CANADA

House of Commons Debates

VOLUME 137 • NUMBER 143 • 1st SESSION • 37th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Monday, February 18, 2002

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Monday, February 18, 2002

The House met at 11 a.m.

Prayers

● (1100)

[*Translation*]

HER ROYAL HIGHNESS THE PRINCESS MARGARET

The Speaker: We were saddened to learn of the passing of Her Royal Highness,The Princess Margaret, on February 9.

● (1105)

[*English*]

I have written to Her Majesty The Queen to express the sympathy of the House of Commons on this sad occasion.

I now invite the House to rise and observe a minute of silence in memory of Her Royal Highness.

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

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BUSINESS OF THE HOUSE

The Speaker: It is my duty, pursuant to Standing Order 81(14), to inform the House that the motion to be considered tomorrow during the consideration of the business of supply is as follows:

[*Translation*]

> That this House condemn the government for withdrawing from health-care funding, for no longer shouldering more than 14% of the costs of health care, and for attempting to invade provincial areas of jurisdiction by using the preliminary report by the Romanow Commission to impose its own vision of health care.

[*English*]

The motion, standing in the name of the member for Hochelaga—Maisonneuve, is votable.

[*Translation*]

Copies of the motion are available, or will be available, at the table.

PRIVATE MEMBERS' BUSINESS

[*English*]

CONTRAVENTIONS ACT

The House resumed from November 7, 2001 consideration of the motion that Bill C-344, an act to amend the Contraventions Act and the Controlled Drugs and Substances Act (marijuana), be read the second time and referred to a committee.

Mr. Ken Epp (Elk Island, Canadian Alliance): Mr. Speaker, I half expected the Liberal member, who had quite a bit of time to finish her speech, to stand up first, but I guess Monday mornings come too early for those who support the use of marijuana. I should not say that.

I have mixed feelings rising to speak to this motion because I would prefer that young people and adults not become involved in drugs which are addictive and harmful. I would be much happier if these things were not available, if the use of drugs, especially when it comes to harder drugs, would be such a taboo that people would simply not use them. However I also recognize that this is quite unrealistic.

We have a couple of major blights in that regard and both are legal. I am talking about cigarettes and alcohol. I know there are many people who use these substances in moderation and do not seem to suffer any long term ill effects. Yet I am aware of several people, in fact one of my friends, who I think it would be fair to say, is not alive today directly as a result of alcohol destroying his body. Many, because they have been impaired, have been involved in motor vehicle and boating accidents and as a result has had a huge devastation in the lives of those families and individuals who have involved themselves with drugs.

We now have the question of marijuana and whether it should be legalized. I have said that I would prefer that we not make drugs available to our children. They should be given activities and other things that challenge them without having to get into these chemical diversions.

How does one balance this off? On one hand, we could say that if they are in possession of this stuff there will be fines or jail as the law now stands. On the other hand, we could say that they can do whatever they want.

I am torn between the two opinions on this issue. I do not believe that we should have so much government intervention and so many rules and laws that try to control the minutest details of our lives. I would like to have a great deal more freedom. There are some laws which of course are necessary. We have very proper traffic laws regarding driving on the right side of the road, obeying speed limits and stopping at stop signs and red lights. Those are fine laws that we as a society agree with because they are to our benefit.

The question is would legalizing marijuana be to our societal benefit or should we continue to have a rule against it and there should be a restrictive law? It is my understanding that my colleague's bill would decriminalize it to the extent that possession of marijuana would no longer entail a criminal offence with jail sentences and a criminal record, but that it would be reduced to a fine for possession.

I do not know how other members in the House feel about it, but people who make a profit at the expense of our children are among the most despicable of our citizens. I think of the gangs and the organized crime that make money from child prostitution and from distributing drugs to our young people. That is absolutely despicable. I would like to see them stopped. Our young people are so precious and vulnerable in those young teen years and earlier.

● (1110)

I would really like to see drug dealers who go to schoolyards to try to suck young people and children into the use of their drugs, because it is a source of money for them, in jail. We do not need that. They have a very negative effect on our society.

However on the other hand, if young people smoke a toke, as they say, does that mean that they should go to jail? I do not know. They are more a victim than a participant, yet I would like to see something very tangible that would discourage them from becoming involved in this.

There are other arguments about marijuana. Certainly some say that it is not as harmful or addictive as the use of ordinary cigarettes. Just because one is legal and the other is not does not necessarily mean that we should conclude that it is bad that marijuana is illegal. In fact one of the things I really wonder about is the ability of this government and other governments, but this one particularly, to refuse to allow businesses that sell ordinary cigarettes to advertise. They put all sorts of restrictions on them without having declared it an illegal or dangerous substance.

When young people say that they can smoke marijuana and that it will not do them as much harm as smoking a pack of cigarettes every 12 hours, is a specious argument. I wish we would not give our young people those arguments. I really wish we would have very strong families who would by example show that the use of these substances is unnecessary. Therefore young people would not use them by their own choice, rather than by coercion of the law.

There is an interesting little sidelight here. I remember that cigarettes and liquor were not permitted in my grandfather's home. It was partially a religious thing that they did not touch it. Somehow my parents inherited that idea and we never had any liquor or cigarettes in our home.

I have confessed in the House before that one time I did smoke a cigarette. It made me feel very uncomfortable and I decided that it was a stupid thing to do. Why would one pull into one's lungs something that would make him cough uncontrollably and that cost money on top of that? I made an intellectual decision very young. I was in high school at the time. I found a pack of cigarettes, took one out, smoked it on the sly and decided it was not for me. That was it. My grandfather's and father's example carried on to me. I also would like to believe that it has been effective in preventing my own kids from smoking anything, either cigarettes, or marijuana or other things.

I believe the strongest way of prevention is having strong families who teach by word and by example that these things really are unnecessary. If one has a complete and full life, one does not need to either bolster or subdue it by the use of chemicals.

However in this case I have not yet decided whether I will support my colleague's bill. On one hand, I like the idea of the courts utilizing their resources to fight the real criminals who traffic in these substances instead of going after kids who happen to have a small amount in their possession. On the other hand, I am so hesitant to send a signal to our young people that it is okay them to do it.

There are medical and longer term psychological ramifications from the use of it. I would be very delighted if this blight were to be removed from our society. Whether retaining and strengthening the criminal law prohibiting it is the way to go is not clear to me at this time. At this stage I am firmly undecided.

● (1115)

[*Translation*]

Mr. Bernard Bigras (Rosemont—Petite-Patrie, BQ) Mr. Speaker, I am extremely pleased to rise today to speak to Bill C-344 presented by my colleague from Esquimalt—Juan de Fuca.

As far as the Bloc Quebecois and myself are concerned, unlike his Alliance colleague, we have no hesitations concerning this bill, and this is a bit of a paradox. A colleague of the member presenting the bill is not sure about supporting it. I wish to state that we will be in favour of Bill C-344 , an act to amend the Contraventions Act.

The purpose of amending the Contraventions Act is to decriminalize marijuana use. Under the current legislation, a person guilty of simple possession, that is of having in his or her possession less than 30 grams of marijuana, has a criminal record, is liable to imprisonment for six months and a $1,000 fine. This bill would impose only a fine. For a first offence, the amount of the fine would be $200; for the second, $500; for any subsequent offence, $1,000.

This is an important debate, and we must remember to make the distinction between what we are calling the decriminalization of marijuana for medical purposes, and the decriminalization of marijuana for other uses. The House adopted a motion, Motion No. 381, an initiative of the Bloc Quebecois that I moved. This motion was adopted by more than 88% of the members present in the House of Commons.

This motion called on the federal government to legalize the use of marijuana for medical purposes. This motion was adopted on May 25, 1999. We in the Bloc Quebecois believed, and still believe, that this is about compassion. How can we set up legal and political restrictions on the use of marijuana by someone who is in the terminal stages of a disease? Whether they have AIDS, multiple sclerosis or cancer, people may want to purchase and use a substance that, for them, is a medication. Of the members present in the House at the time, 88% supported this motion.

The issue raised by our colleague from the Alliance today is part of a larger debate on the decriminalization of marijuana. The debate has reached a whole new level in fact. There are all kinds of questions to be asked before voting. On the one hand, we have to remember that the World Health Organization, the WHO, in an significant and exhaustive report, concluded that marijuana was less harmful than alcohol and tobacco. The WHO is not some group of novice doctors. It is a solid organization, a credible organization, that demonstrated that the ill effects of marijuana are less harmful than either alcohol or tobacco.

Our colleague is asking us to reflect on a different issue. Should someone in possession of 30 grams or less of marijuana be considered a criminal? Should this person—as is the case under the existing legislation—be subject to a $1,000 fine and six months in jail for having possession of less than 30 grams of marijuana?

● (1120)

And more important, should he have a criminal record? Should his future be ruined? For it must not be forgotten that when we have a criminal record for possession of marijuana, our whole future may be ruined. This debate is therefore a healthy one and I think that parliament should give its speedy attention to this.

The member who introduced this bill is not the only one who thinks that marijuana should be decriminalized. Those responsible for enforcing the legislation, including chiefs of police and the RCMP, have indicated that marijuana needs to be decriminalized, and soon.

Naturally, the associations I have just mentioned are not completely in favour of the bill introduced by the Canadian Alliance member, because they feel that the fines are a little lower than those provided for in the legislation. They think, however, that a major step towards decriminalization must be taken.

I am also thinking of the Canadian Medical Association, which has already indicated its unqualified support for decriminalizing marijuana in its monthly journal. In addition, the latest most up to date poll shows that 22% of Canadians feel that someone with less than 30 grams of marijuana in their possession should be considered a criminal. Only 22% of Canadians feel that someone should have a criminal record and be liable to six months in jail and a $1,000 fine, compared to 40% in 1985.

There has therefore been an important shift in Canadian public opinion, which we, as parliamentarians, who represent this public opinion, should be listening to and taking into consideration.

The senate committee on drugs, chaired by Senator Nolin, has already examined this issue. In addition, I would remind the House that, following an opposition motion, we struck a committee chaired by a Liberal member, which is now examining the issue of drugs. This committee will be in Toronto in a few weeks to take a closer look at the situation. So we are already looking at this issue.

Different avenues are being considered, including decriminalization. We must wait for the report, but it is clear that an issue such as this must be debated and those actually affected taken into consideration.

A recent federal report said that $150 million would be saved if we were not as tough on small users. We must go after the source, and not individual citizens who, sometimes, perhaps in an ill-considered moment, decide to have in their possession less than 30 grams of marijuana.

On January 21, 2001, I proposed that Canada pass a bill patterned on the model developed by the Belgians, in other words, that marijuana be decriminalized, but that we be able to identify those members of the public who use it in a socially irresponsible manner. For instance, it is no more acceptable for someone to decide to drink alcohol and drive than it is for someone else to use marijuana and do the same.

There is therefore no doubt that the member's bill must be amended, but it provides a good point of departure for debate.

● (1125)

[*English*]

Mr. Chuck Strahl (Fraser Valley, PC/DR): Mr. Speaker, many people want to read a lot of things into Bill C-344 today. Some have decided that since the word marijuana is in the document it gives them a free reign to talk about the use of medicinal marijuana or the addictive quality of drugs in general or even whether or not this is within provincial or federal jurisdiction. Some have even wondered whether we should be discussing it at all.

Debate arises about whether marijuana is a gateway drug or a problem made worse when teenagers are involved. It is open season on marijuana issues and the reason is clear. The federal government refused to deal with this issue in a serious way.

It has been left to an opposition MP, the member for Esquimalt—Juan de Fuca, to broach the subject and get the House involved, as it should be. We need to have this debate and we should be involved.

The situation in Canada right now is approaching untenable. While there are laws on the books regarding the possession of marijuana, a first time conviction for simple possession seldom means very much in a financial or punitive sense.

A convicted person typically faces only a $50 fine. It is not much of a preventive measure. The most serious part about the whole conviction is the criminal conviction itself. Every person convicted under the current law faces a lifetime with a criminal record. It seems to me that the essence of the argument revolves around whether a person should face sanctions for a lifetime for the possession of marijuana.

The bill proposes changes that would increase the average fine for possession of marijuana to $250 for first time offenders; $500 for a second offence and $1,000 for the third offence. The difference is that the offence becomes a summary conviction, not a criminal offence. It would be more like a traffic violation, still illegal and frowned upon. An individual would still be pulled over by the police. However the individual would not necessarily end up in court.

Nothing changes the criminal offence of trafficking or selling to minors. In fact, because possession would become a summary conviction, the number of tickets written by police would likely increase dramatically since it would be easier for police to write it out than to press for a court case and all the expense and so on that goes with that.

Fines and possible deterrents would be higher under the bill than the current status quo. It would mean that some people, such as those who belong to the Marijuana Party for example, would not support the bill because they would say it is too punitive.

Let me run through the arguments in favour of the bill. Currently police catch a lot of people with a joint or two of marijuana, however only a few cases are taken to court. Why is that? It is because it does not have the time or resources to push each case to the limit. This means there is a huge amount of discretion placed in the hands of police, not because it wants to convict some and let others off the hook, but because the police and the courts would simply be overwhelmed if each case was pushed to the limit.

What then happens is that users, police and the courts soon recognize that the law is not being applied evenly and becomes something everyone tries to work around instead of applying evenhandedly and without prejudice. Once the law is flouted this much it becomes a mockery to everyone involved.

The second reason to be in favour of the bill is that the price paid for simple possession is not reasonable in a free, just and open society. I am not talking about fines but about the criminal record itself. If someone has a record the effect on his or her life is truly life changing. That individual cannot get a passport nor travel to certain countries, including the U.S.A.

It is highly unlikely that a person with a record would get a job where a criminal record check is important, including many public service jobs, security roles, working in a bank, in securities, selling real estate and so on. Today, young kids, perhaps in their only foray into the drug world, would receive a conviction that would dog them for the rest of their days.

The third argument runs like this. Alcohol and cigarettes, both legal drugs made available through the aegis of the government, cause tens of thousands of deaths and cause society billions of dollars each year in health and societal costs, yet there is no equivalent sanction for them. In fact the government delights in the tax dollars brought in each year with these mind and health altering drugs. They are as addictive and possibly more destructive than marijuana.

Why the double standard? What about the hypocrisy involved? North American leaders like Bill, I smoke but I did not inhale Clinton, and our own former prime minister Kim Campbell have admitted trying marijuana. How can these same lawmakers then throw the book at those who are doing the same thing?

● (1130)

Of course there are counter arguments. The active ingredient in marijuana today is many times stronger than it was when the flower children were using it in the sixties and seventies? For those out there who used the stuff when they were younger and think it is no big deal, I believe they need to realize that the stuff they used is unlike anything today. In fact, what is readily available to youngsters is almost a different drug in its potency. It is in a different league and the effects on the body and the mind are considerably different.

I am sorry to disagree with those who say it is just another herb and we should not worry about it because it is a potent drug. There is a body of evidence that suggests that kids who start experimenting with drugs at a young age will get hooked on them if for no other reason than that they simply do not have the discretion or willpower to just say no.

Why do tobacco companies target their efforts on young smokers? It is because if they can get people experimenting with tobacco before they are 18 or 19 years of age, they might become hooked. The number of people who start smoking after 20 years of age is negligible. The younger they can target people and get them started, the easier it is to get them hooked.

It is the same thing with alcohol. If we watch sporting events on TV, we would swear that it is almost impossible to have fun without a case of beer under our arms. These messages work their way into the minds of young children and before we know it they are looking for miniature Stanley cups in a 12 pack instead of a corn flakes box. These companies know how to get young impressionable people to try their products.

By taking some of the sanctions off of marijuana use we risk the possibility of some people interpreting that to mean it is all right to get into the drug scene.

There is contradictory evidence about whether or not marijuana is a drug that would lead to experimentation with other drugs. Those who treat cocaine addicts note that addicts are 84 times as likely to have had a marijuana problem along the way than those who have no addictions at all.

At the public meeting I held last week on this subject, one addiction counsellor suggested that 100% of the people he treated for cocaine and heroin addiction started their drug experimentation with marijuana. Of course everyone at the meeting, including the experts I brought in, agreed that the majority of people who use marijuana recreationally will never move on to hard drugs and likely will never be addicted to anything in their lives. However, for others the path is not a pretty one. Many of them curse the day when they decided to try the bud for the first time.

There is an argument, again brought up at the public meeting I had last week, that some societies which put an extreme sanction on the possession of marijuana are successful in reducing the number of people who actually ever try it. The example used was Japan where possession of marijuana and drugs is generally treated as a very harsh offence. Japan has a very low level of drug use, perhaps because its society is of a different make up than ours. That is in part the case. Also in part it treats drug possession of any kind very seriously and the message it sends to young and old is that drug possession is not only unwise, but it is a criminal offence that will get a person thrown in the slammer.

I was asked if I ever tried marijuana when I was young? The answer is, no I did not. When I was a young impressionable youth marijuana use was a criminal activity. That did dissuade me from trying it. Whereas I may have had a drink of alcohol because alcohol was a legal substance, even if it was not legal for a minor. The fact that using marijuana was a criminal offence made a difference to me. I did not try it. Once I became 19 or 20 I frankly was not interested in it. Age does make a difference in some cases.

What became apparent at the public meeting and in other discussions I have had is that no one should underestimate both the societal and family examples that we all portray, especially to young people, about whether or not it is a good idea to try marijuana. There are all kinds of legal and illegal drugs out there. We can name it and it is available to us. However the longer we can get young people to put off their drug experimentation, the more balance their approach will be to it. I worry that the youngsters of 10 and 12 years of age who are trying marijuana for the first time do not have the discretion necessary to make a wise decision.

● (1135)

I did a survey on the topic that I sent out in my householder last month. I have had over a thousand responses to date. The results are fairly evenly split. Some 56% of the people in my riding have said they want to legalize or decriminalize the use of marijuana. Some 44% have said they want to maintain the status quo where we throw the book at people for simple possession. Other surveys show that 90% of people endorse the use of marijuana for medicinal purposes only. The debate seems to be over in my riding at least.

I will be coming to a conclusion by the time we vote on the way the issue should be handled. I support the gist of the bill that marijuana should be decriminalized. The House should consider doing so at this time. We should get the bill into committee and get the rest of the details figured out.

Mr. Svend Robinson (Burnaby—Douglas, NDP): Mr. Speaker, I rise in support of the bill currently before the House which was proposed by my colleague from Esquimalt—Juan de Fuca.

We are debating Bill C-344 as a private member's bill. Although I am the member of parliament for Burnaby—Douglas I speak in this debate as a private member as do all members. I do not purport to speak on behalf of my caucus colleagues. There are a range of views in my caucus on the issue. However it is fair to say that on the issue of decriminalization and the medical use of marijuana the New Democratic Party strongly supports the changes being proposed.

Bill C-344 is an important step but does not go far enough. We should recognize that the issue of drug use should be dealt with as a health issue and not a criminal issue.

Our present approach to the issue of marijuana is steeped in hypocrisy. I cannot tell the House how many times I have spoken with young people who say the most destructive drugs in our society are alcohol and tobacco. Yet those drugs are entirely legal. This does not mean by any stretch of the imagination that we should encourage the use of marijuana. It means we should recognize that the so-called war on drugs has been an abject failure in every sense of the word. Many have come to that conclusion.

A number of decades ago the Le Dain commission recommended decriminalization of marijuana yet there has been effectively no change whatsoever. Last year a committee of the European parliament adopted a report on drug use that came to the blunt conclusion that "legal sanctions against drug possession and use appear to have no effect whatsoever". The report recommended European nations press ahead in the direction many have already taken: that treating drug use is a matter for health professionals and not police officers. This means making the use and possession of small amounts of drugs de facto legal while concentrating resources on health and social programs to reduce the harms of drug abuse.

