not dealt with because of the excessive ego of the government when it came to its legislation and the excessive docility of government members.

Very briefly, we welcome these amendments. They address concerns we had about Bill C-24. We hope that from here on in this bill, even though there are problems with it, can proceed expeditiously and we can find out the extent to which this legislation will or will not be effective against organized crime in the country.

● (1520)

Mr. Jay Hill (Prince George—Peace River, PC/DR): Mr. Speaker, like my colleagues from other parties, I will be keeping my remarks on these amendments quite brief. I rise on behalf of the coalition to add some thoughts on this issue.

As others have said, there is more than just a touch of irony that the unelected other place was successful in getting these two substantive amendments to Bill C-24, despite the best efforts of opposition members, especially at the justice committee, to get similar amendments through in the House of Commons. Unfortunately that speaks volumes to the attitude of the government in its approach to legislation, specifically its approach to the consideration of amendments to its legislation.

Unfortunately something very similar transpired with Bill C-36 more recently, despite assurances from the government, the Prime Minister and the Minister of Justice that adequate consideration, and a common sense approach, would be given to representations from individuals, groups, opposition MPs and its own backbenchers. Once again we saw a flawed process brought to a very speedy close with the use of time allocation.

I would like to congratulate the Senate for bringing forward these two amendments to Bill C-24, the organized crime legislation. I refer specifically to the one increasing independent review or civilian oversight. That is especially appropriate, but not only for this legislation.

Similar concerns were put forward not only by opposition members of parliament, but by groups concerned about the rights and privileges of individual Canadians and the risk of abuse by police forces in how they would implement the new powers contained in Bill C-36. Very serious efforts were put forward by a number of organizations, including the PC/DR, to have an independent oversight agency or individual hold the police and law enforcement agencies that would have the new powers, such as CSIS, accountable rather than individuals going to court to hold the government and law enforcement agencies accountable, if they felt their powers were being abused.

That is an important amendment to Bill C-24 made by the other place. Hopefully, something similar will be included in Bill C-36. The same concerns are being expressed about Bill C-42, which we are just now beginning to debate.

The fact that the system had to ultimately rely upon the Senate to bring forward amendments successfully points to a serious flaw, as other members from other parties have said, at the committee level and in the House of Commons. We do not have a system of free votes. I would argue very strenuously that if we had that, much better legislation would be passed in this place. That legislation would then go to the Senate and it might not be required to make amendments that should have made here originally.

● (1525)

Hopefully it is something the government will consider in the future. It is hoped the government will free up its members to vote more independently, especially when dealing with something as common sense as amendments being put forward to legislation at the committee stage. It could ultimately have the effect of parliament being more democratic and also of the House of Commons operating much more efficiently and effectively.

Legislation would come back from committee properly amended. I suspect there would be fewer amendments put forward at report stage on the floor of the Chamber. In many cases that is one of the few tools the opposition members have to draw public attention through the television cameras to what they feel is flawed legislation. They bring their amendments forward at report stage in the Chamber.

Obviously the legislation, as has been said before, is targeted at organized crime, specifically at some of the horrific activities of biker gangs, especially in the province of Quebec. We are all aware of those activities. We do not need to rehash those ongoing issues. We want to ensure that our law enforcement agencies have the necessary resources, powers and the tools to combat organized crime wherever it occurs.

On that one specific issue, concern has been expressed by the coalition and by other parties about the financial resources available to our law enforcement agencies. In the eight year history of my involvement as a member of parliament I have spoken many times about the need to ensure adequate resources for the RCMP.

As the previous speaker for the Canadian Alliance alluded to, the legislation once it goes into effect can easily involve substantial expenditures by our police forces. That obviously would be at the local or city police level, provincial police forces or the RCMP, or presumably even an agency such as CSIS, in combating organized crime. It is much similar to the need for all those same agencies to wage the successful war against terrorism.

We want to ensure that we provide the tools that these agencies and law enforcement organizations require to do the job, to go head to head with organized crime and terrorists. We want to ensure that they have the adequate financial resources as well.

It is little help to them if we only say that we will make the necessary legislative changes to ensure that they have the power to do their jobs effectively and hold those individuals to account, whether those individuals are in organized crime, or undertake terrorist activities, or encourage others to undertake terrorist activities. It is simply not enough to give them the necessary legislative tools without giving them the financial resources.

Obviously all of us in this place and all Canadians will be watching with great interest the presentation of the finance minister's budget on Monday. We will be watching to see what financial resources will go hand in hand with the legislative tools to ensure that our law enforcement agencies have the resources and funds necessary to take on organized crime and terrorists wherever they may be lurking and hiding and conducting their filthy business in our country.

● (1530)

The Speaker: Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

(Motion agreed to, amendments read the second time and concurred in)

* * *

AN ACT TO AMEND THE CRIMINAL CODE (CRUELTY TO ANIMALS AND FIREARMS) AND THE FIREARMS ACT

The House proceeded to the consideration of Bill C-15B, an act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act, as reported (with amendments) from the committee.

[*Translation*]

SPEAKER'S RULING

The Speaker: There are nine motions in amendment on the notice paper at report stage of Bill C-15B.

[*English*]

Motions Nos. 2 and 3 will not be selected by the Chair as they are identical to motions proposed and defeated in committee. All remaining motions have been examined and the Chair is satisfied that they meet the guidelines expressed in the note to Standing Order 76.1(5) regarding the selection of motions and amendments at report stage.

[*Translation*]

Motions Nos. 1 and 4 to 9 will be grouped for debate. The voting pattern is available at the table.

[*English*]

I shall now propose Motions Nos. 1 and 4 to 9 to the House.

Mr. Grant McNally (Dewdney—Alouette, PC/DR): Mr. Speaker, I rise on a point of order. There have been discussions with all parties and I believe that if you seek it, you would find unanimous consent that the report stage motions standing in the name of the member for Pictou—Antigonish—Guysborough be now put in the name of the member for Prince George—Peace River.

The Speaker: Is it agreed?

Some hon. members: Agreed.

Mr. Howard Hilstrom (Selkirk—Interlake, Canadian Alliance): Mr. Speaker, I rise on a point of order. In attempting to make amendments to the bill, I was attempting to have the name of the bill changed. I have been advised that is not entirely possible. I would ask the Chair if that is the case or not.

The Speaker: The hon. member is absolutely correct. I understand he tried to put forward such an amendment and it was ruled out of order.

I will seek out the authority for that. I had asked about it earlier and am satisfied that it was in accordance with our practice that such an amendment not be allowed at report stage. I will get the citation for the hon. member later.

MOTIONS IN AMENDMENT

Mr. Howard Hilstrom (Selkirk—Interlake, Canadian Alliance) moved:

Motion No. 1

That Bill C-15B be amended by deleting Clause 8.

Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.) moved:

Motion No. 4

That Bill C-15B, in Clause 8, be amended by replacing line 5 on page 3 with the following:

"other animal that has the capacity to experience pain."

Mr. Howard Hilstrom (Selkirk—Interlake, Canadian Alliance) moved:

Motion No. 5

That Bill C-15B, in Clause 8, be amended by replacing line 7 on page 3 with the following:

"who, wilfully or recklessly, and in contravention of generally accepted industry standards,"

Hon. Robert Nault (for the Minister of Justice and Attorney General of Canada) moved:

Motion No. 6

That Bill C-15B, in Clause 8, be amended by replacing lines 32 to 43 on page 5 and lines 1 to 16 on page 6 with the following:

"182.6 (1) In this section, "law enforcement animal" means a dog, a horse or any other animal used by a peace officer or public officer in the execution of their duties.

(2) Every one commits an offence who wilfully or recklessly poisons, injures or kills a law enforcement animal while it is aiding or assisting a peace officer or public officer engaged in the execution of their duties or a person acting in aid of such an officer.

(3) Every one who commits an offence under subsection (2) is guilty of

(*a*) an indictable offence and liable to imprisonment for a term of not more than five years; or

(*b*) an offence punishable on summary conviction and liable to a fine of not more than ten thousand dollars or to imprisonment for a term of not more than eighteen months, or to both.

(4) The court may, in addition to any other sentence that it may impose under subsection (3), order the accused to pay all reasonable costs associated with the loss of or injury to the law enforcement animal as a result of the commission of the offence if the costs are readily ascertainable."

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ) moved:

Motion No. 7

That Bill C-15B, in Clause 8, be amended by adding after line 16 on page 6 the following:

"182.7(1) In this section, "service animal" means a dog or any other animal used by a person with a disability.

(2) Every one commits an offence who

(*a*) assaults, injures or causes the death of a service animal; or

(*b*) assaults, injures, causes the death of or poisons, or in any way attempts to poison, a service animal while it is kenneled, penned, transported or otherwise held.

(3) Every one who commits an offence under paragraph (2)(*a*) or (*b*) is guilty of

(*a*) an indictable offence and liable to imprisonment for a term of not more than five years; or

(*b*) an offence punishable on summary conviction and liable to a fine not exceeding ten thousand dollars or emprisonment for a term of not more than eighteen months or both.

(4) The court, in addition to any sentence that it may impose under subsection (3), must order the offender to pay all restitution costs, including training costs, resulting from the service animal's being killed or otherwise rendered unable to perform its duties."

Motion No. 8

That Bill C-15B, in Clause 8, be amended by adding after line 16 on page 6 the following:

"182.8 The court may order the production of any additional evidence or the issuance of a summons to any persons, including experts, whose testimony the court considers appropriate or necessary to confirm evidence relating to any section in this Part."

[*English*]

The Speaker: I cannot put Motion No. 9 to the House. Accordingly Motions No. 1, 4, 5, 6, 7 and 8 have been put to the House and are now ready for debate.

● (1535)

Mr. Vic Toews: Mr. Speaker, I rise on a point of order. I am seeking clarification regarding Motion No. 9. I believe that is the motion of the member for Pictou—Antigonish—Guysborough.

An hon. member: He is not here.

Mr. Howard Hilstrom (Selkirk—Interlake, Canadian Alliance): Mr. Speaker, the amendments we are putting forward are an effort to make the bill better and reflect what is needed in Canada by way of protection for animals but also for the protection of the livestock industry in this country, the way of life of hunters, trappers, fishermen, and all those who use animals in the normal course of earning their livelihood or in their cultural way of life. Across the country this includes hunting and other pursuits that happen to involve animals.

Motion No. 1 is a reflection of the fact that we in the Canadian Alliance would like to have full protection for the livestock industry up front. By up front I mean that in the bill itself it is clearly and explicitly stated that farmers and ranchers can carry out their normal activities without fear of malicious prosecution.

Mr. Owen has advanced the idea, and it is in Bill C-15A a related bill, that there would be a preliminary hearing type of situation where a complaint or criminal charge is laid by a private individual. There would be a court process by which the informant, the private individual, could go before the judge. The attorney general of the province would be there. This process would determine whether or not it was a vexatious, malicious type of prosecution. It specifically says that the person accused does not necessarily have to be there.

It seems that the person who is the subject of the information complaint, the person charged, would be absent. In any court proceeding that I am aware of, it is vital that the accused be able to protect himself from a legal point of view at all stages of the complaint. In an information and complaint that is malicious and vexatious in nature, by an animal rights group for instance, what will happen is that group will be at an in camera hearing and the charge will be thrown out because it is malicious and vexatious. However, it will never come to the public view that the animal welfare groups are trying to use the law to cause problems for the livestock industry.

My amendment would delete clause 8. It seems to me if we cannot have full protection for our livestock industry and users of animals, we would be better off staying with the present legislation which is in effect until it is repealed and this legislation is put in its place. The purpose of the motion is to delete the cruelty to animals amendments and leave the law as it is until the government can come up with better cruelty to animals amendments.

● (1540)

The Deputy Speaker: I just want to caution members to please refer to each other according to their riding or portfolio. I think the member mentioned a name and probably more appropriately should have referred to the Parliamentary Secretary to the Minister of Justice and Attorney General of Canada. The member mentioned Mr. Owen, I believe.

Mr. Stephen Owen (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I agree with the member opposite that this is an extremely important issue to all Canadians. The cruelty which is visited upon animals, in a vicious, neglectful or willful way, is unacceptable to Canadians and the legislation deals with that demand.

The effect of Motion No. 1, as the member opposite said, would be to do away with the bill altogether. That is simply unacceptable.

After consulting with the public in 1998 on the current cruelty provisions in the criminal code and by virtue of receiving petitions with over 10,000 signatures and about 100 letters a week being sent to the Minister of Justice, it is absolutely clear to the government that the vast majority of Canadians want the anti-cruelty laws to be modernized and strengthened. That was the evidence before us in committee right across the board, whether it was people representing the agricultural industry, hunting and fishing interests, medical research or the general public.

This is extremely important legislation. People want to see people who act viciously toward animals dealt with strongly. I must say that some of the strongest testimony came from members of the agricultural industry, an industry that is one of the backbones of our economy, our culture and our society. They are the people who are closest to animals in many ways in our society and they know best that the humane treatment of animals is immensely important.

The bill is an important matter of public policy. It is a strong part of government policy and it will go forward as far as the government is concerned.

Looking at Motion No. 4, the effect of the motion would be to substitute the word "experience" for "feel" in the sense of experiencing pain rather than feeling pain, talking within the definition of animal. The word "experience" when used as a verb, as is proposed in the motion, is capable of several meanings. The Oxford dictionary defines experience as: meet with, feel, undergo, learn or find. That could lead to confusion in the interpretation of the legislation. Of course, many of those meanings have no relation to what we are talking about or focusing on in the legislation.

The word "feel", however, is defined in terms of being conscious of a sensation, that is, the ability to feel pain. It establishes that the animal must have the capacity to sense pain. Mere physical reflex in the absence of a developed nervous system of course is not enough. I would urge the House not to approve that motion.

Motion No. 5 presents a major problem for the government. It would result in fewer protections being offered to animals than is currently the case. The reference to contravention of industry standards introduces a notion into criminal law which is unprecedented, that is, that standards set by industry would determine whether or not a person was liable for cruelty offences under the criminal law.