If we legalized the possession of drugs for personal use one might ask whether it would not encourage their use. Would it not encourage more young people to use drugs and thus have a negative impact on their health? The answer is no.

At a conference last year in Stockholm the World Health Organization released a major international survey of drug use by teenagers. The results were revealing. The survey found that 41% of American teens had used marijuana or hashish compared with 16% of European teens. It found that 16% of American teens had used amphetamines and 10% had used LSD compared with 6% of European teens who had used illegal drugs aside from marijuana. This is the latest evidence which indicates that the United States, which has the highest spending and most punitive drug laws in the world, also has the highest rates of teenage drug use.

The war on drugs is not working. There are a half million people in American jails as a result of the unfair and destructive war on drugs. I hope we in Canada can join with a number of other jurisdictions in recognizing that this is a health issue.

Unfortunately there is tremendous pressure from the American government. The International Narcotics Control Board is a 13 member United Nations body set up to monitor compliance with international treaties banning drugs. It is effectively run and dominated by the United States. It recently attacked Canada by saying we were not cracking down hard enough on marijuana use.

What was the response of the Liberal Minister of Justice? She said it was clear we could do more and that we must do more. She said the government was seized with the issue and that we would put more resources toward it.

This approach is madness. It is not working. It is breeding contempt for an unfair, unjust and hypocritical law. While I support the bill of the hon. member as a step in the right direction, we should be going further. We should recognize that the answer is not just decriminalization but ending criminal sanctions and ensuring we put resources into education, awareness and prevention.

● (1140)

We must recognize that the war on drugs takes a terrible human toll. Drug users are in many cases forced to obtain their supplies from the black market. What does this mean? It means more crime. Prices become so high that addicts who finance their habit by committing crimes must commit more crimes to purchase them than if the drugs were legally available.

Drug users, particularly hard drug users, are pulled into a world of filthy needles, poisoned drugs, and pushers bent on selling them more addictive and dangerous fixes. They have no access to basic information such as the strength of the drug in question, the recommended maximum dosage for first time users, or the effect of mixing with other drugs such as alcohol.

I received correspondence from Alan Randel of Victoria, British Columbia who wrote to me about how his youngest son Peter died in February 1993 after ingesting heroin with friends. Only Peter died. Of course, too many have died.

My colleague from Vancouver East has been eloquent on the issue. She has spoken out about the terrible toll the futile and destructive war on drugs has taken in her constituency. One need only go to Main and Hastings to see the impact of it.

The young brother of a close friend of mine, Tim Pelzer, died of an overdose of drugs. Todd Pelzer should not have died. He got caught up in the vicious and destructive cycle of that element. It took his life. It is taking too many lives. It is taking the lives of street people in Vancouver East. It is taking the lives of people across Canada. It must stop. The destructive and futile war must stop. That is why I support Bill C-344 as a step in the right direction. However it does not go far enough.

Canadians asked themselves what on earth was going on when Ross Rebagliati, the world champion snowboarder, was initially barred from the United States. Why was he barred? He admitted to having smoked a few joints in the past. That is not acceptable.

We have an opportunity to change the laws. A committee of the House is examining the current drug legislation. I urge its members to be bold and recommend major changes to the laws. The Senate has a committee chaired by Senator Nolin which is making similar recommendations.

Much more can and should be done in this area. Yes, of course there are health concerns. However a number of studies have indicated marijuana may not be as serious as tobacco or alcohol. Smoking marijuana does not seem to cause lung cancer, emphysema or birth anomalies in fetuses, according to John P. Morgan of the City University of New York Medical School. Yes, there are symptoms of lung damage but not the life threatening conditions seen among tobacco smokers.

Mr. Morgan appeared as a witness before the Senate committee. He pointed out that while cannabis contains as many harmful compounds and irritants as tobacco, even heavy marijuana smokers do not smoke nearly as much as tobacco smokers. As he points out, the critical issue is the amount of smoke inhaled.

We must recognize that much more must be done in terms of ending the drug war. I just returned from Colombia where $500 worth of cocaine can bring as much as $100,000 on the streets of an American city. Colombian politicians tell us that if they are to be able to deal with the epidemic of the drug trade and the corruption it brings, we must take action here.

While Bill C-344 is an important step it does not go as far as it should in recognizing human, medical, criminal and health realities. I hope the bill will be referred to committee. I hope the committee will have an opportunity to bring the laws of Canada into conformity with justice and humanity.

● (1145)

Mr. John Maloney (Erie—Lincoln, Lib.): Mr. Speaker, at first glance the goal of Bill C-344 to decriminalize the possession of small amounts of cannabis would seem a straightforward one.

As hon. members have been told, under Bill C-344 simple possession of cannabis would be dealt with under the Contraventions Act rather than the criminal justice system. The Contraventions Act provides an alternative to the summary conviction process prescribed by the criminal code. It simplifies the process for prosecuting offences against federal statutes and regulations that would otherwise be prosecuted under the criminal code.

Supporters of Bill C-344 believe removing the criminal penalty would ease the burden on Canada's criminal justice system. They maintain that any savings that result could be directed to prosecuting dealers and traffickers of illegal drugs.

Easing the burden on Canada's criminal justice system is an admirable goal. However it is important to note that Bill C-344 would necessitate the creation of a new administrative regime. We need look no further than at one of our closest friends, Australia, to see that such administrative regimes can produce unexpected and often unwelcome results.

Canada can learn from the Australian experience for a number of reasons. The types of drugs and their usage rates are much the same in both countries. We have similar legal and parliamentary systems. If we look closely at the Australian example it becomes clear that decriminalizing cannabis in Canada would not be as simple or straightforward as some have indicated.

Two Australian states, South Australia and the Australian Capital Territory, have converted the simple possession of cannabis into a civil offence through what is called a cannabis expiation notice system. In both states the possession of small amounts of cannabis for personal use is a non-criminal process. Offenders may be fined up to $150. If they fail to pay within 60 days they are required to go to court.

While there has been no evidence of any dramatic increase in cannabis use in the two states since they introduced the expiation system in the early 1990s, officials have encountered unanticipated results regarding enforcement practices. For example, despite the fact that cannabis use remained at relatively stable levels after the expiation system was introduced, the number of offences rose disproportionately. The increase came about largely because it had become procedurally easier for authorities to fine rather than arrest.

The focus of enforcement also became an issue. Males, often of lower socio-economic status or aboriginal origin, were being charged more frequently than others. The expiation system had widened the net and increased representation of marginalized groups. The trend was disturbing for a number of reasons. Most noticeable was that the majority of the males lacked the financial means to pay their fines within the 60 day period. Almost half those who received expiation notices failed to pay their fines within the required 60 days. As a result they found themselves before the courts anyway, in danger of acquiring the very criminal record decriminalization was designed to eliminate.

Both states have been forced to take action to address the situation. In Western Australia payment options have been introduced. Clearer and more detailed information is now available so people receiving expiation notices are fully aware of the process and its consequences.

I believe hon. members will agree that it is clear Canada will face similar risks unless we insist on an informed and prepared approach to the issues. Both Australian territories had relatively sophisticated mechanisms to help them identify potential problems in the expiation system. We lack similar data in Canada. We would need to develop means to disseminate information on any new system we might introduce. We would need to find a reasonable alternative to the use of fines. This alone should encourage us to proceed cautiously and allow the parliamentary committees examining the issue to complete their valuable work.

There is another area in which Bill C-344 may be insufficient. It would maintain the link between consumers of cannabis and suppliers of cannabis, suppliers such as organized crime. Australian legislators addressed this important issue by decriminalizing the personal cultivation of small numbers of plants.

Hundreds of thousands of Canadians may be making an informed decision to smoke cannabis. If we decriminalized cannabis would we provide a decriminalized supply as they do in Australia or would we continue to drive cannabis consumers into the arms of organized crime? Put another way, would we allow organized crime to continue to profit from trafficking in marijuana or would we make a serious attempt to diminish its profits?

● (1150)

There is also a more practical difficulty with Bill C-344. That is the fact that some provinces have not yet agreed on a memorandum of understanding with the federal government concerning the Contraventions Act. Furthermore, we need to know about our options regarding decriminalization and legalization. A wide range of responses is possible, including maintaining the current situation of criminalizing possession only, without jail. In this regard the findings of the parliamentary committees now examining these issues promise to be very helpful. Finally, we need more information, relevant information, in a number of areas: for example, information about the number and demographics of cannabis users in Canada. This kind of baseline data is essential in evaluating any new system or designing any effective prevention efforts.

Surely all these factors make it clear that Canada needs to acquire more information and be more prepared before we can seriously consider the decriminalization of cannabis.

Even as we go about gathering that information we should not lose sight of the fact that decriminalization is merely a tool, not an end in itself. For example, the health and social problems related to cannabis use will not go away by simply reducing the penalty for possession. The truth is that issues such as driving while impaired and poly-substance abuse such as cannabis and alcohol will remain with us. This was a concern of the justice committee during our review of the impaired driving legislation. Surely it is clear to all members that we must consider the implications of decriminalization and be fully prepared to address these implications before we move ahead with the decriminalization process.

As a consequence and in light of my comments, I would propose the following motion. I move:

> That the motion be amended by deleting all the words above the word that and by substituting therefor the following:
>
> That Bill C-344, An Act to amend the Contraventions Act and Controlled Drugs and Substances Act (marihuana), be not now read a second time, that the order for second reading be discharged, the bill withdrawn from the Order Paper and the subject matter be referred to the Special Committee on Non-medical Use of Drugs.

● (1155)

The Acting Speaker (Mr. Bélair): I am advised that the amendment will have to be taken into deliberation. The Chair will come back to you as soon as a ruling has been made.

Mr. Ken Epp: Mr. Speaker, I rise on a point of order. I would like to appeal to you in making your ruling on this motion. I think it is absolutely despicable that a member on the government side would seek to hijack a private member's bill irrespective of which side of the House it comes from. This is a private member's bill and I think it is absolutely unreal that he should even attempt that.

The Acting Speaker (Mr. Bélair): The hon. member for Elk Island is certainly entitled to his opinion. His Liberal colleague has tabled a motion on which the Chair will rule a little later.

Mr. Peter Goldring (Edmonton Centre-East, Canadian Alliance): Mr. Speaker, it is important to lessen the lifelong stigma of a criminal code conviction for minor possession of a small amount of marijuana for personal use, but I have difficulty with the method of achieving this goal and with the resulting penalties which appear to be too weak. The arguments for the insulation of our inquisitive youth from a potentially career wrecking criminal record are both laudable and reasonable, however, I remain concerned that there must be significant penal consequences for possession of larger quantities of a hazardous substance.

My first concern relates to the varying and increasing potencies of cannabis resins and marijuana plants generally. Potencies have been increased through cross-germination and plant genetics and are unrecognizable from those of the hippie sixties. The potencies may well be increased manyfold in the future. An illicit drug that is not easily quantifiable as to potency is a hazardous substance that requires control with a very firm hand.

Today, three kilograms of cannabis resin or three kilograms of marijuana have enough potency to impair the residents of a small town, let alone one person striving for a personal recreational high. A person with three kilograms, or seven pounds, of marijuana is not an individual with a personal supply but is instead a bulk grocery store of drugs to be sold to members of our community, including children.

It is important to acknowledge a general consensus that simple possession of a small quantity of marijuana, medicinally prescribed and for medicinal purposes, should be legalized. The current debate on criminalization concerns possession for purely recreational purposes. I am not unfamiliar with the subject matter, particularly as I was a young person in Toronto during the sixties. As I recall, the price at that time was generally $10 per ounce, or a dime bag. Today an ounce might cost $50. Three kilograms or seven pounds of marijuana at $50 per ounce would retail for $5,000. Three kilograms of marijuana is the equivalent of 100 $50 dime bags, enough to seriously intoxicate up to 500 people.

Under the recently debated legislation in the House of Commons, Bill C-344, which has not yet become law, possession of three kilograms of marijuana would warrant no more than a $200 fine to the dealer. Such a penalty would amount to little more than an incidental business cost, more comparable to a traffic ticket than a drug trafficking penalty. A fine for a second offence would be no more $500 and for a third offence no more than $1,000. Again, these are little more than nuisance highway traffic tickets.

Some even believe that no jail time should ever be imposed when sentencing marijuana users or dealers. Before agreeing to such weak sanctions, I believe we should approach matters with a consistent hand and speak to the experts on the front lines, our police officers, and solicit a national consensus. In my opinion, there must still be restrictions and serious punishments associated with all marijuana offences, particularly for those who traffic in this potent mind altering drug. Removing marijuana charges under the criminal code for possession or trafficking in large quantities of the drug is not conducive to law, justice and good civil order. While alcohol induced impairment is readily detected by roadside breath analysis, the more dangerous marijuana induced impairment is not.

Grant Obst, a Saskatoon police officer and president of the Canadian Police Association, recently acknowledged that police across Canada are focusing more on marijuana traffickers than on users. However, the Canadian Police Association opposes general decriminalization of marijuana regardless of enforcement issues that arise in allocating very limited police resources. The Canadian Association of Chiefs of Police and the national Tory leader, the member for Calgary Centre, both call for looser pot laws. I say we should listen to the police who work on the front lines at street level. They say no.

● (1200)

Variability of potencies of marijuana is a matter of grave concern to the Canadian medical profession, which is now permitted to prescribe the drug for medicinal purposes. The Canadian Medical Protective Association, the primary liability insurer for doctors, is now warning doctors against prescribing marijuana. In the view of the association it is an unacceptable burden to require the doctors to prescribe marijuana unquantifiable as to potencies for medicinal purposes. While pharmaceuticals are subject to rigorous testing, quality control and regulation prior to being available under a doctor's prescription, there are absolutely no standards in place to address consistency in marijuana quality or potency.

In my view, our concern should be more to ensure that those who need marijuana for medicinal purposes are able to obtain a drug that is consistent in quality and potency, like any other approved pharmaceutical. We should not be devoting resources to decriminalizing marijuana generally.

Recently an Edmonton organization stepped forward to help those who need marijuana for medicinal purposes, but it appears to be more concerned with obtaining tax deductible charity status rather than with seeking help from elected officials such as myself who are willing to try to assist.

Last June I introduced a motion in the House of Commons. I am seeking agreement from my colleagues that the government should not legalize marijuana except for medicinally prescribed purposes. This motion has not yet come forward for debate.

The basic point remains. We cannot, as a responsible society, decriminalize a drug with known short term and long term narcotic effects, particularly when potencies and quality vary and the extent of social harm is therefore unpredictable.

● (1205)

The Speaker: The amendment by the hon. member for Erie—Lincoln is in order.

It being 12:06, rather than have the hon. member start with something like 30 seconds left, we will draw private members' business to a conclusion and move on to government orders.

Mr. Ken Epp: Mr. Speaker, I rise on a point of order. My question is with respect to this private members' business. Are we now then to assume that you, Mr. Speaker, have accepted the amendment that was put by the member on the Liberal side to hijack this motion?

The Speaker: Yes. The amendment is in order. That is why I proposed it to the House.

Of course the Chair makes no comment on whether the motion hijacks anything or not.

GOVERNMENT ORDERS

SPECIES AT RISK ACT

The House proceeded to the consideration of Bill C-5, an act respecting the protection of wildlife species at risk in Canada, as reported (with amendment) from the committee.

[*English*]

SPEAKER'S RULING

The Speaker: I am now prepared to give my ruling on report stage of Bill C-5, an act respecting the protection of wildlife species at risk in Canada.

[*Translation*]

Given the rather large number of motions on the notice paper, I believe it would be appropriate to explain my ruling on the report stage and to give some clarification to the House regarding the selection process used for motions.

Hon. members will remember that, on March 21, 2001, I made a statement in which I explained a few guiding principles that help the Chair select report stage motions.

[*English*]

I encouraged all members and all parties:

> —to avail themselves fully of the opportunity to propose amendments during committee stage so that the report stage can return to the purpose for which it was created, namely for the House to consider the committee report and the work that the committee has done, and to do such further work as it deems necessary to complete detailed consideration of this bill.

In terms of the legislative process, the work on Bill C-5 done by the Standing Committee on Environment and Sustainable Development provides an excellent example of the type of study that should take place on major bills. Bill C-5 was given extensive consideration. The committee heard from some 150 witnesses over 27 meetings and then proceeded to 15 meetings during which the bill

was studied clause by clause. Approximately 360 motions of amendment were proposed; 123 motions from all parties were adopted and reported to the House.

[*Translation*]

There are currently 138 motions in amendment on the notice paper and I must determine which ones must be selected for review at report stage. After examining these 138 motions, I came to the following conclusions.

[*English*]

Motion No. 110 cannot be proposed to the House because it is not accompanied by a recommendation of the governor general. Standing Order 76.1(3) requires that notice of such a recommendation be given no later than the sitting day before the beginning of report stage consideration of the bill.

Motions Nos. 40 to 42, 45 to 47, 58 to 65, 81 to 83, 87 to 89, 91 to 93, and 123 to 125 will not be selected as the Chair judges them to be of a repetitive nature as expressed in the note to Standing Order 76.1(5) regarding the selection of motions and amendments at report stage.

[*Translation*]

As for the other motions, some may be deemed to be technical changes to clarify the amendments proposed by the committee, or to bring them more in line with the standards of legislative drafting. These motions will be selected.

[*English*]

There are many motions that propose to make further changes to some substantial modifications by the committee or to reject the committee's modifications. While I had some reservations concerning these motions—arguably these issues ought to have been resolved in the committee—I have had to conclude that they are entirely in keeping with past practice.

Our practice as well at the practice of the United Kingdom dictates that the very purpose of report stage is to allow the House to consider the committee report and to do such further work as it deems necessary. Accordingly, these motions will be selected.

● (1210)

[*Translation*]

Finally, there are motions similar to those that were rejected by the committee. Usually, such motions are not selected, because they would generate discussions that have already taken place in committee. However, the note in the Standing Orders allows the Speaker to select these motions if he deems that they are of such importance that they deserve to be examined again at report stage. I believe that these motions respect that criterion and therefore they will be selected for the debate.

[*English*]

The selected motions will be placed into five groups for debate.

The first group will deal with the issue of compensation. It will be composed of Motions Nos. 1, 12, 13, 28, 103 to 108, 111, 121 and 128.

[*Translation*]

The second group will deal with timeframes and agreements between the federal government and the provinces and will include Motions Nos. 2, 11, 23, 35, 39, 44, 48, 49, 51 to 57, 67, 74, 78, 80, 84, 86, 90, 94 to 102, 112, 113 and 122.

[*English*]

The third group will deal with geographical and biological species, the interim recovery plans, the schedules which contain the list of extirpated, endangered and threatened species, and certain technical amendments. It will be composed of Motions Nos. 3 to 5, 7 to 10, 14, 15, 19, 30, 32, 34, 36, 50, 66, 68 to 71, 73, 77, 79, 115, 119, 120, and 134 to 138.

[*Translation*]

The fourth group will deal with consultations, the registry and the national aboriginal committee. It will include Motions Nos. 6, 16, 17, 20, 24, 25, 29, 72, 76, 114, 126, 127 and 130.

[*English*]

The fifth group will deal with the issue of ministerial discretion, delegation, agreements and permits, and orders versus regulations. It will be composed of Motions Nos. 18, 21, 22, 26, 27, 31, 33, 37, 38, 43, 75, 85, 109, 116 to 118, 129, and 131 to 133.

The voting patterns for the motions within each group are available at the Table. For those members who are unable to write all the numbers down quickly enough, they are there too.

[*Translation*]

The Chair will signal to the House the applicable procedure for each vote.

[*English*]

I shall now propose Motions Nos. 1, 12, 13, 28, 103 to 108, 111, 121 and 128 in Group No. 1 to the House.

MOTIONS IN AMENDMENT

Mr. Rick Casson (Lethbridge, Canadian Alliance) moved:

Motion No. 1

That Bill C-5, in the preamble, be amended by replacing lines 22 to 24 on page 2 with the following:

"landowners should be compensated for any financial or material losses to ensure that the costs of conserving species at risk are shared equitably by all Canadians,"

Mr. Bob Mills (Red Deer, Canadian Alliance) moved:

Motion No. 12

That Bill C-5, in Clause 6, be amended by replacing line 5 on page 8 with the following:

"6. The purposes of this Act, to be pursued in a cost-effective manner, are to prevent"

Mr. Rick Casson (Lethbridge, Canadian Alliance) moved:

Motion No. 13

That Bill C-5, in Clause 6, be amended by replacing line 5 on page 8 with the following:

"6. The purposes of this Act, to be pursued in a manner consistent with the socio-economic interests of Canadians, are to prevent"

Mr. Andy Burton (Skeena, Canadian Alliance) moved:

Motion No. 28

That Bill C-5, in Clause 11, be amended by adding after line 29 on page 11 the following:

"(4) The agreement shall provide for fair and reasonable financial or material support, unless there is an agreement otherwise."

Mr. Scott Reid (Lanark—Carleton, Canadian Alliance) moved:

Motion No. 103

That Bill C-5, in Clause 64, be amended by replacing lines 13 to 15 on page 36 with the following:

"64.(1) The Minister shall, in accordance with the regulations, provide full, just and timely compensation to any person for losses"

Mr. Rick Casson (Lethbridge, Canadian Alliance) moved:

Motion No. 104

That Bill C-5, in Clause 64, be amended by replacing line 13 on page 36 with the following:

"64.(1) The Minister shall, in accordance"

Mr. Andy Burton (Skeena, Canadian Alliance) moved:

Motion No. 105

That Bill C-5, in Clause 64, be amended by replacing lines 14 and 15 on page 36 with the following:

"with the regulations, provide fair market value compensation to any person for losses"

Motion No. 106

That Bill C-5, in Clause 64, be amended by replacing line 15 on page 36 with the following:

"able compensation to any person for loss of use or enjoyment of property"

Mr. Rick Casson (Lethbridge, Canadian Alliance) moved:

Motion No. 107

That Bill C-5, in Clause 64, be amended by replacing line 15 on page 36 with the following:

"able compensation to any person—including landowners, lessees and other persons affected by or having a legal interests in the property—for losses"

Motion No. 108

That Bill C-5, in Clause 64, be amended by replacing lines 16 and 17 on page 36 with the following:

"suffered as a result of the application of"

Mr. Scott Reid (Lanark—Carleton, Canadian Alliance) moved:

Motion No. 111

That Bill C-5, in Clause 64, be amended by replacing line 36 on page 36 with the following:

"sion of compensation, including rules for the recovery of reasonable legal and other costs arising as a result of the compensation claim."

Mr. Bob Mills (Red Deer, Canadian Alliance) moved:

Motion No. 121

That Bill C-5, in Clause 97, be amended by deleting lines 21 to 26 on page 56.

Mr. Rick Casson (Lethbridge, Canadian Alliance) moved:

Motion No. 128

That Bill C-5 be amended by adding after line 3 on page 69 the following new clause:

"124.1 The Minister shall, in all circumstances, advise the affected landowner, lessee or land user of the location of a wildlife species or its habitat."

Debate arose on the motions in Group No. 1.

Mr. Bob Mills (Red Deer, Canadian Alliance): Mr. Speaker, I rise on a point of order. I would like to speak to the motions that you have ruled out of order, Motions Nos. 40 to 42, and that entire list, and Motion No. 110 which I believe you ruled out of order as well.

I have several arguments. The first one is based on the importance one of the motions has for landowners. The bill talks about being guilty until proven innocent. This goes against all principles and destroys the goodwill many landowners will have in dealing with the legislation.

The chairman of our committee, the member for Davenport, did an exceptional job of working with our committee. Our committee worked in a co-operative manner that I have never seen before, certainly as long as I have been in the House. I believe that by exempting these we not only exempt a very important aspect to the landowners but we also exempt something on which, while committee members could not agree on, many members should have a say.

Some of the resolutions were put forward by the member for Skeena, the member for Lanark—Carleton and the member for Lethbridge because they were not on our committee and did not have an opportunity to speak on behalf of the landowners who would be affected by the legislation.

Mr. Speaker, I bring to your attention that the slender mouse-ear-cress and the western spiderwort are endangered species. The only person who would know those species would be a botanist. The argument is that by debating this in the House we could alert the public to the fact that they will need to start finding out what these endangered species are because if the habitat is destroyed or if anything is done to that endangered species they will be guilty of a criminal act.

I have about 20 pages that we could talk about the legal ramifications and I am not even a lawyer. However, this will end up in court cases and take money out of what should go to conservation and be put in the hands of the justice system.

I really feel that the mens rea argument is one that we should strongly put and one that we should be discussing in the House. I just do not believe that by not talking about it and having it in the act that it will be fair to any of those landowners. In effect, they will be guilty until proven innocent, which is not the legal system that I understand and certainly not one that is very defensible. We say that we want to co-operate, consult and build a relationship with landowners but we introduce a bill that does not even identify a critical habitat. If landowners damage it, they will have committed a criminal offence.

I feel it is essential for all members to have the opportunity to talk about those amendments in the House. We are not talking about a driving ticket. We are talking about a criminal offence having been committed. It is not right to simply say that due diligence is the responsibility of landowners. Landowners do not have time to check out every worm, every mollusk and every plant that might be on their land to find out if it is on some list. We must discuss this in the House.

The minister said:

It's a legitimate matter for concern. The accident, the unwitting destruction—it is a concern, and we want to give the maximum protection we can to the legitimate and honest person who makes a mistake, who unwittingly does that.

The minister is arguing that we should discuss this and that it is a major problem in the bill. By exempting those, we are certainly going against that basic principle.

The best solution would be to debate the amendment to the bill which would require what Roman law used to refer to as a guilty mind, mens rea.

● (1215)

The requirement that in order to commit a criminal act a person had to know he or she was doing something wrong, has been the standard division between criminal and civil offences in English common law since the late middle ages. It is absolutely essential in this case but the bill does not take that into consideration. It states that the person is guilty. I believe no one, no landowner or company, will be able to function this way with the legislation.

Let me close by quoting the minister. He said:

We have all seen, as politicians, what happens when people get fearful of their government or angry with government programs. We've all seen the damage that's done to public trust when perfectly reasonable people suddenly decide the government has some hidden and nefarious agenda. There is no reason to stir up those kinds of concerns with this legislation.

The minister's speech writer seems to understand the issue. The only problem is that it is not in Bill C-5.

On that basis I believe all members should have the opportunity to speak to this issue and that we should be looking at mens rea as opposed to due diligence.

● (1220)

Mr. John Williams (St. Albert, Canadian Alliance): Mr. Speaker, as my colleague from Red Deer pointed out, there is a matter of fundamental justice in our country where one is innocent until proven guilty, not the other way around.

I want to refer to some of the motions that have been cancelled and will not be debated in the House. I would like to draw to your attention, Mr. Speaker, that committees can receive delegated authority from the House but we do not relegate the House to a committee. We are not answerable or dictated to by a committee. This House is paramount and supreme.

Mr. Speaker, while motions are sometimes debated in committee and you have, in some cases, ruled them out of order because of repetition, I draw your attention to your ruling under 76.1(5) and what is basically an editorial comment on the standing order which states "The Speaker will not normally select for consideration". This is not a black and white rule of saying you shall. It means normally. It continues on by stating:

> For greater certainty, the purpose of this Standing Order is, primarily, to provide Members who were not members of the committee, with an opportunity to have the House consider specific amendments they wish to propose.

Again, nothing is absolutely cast in stone as far as these two points and the editorial comment regarding the standing order are concerned.

Therefore, Mr. Speaker, if the House is to recognize its supremacy, I would suggest that you consider the remarks made by the hon. member for Red Deer. If motions are properly made in the House and deal with an issue that is fundamental to our whole premise of justice, of being innocent until proven guilty, then I think the matter should be debated in the House rather than saying that the committee has already dealt with the issue and therefore it cannot be dealt with in the House, because we must recognize the supremacy of the House. Therefore, if a motion is of fundamental importance and is legitimately introduced in the House—and I am not asking you to rule on every motion that may be deleterious, repetitive and so on—it should require debate in the House even if it has been debated in committee.

I ask you to think about that, Mr. Speaker, and to take the comments from the member for Red Deer under advisement as well.

The Speaker: The Chair is ready to deal with this point. I should make two things clear. First, I understand this matter was debated and discussed in the committee and I believe amendments were moved on this point in the committee. Whether some were adopted or all rejected I am not clear. In any event, I am satisfied the matter was discussed there, and, because of the importance of the issue, I have elected to allow amendments here even though the matter was discussed and decided at some point in committee.

However, there are four amendments in question moved in each case and the words are almost identical. The first amendment reads "No person shall knowingly kill, harm, harass". The second reads "No person shall intentionally kill, harm, harass". The third reads "No person shall recklessly kill, harm, harass". The fourth reads "No person shall negligently kill, harm, harass".

What the Chair has ruled, and I stand by that ruling, is that these are repetitive. I have allowed one in each case and that is the one that states "shall knowingly", which I believe covers mens rea extremely well, very clearly and forcefully. I am allowing those amendments to be put to the House and debated.

I believe it will cover the subject of mens rea in a way that is fair to hon. member, and I do so fully aware that the committee has dealt with the matter. I am allowing this even though there is authority for the Chair to rule these out of order entirely on the basis that the committee dealt with the issue. I think it is important. I agree with the hon. member that it is important and for that reason I am allowing one, but not four, on each point. That is what I have ruled out of order but I stress that I have allowed one in each case. The hon. member for Lanark—Carleton has won the draw on that one.

Mr. John Herron (Fundy—Royal, PC/DR): Mr. Speaker, I do not want anyone to think we are not prepared to do battle on this group of amendments because the Tories are ready to do battle.

We have just saw the groupings moments ago. As you know, the details of this bill are quite complicated. It would be prudent if members had a chance to identify the groupings and look at how they play on each other, particularly given that a myriad of amendments were in turn ruled out of order for this stage of action. Given the complexity and the number of amendments that we have to deal with, it would be appropriate for members to be given sufficient time, perhaps one day, before dealing with them on a report stage basis.

If we do battle today, we are ready. However perhaps on future occasions when groupings are made, you may wish to give members of the House one day's notice to see how the amendments play on each other as they head toward report stage. I think it would be a prudent use of members' time. However, if you deem we are going ahead with them today, then we are ready.

● (1225)

The Speaker: The hon. member knows that it is not for the Chair to decide what the business of the House is. That is decided by others, including in a rather influential way, the government House leader. I know the member will want to make his representations to the government House leader. If he would like to change the standing orders, the procedure and House affairs committee is well equipped to hear his representations on that point too.

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, you read the numbers in your statement with the speed of light and I thought you mentioned Motion No. 50 under Group No. 3, which is not in the printed version that has been distributed. It could well be that I misheard you. If not, could you perhaps confirm that Motion No. 50 is included in Group No. 3?

The Speaker: I understand that it is. I read it. I see it in my list in my ruling. I will double check to ensure that I did not read it in error.

Mr. Rick Casson (Lethbridge, Canadian Alliance): Mr. Speaker, it is a pleasure to rise today to speak to this issue. Back in 1997, we first campaigned for this position in a federal election and the protection of species at risk was an item for debate at that time. It was again in 2000. Here we are in 2002 and the bill is at report stage and there are still lots of items for debate.

This issue is an extremely important to Canadians and certainly to my constituents whether they live in the city or in the country. Whether they are farmers, lawyers or accountants, they realize that we have to do something if we are to protect our species at risk.

The Canadian Alliance supports meaningful legislation that will truly protect species at risk. However, if there is no compensation for lost property in the bill, then we will do more to harm species at risk than we will to protect them if we pass a bill that does not include those things.

Our country is the envy of many around the world. Being a young country, we have not had the opportunity to destroy our environment to the extent that many other countries have. When we advertise Canada, we show a pristine wilderness. We are proud of what we have as an environment, with all the animals and plants that go with that. Many countries around the world really wish they had the opportunity that we have right now; to do something to protect species that we have still in existence.

There are many more things in life on this planet than human beings. We have to realize that in recent history we have done far too much harm to our environment to promote what humans have believed at that time to be right. Now we realize that we have to go back and start to do some things that will be slightly different than what we have done so that the creatures of Earth are protected for our children and grandchildren.

The amendments are grouped in different areas, and this area is a key issue for me. If we do not put mandatory compensation into the legislation, we will promote some things that are probably less than constructive to our environment. We must be very cautious that we do the right thing so that we are not back here in a few years realizing that we have made a mistake and that the legislation has not protected species at risk but has put them at harm.

Let us do the right thing. Let us do it now. Let us look at these amendments, bring them forward and have the government accept them. I know it is not usual for the government to accept amendments from the opposition, but I believe on this issue, as the member for Red Deer stated at committee, the committee has worked in a co-operative way to try to bring forward the best legislation possible. However there are some things that have not been done and that is what we are here today to debate.

I want to focus on landowners, farmers, ranchers and resource people. If they know there will be full value market compensation offered to them for any of the earnings that are lost or any of the production that is taken away from them, then they will buy into this bill and will help to preserve species at risk. However, if there is a chance they could lose their ranch or farm and lose their means of income through the act because of species at risk being on their property, then we could get to what we have seen in the United States; the use of a heavy-handed approach which is the shoot, shovel and shut up approach. That is something we want to avoid at all cost. We need to have the legislation to address the situation and make it meaningful. If we do not have mandatory compensation in the act, then it will not protect species at risk. In some instances it will harm.

The whole issue of people inadvertently, and we will get into that in later amendments, harming species on their land, not knowing they were there and doing something to disrupt their habitat, goes back to this issue. If we are to make people aware that they have to be open, appreciate what is around them, ensure the species are there and the habitat is protected, let us ensure that they will be compensated.

● (1230)

If they voluntarily take some land out of production and have some loss in income, let us ensure they are compensated.

If the minister says that he will guarantee there will be compensation issues in the regulation, then let us take that guarantee and move it into this aspect of the process. When we vote on the bill, let us ensure that Canadians realize the compensation is in the legislation and is embedded in law.

People from the agriculture community have come to me. They are very concerned that this could be very detrimental if not handled properly. Some realize they do have endangered species on their properties. Many are going to extraordinary lengths already to ensure that the habitat surrounding these species is protected. We have to enhance and expand on that attitude. We have to ensure that it gets into the rest of our society. People who are voluntarily doing this need to be recognized and supported for that so this can move into the other aspects of the community.

The whole Pearse report, and I am sure we will hear a lot about that, said that the compensation should be 50% for losses of 10% or more. That is not fair. The compensation needs to be at fair market value. If society as a whole wants this act in place, then society as a whole should have the responsibility for implementing and supporting the act. The cost of protecting endangered species should not lie alone at the feet of landowners and people who have direct access to these endangered species.

I believe the whole compensation suggestion is not right. It has to be full compensation and it has to be up front. When this legislation goes into effect, we have to ensure that people realize the compensation issue has been addressed, that it will be there for them and that they can go at this with an attitude of co-operation and not the heavy-handed heavy stick approach that we have seen in the United States. It has not worked. We were hoping for more in the legislation to ensure that the proper things were being done in Canada.

I know we will have lots of opportunity later to address the issues or they will be dealt with elsewhere in the amendments. However, if the compensation is not embedded in the legislation, then the species at risk act will do more to harm species at risk than it will to protect them.

● (1235)

[*Translation*]

Mr. Bernard Bigras (Rosemont—Petite-Patrie, BQ): Mr. Speaker, I am pleased to speak today on Bill C-5, which we have had the opportunity to examine in committee. A number of amendments were introduced in committee, some of which were rejected and others accepted.

This is an important bill. Hon. members must keep in mind that Quebec has had endangered species legislation since 1990. This was introduced by the Liberal government of Quebec and passed by the Quebec National Assembly with a very large majority, if not unanimity.

To put ourselves in context, Quebec had this legislation from 1990 onward, along with fishery regulations and a wildlife conservation act. So, as far back as 1990, Quebec was in the vanguard as far as the protection of endangered species was concerned, 11 years ahead. As well, as far back as 1996, the provinces and the federal government entered into what was called the Accord for the Protection of Species at Risk, which committed them as follows, and I quote:

> Federal, provincial and territorial Ministers responsible for wildlife commit to a national approach for the protection of species at risk. The goal is to prevent species in Canada from becoming extinct as a consequence of human activity.

This was signed in 1996, six years after the Quebec endangered species legislation.

We are not opposed in principle to legislation protecting species and habitat in Canada, provided it applies to federal territory, affects crown land and national parks, and we might go so far as having the Migratory Birds Convention, which we acknowledge as federal jurisdiction, come under the federal legislation we are looking at today.

Where we do have a problem is that with this bill, clause 34 in particular, the federal government is preparing what is termed a double safety net. This means that, from the very moment the federal government of its own accord, the national accord notwithstanding, decides that the Quebec legislation, or the province is not protecting its species and its habitat sufficiently, the federal legislation is going to kick in and apply to the entire territory of Quebec, regardless of what has been enacted by the National Assembly, despite its endangered species legislation, its wildlife conservation legislation and its fishing regulations. This is totally unacceptable.

It is also totally unacceptable that certain amendments proposed in committee will end up determining the mechanism that will trigger the safety net. Not only are some of the amendments proposed in committee unacceptable to the Bloc Quebecois, but they are also unacceptable to the Liberal government opposite.

On this subject, I received a missive last week, a letter from the Minister of the Environment, who indicated that some of the amendments proposed in committee strengthened the federal government's ability to determine how the safety net would be triggered.

● (1240)

Some of the amendments will have the effect of giving the federal government more power in determining how the safety net will be established. This will apply despite the fact that an accord was signed in 1996, as I mentioned, to protect endangered species.

The minister's letter specifies that the provisions of the safety net set out in Bill C-5 are there to ensure that, and I quote the minister:

> If a province or territory fails to live up to the commitments that it has made under the accord, the federal government will react. However, it is up to the provinces and territories to act within their jurisdiction.

It makes no sense to have legislation that does not apply to provincial lands, yet have in the same bill, based on one single clause, a safety net that is triggered and that would apply to a province. This is somewhat troubling, particularly because Quebec already has its own legislation on endangered species and species at risk.

It is also important to point out that this bill creates what are known as enforcement officers. These federal enforcement officers will be responsible for enforcing the federal act, even in the case where the safety net is triggered in a province.

We can ask ourselves the following question: who will be responsible for the protection of species in Quebec? Will it be wildlife conservation and protection officers under the provincial legislation or federal agents?

The government must not act like a police officer. Rather, it must co-operate and promote harmonization, as is provided in the national Accord for the Protection of Species at Risk since October 1996.

So, it is rather disturbing to see what the government is about to pass in the House, because this act might apply in Quebec if we had not passed our own legislation. However, in spite of the fact that Quebec has its own legislation, the federal government is about to steamroll the work done by the province and this is rather disturbing.

It is also rather disturbing to see that the federal government has decided to assume the authority to protect endangered wildlife species in Canada. It is also disturbing to see that it refuses to give the necessary additional funds and to set up the mechanism through which landowners will be compensated.

As we know, the Pearse report—and the Canadian Alliance member referred to it earlier—recommends that a landowner be compensated when the losses that he absorbs exceed 10%. If these losses reach 10%, a compensation mechanism would come into play and 50% of the property's market value would be paid back.

If the federal government really wants to protect endangered species and make this a priority, it must inevitably ensure that assistance and compensation to landowners reflect its priorities.