The Supreme Court of Canada in the Jorgensen case made it very clear that approval by a provincial body as a matter of law cannot preclude the prosecution of a charge under the criminal code.

There is also a very good chance that such an amendment would ultimately be ruled to violate the Canadian Charter of Rights and Freedoms on the basis that the law was so lacking in precision that it did not provide sufficient guidance for legal debate as to the scope of prohibited conduct. The law must be sufficiently clear so that Canadians know that they are at risk of being prosecuted if they commit a particular act.

The reference to industry standards is important. It raises a number of questions. Would those standards have to be passed by a provincial legislature? If not, would voluntary codes of conduct be an industry standard? Would industry standards that were not well publicized still be relevant under the section? Who would determine what was a relevant industry standard?

Reference to industry standards in the heading of the offence relating to intentional cruelty offences would suggest that industry standards, which condone certain activity, would excuse that activity.

● (1545)

In that regard, it is interesting to note that the activities listed in paragraphs (e), (f), (g) and (h) are prohibited outright. The wording of the motion suggests that what is intended is to have industry rather than the criminal courts determine what is legal and not legal in the country.

In that sense, simply the reference to "industry standards" would not have any true relevance to many of the offences listed.

That being said, an amendment in committee does, specifically for the purposes of greater clarity, refer to the applicability of section 8 (3) of the criminal code, which applies all of the common law defences to offences under the code and under this section by specific reference.

In terms of the common law defences that are available currently under the law, the bill when passed will not remove any defences that are now available.

Further, the use of the word "negligent" in section 8 makes it clear, in the sense of the criminal meaning of negligence, that the activity to be criminalized under this section would have to significantly depart from the ordinary standards.

That is a high standard to meet for a criminal charge. It makes it clear that things that are lawful now as ordinary parts of business practice, agricultural practice, hunting and fishing, and medical research, will continue to be protected as they are now.

Motion No. 6 is an important recognition of the value of police dogs to the police services generally. The new offence created by the motion would extend application of the offence provisions to law enforcement animals, whether or not they are actively engaged in law enforcement at the time the offence is committed. This is important. It could be a horse or a dog but that great expense, time and care has been put into the training of this animal. Of course, that would be an immensely valuable tool, as well as a very expensive one to replicate.

The offence provision, as redrafted, makes it clear that the law enforcement animals are being protected because of the risk they face on a daily basis in the course of assisting peace officers and public officers. This small amendment to this section that was amended in committee makes it clear that there is a discretion in the sentencing judge as to whether the costs of replacing the animal should be part of the sentence. It may be that the person has no ability to meet that provision and therefore it should not be a mandatory requirement.

When I look at Motion No. 7, the government recognizes the extremely valuable services provided by animals that assist persons with disabilities. However, the motion should be resisted because it undermines the general policy of the animal cruelty provisions: that all animals deserve the same protections under law.

The law enforcement animal provision is a clear exception to this general rule but it is rationalized on the basis that these animals are at risk on a daily basis because of the nature of their work in assisting those involved in law enforcement. The amendment could create uncertainty in the law, the one reflecting animals assisting persons with disabilities, because the disability is not defined.

If distinctions between animals are made on the basis of their utility to humans, it can be argued that there is no policy basis for not creating specific offences for each type of animal that is a working animal of some sort.

I will briefly mention Motion No. 8. I urge all members to resist the motion. It would create specific provisions relating to the conduct of trials in animal cruelty cases. It is not clear, in the face of provisions in the Canada Evidence Act relating to the receipt of evidence by experts, as well as well developed case law in this area, why it is necessary to create a specific provision for judges in animal cruelty cases.

It should be noted as a general principle that it is crown counsel, rather than the judge, who calls evidence in support of the prosecution and the defence. It is the defence, rather than the judge, who calls evidence in support of the defence.

● (1550)

The motion would potentially create uncertainty in the law. It is unclear whether it would replace existing statutory provisions and powers of common law for the court to oversee the conduct of trials and the reception of expert and other evidence.

An amendment of this nature would have cost implications for the provinces and territories.

It would be irresponsible to agree to a motion of this nature without consultation and without an examination of the larger implications of such a provision.

Mr. Jay Hill: Mr. Speaker, with the indulgence of the House, I rise on a point of order.

I was called out of the Chamber briefly when the Speaker was putting the motions. I understand that Motion No. 9, which was to be called in my name, was not moved.

I would seek the unanimous consent of the House to have that motion moved now.

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

Mr. Jay Hill (Prince George—Peace River, PC/DR) moved:

Motion No. 9

That Bill C-15B be amended by deleting Clause 9.

The Deputy Speaker: I draw to the attention of the Parliamentary Secretary to the Minister of Justice that Motion No. 9, which had been put aside, has now been moved. I am prepared to give him a few moments to comment on Motion No. 9, if he has not already done so.

Mr. Stephen Owen: Mr. Speaker, I did not have an opportunity to comment on Motion No. 9.

The effect of Motion No. 9 would be to nullify the repeal of the current provisions in part XI of the criminal code. The result would be that there would be two different schemes in the criminal code dealing with cruelty to animal offences: the provisions currently in the criminal code, as well as the animal cruelty offences in the new part V.I. This is unacceptable to this side of the House.

The Deputy Speaker: Just before I resume debate, the Chair is prepared to respond to the point of order raised by the hon. member for Selkirk—Interlake.

I draw his attention to *House of Commons Procedure and Practice*, Marleau and Montpetit. On page 657, under "Chapter 16 The Legislative Process" and under the heading "Marginal Notes and Headings", I believe he will find the answer to his inquiry.

Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.): Mr. Speaker, I wish to speak to Motion No. 4 which would change a line in the definition of animal in the bill from an animal that is capable of feeling pain to an animal that is capable of experiencing pain.

The parliamentary secretary, with great respect to him, made a comment on Motion No. 4 and the record will show that there was a major contradiction in his statement. What he said, in effect, was that in order to be conscious of pain an animal has to have a central nervous system. I suggest that in order for an animal to be conscious of pain it has to have a brain.

The purpose of Motion No. 4 is simply to create a clarification in the bill whereby when the courts come to examine what we mean by cruelty to a creature the court will understand it to mean that the creature suffers. I suggest that in order for a creature to suffer it has to have a brain that is at least sufficiently of a high order that it is conscious of its surroundings.

In other words, the animal has to be conscious of suffering. I suggest that simply having a nervous system, such as a worm or an octopus, does not mean that an animal, while it may feel pain in the sense that it reacts to pain, is actually conscious of the pain in the sense of suffering. We have no way of knowing that.

In changing the word feel to experience I think we could all assume the courts would interpret the word experience in an appropriate sense rather than in a broad sense that is inappropriate. The sense, of course, that has been implied is that one has to have some sort of consciousness in order to experience one's own senses.

The choice of the word experience was simply to suggest to the courts that what we are talking about in the cruelty to animals bill are creatures that suffer, not creatures that are of such low order no one would assume they suffer. Even an amoeba will react to cold water or any other infliction of heat or dryness and so will a worm.

I want to make sure that when the courts look at this legislation they appreciate that the intent of parliament is to spare the suffering of creatures, not to extend the bill to every creature on earth. I am afraid that unless we limit it to the idea that an animal must be conscious of its surroundings we run the risk of the bill having too large a sweep.

This is primarily a technical change which I think would be of advantage to the bill. I hope that the justice department, which in fairness has not had time to review my motion in depth, will re-examine the whole distinction between experience and feel in the sense of being conscious of one's environment. Perhaps we can look forward to the justice minister's support for this motion when it comes time to vote.

● (1555)

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I am pleased to speak today to Bill C-15B, an act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act.

Today we are debating the motions in amendment that have been tabled. We have heard the Parliamentary Secretary to the Minister of Justice refute, reject and announce clearly that the Liberal majority will oppose the motions tabled, which we are currently debating, with the exception of Motion No. 6, tabled by the Minister of Justice and Attorney General of Canada.

Obviously, it is fair to think, and I say this to my learned colleague, whose Motion No. 4 was rejected, that the Minister of Justice alone is right in this parliament and that all those tabling amendments, with the exception of the Minister of Justice, have them rejected.

It is especially important since Motion No. 7, which I tabled, was further to Motion No. 6 of the Minister of Justice, who wanted particular attention paid to law enforcement animals.

Given their nature and the cost of training them and so on, the bill provides for substantial fines for those who, out of cruelty, destroy these animals.

My Motion No. 7 reads as follows:

(1) In this section, "service animal" means a dog or any other animal used by a person with a disability.

The parliamentary secretary says very candidly that we must protect animals, as suggested in the motion of the Minister of Justice. The minister's motion protects law enforcement animals. However, the Bloc Quebecois motion to protect a service animal is not accepted by parliament, because there is no clear definition of a person with a disability.

We heard a lot of things in the past year, but this takes the cake. I cannot believe that we would have to justify the term "disability", or the expression "a person with a disability". People with a disability should not have to come to the House or wherever to explain the nature of their disability.

Again, the Parliamentary Secretary to the Minister of Justice is lacking sensitivity when he says that this motion about a "service animal" cannot be accepted, because the definition of a person with a disability is too vague. This is an insult to all Quebecers and Canadians who have a disability.

We are not yet at the division stage, but as far as the Minister of Justice's proposal goes, relating to protection for a law enforcement animal, I trust that hon. members will understand that the same protection is being requested for a service animal, meaning a dog or any other animal used by a person with a disability.

I trust that the same protection and same penalties will be set for those who might harm these animals, which are so very useful to those badly in need of them in our democratic and free society.

Once again, we have a fine example of the mentality of the Liberal government, which announced "Zero. We are keeping none of these". They are the only possessors of the truth.

What is more, it is not just anybody who holds the power. The Liberal member who has just seen his Motion No. 4 defeated has seen very clearly that the only person entitled to settle all differences of opinion in this House is the Minister of Justice. She is probably the only one capable of understanding how parliament works and the only one deemed capable of settling differences and ensuring, in the end, that there is protection for animals and all those who call upon the House for protection.

Once again, I repeat to Quebecers and Canadians that there are some things that are acceptable and tolerable. But there are others that are less so, and we have a striking example of that before us.

The only motion that gets passed is the motion by the Minister of Justice on the protection of law enforcement animals. Among the others rejected was mine, for the protection of "service animals, that is a dog or other animal used by a person with a disability.

● (1600)

As for this, I simply cannot understand why the Parliamentary Secretary to the Minister of Justice came to explain to us that the problem with the motion was basically the fact that the expression person with a disability was not clear. They are worried that people without a disability will ask for protection under this clause of the bill.

There are some things I am prepared to hear in the House, but there are others that really have me stymied, and the Liberal members never cease to surprise me.

We have been told that the motions we moved will be rejected. Therefore members ought not to be surprised that the Bloc Quebecois will vote against this bill if it is not amended.

People need to understand. The Bloc Quebecois agreed to the legislation being amended, that there be a bill to amend the criminal code, in order to increase intolerance of persons who are cruel toward animals, or those who misuse firearms.

We had wanted to support the bill. The bill, as introduced, has some problems—I mentioned one—regarding service animals. But there are problems as regards ranchers, farmers, hunters and researchers.

Earlier, the parliamentary secretary spoke to us about amendments to section 8.3 of the criminal code moved in committee. This is an amendment by my colleague, the member for Châteauguay, an expert on the criminal code.

His amendment stated quite simply that ranchers, farmers, hunters and fishers should have the right to a defence of justification or an authorized excuse and colour of right.

Bill C-15B, as introduced, removes the right of defence from ranchers, farmers, hunters and researchers.

Today, the parliamentary secretary even said that although it was not explicitly laid out in the legislation, there would still be the same effect, that we must not worry and that even if the amendment were rejected, the result would be the same in the end.

In law, clarity is vital. I find fault with the Liberal majority, the Liberal members who sit on committee, who failed to understand that we really wanted to protect producers, farmers, hunters and fishers, many of whom earn their living in the animal production field so they would feel comfortable practicing their profession, their sport. The aim is to ensure reasonable and fair defence. We are talking legal justification, excuse or colour of right.

This is the reason for Amendment No. 8, which provides for access to experts for these people, in the event they are charged under this bill, to explain to them how to carry on their sport or their work without being charged with cruelty to animals.

We must always be able to express our opinions in the House or in committee with arguments that are neither unreasonable nor frivolous, as the Chair has said. They do not want frivolous amendments, and none was moved with respect to Bill C-15B. That is the fact of the matter.

The government is trying to get us to believe this bill says something it does not.

The Bloc Quebecois will oppose the bill simply because there is no guarantee to producers, farmers, researchers and hunters of legal justification, excuse or colour of right.

● (1605)

[*English*]

Mr. Inky Mark (Dauphin—Swan River, PC/DR): Mr. Speaker, it is a pleasure to rise to take part in the report stage of Bill C-15B.

I come from a rural riding. From my rural perspective, the bill is a threat to the livelihood of the people who live in my riding. It is certainly a dangerous and unnecessary move to take this out of the property section of the criminal code.

This afternoon we heard the Parliamentary Secretary to the Minister of Justice say that the government's poll indicated somehow that Canadians support this. Unfortunately this is one of those bills that divide rural and urban Canadians.

We all know that the majority of Canadians, 75%, perhaps 85%, live in urban settings. Urban residents' optics and perspectives on animals are very different. There is a difference in optics in how they see their pets compared to the perspective of those who make a living raising animals.

I must say first that I had the opportunity to sit in on the justice meeting and listen to the witnesses on the bill, witnesses who came from the medical research community, the animal rights community and the trapping association. I must say that this bill is not about cruelty to animals legislation. This is a bill that moves toward the humanization of animals in the country.

The medical researchers in our universities are very concerned. They are concerned about the ways in which they use animals to do medical research for our benefit, for your benefit, Mr. Speaker, and for our children's benefit.