Therefore, we will support the first group of motions by Canadian Alliance members, because we feel that protecting species also implies compensating people. So, we will support these motions. I will come back later on in the debate.

● (1245)

[*English*]

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, I appreciate the interventions made so far.

I draw members' attention to a document which was discussed in committee. It was prepared by Peter Pearse of Vancouver and is entitled "Sharing Responsibility: Principles and Procedures for Compensation Under the Species at Risk Act" which is the bill we are debating right now. It is a report to the Minister of the Environment. It is worthwhile to put on record the following paragraph which is found on page 18:

> Compensation should be paid strictly to people who have a legal interest in the land subjected to the regulatory controls. This is not to say that others will not be adversely affected—contractors, employees, local communities and others, even taxpayers may suffer direct or indirect losses. But measurement of all the economic effects—positive as well as negative—that might ripple through a community or region would be unmanageable. In any event, the objective is to deal fairly with people whose property rights are infringed, which does not require an attempt to offset all other effects on other people and their interests. Moreover, I have found no precedent, even in expropriation law, for compensation to people who have no property rights infringed.

The author concludes on page 31:

> At several points in this report I have emphasized the need for caution in developing and implementing the compensation arrangements provided by the proposed act. One reason for this is that the Species at Risk Act contemplates compensation only when owners of the affected land do not enter into cooperative arrangements, which, in effect, threatens to weaken incentives to cooperate.

That is a key sentence as far as I can make out. The author goes on:

> Another reason is that providing compensation for environmental controls of this kind is a break from established policies of governments in Canada and implies a precedent with far-reaching implications. A third reason is the need to reconcile the sensitive, overlapping responsibilities and programs of federal, provincial, territorial and aboriginal authorities in wildlife management.

● (1250)

Mr. Bob Mills (Red Deer, Canadian Alliance): Mr. Speaker, the single biggest flaw in the bill is that the species at risk legislation will never be effective. It will be a failure because it fails to deal with the issue of compensation for landowners who will suffer economic losses as a result of the implementation of measures to protect species at risk and their habitat.

Compensation. The word sounds so grasping, so selfish, so un-Canadian. Why would people expect to get paid for obeying the law? Why should property owners not be willing simply to absorb the cost themselves in the service of a greater social good?

When people's livelihoods are at stake, they have a different view of things. Maybe a farmer will have to leave sections of land untouched for a number of years, or adopt farming practices to accommodate nesting birds. Maybe areas of the forest will be off limits during migration.

There are lots of ways property owners and resource users will be affected, some temporary, some permanent. In many cases they will face costs, lost income from not being able to use their land, or perhaps actual costs incurred to protect habitat or provide for individuals of an endangered species.

It is completely incorrect to think that farmers, for example, are just sitting there waiting for the government to put compensation into the bill so they can sell their land. Some members seem to imply this. The government seems to think that every farmer just wants to get rid of his land and that they will react that way to this legislation. Anyone listening to the minister talk about compensation would think that he believes that.

For the farmers and ranchers whom I know, their land is their life. Often it has been in their family for generations. They are not looking for an easy way out or to sell it to the government. They respect the wildlife on their property and would be happy to work co-operatively in a voluntary stewardship program. However when costs arise they do not want to be left holding the bag. Losing 10% of their land could easily put a farmer or rancher out of business.

No doubt the minister will say that the bill recognizes the principle of compensation. Let us look at the bill. Yes, it does say that the minister may, and I emphasize the word may, provide compensation. It is good that is there. The government even seems willing to retain the committee's wording of fair and reasonable compensation. That is even better.

However, in Bill C-5 any compensation that is left entirely to the minister's discretion will not be fine with the farmers I know. These will be hollow promises. "Trust us" is not something that people will accept. Until property owners and resource users know the losses they will suffer and the compensation that will be there, this bill will not work.

Instead, what has the government done in the legislation? It is moving to reverse what the committee did and instead make even the very drafting of regulations at the minister's discretion. He might, he might not. That is not very convincing. Again as I have said, most people will not accept "trust us".

It would have been a token of good faith had the minister tabled the draft regulations for us to look at prior to the bill being passed. He has promised to have a draft ready soon after royal assent. That does not do anything to convince people that the act will be fair to them. What can they expect if he will not even put it in the bill?

In practice, what does the bill mean when it says that compensation will only be in the case of extraordinary impact of regulatory restrictions? Can people trust the process to be fair? The minister owes Canadians answers to these questions.

In fact, the only public picture of what the regulations might look like is the Pearse report. Obviously, the government has ruled out the Pearse report, but many people have read it and are concerned about it.

The very principle by which we have this legislation is the UN convention on biological diversity which Canada signed. This convention recognizes that because the objective of maintaining bio- and ecosystem diversity is so important, costs must be equitably borne by everyone and not just primarily by developing countries.

● (1255)

Applied at home, this principle would mean that landowners should not bear the cost of species protection but that since they are helping to achieve a greater social good, compensation should be extended to offset any losses that might result. The Species at Risk Working Group also recognized this in its brief to the standing committee. It wrote:

> SARWG strongly urges Parliament to...recognize that the protection of species at risk is a public value and that measures to protect endangered species should be equitably shared and not unfairly borne by any individual, group of landowners, workers, communities or organizations. Provision for compensation helps to balance the effect of efforts to protect species at risk and instills necessary trust among all stakeholders.

The bill should specify that. It was amazing to hear industry, environmentalists, farmers, ranchers and foresters all saying that the whole of Canada could benefit by sharing that load of protecting those species at risk.

We believe in protecting these species at risk. That is the most important thing. If a government says it is going to take people's land, affecting their incomes and livelihoods, then obviously we are concerned that the ones who will be threatened even further are not only the landowners but the species that are at risk.

There are lots of examples internationally. Tasmania has a threatened species protection act which it introduced in 1995. It states that a landowner is entitled to compensation for financial loss suffered directly resulting from an interim protection order or a land management agreement.

In the European Community, a person who is required to comply with a notice under section 36 is entitled to compensation for financial loss as a result of being required to comply with that notice.

Switzerland runs an integrated production program, a voluntary scheme whereby farmers are given standard amounts based on profits forgone in return for agreeing to certain restrictions.

The U.K. has a natural habitats regulation which it introduced in 1994. It states:

> Where a special natural conservation order is made, the appropriate nature conservation body shall pay compensation to any person having at the time of the making of the order an interest in land...who...shows that the value of his interest is less than it would have been had the order not been made.

Those are international examples. Nowhere, except it appears in our country, are people expected to give up their lands and livelihoods for the sake of the public good.

In the committee the minister even reported to us about his concern. He said that he would like to have compensation in the bill but that he lost the battle in cabinet. In fact in a leaked letter from the then minister of fisheries he said "I won't go along with any compensation". It appears that is what happened more than the reality of trying to protect endangered species.

Environment Canada has said it knows there will be problems if compensation is not in the bill. It is easy to use all of the international examples and to talk about what people are telling us on the ground. Compensation does not have to be money. It can be land swaps. It can be tax breaks. It can be all kinds of things such as help with fencing or different equipment. There are lots of things that should be part of the bill but are not. There are lots of examples as well where it has worked to help save species.

I implore the government to look at the bill again. If it really cares about endangered species, it will include compensation in the bill.

● (1300)

Mr. John Harvard (Charleswood St. James—Assiniboia, Lib.): Mr. Speaker, I will address the motions on compensation in the proposed species at risk act.

The legislation would allow for compensation to be paid for losses suffered as a result of any extraordinary impact when it is necessary to prohibit destruction of critical habitat or to make an emergency order to protect habitat. This has been a very difficult policy issue. There is little precedent on which to draw and I am aware of the many hours of study and analysis that have gone into this aspect of the proposed act.

We are committed to the standing committee amendment which clarifies that any compensation provided to anyone who suffers a loss from an extraordinary impact of the critical habitat prohibitions will be fair and reasonable. However, the government is moving to restore the discretion for the governor in council to make regulations in a way that is consistent with standard practice in other laws.

I spoke at the outset of the difficulty in framing this part of the species at risk act and the precedent it sets. Many of us have debated the issue for some time. Clearly what we truly need is several years of practical experience in implementing both the stewardship and recovery provisions of SARA and in dealing with questions of compensation. This would give us more to draw upon in forming the precise eligibility requirements because we would know so much more about value, process and eligibility.

We are already gaining some valuable experience on the stewardship and recovery side. With each passing year we get even more. We will put it to good use. The bill stipulates that these measures will be developed.

In the meantime there will not be a vacuum on compensation in the species at risk act. The Minister of the Environment has already begun to develop general compensation regulations that will be ready soon after SARA is proclaimed. The regulations will specify the procedures to be followed for claiming compensation.

I will use a few examples of how detailed and tricky the compensation questions can be. For instance, this is not about giving money to mining companies or pulp and paper companies for not cutting trees or extracting ore. We have to continue to foster stewardship and corporate responsibility.

Compensation is for those few people, particularly landowners, who are adversely affected by a direct request to change the way they are using their land.

The farmer who leaves his haying for two weeks so the nesting of a burrowing owl can be complete is likely to suffer an inconvenience but not a major financial loss. But there may be a campground owner whose property borders on Wood Buffalo National Park and a pair of whooping cranes nest in the middle of one of his prime rental spots. With less than 170 birds of this species in all of North America, we would discuss compensating him for the lost rental until the eggs are hatched and the babies are fledged. These are very specific situations. One can see how the difference could become a fine line. That is why we need the experience.

The general regulations would allow us to use compensation if there was an extraordinary situation, moving toward the more comprehensive guidelines after several years of relevant experience and knowledge in implementing the stewardship and recovery provisions of SARA, and in dealing with questions of compensation.

Then we will know much more about the methods to be used in determining the eligibility of a person for compensation, the amount of loss suffered by a person and the amount of compensation in respect of that loss. Our approach to compensation will be open and transparent. For now, determinations of compensation will be made on a case by case basis.

● (1305)

We are committed to thorough consultation with everyone who can help us gain that experience and who has a stake in a fair and effective system. It is also essential that everyone understands that there is, as there has been in the past, a commitment to consultation with all those who can help in gaining the experience needed for the development of a fair and effective compensation regime. We have listened for a long time and we will continue to do just that.

Mr. Scott Reid (Lanark—Carleton, Canadian Alliance): Mr. Speaker, in looking at the amendments in Group No. 1, I will be addressing in particular two amendments that I have put forward, Motion No. 103 and Motion No. 111. Both of them deal with the very important issue of compensation to landowners, particularly farmers, for land use loss they may suffer as a result of the rules under the species at risk act.

Motion No. 103 amends clause 64(1) to read as follows:

> The Minister shall, in accordance with the regulations, provide full, just and timely compensation to any person for losses—

The current wording in that clause is:

> The Minister may, in accordance with the regulations, provide fair and reasonable compensation to any person for losses suffered as a result of any extraordinary impact of the application—

of the law.

I just want to point out the obvious flaws that exist in the current wording of the legislation as regards compensation. First we notice that under the current wording the law says compensation may be provided, not that it shall be provided. That means that it may not be provided.

The previous speaker from the government side said that compensation will be provided in exceptional circumstances, so we may assume that it will not normally be provided, that most farmers, most landowners, will in fact suffer the complete cost of protecting species, however large that might happen to be. He said that it would be decided on a case by case basis whether or not compensation should be provided. That means that there will be no certainty for landowners ahead of time as to whether in their case compensation may or may not be provided.

This kind of uncertainty is the very opposite of the rule of law on which our society is founded. It is precisely when this kind of uncertainty is created and when individuals may, on a more or less random and unsystematic basis, be subjected to bear all or most of the costs that people are in fact most likely to react with irresponsible husbandry practices or to feel victimized by the government and therefore respond by taking matters into their own hands.

There is plenty of international experience of this. The rule in the United States, where some of these laws have been applied without any consideration for compensation, has been that some people "shoot, shovel and shut up" when they find an endangered species on their property rather than try to exercise the kind of responsible husbandry of the natural environment that would result in those species being protected. When a species that is endangered is discovered on their property, they react not by protecting it but by eliminating it before the government authorities have a chance to find out about it and impose the costs of protecting that species on the owner.

The amendment I have proposed would change this dramatically. It states that the minister shall provide compensation. It also states that the compensation shall be full, just and timely as opposed to being, as in the current text of the bill, fair and reasonable. Fair and reasonable could be interpreted as meaning occasional, partial and more or less arbitrary in application. We can already see that the government side is interpreting it this way. This is simply unacceptable. It is bad for the environment. It is bad for landowners. It is just bad all the way around.

Fair and reasonable compensation has been described by the Pearse report as being 50% of the cost. There are cases where 50% of the cost of losing the use of a chunk of land will put individuals out of business and cause them to lose their farms or their land. I know of one example where this type of thing has already occurred in my own riding under provincial legislation of the same sort. It is a piece of land that an individual purchased and was living on. The mortgage depended upon the development of one lot on that piece of land.

● (1310)

The ruling that came down from the Ministry of Natural Resources of the province of Ontario was that because a species known as the loggerhead shrike, or butcher bird, had a nesting site in one of the landowner's fields it would be impossible to develop any land within a 500 metre radius of that nesting site, notwithstanding the fact that the particular lot did not actually have any use for the relevant species or for the loggerhead shrike. The result was that this individual was unable to develop the land. The value of the land fell and the mortgage could not be renewed. I am actually not certain if the individual has lost the property yet but that is the expected result of this legislation.

I do not see why we would want to replicate this kind of flawed model at the federal level. What would have been the harm in providing that individual with compensation for that land?

There are low cost solutions that are available. As my colleague from Red Deer observed, it is possible to compensate someone for the loss of the use of a piece of property. It is also possible to help subsidize the cost of protecting that species if some form of active measure is needed. There is no reason why that should not be the way things are done.

In fact, under the voluntary system that has been developing in Canada we already see measures being taken that impose very limited costs on landowners and provide very effective compensation and very effective protection for the species. I am thinking in particular, if I may give another example, of an individual who lives near Greely, Ontario, just south of the city of Ottawa, who was approached by a private organization requesting that he agree to sign a covenant that a wetland on his property would never be used for development purposes. The individual agreed. That wetland is now protected and serves as a nesting site for ducks as they migrate from north to south and south to north. This kind of voluntarism that we see seems to be preferable.

When the government wants to impose rules and national standards it certainly can do so for the benefit of the entire country, but only if it takes into account the responsibility and the willingness of people, in farming and in other rural occupations, to assist in conservation and only if it takes into account the fact that people, no matter how responsible they may be, are not likely to be as responsible when they are in danger of being driven out of business as they are when they are provided with some compensation.

Turning very quickly to the other amendment I propose, Motion No. 111 contemplates the amendment of the rules to permit individuals to have some compensation for legal costs. One of the unfortunate aspects of the elaborate bureaucracy that would be set up here is that it would allow a large government agency to go after small landowners who have limited resources. In order to defend their rights to their property and in order to seek compensation, they would have to go to court or through some form of arbitration process, which involves a considerable upfront expenditure.

If there is one thing that I think distinguishes people who are in farming it is that they tend not to be cash rich. Because of the nature of the business, they tend to be perpetually short of cash. Depending upon a lengthy process that may produce compensation for them at the end without allowing them to gain some kind of compensation for their legal costs more or less assures that they will be unable to pursue any compensation that is due to them. I think this requires an amendment to reflect the particularly difficult circumstances they find themselves in when faced with a powerful bureaucracy.

If I may, I would like to make one last comment regarding the issue of whether or not people could be prosecuted for unknowingly damaging a species. Clearly this is an unreasonable thing in this law. The law should say that one could not be prosecuted for harming an endangered species unless one knew about it. The idea that someone could accidently plough over a plant or destroy a nesting ground of some animal that he or she is unaware of is unacceptable under our system of law and within a civilized society.

I would strongly encourage members to consider adopting these amendments.

● (1315)

Mr. John Herron (Fundy—Royal, PC/DR): Mr. Speaker, it is my pleasure to participate in the report stage aspect of the bill, but I must add that given that we have waited for species at risk legislation for over eight years since the government came to power, we now have proposed legislation that has been panned by most environmental groups because of its inadequacies in providing fair and reasonable compensation. It has been panned by landowners. As well, the provinces were clearly not on board beforehand.

I also want to add that the government had a glorious opportunity to utilize a consensus built among environmental groups and industry groups alike. They actually developed a common position paper which ensured that we had the principal aspects of a bill. There was scientific listing, which means that a species being or not being at risk should be based on science and not political choice. We should have mandatory protection for critical habitat on federal lands. We should also include migratory birds. Also, clearly landowners and all stakeholders need to ensure that we have a proper compensatory regime for those situations when writing a cheque is necessary to compensate landowners for loss of income where it can be identified. Clearly that cheque has to be at least fair and reasonable.

I do applaud the Canadian Alliance members and their efforts in committee on these aspects. They teamed up with the Progressive Conservatives and, I might add, the NDP to some degree to at least try to improve some aspects of the bill.

In regard to the motions before us, on clause 1 the amendment by the member for Lethbridge is clearly going in the right direction. It states:

> —landowners should be compensated for any financial material losses to ensure that the cost of conserving species at risk are shared equitably by all Canadians—

I think that is a very good amendment.

I might add that there is another aspect of what is wrong with the compensatory regime in the bill. When Bill C-11, the immigration bill, was passed, we saw that it was framework legislation with the details to be provided in regulations some time down the road. If the government truly had its act together on the bill before us and knew what it was doing, the regulations pertaining to compensation would be tabled simultaneously with the bill itself. They should be. The fact is that the reason we do not have those regulations in play is that the government does not have its game plan down with respect to compensation.

We should not be surprised. The minister stated that reasonable behaviour is "something we expect, not something we need to buy". He was a late arriver on the issue of compensation, which is one of the reasons why we do not have this aspect sorted out in the bill itself.

Other motions in this group include Motion No. 12, tabled by the member for Red Deer, which we do not support. In our view, the Tory view, the purpose of the bill should be to protect species at risk. The hon. member wants to ensure that it is done in a cost effective manner. I am okay with that but it is not the primary purpose of the bill itself. Clearly social and economic implications have to be taken into account during the recovery plan. That is where this aspect is done. Therefore I support the intent of what the member is looking at, but I do not support the language of the motion. Motion No. 13 brought forward by the member for Lethbridge is a similar motion. For the very same reasons we are not on board with it

We are clearly on board with Motion No. 28 in this first group. The motion brought forward by the member for Skeena states:

The agreement shall provide for fair and reasonable financial or material support—

At the committee stage of the bill the only substantive amendment that passed and at least improved the compensatory regime was the language tabled by the Progressive Conservatives on the words "fair and reasonable". Before that it was entirely vague.

● (1320)

I thank members of the CA, the NDP and some very learned principal members of the Liberal caucus who stepped up to the plate to support the motion.

Moving to Motion No. 103 of the group we are debating at the moment, it has been tabled by the member for Lanark—Carleton. In our view he is trying to ensure that in accordance with regulations full, just and timely compensation is provided to any person for losses. Essentially he is trying to put a time line on it. We think it would strengthen the act and should be worthy of support of the House.

Moving to Motion No. 108, we are on board on that aspect as well. Essentially the member is advocating a strengthening of the compensatory regime. He is referring to the issue of the loss that one suffered as a result of the application of the act. We think that is indeed worthy of support.

Moving to Motion No. 111, it is a very good amendment by the member for Lanark—Carleton. It is more comprehensive than what we saw at committee stage when we went through this aspect. He tried to provide a bit more clarity with respect to what would be and would not be recovered.

He made reference to rules for the recovery of reasonable legal and other costs as a result of the compensation claim. We know that it is more than just the dollars that could be potentially lost. A lot of energy, time, effort and legal costs may come into play for one to win a potential claim with the Government of Canada if it ever gets its compensatory regime and regulations sorted out.

Moving to Motion No. 121, tabled by the member for Red Deer, we are not in support of the particular option. He is advocating that of the cumulative fines a potential landowner may have only one fine as opposed to a person making a series of infractions.

We want the legislation to have balance, in the words of the minister. We need to provide carrots to ensure we have reasonable behaviour by having a very strong stewardship regime and by perhaps even providing tax incentives, scientific capacity and the like.

I refer to the Tory amendment that was passed under the national stewardship strategy plan which outlined some of those aspects. However, if we want to be able to provide those carrots first, we know the stick is a component of strong legislation. We think that Motion No. 121 waters down that aspect. First and foremost we should be providing incentives so that we all collectively get the job done.

The last motion in this group is Motion No. 128. This will conclude my remarks on this section. We will support it. It says the minister shall in all circumstances advise the affected landowner, lessee or land user of the location of a wildlife species or habitat that is at risk.

The Progressive Conservatives had at least two amendments passed in the clause by clause section that were accepted by the committee. I am not sure if that will be gutted or not. We have not reached that section just yet.

To encourage landowners to take reasonable action the first thing we must do is notify them. They need to know there is a species at risk there and that steps may need to be taken. Those steps may just be to provide some very low level efforts to avoid a section of a woodlot or, depending on what particular species it might be, it could be tax incentives. However the first thing we need to do is notify them. That concludes my remarks on this group of amendments.

● (1325)

Mrs. Karen Redman (Parliamentary Secretary to the Minister of the Environment, Lib.): Mr. Speaker, one of the most noteworthy aspects of the species at risk act and the one that has drawn a great deal of attention is the provision it makes for compensation. I would like to address my remarks today to this part of the bill.

Clearly wildlife does not live within a certain set of boundaries that we can just cordon off to protect them. We cannot tell the piping plover to build its nest only on a protected lakefront in Saskatchewan any more than we can tell the loggerhead shrike to stay away from cattle grazing areas.

We do have protected wildlife areas and sanctuaries and we are getting more all the time, but we cannot simply turn all of Canada into a protected area. Farmers, trappers, fishers and woodlot owners and their families are the people who make their livings from the land. Many of them have done so for centuries. We need to work together with the people who are using the land and waters in a way that also protects habitat as much as possible. We need to work with farmers, ranchers and trappers to find means to look at total land use including habitat protection. We call this stewardship. We call this a conservation approach.

This working relationship is important for many different reasons. By fostering stewardship we are emphasizing the co-operative process first when it comes to habitat protection. We understand that Bill C-5 is strong legislation. There are prohibitions where they are needed, but these prohibitions are designed to come into effect when the co-operative approach does not work.

We know from firsthand experience that most people want to do the right thing. During the development of the legislation, which has been nine years in the making, we realized that should a situation arise where the co-operative approach does not work and the prohibitions kick in, the legislation would also have to provide authority to compensate for losses that are suffered as a result of extraordinary impact.

We also realized this compensation regime was something quite unique. We are not afraid of making new policy. That is what we were elected to do, but extreme care must be involved in this very important aspect of the legislation.

We have looked at examples of other compensation regimes for land use restrictions though there was not much to choose from. We have consulted far and wide. There are many different views and the process has proved to be much more complex than we originally had thought.

We have no intention however of abandoning the idea. It is quite the opposite. We know what compensation will not be. It will not be a superfund that pays resourced based companies for not mining or for harvesting. We will continue the many partnerships that have grown over the years with large forestry and mining companies, with fishers, with farmers and with others, partnerships that are building conservation and stewardship into the way they do business. Integrating conservation and stewardship into the way of doing business is not just good for species and their habitats. It is just plain good business. It is sustainable development.

Our approach to compensation will be open and will be transparent. For now determinations of compensation will be made on a case by case basis. Clearly we truly need several years of practical experience in implementing both the stewardship and the recovery provisions of the species at risk legislation and in dealing with the question of compensation. This will give us more to draw upon in forming the precise eligibility requirements because we will know so much more about the value, the process and the eligibility.

In the meantime there will not be a void. We will develop general compensation regulations soon after the act is proclaimed. These regulations will specify the procedures to be followed for claiming compensation. This will enable the compensation provisions to be used should an extraordinary situation arise.

Work has begun already on developing these general compensation regulations. We will be able to develop more detailed regulations after several years of practical experience in implementing the stewardship and the recovery provisions of species at risk and in dealing with the question of compensation. Then we will know much more about the methods to be used in determining the eligibility of a person for compensation, the amount of loss suffered by a person and the amount of compensation in respect of that loss.

We are committed to continued thorough consultation with everyone who can help us gain the experience and who has a stake in a fair and effective system. The government is moving to restore the discretion by the order in council to make regulations in a way that is consistent with standard practice of other laws.

The direction provided by the standing committee says that compensation should be fair and reasonable. That is maintained in the government's motion. The commitment to compensation remains a commitment to be fair, to be open, to listen and to move carefully in designing a regime that works for everyone.

● (1330)

Mr. Andy Burton (Skeena, Canadian Alliance): Mr. Speaker, it is a great pleasure today to speak to Bill C-5, the species at risk act. I have moved 19 amendments to the bill at report stage. Several deal with the intent to cause harm to a species as opposed to inadvertent harm. Others attempt to ensure adequate consultation with stakeholders and landowners. One suggests that sustainable development and protection for endangered species is an attainable goal for the legislation.

Three of my amendments deal specifically with the need for mandatory compensation to landowners or resource users in the event that complying with the legislation causes loss of property value, use or enjoyment or even financial costs. I am referring to Motion Nos. 28, 105 and 106.

I know there are other amendments made by other members of parliament that deal with the need for compensation for financial losses incurred as a result of the legislation. I will speak to them as well as to my own.

Many Canadians want endangered species legislation. I for one want to see workable legislation that will help struggling species at risk rejuvenate in numbers. I want to see action plans put forward to bring back species already endangered or even extinct within Canada. However I want this all done in a manner that takes into account Canada's current economic realities and in a manner that respects landowners and resource users.

I believe we can move forward with sustainable development and respect species at risk at the same time. To do so we need to ensure mandatory compensation is included in the bill, or the opposite could very easily happen.

What I see in the bill is an attempt at balance, but I believe a few more changes may make the balance I seek achievable, a balance between industry and environment or between sustainable development and species protection. It is only achievable if mandatory compensation is the philosophy entrenched in Bill C-5.

That is why I propose to amend this bill by including the changes outlined in Motion No. 28 which reads:

> That Bill C-5, in Clause 11, be amended by adding after line 29 on page 11 the following:
>
> "(4) The agreement shall provide for fair and reasonable financial or material support, unless there is an agreement otherwise".

Clause 11 of the bill deals with stewardship agreements which are reached with other governments in Canada or organizations and even persons to provide for conservation of the species at risk.

Subclause (2) goes on to outline the ways in which the agreement may provide for conservation including monitoring the status of the species, developing and implementing awareness programs, recovery programs to ensure protection of not only the species but its habitat, and to undertake research projects in support of the recovery of the species.

Subclause (3) reiterates the need for the stewardship agreements to involve only activities that benefit species at risk.

My amendment would create a new subclause (4) and would require that any agreement reached included fair and reasonable financial or material support, which I believe is not only acceptable but required if the government expects a landowner to go to some of the extents outlined to protect the species and its habitat.

The financial costs of creating and implementing recovery strategies, action plans and managing and monitoring these plans effectively, let alone establishing research projects, is more than what can be expected from anyone regardless of his or her financial or social status.

If the intent of the bill is to save the species at risk in Canada, I would urge members to support Motion No. 28. Without financial help and material support for those Canadians saddled with such an awesome responsibility, I fear that not only will landowners not come forward with news of such species living on their lands but that without Motion No. 28 reaching stewardship agreements with those landowners might be next to impossible in a great many cases.

We must ask ourselves what good legislation without compensation and support will do for species at risk it is supposed to protect and enhance. In other words, we end up with the shoot, shovel and shut up mentality which is not acceptable to any of us.

Further to this motion I should like to point out the merits of Motion Nos. 105 and 106. Motion 105 seeks to amend clause 64 and reads as follows:

> That Bill C-5, in Clause 64, be amended by replacing lines 14 and 15 on page 36 with the following:
>
> "with the regulations, provide fair market value compensation to any person for losses".

● (1335)

It is hard to grasp what exactly I am trying to get at with only a section of the clause being read, but allow me to explain the intent.

Clause 64 deals with the possibility of providing some compensation at the discretion of the minister. The original bill suggested that the minister could provide compensation if he so desired. The committee amended this section to include the need for fair and reasonable compensation. I would like to clarify what I believe is fair and reasonable compensation by specifying that compensation should be based on the fair market value of any losses incurred as a result of complying with the legislation.

This is just an example, but if I were a landowner with several acres of bush that I bought with the intent to log for profit at some point, the value of the property was increased because of the type of timber upon it. As such, the purchase price reflected the market value of the property which took into account the income potential of the land.

Say an extremely rare bird, maybe the sage grouse of the B.C. population, is found on this land of mine and as such several acres are now deemed as its critical habitat. In this bill I would not allowed to touch that land. I could forget about cutting the grass or trimming the trees for better growth, not even raking the leaves, let alone cut down the forest for profit.

Because the federal government legislates that I must protect this now extirpated species and its habitat and maybe even assist in recovery plans, I lose potential income. My property value is decreased as a result and my ability to sell my property for at least what I bought it for is now impossible. If I refuse and cut down the trees anyway, I face hefty and even bankrupting fines, a jail term and a criminal record. All this when all I wanted to do was own some land, make a living and pay my taxes.

This is a prime example of how the legislation, as it is currently written, will affect landowners everywhere in Canada. This situation will not be unique and is certainly not fair to the landowner. My amendment seeks to identify and rectify the situation by ensuring landowners are compensated for fair market value losses incurred as a result of the loss of use of their property.

If Motion No. 105 were supported by the House, this change would go a long way to ensuring that the livelihoods of landowners are not threatened by the cost of protecting a Canadian common resource. That cost should be borne by all Canadians and as such the federal government should bear that cost and compensate the affected landowner in a way that reflects the fair market value of the loss.

Motion No. 106 is similar in that it amends the same section of clause 64, but instead of compensation based on fair market value, it would provide for fair and reasonable compensation to any person for loss of use or enjoyment of property as a result of the legislation.

The loss of use of property can be interpreted to mean that for farmers this bill could force them to keep certain lands fallow for a growing season or longer. They could be forced to wait longer to plant crops because of noise concerns on newborn birds nearby or might be forced to limit or restrict the kinds of pesticides or fertilizers on their lands because they are near a prime feeding ground. These qualify as compensation for loss of use of property and I believe it is necessary to ensure property owners comply with the act and better still, come forward voluntarily with discoveries of endangered species on their lands.

As for the loss of enjoyment of property, this could mean ranches with acres of horse trails and pastures are no longer accessible. This would be a loss of enjoyment of property and I would deem deserves legitimate compensation.

These are all examples that will likely happen more frequently than the minister is willing to admit. To protect the species themselves from further harm and to ensure their habitats are truly left untouched, compensation must not only be at the discretion and interest of the minister, but must be made an integral part of the bill. Without mandatory compensation, the very species which the minister is charged with protecting will suffer unduly. This is simple. It is fair and just. It will encourage not only compliance, but foster positive stewardship relationships between landowners and environmental conservationists.

Compensation can be the win-win that we are looking for in the bill. I urge all members to support Motions Nos. 28, 105 and 106. They would strengthen the bill and provide the needed stability for landowners and eliminate the current fears associated with finding an endangered species on privately owned or leased property.

● (1340)

Mr. Joe Comartin (Windsor—St. Clair, NDP): Mr. Speaker, the process during the last nine months, prior to the committee tabling the report with amendments, has been interesting. On this area in particular, I wish to acknowledge the work done by the Alliance members who sat on the committee because to a great degree these members were able to shift some positioning on this by other members of the committee, including myself.

When it came to this issue, we obviously had the same position in the sense of looking at what the issues were. On the one hand, there were concerns about protecting species and to make that financially possible. We did not make it impossible because of cost to protect species. We had that consideration on one side.

On the other hand, we had consideration for people who owned land on which endangered species were found or might be found in the future. We had to consider how to deal with their interest so that the cost of protecting the species and ensuring that they survived in a vibrant and healthy way would not be borne exclusively or unfairly by landowners or people with an interest in property.

When we looked at this, a number of the environmental groups that first came before us had the attitude of not having compensation at all. Again, because of the work of the Alliance members, people were drawn to looking at what was a fair way of dealing with this. I believe that was accomplished with the amendments at committee stage. Even though this is coming up in one of the other blocks, the government is now looking at taking back some of those measures which we put into place at committee stage.

I am a little critical of the Alliance members because they were a part of this group. There were a number of horror stories, red herrings, brought forward of just how bad the problem was. The issue that is always trotted out is the spotted owl in the United States. That is an example of environmental protection of an endangered species run rampant in overrunning all property rights and property ownership rights.

In fact the experience in the United States is nowhere near as bad as was made out. What I found most interesting was the experience we had in British Columbia. It was a limited area and there had been a fund set aside for about $5 million to compensate people. As part of that compensation fund there were also provisions for stewardship agreements.

The end result, and they had just about finished the process when the committee was meeting, was that very little of the $5 million was used. In fact, with co-operation on the part of the landowners and the government agencies in that case, the species was protected and very little compensation was paid out. All parties involved were satisfied with the process. I believe that is the more common response we get.

The bill has a number of provisions in it that provide for stewardship type agreements for co-operative arrangements. If those are carried out, in keeping with what we have seen in the past, the compensation issue may not be nearly as severe as has been made out by some parties.

Like my friend from Fundy—Royal, the NDP can support a number of these provisions. I would note that there are some that we cannot, in particular Motion No. 12. The purpose of this act is to protect species is as far as it needs to go.

I have some concerns with Motion No. 13 with regard to the use of the socio-economic interest of Canadians in that section. It is covered in other parts of the bill.

● (1345)

I would oppose some amendments simply on the fact that the members of the committee did good work and that work should be honoured. However there are some additional provisions that have come to my attention that we may not have covered in sufficient detail but we could support them.

Motion No. 28 is one of them. It is in keeping with the work done by the committee and the amendments made specifically to section 64 of the act. Motion No. 28 proposes amending clause 11 to provide for compensation in those circumstances of that agreement. This section could use that enhancement and we would support it.

Motion No. 103 also proposes amending section 64. After a great deal of deliberation, some of which I have already recounted, the committee came to the conclusion that the terminology of fair and reasonable, which was an addition to the section originally received from the minister, was the wording we felt most adequately, appropriately and accurately represented where all parties in Canada were at. I cannot support the proposed amendment to section 64 that is in Motion No. 103.

With regard to Motion No. 105, the terminology "provide fair market value" should be brought to the attention of the House. We heard a great deal of evidence from legal experts and other people who had backgrounds in compensation in a wide variety of fields. What was very clear, after hearing all that evidence, was the terminology of fair market value, although anyone with a legal background has an appreciation of what that means, brings baggage with it, baggage that is inappropriate in the setting of the bill. We were looking for a broader perspective on the types of compensation. After looking at all of that, including the definition of fair market value, the committee in its wisdom determined that the use of the term fair and reasonable was the most appropriate for the protection of endangered species in this country.

Motion No. 111 is probably a clarification of the committee's work and is one that all parties, which supported the rest of the work the committee did, could support.

Finally, Motion No. 128, as my friend from Fundy—Royal said, makes sense. If the government is aware that a species is at risk or is in danger and is on private property, it is simple enough to make the landowner aware of that and hopefully give the owner some direction on how to deal with that species. It should not conceal the fact. This is one of those sections that clearly is a housekeeping one and should go through.

I have indicated the motions we can support as a party. Going back though, I emphasize that the compensation issue is one that will be an evolving issue. I recognize that. However I strongly argue to the House that it is not as great an issue as a number of other ones in the bill.

● (1350)

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, I am privileged to be a member of the standing committee on the environment. As such I voted for some of the improvements that the standing committee made to Bill C-5. I voted against several amendments which were passed by the committee because I felt they undermined the co-operative and accountable approach of the legislation.

There is no question that our country needs federal legislation to protect species at risk. We need a law that will encourage positive actions and behaviour, an act that will motivate and nurture the will to build upon a strong foundation of stewardship across our country. In fact, at this important point in our federalism the legislation comes at a time and in a manner that co-operation across the country is being achieved so that species at risk and their habitats would be protected.

As parliamentarians we know that building co-operation and partnerships is the most productive way to change things for the better. If we want our citizens to modify their behaviour to achieve a common goal then we should give them the tools and encouragement to do so. We cannot expect to earn this commitment simply because it is mandated by a law.

As a member of the committee I learned that there is much anxiety about endangered species legislation. Our job now is to achieve legislation that Canadians could trust and support and that would result in unequivocal support for legislation that would make all the difference to the 387 species at risk across the country.

Some Canadians are afraid that endangered species legislation could result in the government taking away their land as soon as species are found there. We need to pass legislation that would make Canadians full partners in species protection. We need legislation that would not remove people from nature but instead finds ways to have people and wildlife living in harmony. We should not risk arbitrary legislation but legislation that would encourage co-operation.

Other Canadians are worried that the bill would include too much discretion. They fear that the government will not act. As a committee we added many reporting requirements to ensure that no government would be able to ignore a species at risk in Canada. Every species at risk listed by the independent scientists of the committee on the status of endangered wildlife in Canada, COSEWIC, would receive the attention of the government within 90 days.

I am proud to support a government amendment to Bill C-5 that would add every single species recommended by COSEWIC for immediate protection to the legal list. This clearly demonstrates how seriously the government takes its job to prevent any more species from extinction.

I also support a government motion that would restore the accountability of the government for decisions to protect species and habitat. Canadians expect that decisions that may affect their lives and livelihoods will be made by the people they elect to represent them. We cannot shirk our responsibility and pass the buck to non-elected scientists to make these tough decisions for us. We need to keep the scientific and political processes separate but co-ordinated and accountable.

At this time when we have already accomplished a better understanding of our shared jurisdictional responsibilities the provinces and territories are concerned that this act would undermine their own work to protect species and habitat. We need to maintain their full partnership for species protection in Canada. They manage the majority of lands where species live and we need their full participation in wildlife protection.

We should not dictate to provinces and territories how to protect species and habitat under their jurisdiction. We need the provinces and territories as equal partners. We need to work with them to find the most effective ways of protecting species and habitat. This is what we committed to do when we all signed the accord for the protection of species at risk in 1996. We need to ensure Bill C-5 is consistent with the co-operative approach that we agreed to under that accord.

We are all in this together. Canadians overwhelmingly support passing the species legislation and they want us to get on with the job of protecting species at risk. We can achieve this by making new partners and improving the partnerships we have already started.

● (1355)

Once passed, Bill C-5 would help us off to a good start and 233 species at risk across Canada along with their residences would be protected by law. Recovery strategies for all 233 species at risk would proceed. When parliament reviews the legislation in five years' time I am absolutely certain that we would look back at the legislation as a seminal period, when we made Canadian wildlife much safer and that we delivered on our commitment to pass along a stronger natural legacy for future generations.

Mr. Rodger Cuzner (Bras d'Or—Cape Breton, Lib.): Mr. Speaker, I am against a group of motions that put cost effectiveness into the purposes section of the bill. The purpose of the proposed species at risk bill is to protect and recover species at risk. The assessments of the status of species prepared by COSEWIC are based on the best available information on the biological status of the species.

In determining whether a species is at risk these independent experts examine scientific information as well as aboriginal and community knowledge about the biological status of the species. The bill is clear that social and economic factors would not influence COSEWIC's decisions.