As well, the trapping association is concerned even though they have humane traps. With new technology, trappers have changed their methodology. This whole issue of trapping affects the aboriginal community in my riding. I have 15 aboriginal bands in my riding. They have a right to trap and hunt. Many still make their livelihoods through trapping. They say the bill puts them at risk. In fact we need to remind the House that this country was built on the trapping and trading of the beaver pelt. If that had not taken place this country would probably never have been developed.

I must remind the government members in the House that the agricultural industry in Ontario is second in terms of dollars to the auto industry. Those members must be told that again and again. If they do not believe that the bill and these amendments are a threat to the agricultural industry, certainly for those who raise chickens, hogs and other animals we consume, they are basically ignoring what is happening.

I come from a rural riding where farming, the raising of cattle, swine, chicken, elk and horses, as well as trapping are the economic backbone of Dauphin—Swan River. I hope this will be addressed by government members.

Tens of thousands of chickens and cows are slaughtered every day for human consumption. We have heard Liberal members talk about the debate over suffering and pain. That is an ongoing debate. The problem is, once we take this out of the property section of the criminal code and start perceiving animals from the perspective of humanity, then we are really on the slippery slope to something we may regret down the road.

● (1610)

I will relate to the House my own experience. Over 20 years ago I raised weanling pigs. One has to castrate pigs while they are still small weanlings. If urbanites watched me castrating these little weanling pigs in a barn, what would they think about cruelty to animals? Their optics would certainly be different from my optics.

In fact, tourism in my riding is a huge part of the economy. The bill would attack tourism in regard to the of hunting of wild game. Again, this relates to hunting by aboriginal people. I have not heard anyone speak on behalf of the aboriginal community today. Their traditional hunting patterns are put at risk by the bill.

Mr. Jay Hill: The minister is here. He's listening.

Mr. Inky Mark: I'm glad the minister of Indian affairs is listening attentively to our concerns.

The bill is like the gun control bill, Bill C-68, not that Canadians are opposed to gun control. I think Canadians are for gun control. However, again the optics are different in terms of how the legislation is perceived. The bill is very divisive. It divides Canadians along urban and rural lines. I believe it is not a cruelty to animals bill. It is a bill about the humanization of animals. There is no doubt that the coalition will oppose the legislation and many of its amendments.

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, the stated purpose of the bill would be to consolidate animal cruelty offences and increase the maximum penalties. The bill would also provide the definition of animal and removes cruelty to animal provisions from part XI of the criminal code, that is, the property offence section.

Many groups have expressed concerns about the legislation: agricultural groups, farmers, industry workers and, indeed, medical researchers. Just recently we received a letter from the author Pierre Berton expressing his profound concern on behalf of medical researchers about what the bill would do in the area of medical research.

Many of the groups in fact support the intent of the law, as its objective is to modernize the law and increase penalties for offences relating to animal cruelty. However, despite some minor tinkering with the legislation as demonstrated here today in the bill, which is coming from committee, these groups advise that the bill requires significant amendments before their concerns are addressed.

One of the central concerns with the bill is in fact that the criminal code would no longer provide the same level of protection presently afforded to those who use animals for legitimate, lawful and justified practices. The phrase “legal justification or excuse and with colour of right” in subsection 429(2) of the criminal code currently provides protection for the offences found in respect of the property section. However, by moving the offences out of the property offence section and leaving the defences, in fact those defences no longer apply to the offences.

The minister, her staff and her parliamentary secretary have stated they somehow implicitly apply and that this should be good enough for members of the House and indeed for those who have expressed concerns about this legislation. However, when members of the Bloc and the Canadian Alliance asked Liberal government members to make the defences explicit in the new legislation, they refused.

Therefore I think there is a hidden agenda. There is a lack of frankness with the Canadian people about the true intent of what the bill is to accomplish. One of the interesting comments that the minister's parliamentary secretary made was in respect of the fact that one of the amendments to the bill will now confirm that the common law defences available under subsection 8(3) of the criminal code will continue to apply to any cruelty to animal offences.

Subsection 8(3) sets out the common law defences that we have inherited in our justice system and specifically already applies to all of the criminal code. It is not limited to any part. Yet the drafters of part XI, the property offence sections, found it necessary to include the specific defences that we find in section 429 relating to legal justification or excuse and with colour of right.

The parliamentary secretary said we would make it explicit that subsection 8(3) now applies to these offences that have been moved outside of the property section. Subsection 8(3) has always applied, so what the government is doing in a very disingenuous way is trying to lull people in agricultural or medical research or the other food production related businesses into believing that their concerns have now been met. In fact that is nonsense. Section 429 does not apply and those defences do not apply. To suggest that they implicitly apply is to mislead the Canadian people.

● (1615)

During committee I also listened with some astonishment to the fact that the minister had proposed screening mechanisms for all private prosecutions. We did not get a look at this. However, generally speaking, if there is controversial legislation, what ministers usually do, especially in the context of the criminal code, is require the consent of the provincial attorneys general to proceed with a prosecution in that jurisdiction. That is a time-honoured mechanism. The attorney general is there to prevent an abuse of the criminal court system.

The minister is now saying that she will not prevent these private organizations from bringing frivolous prosecutions by this time-honoured mechanism. We know that animal rights interest groups have indicated they will prosecute and take this law to the limits. Those are their words. However the minister has said that she will set up a screening mechanism which is very consistent with the type of cumbersome procedure that this government has enacted on previous occasions. Whether it is the organized crime legislation or Bill C-36, there is a real disconnect between the Department of Justice people who draft and propose these policy initiatives and the actual provincial prosecutors who have to go out and do the real work.

The mechanism being proposed is this. An information is sworn and then it is brought before a magistrate to prescreen to see if it is frivolous or vexatious. The purpose of requiring the information to be sworn is to determine that it is not frivolous and vexatious and that there are reasonable grounds to proceed. Now there will be another hearing at this stage. Imagine someone coming up in front of the magistrate saying that something is vexatious or frivolous. That person will be met now with another court hearing. Then the person could still be met with a certiorari application in the superior courts to quash the information. Then there is a possibility of a preliminary hearing to determine whether there is sufficient evidence for the matter to go to trial. Then we finally have the trial.

This is convoluted and is destructive of the criminal justice system. It will contribute to the backlog. Therefore, I am very concerned about the bill.

We have stated a number of reasons why the bill should not be supported. We have stated it in committee and we continue to voice our disapproval.

I want to make just a couple of comments in respect of the Liberal member who brought forward the animal service provision dealing with police dogs. We liked that amendment and supported it. What the Minister of Justice will do now with this amendment is water it down. I want the police officers and security agency people who use dogs in the course of their service to know that the Minister of Justice is watering down what a Liberal member first proposed.

My very last comment is that I support, and encourage my Canadian Alliance colleagues to support, Motion No. 7 brought forward by the Bloc member in respect of service animals.

● (1620)

[*Translation*]

Ms. Jocelyne Girard-Bujold (Jonquière, BQ): Mr. Speaker, it is a pleasure to rise today to address Bill C-15B. The title of the bill is an act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act.

This bill was introduced at first reading on March 14, 2001, and at second reading on May 3 and 7, but it was not reviewed in committee before the summer recess of the 37th parliament.

The bill was split in two. It was the government's response to hundreds of letters and thousands of signatures from people asking for a more effective act regarding treatment, protection and penalties relating to animal cruelty.

Since most of the provisions of the criminal code on these issues dated back to the late 19th century, a growing number of associations and groups called for the legislation to be modernized, for the scope of the various offences to be considerably broadened, and for harsher penalties to be imposed for animal cruelty offences.

Because there is considerable support for a reform of the part of the criminal code dealing with animal cruelty, Bill C-15B gives rise to strong reactions and conflicting interests.

Initially, the Bloc Quebecois supported several elements of the bill, including the creation of a new part in the criminal code, which would see the transfer of provisions dealing with animals from part XI of the code, entitled "Wilful and Forbidden Acts in Respect of Certain Property", to a new part 5.1, entitled "Cruelty to Animals". However, the Bloc Quebecois can no longer support the bill, because it does not protect, among others, the legitimate activities of breeders, farmers, researchers, hunters and so on.

The purpose of this bill is to have more adequate means to deal with offenders who commit cruel and reprehensible acts against animals. The purpose of this reform is to protect animals.

However, while the Minister of Justice claims that the bill does not deprive the animal industry from its revenues, it would have been important to specify this in the legislation, so as to reassure the animal, farming, medical and sports industry regarding any risk of frivolous action.

This was not done. The minister simply amended the bill by adding the defences in paragraph 8(3) of the criminal code. The minister and the Standing Committee on Justice and Human Rights rejected the Bloc Quebecois' amendments, which would have explicitly added as a defence acting with legal justification or excuse and with colour of right.

The Bloc Quebecois was in favour of the bill in principle if it could have been amended to reflect the means of defence earlier allowed in part XI of the criminal code. That is why the Bloc Quebecois asked that the means of defence in article 429 of the criminal code be added explicitly to new part 5.1 of the criminal code.

According to my colleague, who defended this position in committee, these amendments were not accepted by the government members. In all committees, all we hear from these members is no, no, no.

The Bloc Quebecois is also opposed to the bill because it seeks to take away a number of powers and responsibilities which now fall under the jurisdiction of the Government of Quebec and give them to the chief firearms officer.

● (1625)

Since the gun registration scheme was first introduced, the Government of Quebec has set up agencies responsible for issuing permits—the Bureau de traitement and the Centre d'appel du Québec. Briefly, the Bloc Quebecois is opposed to the bill because it does not explicitly protect the legitimate activities of the animal industry, hunters and those doing research, and it takes away the Government of Quebec's authority to enforce the Firearms Act.

Bill C-15B contains the present provisions of the criminal code concerning cruelty to animals and adds a number of new provisions. Since animals are now considered goods and not human beings, the offences and recourses possible are essentially minor.

Enforcement of the legislation as it now stands results only in damages for loss of goods. In addition, because sentences are lenient, they encourage repeat offences. Animal rights groups have repeatedly called for better protection with respect to cruelty to animals. Respect for human beings begins with respect for animals.

The Bloc Quebecois is in favour of increased protection for animals, but only provided there is protection for legitimate activities involving animals, animal husbandry, sport hunting and fishing, and research. Such is not the case, even after the amendments proposed by the Bloc Quebecois, for all of them were rejected. The purpose of those amendments was to improve this aspect of the bill.

The initial premise has to be that all those involved directly or indirectly in the livestock industry judge this bill unacceptable in its present form. For the great majority of them, these new provisions are likely to increase the possibility of criminal charges against those who work in the industry or who engage in recreational activities such as hunting and fishing.

The demands by the chicken protection coalition clearly illustrate the concerns raised by Bill C-15B. The board of the Quebec federation of poultry producers called unanimously upon the federal government to amend Bill C-15B so that livestock producers would retain the legal protection they enjoy at the present time and be able to continue to exercise their legitimate profession without any risk of complaints or charges. All of the amendments proposed by the Bloc Quebecois relating to this were turned down by the committee.

I would also like to mention that the Ontario Federation of Agriculture is asking that the current wording of the provisions of Bill C-15B regarding cruelty to animals not be kept as is, but that it be amended to provide the agri-food sector with the legal protection that its members currently enjoy under the criminal code. It is a protection they deserve.

In conclusion, producers are asking for the protection of their livelihood and for the assurance that they will not be prosecuted for activities related to their work. The definition of animal could be a source of problems.

I would like to conclude by saying that the amendments moved by the Bloc Quebecois would have clarified certain provisions of the bill and would have made a clear distinction between hunters and people who voluntarily hurt animals just for the sake of seeing them suffer.

Unfortunately, the federal government has shown again its unwillingness to listen and its conviction that it knows it all. Had it been open to our excellent amendments, we could have supported this bill. However, such was not the case, and we will vote against the bill, because it needed to be improved.

It is obvious, with Bill C-27, Bill C-36, the one regarding marine conservation areas and all the bills that come before the House, that the government does not want to listen. It sees the opposition as totally useless.

● (1630)

[*English*]

Mr. Joe Comartin (Windsor—St. Clair, NDP): Mr. Speaker, the NDP has supported the bill throughout, including some of the amendments that went through at committee stage. We supported it because we felt it was important.

We are at one of those times in our evolution as a society when we recognize that animals should be treated differently from other physical property. We should therefore create new provisions in our criminal law system for dealing with them. The underlying principle of Bill C-15B is one we strongly support.

We have heard a lot of criticism of the bill from the other opposition parties. However let us look at the section that would establish what an offence is. The terminology the bill uses and the behaviour and conduct it would prohibit make it hard to imagine there would be negative impacts anywhere near the extent suggested by some members of the House.

I grew up in a farming community. Just about all farmers I have ever had contact with were proud of the work they did and careful about the way they treated their animals. However that was not 100%. We have all heard stories and known of incidents where animals were not treated properly. The bill would go some distance in addressing how to deal with that type of conduct.

Some suggest Bill C-15B would inhibit the farming industry and hunters. That is not the case. It would prohibit behaviour that as a civilized society we are no longer prepared to tolerate. To suggest it would wipe out the hunting industry in Canada is fearmongering. To suggest it would seriously impede farming operations is not accurate.

With regard to the amendments that have been proposed, the first one would eliminate the whole intent of the bill. It would take out the willful and reckless conduct that leads to prohibited conduct. It is not a motion we can support given that it would remove the philosophical underpinnings of the bill.

Motion No. 5 would introduce the concept of generally accepted industry standards. When I saw this I asked whether it meant that if a puppy mill had industry standards we would work to those. If a course of conduct is not acceptable by general standards in other parts of the country but is acceptable in a local community, are we stuck with having to live with it? These are not the kinds of criteria we want in the bill.

A member of the Alliance Party talked about government Motion No. 6 that deals with how someone would be prosecuted should a police animal be injured or killed. We supported the amendment. We were not prepared to live with the wording that was there before. We supported the amendment because in such circumstances we need a concept of mens rea.

The bill did not have it before. This would introduce it. It is an appropriate amendment for dealing with situations where individuals are attacked by police animals or vice versa.