Similarly, the goals for the recovery of the endangered species as set out in recovery strategies would be biological objectives. Recovery strategies would set out population and distribution objectives that must be met for the survival of a species. They would identify threats to a species and its critical habitat where possible.

As in the case with COSEWIC assessments social economics would not factor into developing biological information. SARA is firm that we should not interfere with science. However, when we respond to the science we need to think about social economics.

The bill has safeguards to make sure that other important needs of Canadians would not be ignored. There are several situations under the bill where social and economic factors must be taken into account. These factors are taken into account by the government in determining how to respond to COSEWIC's assessments.

Under any federal legislation there must be consultation involved in making of orders and regulations. This allows for an opportunity to consider social and economic impacts. SARA is no exception in this regard. For example, there are orders to legally list species and regulations to implement recovery strategies, action plans and management plans.

STATEMENTS BY MEMBERS

[*Translation*]

NATIONAL FLAG OF CANADA DAY

Mr. Gérard Binet (Frontenac—Mégantic, Lib.): Mr. Speaker, last Friday was National Flag of Canada Day.

This day is an occasion to recognize the most important symbol of our country, the maple leaf. Along with the national anthem, the flag is the most important symbol of a country. The flag represents not just the land and the people, but also its values.

First raised on February 15, 1965, Canada's national flag symbolizes our hope for the future and our ability to triumph over hard times and remain strong in the face of adversity.

In this period of uncertainty, the Canadian flag assures us that our values and our way of life will not be jeopardized.

National Flag of Canada Day is a time to reflect on how tremendously lucky we are to live in this vast and magnificent land.

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[*English*]

BILL BARCLAY

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance): Mr. Speaker, today I pay tribute to Bill Barclay, dominion president of the Royal Canadian Legion, who passed away on February 11, 2002. This past Friday roughly 1,000 people showed up for the funeral in his hometown of Coleville, Saskatchewan, which only has a population of 300.

Bill Barclay assumed the office of dominion president on May 27, 2000, after the sudden death of then president Chuck Murphy. During his tenure, Mr. Barclay oversaw the legion's 75th anniversary, the continuance of progress in the ongoing fight for veterans' benefits, the growth in Canada's commitments to remembrance and the teaching of history in Canada's school systems.

He did his country and fellow veterans a great service and I am proud to stand today to give him honour and respect which he well deserved. Bill Barclay served this country with distinction.

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● (1400)

NATIONAL FLAG DAY

Mr. Bryon Wilfert (Oak Ridges, Lib.): Mr. Speaker, it was with pride that we celebrated National Flag Day on February 15. Six years have passed since the government proclaimed February 15 as National Flag Day. Our flag is recognized around the world. Canadians wear it both at home and abroad with pride.

It was with great pride and admiration that we watched our gold medallist, Catriona LeMay Doan, carry our flag during the opening ceremonies of the Olympics in Salt Lake City. We were doubly proud to witness the raising of our flag and the playing of our national anthem during the medal ceremonies when three of our athletes received their gold medals.

Our flag has been a continuous source of pride for our nation since it was inaugurated in 1965. The creation of our own distinctive flag came to be in the early sixties when Prime Minister Pearson proposed a flag with three red maple leaves on a single stem on a field of white and a blue bar on either side. His proposal met with opposition in various quarters. Eventually a parliamentary committee, after viewing countless submissions, proposed our present flag with the red and white colours, as those are the official colours of Canada proclaimed by King George V in 1921.

Our flag is a symbol of who we are as a nation. That is why I salute the adoption and the promotion of National Flag Day.

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BUD OLSEN

Mr. John Harvard (Charleswood St. James—Assiniboia, Lib.): Mr. Speaker, I was saddened to learn last week of the passing of a man who was a friend to many of us, Horace "Bud" Olsen. Bud, as he liked to be called, was a cabinet minister, a senator and former lieutenant-governor of Alberta.

His posts included minister of agriculture, senate opposition leader, minister of economic and regional development and chairman of the cabinet committee on economic development.

Bud Olsen was known for his strong personality and for his ability to tell things as they were. He often said he got into trouble for his straightforward attitude, but more often his style was one that Albertans and others found refreshing. He will be greatly missed.

Bud Olsen was a man who dedicated his life to public service. I am sure that all members of the House will join me in extending our deepest sympathies to his wife, Lucille, and to all his many friends and family.

2002 WINTER OLYMPICS

Mr. Rodger Cuzner (Bras d'Or—Cape Breton, Lib.): Mr. Speaker, it gives me great pleasure to rise in the House today to acknowledge the accomplishments of Canadian athletes who achieved top eight results over the past week at the Salt Lake City Olympics.

Much has been said already about our medallists but today I would like to draw to the attention of the House top eight finishes, which are astounding accomplishments in themselves.

In freestyle skiing, Jennifer Heil was fourth in women's moguls; Ryan Johnson was seventh and Scott Bellavance was eighth in men's moguls; in alpine skiing, Melanie Turgeon was eighth in women's downhill; Jean-Philippe Roy was eighth in men's combined; and Genevieve Simard was seventh in women's combined; in cross-country skiing, Beckie Scott was sixth in the 10 kilometre classic.

In short track speed skating, Alanna Kraus was fifth in women's 1,500 metre and sixth in women's 500 metre; Marie-Eve Drolet was sixth in women's 1,500 metre; and Isabelle Charest was fourth in women's 500 metre; in long track speed skating, Mike Ireland was seventh in men's 500 metre; and Kristina Groves was eighth in women's 3,000 metre.

In figure Skating, Elvis Stojko was eighth in men's singles.

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[*Translation*]

2002 WINTER OLYMPICS

Mr. Robert Lanctôt (Châteauguay, BQ): Mr. Speaker, on behalf of Bloc Quebecois members, I wish to congratulate skaters Jamie Salé and David Pelletier on their gold medal in pairs at the Salt Lake City Olympic Winter Games.

I had the personal honour of attending the exceptional performance of these two athletes. It was a moment of intense emotion for everyone.

Jamie Salé and David Pelletier are two athletes with talent to spare. They skated with strength and determination, and their customary professionalism. And they deserve much credit for the dignity with which they handled the uncertain and confusing events of the week.

The Bloc Quebecois feels that our athletes and trainers deserve decent financial support from the federal government.

It is now up to us to recognize their talents and give them the resources they so badly need.

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[*English*]

THE ENVIRONMENT

Mr. Joe Comartin (Windsor—St. Clair, NDP): Mr. Speaker, while the Prime Minister continues to mutter his support for Kyoto, his policies leave much to be desired. Rather than listening to the oil companies and Ralph Klein, the Prime Minister should take the advice of the Federation of Canadian Municipalities meeting in Ottawa this week.

Unlike the federal government, the FCM has a detailed plan to reduce emissions and help Canada meet its Kyoto commitments. It has called on Canada to achieve at least 75% of its Kyoto target through domestic reductions in greenhouse gas emissions. These reductions would create local jobs, save on energy costs and improve air quality and the health of Canadians.

The nearly 90 municipal government members of FCM's partners for climate protection program could reduce emissions by 30 megatonnes of carbon dioxide equivalent within the next 10 years if they reach their targets, contributing almost 20% to Canada's Kyoto target.

I urge the federal government to support FCM's position and assist it in any manner that it can.

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● (1405)

2002 WINTER OLYMPICS

Ms. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, Sunday, February 10 was the third day of Olympic competition in Salt Lake City and it was the day that Canada won its first medal.

Cindy Klassen of Winnipeg had a bronze medal finish in the ladies 3,000 metre speed skating event with a time of three minutes and 58.97 seconds, a personal best and a new Canadian record.

Klassen, although a long time hockey player in Winnipeg, had not tried speed skating until 1997. She quickly rose to the top of her new sport and is a consistent top 10 finisher in international competitions. This is only her second year on the national team.

Cindy also took part in yesterday's 1,000 metre race where she had a 13th place finish and again set a personal best time. On Wednesday she will compete in her strongest event, the 1,500 metre race, and once more in the 5,000 metre race on Saturday.

At only 22 years of age, Cindy Klassen captured a sense of pride among all Canadians, most especially Winnipeggers. We wish her luck in her remaining two races.

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FISHERIES

Mr. Loyola Hearn (St. John's West, PC/DR): Mr. Speaker, a recently released study conducted by an international group of fisheries scientists has revealed that fish stocks are in decline and that fishing fleets in the North Atlantic must be seriously reduced if depleted fish stocks are ever to recover.

Many of these stocks are within Canadian waters. Others are within the waters we should manage, such as the nose and tail of the Grand Banks and the Flemish Cap.

It is time for the government to show some leadership in addressing this problem and to show some intestinal fortitude by unilaterally extending management control over these regions which are really extensions of our continental shelf. Unfortunately, we have not learned from past experience. As the old saying goes, those who fail to learn from the past are doomed to repeat it.

If the fishery dies, then much of rural Canada will die as well. That is not a legacy any of us want to leave.

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2002 WINTER OLYMPICS

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance): Mr. Speaker, I am pleased to offer congratulations to Catriona LeMay Doan. Catriona won the gold medal in the 500 metre speed skating event at the Olympic Games in Salt Lake City last week. This comes exactly four years after winning the gold at the Olympic Games at Nagano. She continues to set Olympic and world records in her sport.

Catriona, who is originally from Saskatoon, is a source of pride not only for Saskatoon and Saskatchewan residents, but for all Canadians. Her skill, determination and grace are an inspiration to all of us. While Canada may not have the highest medal count, we can be assured that our athletes will face each situation and event with dignity and grace.

Canadian athletes are among the finest at these games. We are proud of our athletes. As the Canadian team continues to participate in these Olympic events, I wish to extend on behalf of the constituents of Saskatoon—Rosetown—Biggar our very best wishes.

* * *

HEART MONTH

Mr. Lynn Myers (Waterloo—Wellington, Lib.): Mr. Speaker, February is Heart Month in Canada. It is a time to raise awareness about the things Canadians should be doing to reduce their risk of heart attacks and strokes. This includes following a heart healthy diet, exercising regularly and abstaining from cigarettes.

Cardiovascular diseases impose a devastating burden on Canadians, accounting for over 36% of deaths annually and placing a significant hardship and diminished quality of life upon those living with these conditions.

As our population ages, we can expect to see an increase in Canadians living with the crippling effects of heart disease and stroke.

Today representatives from the Heart and Stroke Foundation of Canada, the Canadian Cardiovascular Society and the Canadian Council of Cardiovascular Nurses are on the Hill meeting with parliamentarians. They are here to speak to us about the essential role that the federal government must play in improving our health system and in reducing the burden of cardiovascular diseases.

I call upon all parliamentarians to raise awareness in their communities about the benefits of leading a heart healthy lifestyle. Our efforts in that regard will save lives.

● (1410)

[*Translation*]

JUTRA AWARDS

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, with last evening's Jutra Awards, we once again had proof of the exceptional talent of Quebec's film artists and artisans.

André Turpin's film *Un crabe dans la tête* was the top winner, with seven statuettes in all.

Pierre Falardeau's *15 février 1839* received a total of four Jutras, one of these to Luc Picard as for best actor, for his gripping portrayal of the Chevalier de Lorimier.

Great patriot that he is, Pierre Falardeau believes that the battle of 1837 will not be over until Quebecers are at last fully independent within their own territory, the legacy of their hard-working and determined ancestors.

Bravo as well to Élise Guilbault, who was named best actress for her performance in *La femme qui boit*, and to Anne-Claire Poirier, who was awarded the Jutra-Hommage 2002 in recognition of her body of work.

The Bloc Quebecois congratulates all the honourees at this award ceremony.

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GOVERNMENT OF QUEBEC

Mr. Guy St-Julien (Abitibi—Baie-James—Nunavik, Lib.): Mr. Speaker, Quebec Premier Bernard Landry is describing the coming Quebec legislation on lobbyists as the "most advanced in the world". Alas, the reality is not so grand.

This Quebec bill, which has been hurriedly cobbled together, does not in any way respond to the concerns raised by the Landry government's sleight of hand with funding. The real problem is not with the lobbyists, but with the politicians. The real problem is the system put in place by the former finance minister, that is Bernard Landry, to channel funding through eight not-for-profit organizations.

Thanks to this system, the PQ government has been able to keep some $700 million away from the scrutiny of Quebec's elected representatives and its public; not only are these funds out of reach of the access to information legislation, but they are being administered by representatives of the funded organizations themselves, and by members of the PQ buddy system.

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[*English*]

HER ROYAL HIGHNESS THE PRINCESS MARGARET

Mr. Peter Goldring (Edmonton Centre-East, Canadian Alliance): Mr. Speaker, Canada was begun by royalty. In 1763 at the Treaty of Paris the King of England, King of Spain and King of France ordered a new bicultural beginning for Canada. This royal decree had been nurtured and has grown to bring Canada to become the most multicultural nation on Earth.

Royalty has shaped our rich heritage, our present culture and will continue to guide our future, from the Royal Glenora Club of Edmonton, home to the Olympians of today, to the Princess Margaret hospital in Toronto.

The Royal Canadian Legion represents those who fought and died for country and crown. Princess Margaret was the Colonel-in-Chief of the Royal Newfoundland Regiment.

A week ago we celebrated our monarch's Golden Jubilee, 50 years as Canada's Queen. Now we mourn the loss of her sister, Princess Margaret. The loss of Princess Margaret is felt by all Canadians.

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THE ECONOMY

Mr. Chuck Strahl (Fraser Valley, PC/DR): Mr. Speaker, just what do the Liberals really believe when it comes to productivity and the state of the economy?

First the Prime Minister says that a low dollar is a good thing and if low is good, then catastrophically lower must be divine.

Next the finance minister says that all is well, please do not worry, the fundamentals are sound and one of these days we are going to flex the real Canadian economic muscle, it is just that it may not be in our lifetime.

Now the new industry minister admits that real incomes in Canada have been steadily falling since the Liberals took office and if we do not narrow the income gap with the U.S., we risk an outflow of talent and capital, a decline in our standard of living and ultimately the quality of life of Canadians. So at least the new industry minister now believes that productivity, income gaps and the brain drain are real problems and are getting worse.

Unfortunately the words were barely out of his mouth before the minister of culture waded into the fray saying that such announcements were out of line, that everything was good and Liberal in the land and that Liberal economic policies were unfolding as they should. Sadly, they have already unfolded and ordinary Canadians are paying a sad price.

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2002 WINTER OLYMPICS

Mr. Geoff Regan (Halifax West, Lib.): Mr. Speaker, I rise to recognize the accomplishments of our Canadian Olympic medalists.

I am of course referring to Catriona LeMay Doan of Saskatoon, Saskatchewan who captured a gold medal in the 500 metre long track speed skating competition.

[*Translation*]

Jamie Salé, of Red Deer, and David Pelletier, of Sayabec, won a gold medal in pairs figure skating.

● (1415)

[*English*]

Cindy Klassen of Winnipeg won a bronze medal in the 3,000 metre long track speed skating competition.

Beckie Scott of Vegreville, Alberta won a bronze medal in the women's cross country 5 kilometre pursuit.

[*Translation*]

Mathieu Turcotte, of Sherbrooke, won a bronze medal in the 1,000 metre short track speed skating competition.

Please join me in congratulating these athletes on their great victories, as well as thanking them for the great honour they have brought Canada.

Some hon. members: Hear, hear.

ORAL QUESTION PERIOD

[*English*]

THE ECONOMY

Mr. John Reynolds (Leader of the Opposition, Canadian Alliance): Mr. Speaker, for years the Minister of Finance has been saying that the fundamentals of the Canadian economy are sound but last week cracks began showing in cabinet solidarity and not just over Liberal membership rules.

The Minister of Industry admits "Our quality of life has been declining over the past 20 years in comparison with the United States" and that this gap is almost entirely due to our lower level of productivity.

Will the Minister of Finance finally admit that Canada's productivity has fallen behind under his watch?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the government has pointed out on many occasions that throughout a good portion of the 1980s and the early part of the 1990s Canada's economy did slip. We have also pointed out that beginning with the middle 1990s there has been a dramatic turnaround, in fact a far more substantial turnaround than any other OECD country has been able to demonstrate. We are going to continue on that course.

Mr. John Reynolds (Leader of the Opposition, Canadian Alliance): Mr. Speaker, was that a yes or no?

In the Liberal leadership race the Minister of Finance may have stacked the deck. We in the official opposition want to give the Minister of Industry an equal opportunity.

Does the Minister of Industry stand by the findings of his innovation paper "that under this Minister of Finance and the two previous ministers of industry, Canada's productivity and standard of living has been falling behind the United States"?

Hon. Allan Rock (Minister of Industry, Lib.): Mr. Speaker, I had the opportunity last week when kicking off the innovation agenda to point out that now is the time to build on the extraordinary achievements of this government over the last eight years; eliminating the deficit, paying down debt, bringing down inflation, increasing employment. Now we turn to the next challenge which is to increase through innovation our productivity, our standard of living and thereby our quality of life. That is exactly what the government is going to do.

Mr. John Reynolds (Leader of the Opposition, Canadian Alliance): Mr. Speaker, I do not think either of the two answers would sell them any memberships in Ontario.

Not only have we fallen behind the United States in productivity, we are falling behind Mexico in investment. Industry Canada admits that when it comes to attracting foreign investment in NAFTA, and I quote out of the Industry Canada document, Canada is ranked third in a three horse race.

Will the Minister of Finance tell us, if the fundamentals are so sound, why are we falling behind Mexico in both our currency and in our foreign investment?

Hon. Allan Rock (Minister of Industry, Lib.): Mr. Speaker, Canada has the best quality of life in the world. We have an economy which over the last eight years has outperformed most economies in the world. Now we are inviting Canadians to join with us in a national strategy to make it even better, to build on the strengths in the Canadian economy, to increase through innovation the productivity of our economy and thereby to preserve that best quality of life in the world.

[*Translation*]

Mr. Rahim Jaffer (Edmonton—Strathcona, Canadian Alliance): Mr. Speaker, the two scrappers continue to argue and contradict one another. The Minister of Finance tells us that the government is on a solid footing and that the economy is healthy. The Minister of Industry tells us that our situation is worsening compared to our North American partners.

Who is right? The Minister of Finance, who tells us that everything is fine, or the Minister of Industry, who says that things are going from bad to worse?

Hon. John Manley (Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.): Mr. Speaker, we are doing a good job, and we can always do better.

[*English*]

Mr. Rahim Jaffer (Edmonton—Strathcona, Canadian Alliance): Mr. Speaker, it is just like the government to celebrate mediocrity.

Another potential leadership candidate, the Minister of Canadian Heritage, seems to think that Canada is doing just fine and that our standard of living has been deemed by the United Nations to be among the best in the world. Among the best means third on the UN index, sixth in GDP per capita, far behind the United States, and eleventh in poverty levels.

Does the Minister of Industry share the heritage minister's belief that this level of performance in our standard of living is good enough?

Hon. Allan Rock (Minister of Industry, Lib.): Mr. Speaker, it is not at all surprising that members of the official opposition are unable to hold two thoughts in their heads at the same time. Let us take them through it pretty slowly.

Number one, Canada has the best quality of life in the world. Number two, over the last eight years we have improved that economy by bringing down the debt, paying off the deficit and cleaning up from the Tory government of the 1980s. Now is the time for us to address the next great challenge to position our economy for the 21st century and that is the business of this government.

● (1420)

[*Translation*]

KYOTO PROTOCOL

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, two weeks ago, the Minister of the Environment said he was confident that Canada would ratify the Kyoto protocol in 2002, but added that this deadline might change. Since then, the United States have indicated that they would not ratify the protocol, and the Canadian provinces, with the exception of Quebec, have asked Ottawa to do the same.

Is the federal government in the process of building an alliance with the United States and nine Canadian provinces to put off indefinitely the ratification of the Kyoto protocol? If not, could the minister tell us when Canada will ratify the Kyoto protocol?