● (1635)

We had a provision before that would not have introduced any concept of mens rea or intent. It was more a negligence type of concept. In those circumstances it was not appropriate. We are quite happy the minister has seen fit to move the amendment.

We have heard significant criticism by the Alliance member from Manitoba about the screening process the minister proposes to introduce. I have difficulty with that criticism. As a former justice minister in that province the member should be aware that it is quite common to put a screening process in place whether it is done by a federal attorney general or a provincial justice minister.

We have done so when dealing with prosecutions for impaired driving, spousal and child abuse, and assault. We have done it for proper policy reasons: to use the system more efficiently, more appropriately and in most cases more extensively.

To deal with the fear people rightly have of the potential for frivolous prosecutions it is appropriate to put a screening mechanism into place. It will probably not be there forever. Assuming the bill gets passed into law, as we get decisions from the courts and it becomes clear what charges are appropriate the screening process will no longer be necessary.

The screening process is not a big deal. It is appropriate to deal with the fear, some of which is unfounded but which is out there in some communities, that extremists on the animal rights side of the equation would bring frivolous charges and people would be forced to hire lawyers and incur the costs of defending themselves.

We have a system across the country that allows charges to be screened out by a justice of the peace before they are laid. That methodology can be employed here successfully and appropriately.

In its totality the bill, like any other bill, is not perfect. It has been drafted by humans. Could it be done better? Perhaps it could, but I do not share some of the accusations against it. The former attorney general for Manitoba said the defences are no longer available. The defence of necessity is always available. I learned that in law school and have studied it through. It is still there.

If one is in a hunting or camping situation and is attacked by an animal, a bear in particular, one has the right to defend oneself. This includes killing the animal if that is the only way to preserve one's health and safety.

The provisions are still there. Members are suggesting we must write them into the section. They are not necessary. Nor are a number of the other amendments. The provisions are already in the bill. The amendments are not appropriate for what the bill is attempting to do.

● (1640)

Mr. David Anderson (Cypress Hills—Grasslands, Canadian Alliance): Mr. Speaker, I appreciate the opportunity to speak today to Bill C-15. I come from an agricultural area. I am proud of that. I make as much mention of it as I possibly can.

Many of my friends are both ranchers and farmers. They live on the land. Animals are a big part of their lives. These are people who spend their time, especially in the spring, going out at night to check their animals and spend time with them. They spend their days gearing their lives to their animals. They go out in the middle of winter in the thickest of blizzards to find their animals when they need to. They love their way of life and what it is all about. It can also be said that they love their animals.

My wife has an uncle who has cattle. I had cattle for a few years myself. One time I was telling him about the curse of owning the beasts. He commented that "Cows know what they need to know in order to be cows". I have found that to be true. That is about all they know but it is enough for them.

Mr. Speaker, I do not know if you have had the opportunity to calve out cows. I see you are nodding in the affirmative. We all know what an experience it can be. We go out in the middle of the night and find a cow that is trying to calve and having problems. We try to convince her to find her way into the barn when she wants to go in the other direction or anywhere but where we would like her to. We get her in the barn. She is fighting against calving but we manage to get the chains on and pull out the calf. We all know the feeling of satisfaction that comes from that. I have friends who have done it many times over the years and who do it very well.

I farmed for 25 years before I had the privilege of coming here. I only know of one case of what I would call animal abuse. In our part of the world which is southwestern Saskatchewan when there is abuse of animals the rural municipality is normally responsible for coming in. In the case I am thinking of an older person was no longer able to look after her animals. She had quit feeding them properly. My father-in-law happened to be the reeve at the time and was responsible. The rural municipality went in, seized the animals, got them the food and water they needed and was then responsible for selling the animals.

In 25 years of farming and 40 plus years of living in a rural community this is the only example I can only talk about in our area where people had trouble looking after their animals or were neglecting them.

This is why I have such a concern about the legislation. The definition of an animal would be changed. I think it has been put forward by people who are out of touch and have little information or connection with animals or animal life. The new definition is extremely broad. It describes an animal as:

> —a vertebrate, other than a human being, and any other animal that has the capacity to feel pain.

The new definition would extend legal protection to a number of living organisms which have never before been provided this kind of protection.

I have not heard a lot of discussion about the definition but it strikes me that there is a bizarre aspect to it. The definition centres on the capacity to feel pain. I do not know if members have thought about it but I have never heard a definition that defined something by its capacity to feel pain.

This suggests that the people who came up with the definition have their own agenda. We heard that in committee where animal rights organizations made it clear they would take the legislation to the limit when they get the opportunity by challenging people about their animal care.

Moving the animal cruelty provisions from property offences to a new and separate section would elevate the status of animals in the eyes of the court. I assume that is the goal of the people defining them, but it is not a goal we need. Through the centuries and the millennia animals have been seen as property. We are now faced with a substantial change in their legal position.

The *Lawyers Weekly* has written that we have upgraded the standing of animals to creatures deserving of protection in their own right because of their capacity to suffer. This comes back to what I was saying. The definition is a strange one with a political agenda behind it.

● (1645)

The changes that the legislation will bring about would have a tremendous impact for many who are dependent upon agriculture and animals for their livelihoods, such as farmers and ranchers who are very responsible in dealing with their animals. Hunters obviously at some point will also be impacted by the legislation. Groups are already saying they will use this against hunters who hunt for the sake of sport and for conservation.

It is very interesting that we are moving into an area where we talk more and more about the environment, how important it is and how we need the government to interfere in it. I will talk a bit here about the agriculture department and its commitment to doing that as well.

We now have more animal life than we have ever had in my area. Over the last few years the farming communities have become much more responsible because of some of the changes in the hunting regulations. We are getting to the point where a lot of animals are becoming pests. I heard other MPs talking about deer coming into their backyards and eating the fruit off their apple trees and coyotes bothering their domestic animals and those kinds of things. The other day a Banff news report said it was having trouble. People were being told to make sure they did not act like prey because of the cougars, which are only too happy to look at people in that way.

Another group the legislation will affect is aboriginal people. I know they have a cultural connection to the wildlife and to their history which involved that. If the legislation is applied fairly across the country, it will also impact on them.

One of the most bizarre things about the entire legislation is the definition. We are in a situation now where animals will have more protection than human beings. In particular I am thinking of fetuses in their mothers' wombs. Research has consistently shown that fetuses react to pain and that they pull away from it. There are a number of videos that have been made showing the impact of them being torn from the womb and being destroyed. They react against the invasion of the womb by trying to get away. I would suggest that that probably is suffering as well.

We are walking into a situation where the government is willing to protect animal life at a level that it certainly is not extending for human beings. What are we coming to? We have some strange things happening in our country.

One amendment which has been put forward is the provision that a person must be acting willfully or recklessly in killing or harming animals. That is an improvement over the original bill, but it begins to leave the responsibility for determining these kinds of things to the courts. We have seen some of the present rulings by the courts, which do not leave a lot of us with great comfort. The judiciary is becoming more and more under the influence of many different radical pressures and organizations.

Another amendment, Motion No. 5, which was put forward by the member for Selkirk—Interlake, suggested applying generally accepted standards to animal treatment rather than the willfully or recklessly clause as suggested by the government. My colleague from the NDP said that he had some concerns about that. I do not think we have to say that if one small community does something then we call that generally accepted standards. However amending the clause as suggested in Motion No. 5 is a good option.

Farmers are being pushed from every side these days. They are trying to make a living. In many ways it seems like our agriculture department is more concerned about pushing environmental issues than it is about protecting agricultural producers. Farmers, as agricultural producers, do not ask for special treatment and they are not asking for special treatment with the bill either.

In conclusion, the Alliance members have had some positive suggestions. We have offered a number of solutions and presented a number of good amendments. I would like to suggest that we keep part XI in the code as it presently is. Just leave things alone. The law is working well. We need to enforce it. We are in favour of increasing the penalties if need be. Let us do that, but let us enforce it and apply it in those few situations where we have problems.

● (1650)

Mr. John Maloney (Erie—Lincoln, Lib.): Mr. Speaker, I would like to make a few comments this afternoon on this debate. It was suggested a little earlier this afternoon, by I believe it was the member for Provencher, that we were watering down the amendment proposed by the member for Oshawa. I would suggest that is simply not the case. What we are in fact doing is simply clarifying it and making it such that it will stand the scrutiny of time and of the courts.

With respect to Motion No. 6, the new offence created by the motion introduced by our colleague the member for Oshawa, as presently worded, would extend application of the offence provisions to law enforcement animals whether or not they are actively engaged in law enforcement at the time the offence is committed.

This runs directly counter to the policy of the animal cruelty provisions as a whole. It retains the notion that particular animals should be treated differently from other animals. It is also unclear from the amendment whether these provisions would override the general cruelty to animal provisions elsewhere in Part V.I when offences are committed in respect of law enforcement animals. In some cases, there may be an overlap between elements of an offence under the amendments versus an offence listed in either subsection 182.2 or subsection 182.3 of Bill C-15B.

The offence provision, as redrafted, makes it clear that the law enforcement animals are being protected because of the risk that they face on a daily basis in the course of assisting peace officers and public officers. The offence applies when they are aiding or assisting a peace officer or a public officer engaged in the execution of their duties or a person aiding the officer. The offence in the amendment would criminalize the actions of anyone who wilfully or recklessly poisons, injures or kills a law enforcement animal while it is aiding or assisting a police officer or public officer in his or her work.

For accuracy, clarity and certainty in the law two references had to be changed: peace officer or public officer is well-known in criminal law and was substituted for the term law enforcement personnel. The notion of assault could not be retained because the assault provisions of the criminal code relate only to human beings.

The amendment does not include an offence of poisoning a law enforcement animal while it is kenneled, penned, transported or otherwise held because these are activities that are already covered in the general cruelty to animal provisions. Animals in these circumstances are not actively engaged in assisting a police officer or public officer and therefore a provision creating a specific offence for law enforcement animals in these situations would tend to undermine the policy of the cruelty provisions as a whole, that specific animals should not be given preferential treatment over other animals per se.

The amendment would also modify the restitution provision to make it comply with the requirements of criminal law. The courts have said that a restitution order in a criminal context must be logically related to the objectives of sentencing. The courts have held that a restitution is part of the overall punishment and must consider the total impact of the punishment, as well as the impact of the restitution order on the rehabilitation of the offender.

The Supreme Court of Canada has said that restitution orders should not be made where there is any serious contest on legal or factual issues about damages. That is why there is a requirement in the general restitution provisions in section 738 of the criminal code that the damages must be readily ascertainable.

Symmetry, clarity and certainty in the law is achieved if the restitution order in the context of law enforcement animals is similar to the restitution provisions in Part XXIII of the criminal code regarding sentencing.

Just before I leave this part, again I would like to compliment the member for Oshawa for bringing forth his amendment and bringing it to our attention and to the attention of the committee. It certainly has been an area of concern for him and for many of our police officers who have these animals that assist in law enforcement.

I would also like to make one further comment. I believe it was again the member for Provencher who suggested that the so-called screening amendment was being advanced in a sort of underhanded or less than straightforward way. I would simply point out the fact that this amendment was advanced in Bill C-15A, was considered by the justice committee and this House, was voted on I believe by the government as well as by the official opposition and passed.

● (1655)

It has gone through. We looked at it for roughly six months. It has been considered by the committee. We heard witnesses on it, and it certainly cannot be said that we are doing anything in a perhaps less than straightforward manner. It has been dealt with under Bill-15A and that party voted for Bill-15A.

Mr. Jay Hill (Prince George—Peace River, PCDR): Mr. Speaker, I am perhaps just following up on the comments of the hon. member who just spoke. I would point out that whenever we consider anything the government has done or is doing, we always do it with a certain degree suspicion because of its actions in the past.

I am not sure if I would completely agree with him that government members are acting in the most forthright manner in how they have handled the bill. It took a lot of effort by a great many individuals out in the real world, as well as all the opposition parties, to get them to split the bill into two bills. There has been considerable debate about that.

The one thing I would agree with him on is that at least we have had substantial debate on this bill and on this issue throughout its course through the Chamber. I only wish the Liberals would have applied that same high degree of debate and committee time to other legislation, notably Bill C-36, instead of invoking time allocation and ramming it through the House.

I will now focus my comments on report stage of Bill 15B, specifically the amendments that are before the House dealing with those sections and clauses that deal with the cruelty to animals. Like many who have spoke before me, I have heard from a great many of my constituents concerning this issue. I think all parliamentarians, regardless of party, have heard loud and clear from their constituents.

Unfortunately, as others have pointed out, this is an issue that to some degree pits urban versus rural people. Being from a riding that is roughly a quarter of the geographic size of British Columbia, a huge rural riding, the eighth largest riding in the country, obviously this bill and the way that the law, once enacted, could be interpreted by the courts is of great concern to the rural folks of Prince George—Peace River. They have made their concerns known to me.

Who are the stakeholders who have the greatest concerns with this legislation? Again, as other speakers from the coalition and other parties have stated, they are quite numerous. Medical researchers have been greatly concerned about the legislation because of the work they do in trying to advance the cause of disease prevention. Trappers certainly have reason to be concerned about it.

I want to specifically address hunters, guiding and outfitting and the economic benefit that this brings to my home province of British Columbia, specifically to my region of northeastern British Columbia, the Peace River—Prince George area. I also want to mention the potential for low income, local hunters as well. When we talk about big game hunting, we are not dealing specifically with guiding and outfitting. We are also dealing with the local hunters who are in many cases low income people who rely upon wild meat to provide a certain amount of sustenance to their families.

I remember my own youth. I am not sure exactly how much meat would have been in our diet, if we would not have had my father out hunting and getting the odd moose, or caribou or deer to put meat on the family table.

As well, people have raised concerns about the aboriginals. They have talked about their concerns with Bill C-15B and the provisions on cruelty to animals. The member from the Canadian Alliance who spoke before me is a past farmer like myself. He spoke quite eloquently about the potential impact on the agricultural sector industry and on people from his riding in Saskatchewan.

● (1700)

Let us use the case of farmers for example. If farmers had to spend time in the courts and incurred costs to defend themselves because of provisions of the law that would see them subjected to charges of cruelty to animals for their practices in the husbandry of animals and the way they raise their livestock, obviously at some point those costs would have to be passed on to the consumer. Although urban people may say that legislation such as Bill C-15B does not directly impact them, down the road it very well may.

Another stakeholder of concern is the rodeo industry. What will it mean for the Calgary Stampede, the Williams Lake rodeo and such organizations depending on the interpretation of the law down the road?

I am in support of the two amendments that I put forward on behalf of my colleague for Pictou—Antigonish—Guysborough who originally had the amendments in his name. I am disappointed that Motion No. 3 was ruled out of order because a similar motion had been made at committee stage. Therefore it was dropped and we will not get to vote on it at report stage. That motion would have removed the definition of "animal". It is of great concern. My colleague from the Canadian Alliance spoke about that a few minutes ago.

Motion No. 9, which is also in my name, deals with the deletion of a clause that would move cruelty to animals from part XI to part VI which would take it away from the classification it has always had. For some 50 years we have had animals protected under the property section of the criminal code. Motion No. 9 would see that maintained for the future, rather than see it moved.

If the intent of the legislation is to increase the penalties to those who abuse animals, then obviously we would all find ourselves in agreement with the intent of the legislation. No one, except the cruellest of the cruel, would want to see insufficient laws or penalties in our country to deter abuse of animals. With the possible exception of child abuse, I cannot think of anything more horrendous than abusing a defenceless animal. If that was the case and the legislation was specifically targeted to that and it was very clearly defined, we would not have the problems that we see with the legislation. Unfortunately it is not clearly defined.

Interestingly enough, when I was having my morning coffee at home and was reading through the paper, I noticed a story in the Ottawa *Citizen* about a case of animal abuse and cruelty. A Belleville man who apparently had been out hunting after dark had mistakenly shot a pony instead of a deer. The article says he was drunk and stoned at the time. He received what I would classify as quite a harsh sentence. According to the story the man received five months for killing the pony and for animal cruelty and two months for an unrelated assault charge. In addition he received a fine.

The point I am making is that the laws we already have obviously can deal very harshly with those that are involved in the abuse of animals. That is good and is something we all support.

● (1705)

I would suggest that Bill C-15B is causing great concern for a number of industries. I wish I had more time to get into the potential impact it might have on industries such as guiding and outfitting, big game hunting and some of the other industries that are especially important not only to Prince George—Peace River but to all of British Columbia. Maybe at third reading I will have a chance to make those additional points.

Mrs. Betty Hinton (Kamloops, Thompson and Highland Valleys, Canadian Alliance): Madam Speaker, the Canadian Alliance in no way condones intentional acts of cruelty toward animals and supports increasing the penalties for offences relating to such acts. There should not be any question at all about that.

For many years I have been owned by dogs. They run my life. I love them dearly. They are wonderful animals to have in one's life. I cannot tolerate anyone who would deliberately be cruel to a small animal such as that. The proposal in front of us affects far more than small animals. We have rules and regulations in place and if we were to enforce those fully, I think we could do everything possible to eliminate cruelty to small animals.

My concern with the bill is with regard to ranchers. I have the privilege of representing a riding that is surrounded by ranchers. There was no consultation with the producers on this bill. If the government had talked to the producers, they would have reassured it about the way they treat their animals and the investment that they have in the animals and we would not have the kind of wording that there is.

It is very disturbing to me when someone who has absolutely no idea of a lifestyle is prepared to jeopardize that lifestyle. Maybe in the minds of some of the Liberal members they believe that ranchers are an uncaring lot. Nothing could be further from the truth with regard to ranchers.

Ranchers are the original entrepreneurs of the country. They have to go through hardships and have incredibly difficult lives. For anyone to think that they would deliberately damage an animal or be cruel to it is beyond my comprehension.

They inoculate their animals. They care for their animals. After the delivery of little calves in the dead of winter, some of the ranchers in my riding actually go so far as to take them into their living rooms or kitchens to make sure they are safe and that they will be all right. That is the kind of concerned people we are talking about.

They hand feed these little animals to keep them going. They make every effort to ensure that the animal is safe. They inoculate. They do all of the proper things. To put them in a position where they could become criminals with this bill is intolerable to me.

We must understand the situation ranchers face. For instance, if there was a herd of 100 cattle and 10 were lost for whatever reason, the entire profit margin would be lost. Ranchers are business people and profit is important but the maintenance and safety of the animals is far more important to them.

The comments from the minister are incredibly disturbing. This has been raised over and over again and her comment has always been that it was not the intent of the bill to condemn ranchers but to protect animals. If it is true that the intent is to protect animals and not to put ranchers in a position of being charged with criminal acts, then that should be made very clear in the writing of this legislation but it is not.

We should define cruelty and eliminate any concern or fear that those in the ranching community would have that they may be treated as criminals. I do not think that is too much to ask under the circumstances. It would go a long way toward making it a more palatable bill.

● (1710)

BUSINESS OF THE HOUSE

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Madam Speaker, I rise on a point of order. First, I want to apologize to the hon. member. I had hoped to get consent for the motion that I am about to put a few minutes ago between two speakers but that was not possible so I apologize to the hon. member.

There has been consultation among parties and I believe that if you were to seek it there would be consent for the following motion. I move:

> That, notwithstanding Standing Order 76, the House may consider Bill C-23 at report stage at second reading on Friday, December 7, 2001.

This is for the convenience of members. Instead of doing it Monday, it would be done tomorrow.

The Acting Speaker (Ms. Bakopanos): 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)

* * *

AN ACT TO AMEND THE CRIMINAL CODE (CRUELTY TO ANIMALS AND FIREARMS) AND THE FIREARMS ACT

The House resumed consideration of Bill C-15B, an act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act, as reported (with amendments) from the committee, and of Motions Nos. 1 and 4 to 9.

Mrs. Betty Hinton (Kamloops, Thompson and Highland Valleys, Canadian Alliance): Madam Speaker, as I was saying, if the intent of the bill is not to put ranchers in the position of being charged with criminal offences, then it needs to be clearly defined. I do not think it is asking too much to make that clear. It disturbed me very much when the minister commented that this was not the intent and that if this were to happen, it would be taken care of through a court of law.

I outlined earlier the tenuous position some ranchers find themselves in. When a rancher has 100 head of cattle and loses 10, he has lost all of his profit. The minister is asking that these people, who are the original entrepreneurs of the country, to put themselves in a position of having to go to court to defend their way of life and take a chance that a criminal action may be brought against them. That is completely and totally unfair. It makes absolutely no sense at all to put people in that position.

Ranchers, farmers and people who are in these positions are not able to go to court. If a law has been created properly, which is what we are trying to have happen, why in the world would it get to the point where people would have to go into a court of law to defend themselves? Those are the parts that are absolutely wrong.

The new definition of animal includes is extremely broad and includes "a vertebrate, other than a human being, and any other animal that has the capacity to feel pain". This new definition extends legal protection to a number of living organisms which have never before been provided that kind of protection. This is a case of overkill. The bill goes too far in one direction.

One of our main concerns of the bill is that the criminal code would no longer provide the same level of legal protection presently afforded to those who use animals for legitimate, lawful and justified practices. The example that I used today was ranchers.

The phrase "legal justification or excuse and with colour of right" in section 429(2) of the criminal code currently provides protection for those who commit any kind of property offence. However, in the new bill the fact that the animal cruelty provisions would be moved out of the general classification of property offences and into a section of their own would effectively remove these provisions outside the ambit of that protection.

The Canadian Alliance asked the government members to make the defences in section 429(2) explicit in this new legislation, but they refused. If there is no hidden intent, or hidden agenda as I have heard other colleagues say today, why not define that clearly and take that burden off the ranchers in Canada?

The Canadian Alliance in no way condones intentional acts of cruelty toward animals and it supports increasing the penalties for offences relating to such acts. However, while cruelty to animals cannot be tolerated, the criminal law should not be used as a tool by special interest groups to destroy the legitimate farming and related food production industry. We will strive to ensure that the legitimate use of animals by farmers, sportsmen and medical researchers is protected. That is our job.

All we are asking is that the Liberal side of the House take due consideration and make the necessary amendments so we can work together and get what we want out of the bill. We need to work together in order to ensure that everyone's rights are protected and that the ranching way of life in Canada is not destroyed intentionally or unintentionally by poorly worded legislation.

● (1715)

Mr. Kevin Sorenson (Crowfoot, Canadian Alliance): Madam Speaker, I have already had the opportunity to speak to Bill C-15, Bill C-15A and Bill C-15B. I was not expecting to speak to the bill, but the lack of speakers from other parties has allowed me the opportunity. That is not an attack on any other party. I appreciate the opportunity to recollect some of the concerns that the bill brings forward.

When Bill C-15 initially came forward we were disturbed by what we saw. We saw an omnibus bill that brought in many good things, but there were a number of specifics that were worrisome to the Canadian Alliance as well as to other members of the opposition.

We applaud the government for splitting the bill after pressure from the opposition. It allowed for quicker passage of Bill C-15A which dealt with child luring, disarming of a police officer and other items. It allowed us the opportunity to take the second portion of Bill C-15, study it and bring witnesses forward so that we could deal with the concerns regarding the cruelty to animal clause and the firearms issue. That is exactly what happened over the last month.

It has been a busy three months since September 11. When we have not been dealing with terrorism bills in the justice committee, we have been dealing with the cruelty to animal clause.

For us to stand in the House to explain the frustration in the agricultural sector over the last few years, it would be an understatement no matter what we tried to say. We have watched as commodity prices have fallen and input costs have gone up. Other government practices have been ineffective. Many of the agriculture programs that we would have liked to have seen from the government have been forgotten, put on the back burner or totally ignored. Due to the lack of government support there have been steps taken by the federal Liberals that would actually raise additional concerns for our farming community and food production groups.

What we see in Bill C-15B is exactly one of the concerns. This is a bill that is very divisive. It pits urban against rural. It is much like Bill C-68, the gun registration bill, which was a divisive bill. The Liberal government said we needed Bill C-68, but it pitted the urban sector against the rural sector.

Legislation dealing with cruelty to animals does the same. The agriculture sector in western Canada would say to those who are involved in defined cruelty to animal cases that there should be tougher and harsher sentences. Cruelty to animals charges should be taken seriously. Agriculture would say those who willfully bring pain on animals or refuse to look after animals need to be prosecuted.

The bill takes some of the practices that our ranching and farming communities are involved in and puts them into question. Regardless of what the minister said about acceptable practices when she came to committee, animal extremist groups and other animal rights groups have said that we need to use the legislation as a basis to bring forward prosecutions. We need to push the legislation on to the front burner and use it as a reason to prosecute.

● (1720)

One individual who spoke in committee referred to the legislation as only the beginning. She said the onus was on humane societies and other groups on the frontlines to push the legislation to the limit, to test the parameters of the law, and to have the courage and the conviction to lay charges. She warned us not to make any mistake about it because that was what it was all about.

What was she saying? She was saying that in Bill C-15B we have the opportunity to take the legislation that was asked for and make it a springboard for prosecutions of our farmers, ranchers, trappers, including aboriginals and all others it would affect.

I have been on the farm for 40 years. I understand a number of things about farming. One of the concerns that has been brought forward so eloquently by the member for Cypress Hills—Grasslands is that the margins are simply not there to be brought and hauled before a federal or provincial court to fight a prosecution for the sake of the humane society getting it on the agenda. Farmers and ranchers move back in fear of having to defend common practices of farming.

The government says to trust it. It has said that a few times. It said that Bill C-68 would cost $85 million. We find our trust level around the Liberal government diminishing as time goes on because Bill C-68 has cost $685 million. Who knows where it will end? Perhaps it will be at least $1 billion.

I want to mention that we have seen other bills come forward too. We have seen the species at risk bill. The phone in my constituency office in Crowfoot rings constantly. I have received hundreds of letters dealing with the species at risk bill. The government is saying that to keep these species it needs to take farmland or any type of land and protect it. It says that there would not be any compensation, or maybe a little compensation, but to trust it because it would not take huge numbers of acres; just what it needed.

The calls keep coming. We have received numerous calls and correspondences from individuals who have grave concerns about how this would impact on their livelihood and on legitimate activities.

The moving of these sections from the property section into a separate section in the criminal code is something which causes great concern. For example, section 445 deals with wilfully and without lawful excuse killing, maiming, wounding, poisoning or injuring dogs, birds or animals that are not cattle and kept for a lawful purpose. We have heard the member for Cypress Hills—Grassland talk about the changing of the definition of animal to something that feels pain.

A few nights ago in the House we discussed the strychnine bill. Gophers feel pain. It is not necessarily an acceptable practice by a lot of animal rights groups but it is another case of an exercise that is needed on ranches and farms. We support any kind of bill that would genuinely deter cruelty to animals. Bill C-15B does not. It is an attack on western agriculture and farming practices. Even though amendments have been brought forward in good will they do not suffice.

● (1725)

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Madam Speaker, I will continue down the line that my colleague from Crowfoot started on. There is no farmer or rancher that I know of who approves cruelty to animals of any nature whatsoever. However there are common practices to which we have become accustomed over the last hundreds of years that have been acceptable to society.

Suddenly we get this kind of legislation. My colleague from Crowfoot is right when he says that we have an example of a piece of legislation that begins on a slippery slope to some real problems for people who are working hard, trying their darndest to make a decent living by raising livestock or whatever the case might be.

Government is once again coming up with legislation that will sooner or later ride on its back like a chunk of lead. Instead it should be a helpful body for people to get their produce to market and make a decent living. The government is not smart enough to realize that, and that really bothers me.

Government members are telling us to trust them. They are saying that the legislation would work the way it is supposed to work. I have absolutely no trust for the Liberal government. I encourage all my ranching buddies and cattlemen to have no trust in it either. It is untrustworthy.

* * *

[*Translation*]

BUSINESS OF THE HOUSE

The Acting Speaker (Ms. Bakopanos): Order, please. The hon. member for Jonquière advised me in writing that she would be unable to introduce her motion during private members' business on Friday, December 7, 2001.