[*English*]

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, the federal government remains committed to the Kyoto protocol. We trust we will be able to ratify it. That is our aim. I have looked at the letter from at least nine of the premiers. I have found much in it that indicates that they too take the issue of climate change very seriously. They recognize it is currently impacting Canadians and they believe we must have effective measures to combat climate change in Canada.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, this letter essentially asks the Minister of the Environment to get Canada out of its commitment by putting things off. As for Quebec, its position is in line with that of the international community, which is asking that the protocol be ratified without any delay. In fact, were it not for Canadian federalism, a sovereign Quebec would already have ratified the Kyoto protocol.

If, like Quebec, Canada truly cares about the environment, could the minister tell us what measures the federal government intends to take to convince the Canadian provinces to support a speedy ratification of the Kyoto protocol, instead of being influenced by them?

● (1425)

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, I can assure the hon. member that Canada wants to have a plan without undue burden on any part of the country.

We also want to consult Canadians, provincial and territorial governments and stakeholders.

If Quebec wants to go ahead without public consultation, without asking that all parts of Canada support a fairly equal share of the burden, it is its prerogative.

Mr. Bernard Bigras (Rosemont—Petite-Patrie, BQ): Mr. Speaker, what we are saying is that Quebec is in favour of ratifying the Kyoto protocol and that if we were sovereign, we would do it.

The Kyoto protocol must be signed and implemented as quickly as possible if we want to protect our planet. For the past number of years, Quebec has made environmental choices that now make it a leader in the fight to reduce greenhouse gases.

Will the Minister of the Environment admit that the ratification of the Kyoto protocol by Canada is critical and that Quebec should not be adversely affected by the inaction of the rest of Canada when it comes to limiting greenhouse gases? Quebec—

The Speaker: The hon. Minister of the Environment.

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, we are in favour of ratifying the Kyoto protocol, but we will be consulting all the provinces, including Quebec.

We want to consult those Canadians who are interested in this issue, including the general public and special interest groups.

At the same time, we do not want the burden to be unequal between one side of the country and the other. This is what we want to do before deciding to ratify the protocol. Quebec may make a decision without—

The Speaker: The hon. member for Rosemont—Petite-Patrie.

Mr. Bernard Bigras (Rosemont—Petite-Patrie, BQ): Mr. Speaker, will the Minister of the Environment admit that if it were not for Quebec's performance in limiting greenhouse gases, Canada would be the world's number one producer of greenhouse gases per capita and that, consequently, it is urgent that the Canadian government ratify the Kyoto protocol and ensure that it is implemented according to the set timetables?

Hon. David Anderson (Minister of the Environment, Lib.): Of course, Mr. Speaker, the government wants to ratify the Kyoto protocol. This is what the Prime Minister and our government wish to do.

However, it is unacceptable for us to do so without consulting the public, the stakeholders and the provinces. We are now being asked to ratify the protocol without even consulting the provinces, including Quebec.

[*English*]

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, mayors from across Canada, meeting in Ottawa, have reiterated their commitment to do their part in meeting Kyoto targets. Their leadership through the FCM, in pressing the government to stop dragging its feet and ratify Kyoto, is welcome and timely.

Municipal leaders, like a lot of Canadians, want to know when the federal government will ratify Kyoto and get on with a comprehensive plan. I will ask again. On what date will the government ratify Kyoto?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, I remind the hon. leader of the New Democratic Party that the premier of Saskatchewan signed the letter from the premiers to the federal government. I remind her that we fully intend to ratify after consultations with the provinces, with interested parties and, of course, with Canadians generally.

We also want to make sure that any plan does not put an unfair, unequal burden on any part of the country. Why the NDP would want to ratify before consultations and before the public knows what the burden might be is beyond me.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, how long do Canadians have to wait for the consultations? I have the letter too and it looks a lot like Gordon Campbell's signature to me.

Kyoto is not supposed to be a slogan. It is supposed to be a detailed plan based on consultations long overdue. The minister knows that public transit is the key to the reduction of greenhouse gas emissions. Municipalities are more than eager to do their parts but they are starved for funds, ironically at a time when the U.S. government is pouring funds into public transit.

If the government is serious about Kyoto, will it put its money where its mouth is, return—

The Speaker: The hon. Minister of the Environment.

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, the hon. member is once again confused on this issue. It is not possible to achieve the Kyoto target for Canada relying only on one sector of one industry, namely the transit area. We cannot do that and have a fair program across the country which takes advantage of the cost effective measures that may exist in other sectors of the economy or in other parts of the country.

I urge her to take part in the consultation process, not keep insisting upon ratification without taking in the views of the provinces, of the territories, of interested organizations or the public in general.

Right Hon. Joe Clark (Calgary Centre, PC/DR): Mr. Speaker, the Prime Minister said in Russia that Canadians "have to have some modifications" in the Kyoto protocol and that he is "talking with the provinces" about those modifications. The House would be very interested in knowing what modifications to Kyoto Canada is considering.

Would the Minister of the Environment give us an unequivocal commitment today that well prior to any ratification the government will publish both its impact analysis on a region by region and sector by sector basis, and the regulations relating to implementation? Will he give us that simple commitment?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, the right hon. gentleman should understand that this is not strictly a federal program. It will be a program for all governments of Canada, federal, provincial and territorial. It will include major involvement of industry.

We will not come down from the mountain with a plan to lay before everybody else and say, as has been suggested by the two parties that spoke before the right hon. gentleman, that this is it, that we have ratified regardless of anyone else's views. We will consult and real consultation means taking into account what we hear from other people as well as presenting our own views.

[*Translation*]

Right Hon. Joe Clark (Calgary Centre, PC/DR): Mr. Speaker, the minister did not answer the specific questions regarding the public's right to information before decisions are made.

Will the government agree to holding a first ministers conference or a special meeting of federal, provincial and territorial ministers of the environment, in order to establish a realistic and concrete implementation plan, rather than simply having the federal government blindly ratify the Kyoto protocol?

Will the government announce the date of such a meeting in the next 30 days?

[*English*]

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, last fall we had two joint meetings of energy ministers and environment ministers of the territories, the provinces and the federal government. We will be meeting later this week with those ministers and again in May. I believe we are carrying out the very type of consultation that will lead to an intelligent, cost effective, mutually agreed upon process for arriving at the decision on ratification.

● (1430)

Mr. Bob Mills (Red Deer, Canadian Alliance): Mr. Speaker, unlike the last opposition members, I hope the Prime Minister did get the message in Moscow on Friday regarding the ratification of the Kyoto protocol and how it will gut the Canadian economy. Nine premiers are concerned, industry is concerned and Canadians are concerned.

Will the government today abandon its foolhardy commitment to ratify Kyoto this year?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, normally that party tells us that we should do exactly what we are told by Washington, now it is exactly what we are told by Moscow.

We will ratify Kyoto after we have had full consultation with the provinces, the territories, industry groups and the general public. However we will not do that until we have a plan in place that will guarantee no unfair, onerous burden on any region of the country.

Mr. Bob Mills (Red Deer, Canadian Alliance): Mr. Speaker, I think the minister mixed up Mr. Putin with the nine premiers I referred to.

I want the government to talk about its hypocrisy. The Prime Minister went to Texas and told the Americans that we would provide energy to the U.S. for the next 30 to 50 years from our tar sands. At home he said that we would ratify the Kyoto agreement which will severely handicap much of our fossil fuel future and will be Canada's NEP 2.

How does the government explain that contradiction?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, I am astonished that a member from Alberta would not understand the connection between providing the United States with clean energy to replace other forms of energy that have higher greenhouse gas emissions, which is good for the Canadian economy, good for the economy of the oil and gas industry in Alberta and good for climate change.

Some hon. members: Oh, oh.

[*Translation*]

The Speaker: Order, please. It is hard to hear the answers. The hon. member for Sherbrooke.

Mr. Serge Cardin (Sherbrooke, BQ): Mr. Speaker, the Canadian Minister of the Environment is responsible for signing the Kyoto protocol. If Quebec were a sovereign state, the Kyoto protocol would have been implemented a long time ago. Alas, this is not yet the case, but the time will come.

Does the Minister of the Environment understand that if he gives in on the issue of reducing greenhouse gases, we will wind up in a situation whereby the ones who made the right choices, namely Quebec, will be penalized, while those who chose to do nothing will be economically rewarded for their inaction by the federal government?

[*English*]

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, I find it absolutely astonishing that a representative who was elected in the province of Quebec would come here and tell us that somehow his province would be penalized if the federal government does not force measures on people without proper consultation with the provinces, including the province of Quebec. It is an astonishing position for such a member to put forward in the House.

[*Translation*]

Mr. Serge Cardin (Sherbrooke, BQ): Mr. Speaker, we all know about the government's bogus consultations.

The sovereign countries of the European Union have come to an agreement on a fair distribution of the Kyoto objective and on the need to ratify the Kyoto protocol, yet the Canadian provinces, with the exception of Quebec, are incapable of reaching a reasonable agreement with the federal government.

How does the minister explain the fact that it is easier for sovereign countries to agree on protecting the environment than it is for the federal government and the nine provinces in the rest of Canada?

[*English*]

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, I guess I could explain that in our constitution there are certain rights that provinces have. The federal government should not override them. It should enter into consultations where there is the opportunity for joint action.

To be asked by a member from the province of Quebec to ignore the rights of provinces, to ignore their constitutional responsibilities and to proceed willy-nilly, is I think absurd.

● (1435)

FOREIGN AFFAIRS

Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance): Mr. Speaker, Iraq sponsors terrorist groups. It builds weapons of mass destruction and it defies United Nations resolutions.

Yesterday the Prime Minister said that he would not support military action against Iraq, but in 1998 the Prime Minister said that Saddam Hussein would not honour diplomatic solutions so long as they were not accompanied by a threat of intervention.

The Prime Minister was right then but he is wrong now. Why is the government changing its position on Iraq?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, as the hon. member knows, the government has always clearly indicated that it is against the weapons of mass destruction being accumulated by Iraq.

We have taken action through the United Nations, supported sanctions and supported measures against Iraq. We will continue to examine all means necessary to stop Iraq from acquiring weapons of mass destruction which can threaten stability and peace in the world.

Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance): Mr. Speaker, I am pleased to hear the minister's comments. In the past the Prime Minister has supported military action against Iraq as well. He said that if we did not intervene our inaction would encourage Hussein to commit other atrocities and prolong his reign of terror.

On the weekend the Prime Minister reversed his position. Terrorism is not just in Afghanistan. It thrives in Iraq as well. What will it take for the government to realize that there will no peace as long as Saddam Hussein is in power and that the longer he is allowed to stay the more dangerous he will become?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, as I have said to the House, the government has been very firm in its actions in respect of Iraq. We are not fooled by any suggestions of Saddam Hussein. We continue to work strongly throughout the United Nations framework to ensure that sanctions will be applied and to ensure that inspections will take place.

We will continue in the future to examine all options necessary to ensure that they do not acquire weapons of mass destruction. The Prime Minister has made that clear.

* * *

[*Translation*]

TAXATION

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, the Minister of Intergovernmental Affairs says that tax imbalance is a myth, but while the federal government is going into individual taxpayer's pockets for close to 60% of its tax revenue, the figure for the Quebec government is only 40%.

Yet it is the government of Quebec which has responsibility for the delivery of direct and major services to its citizens, such as health and education.

Does the Minister of Finance share his colleague's point of view, and deny that his government gets 60% of its tax money from the pockets of Quebec taxpayers, while not responsible for either health or education, which are major areas of intervention?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the figures the hon. member has quoted predate the tax abatement. Taking the abatement into consideration, Quebec collects more in taxes than the Canadian government.

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, instead of taking his responsibilities seriously, the Minister of Finance prefers to work on his leadership aspirations, to the detriment of a real, serious debate on a question as fundamental as this.

Does the minister not agree that in 1977-78, had the cash transfers been rightly replaced with tax points, Quebec would have in its coffers at the present time $4.5 billion more to put to health and education? If tax points are not a paying proposition, one wonders what is.

Could the minister give the Minister of Intergovernmental Affairs a taxation 101 course so that he will quit talking nonsense?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the Minister of Intergovernmental Affairs is not the one who needs a course, it is the Bloc critic.

In 1999, Quebec's total revenues were $16 billion more than the Canadian government's tax receipts from Quebec.

* * *

[*English*]

HEALTH

Mr. Rob Merrifield (Yellowhead, Canadian Alliance): Mr. Speaker, last October the former health minister promised that within three months there would be a network of 1,500 trainers who would instruct personnel at a local level to be ready to respond to bioterrorist attacks.

We have learned that the first training session would begin this month in Ottawa. The department has had trouble finding even a dozen doctors for the program. How many emergency personnel are currently being trained across Canada?

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, I am unable this afternoon to give the hon. member the exact number, but let me reassure everyone in the House and all Canadians that the Department of Health working in partnership with other federal, provincial and territorial departments take emergency preparedness very seriously.

We are working in partnership to ensure that we have the plans in place to protect Canadians against all threats.

Mr. Rob Merrifield (Yellowhead, Canadian Alliance): Mr. Speaker, on October 18 the then minister of health bragged because he had a plan. The training of 1,500 experts was to begin in three months and the uptake, in his words, would be very significant.

It appears that the present minister has been left out on a limb by her predecessor. What assurance do Canadians have that the country is ready to respond to a bioterrorist attack?

● (1440)

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, I certainly thank the hon. member for his concern about my position, but let me reassure him that I am not out on any limb.

As I said earlier, we take emergency preparedness very seriously. I cannot give the hon. member the exact numbers today but I would happy to do so in response to his question.

Canadians should be reassured that we in the federal government are working with our provincial and territorial colleagues to meet any risk to the health and safety of Canadians.

* * *

[*Translation*]

OFFICIAL LANGUAGES

Mr. Dominic LeBlanc (Beauséjour—Petitcodiac, Lib.): Mr. Speaker, last Friday, the President of the Privy Council was at the Université de Moncton to announce the creation of the National Research Institute on Linguistic Minorities, thanks to a $10 million investment by the Government of Canada.

Will the minister tell us how this will benefit official language communities in Canada?

Hon. Stéphane Dion (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, just as the Government of Canada helped the Royal Commission on Bilingualism and Biculturalism launch many avenues of research in the 1960s, which culminated in the fundamental principles contained in the Official Languages Act and a good part of the Canadian Charter of Rights and Freedoms, as we enter the 21st century, we are helping to fund a research centre at the Université de Moncton which will enable us to promote Canada's linguistic duality and the development of our official language communities in the best possible conditions.

* * *

[*English*]

TRANSPORT

Mr. Joe Comartin (Windsor—St. Clair, NDP): Mr. Speaker, approximately two weeks ago the Minister of Finance, speaking to a municipal conference, pledged a new deal in the relationship between the federal government and the financing it provides to municipalities.

This past weekend the Minister of Transport appears to be stuck in the old deal among the provinces, the federal government and the city of Toronto with regard to Toronto transit.

Will the Minister of Transport get in line with the Minister of Finance, go with the new deal, put some dollars on the table and get that project going?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, this is now the third time the hon. member for Windsor—St. Clair has become an apologist for the Mike Harris government and the fact that the Harris Tories have taken away transit funding for three or four years.

They have decided under great pressure to come back with 30 cent dollars. The federal government will not make up for that shortfall. The Harris Tories have to fund transit to its fullest before we do anything to help.

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HEALTH

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, this weekend the health minister said she would appreciate if the provinces waited on the Romanow commission before making major changes to health care.

What is more fundamental than Alberta introducing a new profit driven tier of hospitals, hospitals that will not save the public money but will provide a cash cow for investors? Canadians would appreciate it if the minister stopped the wishful thinking and did something to keep medicare intact. What will the minister do to stop private hospitals?

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, as the hon. member is well aware, the provinces, territorial leaders and the Prime Minister last September entered into an accord in which they committed themselves to health renewal.

That health renewal is taking place across the country. That is a renewal process that we in the federal government support. We support it because all premiers and all territorial leaders have reiterated their commitment to the five principles of the Canada Health Act in the public financed health care system.

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CANADIAN CURRENCY

Mr. Scott Brison (Kings—Hants, PC/DR): Mr. Speaker, it has come to my attention that Spexel, the Quebec company that manufactures the paper for our Canadian dollar, is in jeopardy of losing that business to a European firm.

With more than 120 Canadian jobs at stake, why is the Department of Finance in discussions with the Bank of Canada that could lead to the Canadian dollar being printed on foreign paper?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, as is its responsibility the Bank of Canada is always seeking bills which are the least susceptible to counterfeiting. It is looking at a wide range of sources. I can assure the hon. member that the currency will be printed in Canada.

Mr. Scott Brison (Kings—Hants, PC/DR): Mr. Speaker, under this finance minister the Canadian dollar has lost over 20% of its value. Now in a further attack on Canadian economic sovereignty his department is contemplating making the Canadian dollar the only currency of any G-7 country that is not produced within that country.

Why has the minister allowed these discussions to proceed? Why would we even contemplate this sort of lunacy of the Canadian dollar being printed on foreign paper? This is Canada, for goodness' sakes, a country of trees.

● (1445)

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, I am glad the hon. member noticed. As I have said, the Bank of Canada is obviously seeking different technologies around the world. Those technologies may be sourced abroad but the fact is that our currency will be printed in Canada.

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INDUSTRY

Mr. James Rajotte (Edmonton Southwest, Canadian Alliance): Mr. Speaker, documents obtained under the Access to Information Act show senior bureaucrats at the Department of Industry felt the current Minister of Industry's purchase of Cipro would be a blow for R and D and innovation in Canada. To quote:

> The decision by Health Canada to circumvent Canada's Patent Act run[s] counter to this Government's agenda of innovation, economic growth and fostering of a knowledge-based economy.

Why should we believe the minister is suddenly interested in innovation when he has both broken the Patent Act and ignored advice that his actions would have a negative affect on innovation?

Hon. Allan Rock (Minister of Industry, Lib.): Mr. Speaker, I will ignore the outrageous inaccuracies of fact in the question in order to provide the following response.

Canadians should be gratified that in the time of emergency the most important motivation behind the government's action was the public interest. That is exactly what motivated our conduct last October.

Mr. James Rajotte (Edmonton Southwest, Canadian Alliance): Mr. Speaker, those outrageous facts he refers to are from a memorandum from Andrei Sulzenko to Peter Harder, officials in his own department. This shows that neither the minister nor the government are champions of innovation. In fact, Canada has languished in innovation purgatory under the government.

Considering the minister's record according to his own present departmental officials, how would he as minister have any authority to punish or investigate any future circumvention of the Patent Act?

Hon. Allan Rock (Minister of Industry, Lib.): Mr. Speaker, the member's question shows the narrowness of his perspective. The government has acted always to protect the public interest.

In terms of innovation, last week we put forth an agenda which we believe, if acted upon by provincial and municipal governments, by the private sector and by universities and colleges, will result in the strengthening of our economy during this decade so that once again we can lead the world in economic growth.

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[*Translation*]

MUNICIPALITIES

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Speaker, the Minister of Transport recently said that Canada was a country of the 21st century with a constitution from the 19th century. He also stated that the fact that municipalities come under provincial jurisdiction is outdated and unproductive.

Are we to understand from the Minister of Transport's comments that he is announcing an upcoming constitutional reform?

Hon. David Collenette (Minister of Transport, Lib.): No, Mr. Speaker. Clearly I have other responsibilities today. I am simply saying, and it is my own opinion, that we are in need of changes to the constitution to help municipalities. The current environment makes any such changes very difficult.

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Speaker, the Minister of Finance also stated that the federal government's ability to work with municipalities will be critical to the kind of country we leave for our children.