Since it has not been possible to arrange an exchange of positions in the order of precedence, I am directing the clerk to drop that item of business to the bottom of the order of precedence.

[*English*]

Private members' hour will thus be cancelled and the House will continue with the business before it prior to private members' hour tomorrow.

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

● (1730)

[*English*]

ABORIGINAL AFFAIRS

Mr. Pat Martin (Winnipeg Centre, NDP) moved:

That this House urge the government to call a full public inquiry into the death of Dudley George, fatally shot on September 6, 1995, at Ipperwash Park, during a land claims dispute related to the land, treaty and cultural rights of the Stoney Point aboriginal people.

He said: Madam Speaker, I am very pleased to have this one hour debate on the untimely death of Dudley George during the tragic events at Ipperwash.

When an unarmed man is shot and killed during a peaceful protest it should be cause for great alarm and great concern. It should be, I argue with the motion, the subject of a full federal inquiry to get to the bottom of what happened.

The facts surrounding Dudley George's death are not in dispute whatsoever. The person who pulled the trigger has been charged, tried and convicted of this wrongful death. Therefore, we do not need any kind of an investigation about the actual killing of Dudley George.

However, what the country does need to know is whether there was political interference in the actions the police took at Ipperwash. In other words, did the premier of the province of Ontario improperly interfere and influence the way the police officers handled themselves in the events leading up to the death of Dudley George?

We have presented this issue to the federal government because we believe it is appropriate and that it is within the federal government's jurisdiction to undertake the inquiry, although it would have been more appropriate if the province of Ontario had undertaken a full provincial inquiry. As more evidence has come forward we know the premier and at least one, and possibly as many as three, of his senior cabinet ministers are in a conflict of interest situation and therefore have steadfastly refused to allow the truth to come out surrounding Dudley George's death.

We do not need a full two year, multimillion dollar inquiry. I know that is the fear some people have. When they think of federal inquiries they think of the Somalia affair or the APEC affair. Frankly, given that it is a very specific thing we need to know, we do not contemplate the need for a two year investigation. It could be very short and focused. I have heard that with any degree of co-operation it could be over in a six week period. Then we would know if there were police involvement in an improper way.

The real point here is that the very definition of a police state is when politicians can interfere with police officers to have them do their bidding for some purpose other than the enforcement of the law.

I will not dwell on the very sad details of Dudley George's death. The point I would like to make is that the federal government had knowledge that the native protesters at Ipperwash were unarmed and had no plans of violent action because it had a CSIS plant among the aboriginal people the whole time. This was readily admitted.

The CSIS report to the federal government during the days leading up to the incident stated that there were between 27 and 35 individuals, many of whom were women, children and elders; that they were unarmed and had no plans for any kind of violence; and that the park they occupied was closed for the season. No tourists were around and no one could be inconvenienced if these aboriginal people occupied the park for a day, a week, a month or even until the next spring when the park opened again.

It seems that no one had any urgency to clear these people out of the park other than the premier of Ontario. He did not want to be seen to be soft on aboriginal occupancy type issues. He remembered that only a year earlier the premier of Quebec had lost an election partly because he was viewed as being soft on the Oka crisis by letting it get out of control. We believe the thought process of the premier of Ontario was similar. He had just been elected to his first term of office and was not going to be namby-pamby about one of these nuisance aboriginal occupancy issues.

● (1735)

Even though the information from CSIS, in the days leading up to September 6, 1995, said nothing about any kind of imminent violence, on September 6, we now know, Premier Harris and one of his cabinet ministers met with the OPP. That evening some 200 OPP officers, armed with rapid fire machine guns and armoured personnel carriers they had borrowed from DND, went in with a great sense of urgency to get these people out of the park that night. That was when the situation hit a crisis fever pitch and escalated into an armed conflict.

No one has ever been able to indicate that the aboriginal people involved were armed at all, although hundreds of shots were fired by the police. Dudley George was killed, another fellow was shot, a dog was shot to death and an aboriginal person was literally beaten to death and then resuscitated on the way to the hospital. The level of violence was extreme.

I made the point earlier in the House of Commons that when some middle class college kids were pepper sprayed at UBC during the APEC demonstration, as vile as that action was, it caused a full public inquiry that went on for years. When an unarmed aboriginal man is shot and killed at a peaceful protest, no full public inquiry is held. I should also add that Dudley George was the only aboriginal man to be killed in the 20th century on a land claims disagreement issue. That in itself should be worrisome to the point where we should be as a nation very interested in getting to the bottom of this matter.

It is not just the voice of the NDP caucus. While this is actually a private member's motion, it is not just my lone voice as a member of parliament calling for a federal inquiry. I am in very good company. I would like to indicate some of the international attention that this issue has generated.

Other groups that are calling for a full inquiry include: the United Nations human rights committee; Amnesty International; the Ontario ombudsman; the Chiefs of Ontario; the Assembly of First Nations; the Canadian Labour Congress; and both provincial opposition parties, the Liberal Party and the NDP at Queen's Park.

Interestingly enough, the former minister of Indian affairs, Mr. Ron Irwin, went on the record a number of times calling for a full public inquiry into the death of Dudley George because, frankly, he was left out of the loop. He had information that the occupancy of this provincial park actually had merit. DIAND had letters on file from the 1930s when the park was formed in which the aboriginal people were complaining that the proposed park was their historical burial ground. DIAND had the historical record on file that at least proved there was some justification for the actions the aboriginal people were taking. I think the reason Mr. Irwin was so offended was that he could have brought some light to the issue if he had been brought into the loop. Instead, it became a matter where we have a letter from the current Deputy Prime Minister, who was then the acting solicitor general, volunteering the loan of an armoured personnel carrier to the OPP siege of the Ipperwash gates.

Therefore there was involvement from the federal Liberal government but not enough involvement from the minister of DIAND, so he was one of those actively calling for a public inquiry.

In its report on the status of human rights conditions in Canada, the United Nations made reference to Ipperwash eight times. In its concluding observations about Canada, it stated:

The Committee is deeply concerned that the State party so far has failed to hold a thorough public inquiry into the death of an aboriginal activist who was shot dead by provincial police during a peaceful demonstration regarding land claims in September 1995, in Ipperwash. The Committee strongly urges the State party to establish a public inquiry into all aspects of this matter, including the role and responsibility of public officials.

● (1740)

Amnesty International went further when it called the killing of Dudley George a possible extrajudicial execution. This is along the lines of a Stephen Biko issue in South Africa.

We have the United Nations human rights committee calling for a federal inquiry. We have a professor, Bruce Ryder, a constitutional law expert, calling for a federal inquiry and reminding us that the federal government has the right to call this type of inquiry under the peace, order and good government clause on any issue, but further, that the federal government is justified and jurisdictionally correct to call a federal inquiry because of the fiduciary responsibility by DIAND for aboriginal peoples and land claims, which was the origin of this whole dispute, and the involvement of DND, as Ipperwash was the neighbouring property to a military base which was the first activism taken by the Stoney Point people.

The third thing, I suppose, would be the issue that DND loaned an armoured personnel carrier to the efforts at Ipperwash to lend further force to the approximately 200 police that were already there to oust the 27 to 35 protesters. If there were more justification needed, the fact that there was a federal government CSIS plant among the aboriginal people the whole time making believe he was a member of the American Indian movement and reporting back to the federal government, surely the federal government cannot deny that it was involved.

We are not looking for blame here. We are looking to find out if in fact the premier of Ontario acted in an improper way and if he did interfere with the police action.

I suppose we are hoping, as a result of a inquiry, if any stated goal were necessary in order to justify opening up such a thing, that we could develop some accepted protocol for dealing with this type of thing in the future, because a lot of aboriginal people and a lot of groups around the country have had to resort to occupying ministers' offices, occupying pieces of property that are under land claims and blocking roads. Incidents like this have been happening across the country and we need to know that these will not resort to lethal force on a regular basis. We need to have some series of tests or justifications before sending in tactical riot squads that are armed with machine guns capable of firing 800 rounds per minute and killing people a mile away. The action taken at Ipperwash was a serious reaction to what was, in this case, a peaceful protest, which many protests are.

We would hope that the recommendations from an inquiry commission would give some direction to the federal government as to how it might conduct itself in the future in cases of occupancy.

I hope I have explained clearly enough that it is not our purpose to open up every aspect of the case. As I said, the actual pulling of the trigger is a stated fact and has been proven in a court of law. Sergeant Deans, who actually pulled the trigger and killed Dudley George, has been charged, tried and convicted. We are not interested in revisiting that. We are interested in the days leading up to the terrible tragedy of the death of Dudley George. Was the premier of Ontario improperly influencing the Ontario Provincial Police in the action it took? I look forward to hearing comments from other parties.

● (1745)

Mr. Lynn Myers (Parliamentary Secretary to the Solicitor General of Canada, Lib.): Madam Speaker, I am very pleased to rise today to speak to Motion No. 421, tabled by the member for Winnipeg Centre.

As the hon. member has reminded us, the events that led to the tragic death of Mr. Dudley George in September 1995 remain a very fresh and painful memory for many Canadians. As members will be aware, Mr. George was killed in an incident involving the Ontario Provincial Police during an occupation of Ipperwash Provincial Park by aboriginal supporters of the Kettle and Stoney Point First Nation's assertions of aboriginal land treaty rights.

It is important in my view to remember that the responsibility for these matters is of provincial jurisdiction. As such, it is really the province of Ontario that must take responsibility for ensuring that justice is served in the wake of this terrible tragedy.

To this end, it is well known that Ontario's Special Investigations Unit, the SIU, was brought in to conduct a formal investigation immediately following the incident. On the basis of this review, the SIU called for criminal charges to be laid against the OPP officer alleged to have fired the fatal shot. As hon. members know, the case has made its way through the court system. The Supreme Court of Canada has upheld the conviction of the officer on charges of criminal negligence in the use of a firearm.

In addition, I understand that an outcome is expected shortly on discreditable conduct charges against the officer under the Ontario police act. Furthermore, as hon. members may know, the wrongful death suit filed by the George family against officials of the government of Ontario is ongoing at this time.

It clearly would be inappropriate for the federal government to call for a public inquiry. There is no question that the path to justice and healing for the George family and their community has been long and difficult, but they have not walked this path alone. The loss of a loved one in such violent circumstances is an unforgettable, life changing event for family, for friends and for the community as a whole.

The shocking events at Ipperwash Provincial Park in September 1995 affirmed for all Canadians, aboriginal and non-aboriginal alike, the urgent need to find better ways and better solutions to settle differences, through dialogue rather than confrontation, through respectful, open negotiation rather than dispute.

We saw this powerful learning applied early in the aftermath of the crisis in the strong collaborative efforts of the Anishinabek police service and the OPP to curb any further escalation of tensions and to maintain peace and order. That was a great example of this kind of collaboration.

Together with the province of Ontario and the Kettle and Stoney Point First Nation, the Department of the Solicitor General remains an active partner in the ongoing tripartite arrangement that supports the Anishinabek police service. On a personal level, I have been greatly impressed and encouraged by the positive role this police service continues to play in support of community healing, stability and well-being.

Strong and safe communities are an essential part of the fabric of our society. The Department of the Solicitor General has pledged its full support to broad based partnership efforts with first nations leaders and individuals to bring about the kind of policing arrangements that are needed to sustain safe, vital and healthy aboriginal communities.

To meet this shared goal, the Department of the Solicitor General continues to strengthen its collaboration with the provinces and first nations peoples through the first nations policing program, the FNPP, to build community policing arrangements that are professional, effective, sustainable and accountable to the communities they are sworn to serve. The FNPP offers many success stories in improved government-first nations relations. Just as important, the FNPP responds to the needs and aspirations of first nations and Inuit communities across Canada to assume greater responsibility for public safety and well-being in their communities.

● (1750)

They clearly want to play a key role in making this change happen. Recent surveys undertaken in aboriginal communities across Canada confirm that first nations like most Canadians are most concerned about making progress on the issues which are central to a good quality of life: health care, education, social and economic well-being.

The overall picture shows that first nations like most Canadians are optimistic about the future of themselves, their children and communities. Almost three of four aboriginal people who took part in the survey agreed that providing them with the tools for effective governance would improve living conditions in their communities.

Six years have passed since Ipperwash. During this time the federal government has played a strong partnership role in ensuring that the pressing issues which gave rise to the events at Ipperwash would be addressed and resolved. Officials of the Department of Indian Affairs and Northern Development continue to make good progress with Kettle Point and Stoney Point first nations. They are negotiating to resolve some of the deep rooted land claims and other issues that lie at the heart of this crisis.

The Speech from the Throne reaffirmed the government's commitment to tackle the most pressing issues facing aboriginal people on a priority basis. The Government of Canada is committed to an agenda for action that would improve the quality of life and self-sufficiency of aboriginal people.

This means working with a range of partners to ensure that aboriginal communities would have the ability to acquire the appropriate institution, resources and expertise they need to deal effectively with the complex social and economic challenges they face now and will face in the future.

It is a tragic reality that far too many aboriginal people are finding themselves in conflict with the law. We are committed as a government to taking the necessary measures to significantly reduce the percentage of aboriginal people entering the criminal justice system so that within a generation it would no longer be higher than the Canadian average.

The motion before us seeks to revisit the troubling events of 1995 through a federal call for a public inquiry. Given the clear jurisdictional responsibilities of the province of Ontario and continuing litigation, the government does not support such an action. We have seen real progress in rebuilding trust in the relationship between governments and first nations on many fronts, and I believe this would continue in a very effective way.

Strengthened partnerships are the basis for our government's efforts to bring about real and lasting change in community policing and public safety. They are the basis for broader initiatives aimed at improving the quality of life of aboriginal communities, initiatives tied to land claims, housing, education, governance, and economic and social development.

These efforts would help first nations to establish community governance practices that would be sensitive and reflective of their unique history, values, traditions, and cultural and spiritual beliefs. They would help to ensure that more of the impetus for positive change would be generated by first nations themselves.

The Government of Canada is determined to do its part and would continue to do so to help realize these aspirations and the shared goal of a brighter future for aboriginal people in Canada. It is progress that we would continue to make in helping to sustain safe and secure first nations communities which would confirm beyond a doubt that the lessons we have all learned from the tragic death of Mr. George would never be forgotten.

The commitment of the government would be to ensure that in working in partnership with our first nations we would do the right thing in this important area. That is precisely what we on this side of the House in the Government of Canada would continue to do.

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance): Madam Speaker, it is my privilege to participate in this debate regarding the motion to have a public inquiry into the events of September 6, 1995.

As a member of parliament from the province of Ontario where the incident the motion refers to occurred, I believe it is important to have input into the motion as there is a variety of issues at stake. While I commend the notion of a public inquiry, particularly when the public interest calls for it, the reference to the word full is helpful when we look at the potential scope of such an investigation.

As I see the motion there are two directions that could be followed in such an inquiry. First, there is the death of Stoney Point aboriginal member Dudley George. Second, the event leading to the death of Mr. George was, as the motion states, a land claim dispute related to the land treaty and cultural rights of the Stoney Point aboriginal people.

It is always tragic whenever needless death occurs. There is no doubt that broken promises by the federal government to our aboriginal peoples played a significant role which led to the sequence of events on September 6, 1995.

It was broken promises by the federal government that led to the protest by members of the Stoney Point people to occupy Ipperwash Provincial Park. Unfortunately it took the death of Dudley George to get the government to come to the negotiating table to return the Stoney Point lands. However the transfer of lands has still not taken place, so closure is not possible regarding this element of the motion before us.

It is instructive that we are debating the motion today because it was the Liberal government of the day in 1942 that invoked the War Measures Act to expropriate the remaining Stoney Point territory for use as a military base. After the emergency was over the federal government forgot to return the land to its owners.

It is ironic that we see the same parallel today in government legislation under the cover of an emergency act which creates military security zones. Conscientious Canadians have expressed alarm and concern over the arbitrary nature of these definitions. If history is to be our guide and teacher, those concerns are well founded.

The government has a reputation for seeking to remove and reduce the role of democratically elected representatives to perform their historic parliamentary role of scrutinizing the actions of government. As recently as this week Canadians were alarmed by the report of the auditor general and the threat to democracy that the government represents.

While we may chuckle when we read book titles like *Benevolent Dictator* and references are made to the current Prime Minister, there is a sinister undertone to the actions of the government and anyone who takes time to read these writings fear in their hearts for the future of our nation.

There is another element to the motion which I hope is not the case because if it is, it would be an insult to the family of Dudley George: the effort to politicize the tragic circumstances surrounding Ipperwash for partisan political gain. It is one thing to want to get at the truth of an incident or event. It is quite another to be pursuing an issue for crass political gain.

I was quite surprised to be informed that on the government broadcasting corporation today a feature was being played that gave one side of the Ipperwash events. Sixty million dollars sure buys a lot of government advertising.

It is true that the provincial NDP in Ontario tried to pursue this issue in the Ontario legislature with no success, and today is just more of the same. I understand that it has asked the RCMP to investigate and that the RCMP deputy commissioner responded in writing to the leader of the third party in that legislature, declining the request for a criminal investigation. It deeply disturbs that in the process of calling for in inquiry the opposition in Ontario would be so quick to malign the men and women in the Ontario Provincial Police.

Recently in my office I had the privilege of participating in the swearing in of four special constables of the snowmobile trail officer program in Deep River, Ontario. This program is an excellent example of community policing as a partnership between the OPP and in this case the Ontario Federation of Snowmobile Clubs. The OPP is a professional organization and I have the utmost confidence in its ability to do whatever task is asked of it. I reject many of the unfounded accusations that have been directed at the OPP as a result of innuendo from the NDP. I believe we owe these individuals our support and encouragement.

I know that all members of the government of Ontario have expressed their sorrow at the unfortunate sequence of events that occurred at Ipperwash Provincial Park.

● (1755)

It is scandalous to even suggest that any member of the Ontario government would purposely wish harm would occur to an individual who was exercising his democratic right.

This tragedy has affected many lives. As a result of Mr. George's death and the circumstances surrounding it criminal charges were laid. These charges were dealt with by the courts and civil proceedings have begun. Those proceedings are currently before the court.

When we look at that element of the member's motion we can see it is nothing new and nothing that has not already been tried in the Ontario legislature. This is yet another request to short-circuit the judicial process and in this case to get the federal government involved, a request that the federal government has already turned down several times.

A court in the province of Ontario is currently examining this issue. After the court matter is complete I am sure the Ontario government will consider other options should it prove necessary. It would be inappropriate to do anything else while the matter is before the courts.

This is not new; it will not change. It is entirely appropriate that the federal government should respect the court processes. It is worth reminding the House that the events surrounding Ipperwash and the death of Mr. George have already been examined by a court of law three times: during a criminal trial, during an appeal and during a motion to the Supreme Court of Canada for leave to appeal.

The offence surrounding the death of Dudley George is the subject of a civil suit initiated by the George family before the superior court of Ontario. I have full confidence in the government of Ontario that it has and will continue to co-operate fully and completely in this ongoing civil suit.

Thousands of documents have been exchanged. Examinations for discovery are well under way and a case management judge has been assigned at crown counsel's request to expedite the case. It is absolutely correct that the federal government has refused to interfere with this case while the legal process takes place in Ontario.

It is entirely inappropriate for members of the NDP to hide behind motions when what they are really saying is they do not like the outcome or rulings from the legal system, one of the cornerstones of our democratic system. If you have no respect for Ontario's judges, courts or the women and men who serve in the OPP, just come out and say it. We must safeguard the system of inquiry from undue political interference. I do not see this happening with this current federal government.

I remind the member opposite about the APEC inquiry. Whatever happened to that investigation? Maybe the courts are not such a bad idea when we look at the stonewalling that went on during that inquiry.

I draw the attention of members of the House to the Somalia inquiry and the disastrous, shortsighted decision to disband the Canadian airborne regiment. We are suffering from the consequences of that decision today as it was almost three whole months before there was any Canadian response to the ground war against international terrorism. We still do not know what that response was as the government refused to bring the issue before parliament to be properly debated before one Canadian soldier left this country.

Just when it looked like the Somalia inquiry would inform Canadians of the duplicitous role played by members of the government, the inquiry was shut down. We may never know the truth.

I certainly would not be dismissing the court system as a means to bring answers to any questions that may need to be answered regarding Ipperwash. If we in the House truly wish to advance the cause of justice, we will not interfere in any way with the judicial process in Ontario.

In concluding my remarks I should like to refer once again to the fact that we have two issues before us with this motion: the criminal and civil investigation and the land claims dispute which was the root cause of this unfortunate incident.

When it comes to matters of federal jurisdiction that will not in any way prejudice any court proceedings we support such an investigation. If on the other hand all we are witnessing is a disingenuous way to circumvent the legal process and fight someone else's political battle in the process, we cannot in all fairness support such an approach.

● (1800)

The Acting Speaker (Ms. Bakopanos): Before we resume debate, I will caution members for the future. Members of the House should be referred to by their ridings and their constituencies. The reference for that is Marleau and Montpetit, page 522, wherein it states:

> The Speaker will not allow a Member to refer to another Member by name even if the Member is quoting from a document such as a newspaper article.

● (1805)

[*Translation*]

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Speaker, perhaps I could try to cool down the partisan tone of this debate.

Indeed, I am pleased to have the opportunity to speak to Motion M-421, sponsored by my colleague and friend, the hon. member for Winnipeg Centre, urging the government to call a full public inquiry into the death of Dudley George, on September 6, 1995 during a confrontation between police and natives in the Ipperwash provincial park, in Ontario.

This affair continues to be widely reported, and rightly so, after more than six years. The details surrounding this dark and deplorable affair are troubling in many respects. It has to do with the death of a man that took place during a protest over a major land claims dispute involving the government of Ontario. This is a major element of the problem with which we are now grappling.

Moreover, our conscience dictates that we do everything within our power to shed light on a troubling homicide case in which there still lingers today some doubt as to whether or not justice was really served.

The intention of my colleague from Winnipeg Centre is creditable. I agree with him that, because of the very delicate nature of past events, a public inquiry should definitely be held to reveal the tragic circumstances surrounding the death of Dudley George.

However, I wonder about the relevance of calling on the federal government for such an inquiry. I understand my colleague's concerns, and especially the desire of the members of Mr. George's family for justice. I repeat, these events were troubling for several reasons and it is our duty as well to promote justice and truth.

I think therefore it should be up to the Government of Ontario to establish such an inquiry. For one thing, the events of September 6, 1995 occurred in Ipperwash provincial park. For another, the tragic events directly involved the Ontario Provincial Police.

As our colleague, the Parliamentary Secretary to the Minister of Indian Affairs and Northern Development said on November 29, in response to a question from the member for Winnipeg Centre, the responsibility of the federal government is not at issue in this matter.

The federal government agreed at the time to clean up the Ipperwash land with a view to giving it to the first nations. The handling of the events of September 6, 1995 was therefore not the federal government's responsibility.

I also have a hard time seeing how the federal government could be allowed to become involved in such a crucial matter, which is not within its jurisdiction, when every day we criticize its propensity for interfering in areas of provincial jurisdiction.

I repeat, to make sure I am understood by my colleagues and those involved in the matter, that the Bloc Quebecois supports holding a public inquiry into the death of Dudley George. However, we think the federal government has no business interfering in a provincial matter, since the Ontario government is empowered to conduct such an exercise.

It is a matter of respecting the jurisdictions of the provinces, which, if left alone, would serve truth and justice all the better.

[*English*]

Mr. Grant McNally (Dewdney—Alouette, PC/DR): Madam Speaker, it is a pleasure to enter into debate on the issue raised by my colleague from Winnipeg Centre. The motion reads:

> That this House urge the government to call a full public inquiry into the death of Dudley George, fatally shot on September 6, 1995, at Ipperwash Park, during a land claims dispute related to the land, treaty and cultural rights of the Stoney Point aboriginal people.

While I do not agree with everything my colleague from the NDP mentioned, I am supportive of the notion of getting to the truth of what happened at Ipperwash, obviously a tragic event.

In September 1995 a group of unarmed aboriginals gathered at Ipperwash Park to defend an ancient cemetery and advocate other rights. In the course of that protest Mr. George was tragically shot and killed by an OPP officer. A second man, as my colleague mentioned, narrowly survived a very severe beating and others were wounded. It was not a very pleasant set of circumstances.

As a result of the incident one youth was convicted and jailed. In 1997 acting Sergeant Kenneth Deane was convicted of criminal negligence causing death for the shooting of Mr. George and received a punishment of 180 hours of community volunteer work. Many would argue that was not good enough. We cannot go back and revisit that. The process was in place and there was no dispute about that part of the incident.

Since the protest there has been a great deal of concern and a number of people have called for a full public inquiry into the incident. To date none have been conducted, either provincially or federally. In 1999 the Ontario provincial ombudsman recommended an inquiry into Ipperwash in the 1998-99 annual report.

In 1999 the United Nations human rights committee directed Canada to call an inquiry into the affair. The Canadian government answered that Ipperwash was a provincial affair. However the head of the UNHRC delegation, the current secretary of state, promised to take up the Ipperwash matter with Ontario officials, provide further information to the UNHRC and hold a press conference to air the issues raised by the committee.

To my knowledge this has not happened. Mr. George's brother has filed a lawsuit against the premier of Ontario and others for their alleged roles in Dudley George's death. There is a process in place there as well.

I would partly agree with the Parliamentary Secretary to the Solicitor General of Canada that this is mainly a provincial matter although there is some overlap with federal jurisdiction. I believe others may expand on that point. The federal government does have some obligations regarding the Ipperwash affair. It has a constitutionally mandated fiduciary responsibility.

The federal government can call a public inquiry into any matter that relates to peace, order and good government. The Department of National Defence used the Stoney Point territory for more than five decades. The military withdrew from that land in 1995.

It is not our job to assign blame in this matter but it is our job in the House to bring forward issues. I reject the allegation by others in this place that motions should not be brought forward because other individuals disagree with them. We should have an open airing of many issues and we should have an opportunity to vote on them. They are important issues if they make it to the floor of the House of Commons and we should take a stand on them.

● (1810)

If we were to do that we would have government members supporting opposition motions, opposition members supporting government motions and everything in between. It would help to change the tone and give real importance to the notion of private members' business.

A significant number of questions have been raised regarding the events at Ipperwash. As parliamentarians we should respond when there is an issue being raised. There should be an open ability to get to the truth of the matter. Some are saying that a public inquiry is the way to go. Others argue that there has been a process in place to this point.

The public in Ontario who have concerns about this issue should bring them forward and bring them to bear with the current government. It has been called for in the provincial auditor general's report and being mainly a provincial matter should be addressed there.

It is a worthy motion. It is worth the time to debate and consider whether or not it goes ahead. People are concerned that the entire story has not unfolded. It needs to be pursued and adequate answers must be provided through some format or process.

A full hearing of facts is needed and we should not assume that we know what the motivations of people are ahead of time or why people did certain things. Let us get to the bottom of it and move on from there.

● (1815)

Mr. Joe Comartin (Windsor—St. Clair, NDP): Madam Speaker, Windsor—St. Clair is in the southwestern part of the province not far from Ipperwash. In fact I spent a summer at the military camp a good number of years ago. This issue has always been particularly close to me because of my knowledge of that area.

I would like to take some umbrage with the member of the Alliance who suggested that my colleague from Winnipeg Centre was bringing the motion to the House for purely political purposes. That quite frankly is offensive given that he is our critic for Indian affairs. He has intimate knowledge of the issue. For the number years since it happened he has followed it and been very concerned about the lack of an inquiry on the part of the Ontario provincial government.

I do not have a lot of time and I will therefore confine my comments to the role the federal government should have in this matter. It is simply too easy and not accurate for the government to say it has no jurisdiction. My colleague from Winnipeg Centre and various authorities have said there are grounds for a public inquiry to be appointed by the federal government under its fiduciary responsibility to the first nations, the aboriginal people, or quite frankly it could be under its treaty power. A number of the issues involved here involve the old treaties with the first nations. It could be under its criminal power. The federal government has any number of bases from a jurisdictional standpoint for it to appoint an inquiry.

This brings me back to the unjustified allegations from the Alliance member. We are faced in Ontario with allegations that put political interference right at the door of the highest elected official in the province. If the premier called the inquiry, and he certainly has shown no indication to do so, there would always be the risk that the people who were appointed to the inquiry would be seen as being in conflict because of the source of their appointment. The terms of reference of the inquiry could be formulated in such a way that it would not be fair to the George family, or it could be perceived that way. The amount of money given to the inquiry could be insufficient for a full inquiry. The list could be drawn out almost infinitely.

Let us use a different scenario around the problems of the provincial government setting up the inquiry and assume that after the next provincial election a different political party is in government. We would hear allegations like that of the Alliance member that the inquiry was being set up from that perspective and that it was being vindictive toward the former government. An additional reason would be that whatever scenario we take, whether it was done by the existing government or by a new government of some other party, there would be a taint to the inquiry if it was done at the provincial level.

We are a confederated country. The federal government has a role to play when we run into this type of conflict. I would strongly urge the government to consider that conflict of interest issue.

● (1820)

When the federal government looks at whether it should be looking into the death of Dudley George and all of the incidents and consequences around it, that alone should be a major motivating factor for it to support my colleague's motion and call this inquiry.

Mr. Pat Martin (Winnipeg Centre, NDP): Madam Speaker, I am glad to have a few minutes to wrap up and summarize some of what we have heard.

I appreciate the remarks by the member for Windsor—St. Clair. He added another element to the debate as to why it is appropriate that the federal government and not the provincial government should hold the inquiry into the incidents at Ipperwash.

There are substantive issues that connect the federal government to the events at Ipperwash. I have outlined some of them. Surely, when the federal government sent military equipment to the paramilitary operation that went on there, it was involved. Surely, as was pointed out by another member, when DND used the War Measures Act to occupy the area and create the military base in 1942 and then failed to give it back, which was really the origin of the whole problem, the federal government was implicated. The ongoing fiduciary responsibility to aboriginal peoples and land claims connects the federal government. If there is one more reason needed, CSIS had a plant among the 35 protesters for the whole period of time and was reporting directly to the federal government their opinion that this was to be a peaceful protest and the people were unarmed.

All of those reasons show that the federal government was linked in substantive ways. The only question left is does the federal government have jurisdiction in the matter?

As I pointed out, the federal government can call a public inquiry into any matter that relates to peace, order and good government. It not only has the ability, we believe it has an obligation.

Again, Professor Bruce Ryder cites that federal jurisdiction in relation to Indian lands reserved for Indians under section 91 of the Constitution Act provides a solid constitutional basis for a federal inquiry, and there could be no doubt of the involvement.

What that inquiry would look like and how it would be struck would be up to the federal government. However, there are guidelines under the Federal Inquiries Act, which also gives primacy over provincial statutes that may be inconsistent. It would have the ability to call witnesses. I do not believe it would have the ability to call elected officials who are currently holding office, but it would be able to call witnesses from the OPP to find out what happened on that fateful day when, as we suspect and as a growing body of evidence would indicate, the premier and at least one cabinet minister met with them on September 6 and we believe interfered incorrectly or improperly with the police action at Ipperwash.

Those witnesses could be brought forward and made to testify with the same power of law that any court enjoys and with the same rules of evidence, et cetera.

On behalf of the George family, I am very glad to have been able to bring this motion to the House of Commons. I know that Sam George, Dudley's brother, who filed the civil suit has reiterated his willingness as recently as last week to drop the civil suit if a federal inquiry were called. I can certainly empathize and sympathize with what the family has been going through in trying to get to the bottom of this very tragic event.

Members of the aboriginal community as a whole are very eager to have this issue given the attention it deserves because they take it as an affront. As has been pointed out to me, when kids were pepper sprayed at UBC there was a full blown national inquiry, but when a person was shot and killed at a peaceful protest, we have had six years of silence from the federal government. It could be viewed and is being viewed by some in the aboriginal community as a race based decision in terms of prioritizing these events.

I am disappointed it is not a votable motion. I will go through the futile gesture to ask for the unanimous consent of the House to deem this motion to be votable.

● (1825)

The Acting Speaker (Ms. Bakopanos): Does the House give consent to the member's request?

Some hon. members: Agreed.

Some hon. members: No.

The Acting Speaker (Ms. Bakopanos): It being 6.27 p.m. the time provided for debate has expired. The House will now proceed to the consideration of the second item of private member's business as listed on today's order paper.

* * *

PARLIAMENT OF CANADA ACT

The House resumed from October 18 consideration of the motion that Bill S-10, an act to amend the Parliament of Canada Act (Parliamentary Poet Laureate), be read the third time and passed.

Mr. Grant McNally (Dewdney—Alouette, PC/DR): Madam Speaker, it is very pleasant that we are debating a bill on the value of poetry. I will begin by quoting a bit of poetry. I am sure we will hear some more tonight.

> What is it that matters most?
> Is it the busy bustling of the day to day mundane tasks
> That carry us morning, noon and night?
> Is it the grand game of gain,
> Whether items of allure, wealth, stature, power?
>
> We lay waste the value of noble thoughts, noble goals.
> Is it not these that matter most and
> Love and truth,
> Honour and integrity,
> The beauty of nature and
> All things well and good?

Often it has been stated that arts and culture, particularly poetry, is the window to the soul of a nation. The value we attribute to poetry, to the arts, is a reflection of deeper meaning things. It is an opportunity to express ourselves in ways that we do not often take time to do in our busy lives. Often we move from one task to another without stopping to enjoy the beautiful parts of our lives, the beautiful gifts of our lives and all the opportunities we have in them. Regardless of our situation or our station in life, we all have an ability to look at things through a positive lens.

I obviously am quite supportive of the bill and the notion of having a poet laureate. As the bill states, the parliamentary poet laureate "shall write poetry especially for use in parliament on occasions of state; sponsor poetry readings; give advice to the Parliamentary Librarian regarding the library's collection and acquisitions to enrich its cultural holdings; and perform such other related duties as are requested by either Speaker or the Parliamentary Librarian".

My colleague from St. John's West set the bar rather high on the debate earlier. Members may remember the speech he delivered in such eloquent prose. I do not dare attempt to match that lofty standard set by my hon. friend from St. John's West, but I certainly do share his enjoyment of poetry as I am sure all members do.

It is a good opportunity when there is a bill of this sort. I anticipate that there likely will be very little disagreement and lots of good poetry. In the interest of getting to the exquisite poetry that will be offered by our colleagues, I simply will conclude by saying that I support the bill, as do most members of the coalition. I am quite certain most members support this great idea.

● (1830)

Mr. Werner Schmidt (Kelowna, Canadian Alliance): Madam Speaker, it is indeed a delight to address this particular bill because I believe that poetry in many ways gives beauty to life. In this place many of our speeches are sometimes highly technical and sometimes perhaps even a little boring from time to time. Perhaps it is a good idea to lift our spirits a little higher, to encourage our imagination.

Poetry is very rhythmic and sometimes the rhythm is very regular, other times it is somewhat irregular, but rhythm there is. Rhythm reflects life probably better than anything else because where do we not have rhythm. We have rhythm in music, rhythm in life. We have the rhythm of day and night. We have the rhythm of pain and pleasure. Rhythm is there for all of us.

The poet laureate and the definition of the poet laureate is probably expressed best by the minister of culture in Great Britain. He put it together in a single sentence, which I like. He said:

> The Poet Laureate is a voice for poetry and a voice for the nation through poetry.

It is wonderful that that kind of thing can happen. I want to commend the member who brought this forward as a motion to amend the Parliamentary Act so that we would have a poet laureate.

In tribute to poetry, I would like to read a couple of poems that might express some of this as far as Canada is concerned. I would like to begin by quoting a poem written by Robert Frost, which in British Columbia we find particularly meaningful because it has to do with logging.

It is entitled "Out, Out—".

The buzz-saw snarled and rattled in the yard
And made dust and dropped stove-length sticks of wood,
Sweet-scented stuff when the breeze drew across it.
And from there those that lifted eyes could count
Five mountain ranges one behind the other
Under the sunset far into Vermont.
And the saw snarled and rattled, snarled and rattled,
As it ran light, or had to bear a load.
And nothing happened: day was all but done.
Call it a day, I wish they might have said
To please the boy by giving him the half hour
That a boy counts so much when saved from work.
His sister stood beside them in her apron
To tell the 'Supper.' At the word, the saw,
As if to prove saws knew what supper meant,
Leaped out at the boy's hand, or seemed to leap—
He must have given the hand. However it was,
Neither refused the meeting. But the hand!
The boy's first outcry was a rueful laugh,
As he swung toward the holding up the hand
Half in appeal, but half as if to keep
The life from spilling. Then the boy saw all—
Since he was old enough to know, big boy
Doing a man's work, though a child at heart—
He saw all spoiled. 'Don't let him cut my hand off—
The doctor, when he comes. Don't let him, sister!'
So. But the hand was gone already.
The doctor put him in the dark of ether.
He lay and puffed his lips out with his breath.
And then—the watcher at his pulse took fright.
No one believed. They listened at his heart.
Little—less—nothing!—and that ended it.
No more to build on there. And they, since they
Were not the one dead, turned to their affairs.

The soul, the experience, the life, the rhythm of a nation of working people, but there is a lot more than that to life. There are also the values that we hold and the relationships we have one to another as this boy had a family, a sister a father and a mother.

William Shakespeare wrote a sonnet which has been with me since I was in high school. It is one of those that I found extremely expressive of what I was going through and what I was thinking. It is Sonnet 116, probably the most formal form of poetry one can write. It is very difficult to do but Shakespeare was a master at it. I really like the sonnet and I would like to read it. I hope our poet laureates will write like this.

● (1835)

Let me not to the marriage of true minds
Admit impediments; love is not love
Which alters when it alteration finds,
Or bends with the remover to remove.
O no, it is an ever-fixed mark
That looks on tempests and is never shaken;
It is the star to every wand'ring bark,
Whose worth's unknown, although his heighth be taken.
Love's not Time's fool, though rosy lips and cheeks
Within his bending sickle's compass come;
Love alters not with his brief hours and weeks,
But bears it out even to the edge of doom.
If this be error and upon me proved,
I never writ, nor no man ever loved.

Would it not be great if our relationships were characterized that way. "Love is not love" but "it is an ever-fixed mark". That is a beautiful image.

Canada gave an honorary citizenship to Nelson Mandela. When he was with the Prime Minister in the beautiful decor, I thought it would have been nice to have had a poet laureate present. At that time, I was unaware we had this bill coming up. I thought that would be the ideal place to have that.

I thought about the kind of poem I could refer to that would fit that kind of occasion. I looked at the words of Kahlil Gibran some time back. He writes some interesting material. He has written on giving, and I would like to read his words. Our nation gave to another person in honour of the freedom that he exemplified with his life and his dedication to sacrifice for freedom. The book, *The Prophet*, depicts giving. I would like to read his words into the record.

Then said a rich man, Speak to us of Giving.
And he answered:
You give but little when you give of your possessions.
It is when you give of yourself that you truly give.
For what are your possessions but things you keep and guard for fear you may need them tomorrow?
And tomorrow, what shall tomorrow bring to the overprudent dog burying bones in the trackless sand as he follows the pilgrims to the holy city?
And what is fear of need but need itself?
Is not dread of thirst when you well is full, the thirst that is unquenchable?
There are those who give little of the much which they have—and they give for recognition and their hidden desire makes their gifts unwholesome.
And there are those who have little and give it all.
These are the believers in life and the bounty of life, and their coffer is never empty.
There are those who give with joy, and that joy is their reward.
And there are those who give with pain, and that pain is their baptism.
And there are those who give and know not pain in giving, nor do they seek joy, nor give with mindfulness of virtue;
They give as in yonder valley the myrtle breathes its fragrance into space.
Through the hands of such as these God speaks, and from behind their eyes He smiles upon the earth.
It is well to give when asked, but is better to give unasked, through understanding;
And to the open-handed the search for one who shall receive is joy greater than giving.
And is there aught you would withhold?
All you have shall some day be given;
Therefore give now, that the seasons of giving may be yours and not your inheritors'.
You often say, "I would give, but only to the deserving."
The trees in your orchard say not so, nor the flocks in your pasture.
They give that they may live, for to withhold is to perish.
Surely he who is worthy to receive his days and his nights, is worthy of all else from you.
And he who has deserved to drink from the ocean of life deserves to fill his cup from your little stream.
And what desert greater shall there be, than that which lies in the courage and the confidence, nay the charity, of receiving?
And who are you that men should rend their bosom and unveil their pride, that you may see their worth naked and their pride unabashed?
See first that you yourself deserve to be a giver, and an instrument of giving.

That is what we did as a nation. We gave an honorary citizenship to Nelson Mandela.

Three different occasions in life have been expressed by three different poets in a very different form.

● (1840)

It would be wonderful if our nation could give its citizens and our colleagues here in the House the experience, at least once a year, of a poet laureate reading good, solid poetry that he or she has written and would like to demonstrate. It would lift the spirit of our nation a little higher. I support the bill.

[*Translation*]

The Acting Speaker (Ms. Bakopanos): Pursuant to order made earlier today, all questions necessary to dispose of the third reading stage of Bill S-10 are deemed put, and a recorded division deemed demanded and deferred until Tuesday, December 11, 2001, at 3 p.m.

[*English*]

It being 6.43 p.m., the House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 6.43 p.m.)

CONTENTS

Thursday, December 6, 2001

ROUTINE PROCEEDINGS

GOVERNMENT ORDERS

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