Are we to understand that the Minister of Finance is also announcing that he wants to go over the heads of the provinces and deal directly with municipalities, at the risk of squabbles with the provinces? Is this what he is saying?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, if we take the example of the infrastructure program, we are already working with municipalities; we are doing so with the consent of the provinces. There are other examples. In the case of the green municipal investment fund, we do this directly. It is the same thing in the case of the homeless.

There are numerous examples where the various levels of government can work together for the well-being of Canadians.

* * *

● (1450)

[*English*]

CORRECTIONAL SERVICE CANADA

Mr. Kevin Sorenson (Crowfoot, Canadian Alliance): Mr. Speaker, less than an hour ago the Ontario office for victims of crime accused the solicitor general of continuing to encourage parole quotas.

In April 2000, the solicitor general assured members of the House that there was no formal plan to parole more offenders.

Why does the solicitor general measure the performance or success of Correctional Service Canada by the number of paroled offenders it can fast track out of our prisons and back onto our streets?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, I did meet a group of people this morning. I intend to evaluate the information they gave me, but as I have told my hon. colleague a number of times, there are no quotas in this system and there never will be quotas under my watch.

Mr. Kevin Sorenson (Crowfoot, Canadian Alliance): Mr. Speaker, we have evidence quite to the contrary and I think you have been given evidence to the contrary.

An internal memorandum from senior correctional officials and accountability contract reports from two Ontario institutions contradict the solicitor general's denial. The reports clearly state that a correctional service objective is to substantially increase the number of inmates eligible for parole.

I ask the solicitor general, have federal institutions have been instructed to increase the number of parolees?

Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.): Mr. Speaker, my hon. colleague is aware, and I have said many times, that public safety is always the number one issue.

What he has been trying to do over the while is to indicate that there are quotas in the system. He knows there are no quotas and he knows there will be no quotas.

* * *

HEALTH

Mr. Tony Tirabassi (Niagara Centre, Lib.): Mr. Speaker, my question is for the Minister of Health. As we all know, smoking is addictive and can result in serious health problems. Among young adult university and college students 40% are smokers and up to 19% of current smokers begin smoking regularly after arriving on campus. One in ten post-secondary students smoke their first cigarette after the age of 19.

Could the minister advise the House of what action her department is taking to assist these young adult smokers?

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, the government has an aggressive national strategy with which to discourage tobacco use by young people, but we also work locally.

For example, in the riding of Niagara Centre, the riding of the hon. member, we are very proud to support a project with Brock University and the Niagara public health department in which they are targeting post-secondary students in a project entitled "Leave the pack behind". The project addresses directly the fact that many young people begin smoking in university.

Working in partnership, we can ensure fewer young people start smoking and we can improve the health of all—

The Speaker: The hon. member for Vancouver Island North.

* * *

SOFTWOOD LUMBER

Mr. John Duncan (Vancouver Island North, Canadian Alliance): Mr. Speaker, Canadian and U.S. officials are meeting tomorrow to discuss the softwood lumber dispute.

Last week the chair of the U.S. senate finance committee called for a suspension agreement that would require Canada to extinguish its pursuit of legal remedies through the WTO. Meanwhile our trade minister is off selling vodka to the Russians.

Would the Deputy Prime Minister assure Canadians that in the face of American bully tactics Canada will not compromise on our WTO actions?

Mr. Pat O'Brien (Parliamentary Secretary to the Minister for International Trade, Lib.): Mr. Speaker, as the member noted, there will be trade talks tomorrow here in Ottawa. They will be led by the Canadian deputy minister and the U.S. deputy trade representative, so we will have equivalency in representation. Indeed, the minister of trade is away on a very important trade trip doing his job, which is trade promotion for Canada in a very important market overseas.

* * *

[*Translation*]

INFRASTRUCTURE

Ms. Jocelyne Girard-Bujold (Jonquière, BQ): Mr. Speaker, under Quebec's legislation, municipalities may not conclude agreements with the federal government.

But the Deputy Prime Minister's bill establishing the strategic infrastructure fund will allow him to conclude such agreements with Quebec's municipalities.

Why is the Deputy Prime Minister adopting the sort of confrontational approach typical of the ministers of finance and transport? Why is he riding roughshod over Quebec's legislation with respect to this funding for Quebec's municipalities?

Hon. John Manley (Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.): Mr. Speaker, this is not a confrontation. We have $2 billion available for strategic infrastructure projects throughout Canada.

I think that Quebecers will be very interested in receiving some of this money.

* * *

● (1455)

[*English*]

SOFTWOOD LUMBER

Mr. Bill Casey (Cumberland—Colchester, PC/DR): Mr. Speaker, for the past few weeks it has been embarrassing to hear the Canadian Minister for International Trade publicly begging and pleading with the United States for a counter offer on the softwood lumber issue. The U.S. has totally rejected our offer and slammed the door in our face. The minister's approach has totally failed.

What is the strategy between now and the deadline of March 21, or has the minister just given up?

Mr. Pat O'Brien (Parliamentary Secretary to the Minister for International Trade, Lib.): Mr. Speaker, the hon. member is quite incorrect when he says that the U.S. is not responding. The U.S. has indicated that it is prepared to re-engage.

As I mentioned earlier, there will be talks beginning tomorrow here in Ottawa. The United States is committed to putting specific proposals on the table and now that it appears it is getting serious maybe we will see some progress on this file.

[*Translation*]

FRANCOPHONE SUMMIT

Mr. Eugène Bellemare (Ottawa—Orléans, Lib.): Mr. Speaker, the Secretary of State for La Francophonie was in Paris last week to meet with his counterparts.

Could he tell the House the outcome of his discussions with the Secretary General of La Francophonie, and confirm whether the summit, which was to have taken place in Lebanon in the fall, will indeed take place in 2002?

Hon. Denis Paradis (Secretary of State (Latin America and Africa) (Francophonie), Lib.) Mr. Speaker, last week, I had the honour of meeting with key players in La Francophonie, including His Excellency Boutros Boutros-Ghali, the Secretary General of the Organisation internationale de la Francophonie. He assured me that the summit would take place in Beirut, that preparations are well under way, and that it will take place next October 18 to 20.

Second, we noted the importance of March 20, the Journée internationale de la Francophonie. I invite all members of the house to take part in the events on March 20 to celebrate La Francophonie.

Third, I reminded—

The Speaker: The hon. member for Vancouver Island North.

* * *

[*English*]

SOFTWOOD LUMBER

Mr. John Duncan (Vancouver Island North, Canadian Alliance): Mr. Speaker, the fact that the U.S. is pursuing an agreement which calls for us to abandon our WTO legal actions demonstrates that the U.S. lumber lobby has not reached its goals.

The U.S. lumber lobby has tried to delay and hamper the Canadian WTO appeal process at every step. Its legal case is weakening and it has responded by opening an attack on the Canadian Wheat Board.

Will the Deputy Prime Minister assure us he will not put the Americans back in the driver's seat by relinquishing our WTO rights?

Mr. Pat O'Brien (Parliamentary Secretary to the Minister for International Trade, Lib.): Mr. Speaker, vis-à-vis softwood lumber the United States can take any approach it wants but it will not change the process of the government or the policy of the government to proceed on two tracks.

Discussions with the United States apparently finally are going to be more serious starting tomorrow.

Also, we will continue to pursue our legal options at the WTO. If necessary we will go right to the end of that process and win once again.

* * *

[*Translation*]

HIGHWAY SYSTEM

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, today secondary students from Dégelis, Cabano and Edmundston, along with students attending the Rivière-du-Loup Cegep and the University of Moncton, have been demonstrating at Cabano in order to get the federal government to decide to invest the necessary funding in upgrading highway 185 between Rivière-du-Loup and Edmundston, which has recorded 30 fatalities over the past three years.

What is keeping the Minister of Transport from investing the necessary money to upgrade highway 185 in keeping with the commitment made by the Prime Minister nearly two years ago?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, as the hon. member is well aware, highways are a provincial responsibility.

If this is a priority for the Government of New Brunswick or for the Government of Quebec, there are funds now available in the program for assistance with major highways. The Minister of Finance gave $600 million for this two years ago.

* * *

[*English*]

SOFTWOOD LUMBER

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, my question is for the Minister of Natural Resources. The failure to resolve the softwood lumber dispute is devastating workers, Canadian companies and forest dependent communities.

In negotiations, one normally reduces the number of issues on the table while continuing to strive for a comprehensive solution. There is agreement on both sides of the border that coastal products like western red cedar and northern hemlock are not in dispute.

Why, then, have Canadian negotiators not been instructed to reach an interim agreement where one is possible?

Mr. Pat O'Brien (Parliamentary Secretary to the Minister for International Trade, Lib.): Mr. Speaker, as for the main part of the question I will have to take it under advisement and report back to the member, but she did mention workers. As we know, the Government of Canada takes the plight of laid off workers very seriously.

There is a plethora of programs available. The government is in wide consultation with the industry representatives in B.C. to assist workers who are laid off and facing in a very serious situation resulting from punitive U.S. trade action.

* * *

● (1500)

LUMBER INDUSTRY

Mr. Greg Thompson (New Brunswick Southwest, PC/DR): Mr. Speaker, I wrote the Minister of Health a week or so ago regarding pressure treated lumber in New Brunswick and other parts of Canada that uses a chemical called CCA, which is going to be eliminated or restricted for use in the U.S. and which would of course restrict our exports to the U.S. and to Europe.

I would ask the minister whether there has been any movement on the approval of CBA and what she looks forward to in terms of a timeframe for approval.

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, the Department of Health is reviewing alternatives to CCA pressure treated wood.

While I cannot speak directly to the timing of any application for approval that has been or will be made, let me reassure the hon. member I have heard about this matter from a number of interested members of parliament from across the country and we are taking this matter under active advisement.

* * *

PRESENCE IN GALLERY

The Speaker: I wish to draw to the attention of hon. members the presence in the gallery of His Excellency Dr. Keith Mitchell, Prime Minister of Grenada.

Some hon. members: Hear, hear.

[*Translation*]

The Speaker: I also wish to inform the House of the presence in the gallery of His Excellency Abdeslam Zenined, Minister of Transportation and Shipping of the Kingdom of Morocco.

Some hon. members: Hear, hear.

* * *

[*English*]

PRIVILEGE

CROWN CORPORATIONS—SPEAKER'S RULING

The Speaker: I am now prepared to rule on the question of privilege raised by the hon. member for Edmonton Centre-East concerning statements made in the House by the former minister of public works.

I would like to thank the hon. member for bringing this matter to the attention of the House and also the government House leader for his comments.

[*Translation*]

In raising this question, the hon. member for Edmonton Centre-East charged that the former Minister of Public Works had on a number of occasions deliberately misled the House concerning the relationship between the Minister and the operations of crown corporations. In support of his charge, the hon. member referred to statements attributed to a former chairman of the Canada Lands Corporation in various newspaper reports.

[*English*]

Let us first recognize that this case makes allegations about the conduct of a former minister who is now no longer even a member of the House. I want to remind hon. members of the need for caution in framing remarks concerning individuals outside the House. With respect to members' freedom of speech Mr. Speaker Fraser stated on May 5, 1987, at page 5766 of *Debates*:

> Such a privilege confers grave responsibilities on those who are protected by it. By that I mean specifically the Hon. Members of this place. The consequences of its abuse can be terrible. Innocent people could be slandered with no redress available to them. Reputations could be destroyed on the basis of false rumour.

Since statements in this place are protected in an absolute sense by privilege members must be extremely judicious in their comments. I think all hon. members will agree that this caution takes on an even greater significance when applied to a former colleague who is no longer able to rise in the House to defend himself.

● (1505)

[*Translation*]

Obviously, the Chair must view seriously any charges of deliberate falsehoods or dishonesty, either of which may affect the ability of individual members to carry out their duties as parliamentarians and the dignity of parliament itself.

[*English*]

I have carefully reviewed the statement made by the hon. member for Edmonton Centre-East and I agree with the hon. member that there are distinct views on the matters he has raised and a fundamental disagreement about the relationship that existed between the minister and the Canada Lands Corporation. While such differences can be readily acknowledged it is more difficult to reach the conclusion that they represent instances of deliberate dishonesty.

Our rules concerning disagreements as to fact are longstanding and previous speakers have been consistent in their application of them. As an example I cite Mr. Speaker Fraser from *Debates* of December 4, 1986, at page 1792 where he stated:

> Differences of opinion with respect to fact and details are not infrequent in the House and do not necessarily constitute a breach of privilege.
>
> The Hon. Member in his question was addressing an important matter which was acknowledged to be important by the Minister. However, whatever the differences might be, a dispute as to fact does not constitute a breach of privilege and the Chair cannot adjudicate on that dispute.

This ruling I note was given in response to an issue raised by the then hon. member for Saint-Léonard—Anjou, Mr. Alfonso Gagliano, in response to comments made by the then minister of national revenue, Mr. Elmer MacKay.

There is an additional ruling that I thought hon. members might note and that was by Mr. Speaker Lamoureux on November 16, 1971, at page 923 of the Journals of the House. He said:

> —the pertinent precedents tend to establish in the main that statements made outside the House, or documents published elsewhere, ought not to be used for the purpose of questioning statements made in this chamber by hon. members from either side of the House.

He went on to cite examples in support of that proposition. Therefore, on the basis of the arguments presented by the hon. member for Edmonton Centre-East, I have concluded that while there is clearly disagreement as to the interpretation of events surrounding a serious issue the Chair can find no evidence that a prima facie breach of privilege has occurred.

ROUTINE PROCEEDINGS

[*English*]

LIBRARY OF PARLIAMENT

The Speaker: I have the honour to lay upon the table the performance report of the Library of Parliament for 2000-01.

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 several petitions.

* * *

INTERPARLIAMENTARY DELEGATIONS

Mrs. Sue Barnes (London West, Lib.): Mr. Speaker, pursuant to Standing Order 34 I have the honour to present to the House, in both official languages, a report from the Canadian branch of the Commonwealth Parliamentary Association concerning the inaugural session of the Canadian Parliamentary Seminar which was held in Ottawa from November 18 to November 24, 2001.

* * *

PETITIONS

NIGERIA

Mr. Svend Robinson (Burnaby—Douglas, NDP): Mr. Speaker, I have the honour to present a petition initiated by Peggy Land of the Religious Society of Friends and the Quaker Movement in Ottawa and signed by hundreds of concerned Canadians. The petitioners note that serious incidents of human rights abuses are continuing in Nigeria despite Canada's recent joint agreement with Nigeria to co-operate in building peace and stability based on universal norms of equality, democracy, human rights and the rule of law.

They refer to the case of Safiyatu Husseini, a young Nigerian woman currently condemned to die for having a child out of wedlock. They point out that this is not in accordance with Islamic law or universal norms of equality and human rights which we committed to fostering in Nigeria.

The petitioners call on parliament not to proceed with expanded trade with Nigeria until brutal practices such as those being faced by Safiyatu Husseini are ended.

● (1510)

RESIDENTIAL SCHOOLS

Mr. Janko Perić (Cambridge, Lib.): Mr. Speaker, pursuant to Standing Order 36 I have the privilege to present to the House a petition signed by close to 200 constituents of my riding of Cambridge. The petitioners wish to draw to the attention of the House that the residential school system was a product of federal government policy.

The Anglican Diocese of Huron has spent almost $1.5 million in lawsuits even though it never owned, operated, administered or contracted to deliver federal government education services at the Mohawk Institute. Therefore the petitioners pray and request that parliament resolve the issue of residential school litigation outside the court system and that the federal government assume full responsibility for the Mohawk Institute lawsuit.

My constituents call on parliament to act before the Anglican Diocese of Huron and other Anglican dioceses are brought to ruin.

S. O. 52

QUESTIONS ON THE ORDER PAPER

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

* * *

REQUEST FOR EMERGENCY DEBATE

SOFTWOOD LUMBER

The Speaker: The Chair has a notice of a request for an emergency debate from the hon. member for Cumberland—Colchester.

Mr. Bill Casey (Cumberland—Colchester, PC/DR): Mr. Speaker, pursuant to Standing Order 52 I request an emergency debate on the softwood lumber crisis which affects every member of parliament in the House of Commons. Every one of us is affected by it and the whole issue is being driven by a small group in the U.S.

The government has tried a whole lot of different approaches and several different remedies. They have all failed. Each time it comes up with a new proposal it fails. It has happened over and over again.

The government has prevented the industry and parliament from being involved in the debate. We in my party believe if parliament is involved in the issue it can appeal to the congress of the United States which has an impact on every member of congress. If we members of parliament can make a connection with members of congress in the United States we can come up with a solution to the problem.

There are only about four weeks left to resolve the issue before we lose our opportunity to debate it. It is an incredible situation. We have already lost 25,000 jobs in Canada. Softwood lumber is our fifth largest export. Every effort by the department has failed. We must try a new approach and it should be debated in the House of Commons.

I am asking for a special debate so we the parliamentarians can become involved and help find a solution where the department has failed over and over again.

The Speaker: The Chair will take the hon. member's suggestion and request under advisement. I can tell the hon. member that I am not disposed to grant the debate this evening. If I did so it would be for tomorrow evening.

I will take the matter under advisement and return to the House later this day with an answer to the hon. member's request and suggestion.

GOVERNMENT ORDERS

[*English*]

SPECIES AT RISK ACT

The House resumed consideration of Bill C-5, an act respecting the protection of wildlife species at risk in Canada, as reported (with amendment) from the committee, and of the motions in Group No. 1.

Mr. Garry Breitkreuz (Yorkton—Melville, Canadian Alliance): Mr. Speaker, thank you for allowing me to speak to Bill C-5, the species at risk act.

As the House knows, I come from a rural constituency where agriculture is the main engine driving the economic machine. When producers in my riding saw the details of the bill they were horrified. For farmers or ranchers land is the key to making a living. To take their land out of production is like taking a product away from a business owner. It removes the means by which they can earn a living.

Farmers and ranchers care about the environment. However when a piece of legislation crosses the line between helping the environment and infringing on property rights of landowners they draw the line.

I will share with my fellow members in the House and people watching the proceedings on television some of the comments I have received with regard to Bill C-5. The comments were gathered at an agricultural forum I hosted on January 15 in Yorkton. The agricultural forum was broadcast three times on the parliamentary channel the following week, three hours each time, so we know it is an important forum.

Members opposite should listen attentively because these are the voices of real people from rural Saskatchewan speaking up about this piece of legislation. I will quote their comments for the House. One of them said "I feel most farmers have an environmental conscience. However, farmers should not be expected to pay for all the costs of environmental stewardship which would benefit all of society".

Another person said "There must be compensation for loss of production due to animal habitat".

Another commented that "When they start tinkering around with our property rights a problem exists".

That is an important comment because property rights are not adequately protected in our charter of rights and freedoms.

Another person in my riding said "Compensation should not only be adequate but it should be tied to future land values or the cost of living".

Another said "If we have to lose income to save endangered species we should be compensated like everyone else".

Is that not common sense?

Another person said "If wildlife has such a high value then compensation should have an equally high value. Has anyone considered that farmers will become endangered species?"

We are not talking about a bill that would be innocuous or not have an effect. It could have a very detrimental effect on farmers and they would like the House to listen to their concerns.

Another farmer commented that "The environment, endangered species and maintaining natural habitat are important. However agriculture seems to be expected to take up the largest load. Those in charge seem to see this as fair play. My respect is dwindling and my suspicion mounting towards those in charge".

I will cite one last comment by a person who said "If humanity wishes to protect plants and animals let them chip in as taxpayers rather than force it on one segment of our population: farmers".

Farmers are willing to do their part in maintaining the environment and protecting endangered species. However they want everyone to share the load and they want this to be fair legislation. I am delivering that message here today.

Members will have noticed that the underlying theme throughout the comments is compensation, not a one time payment but compensation that takes into account that the land is the necessary ingredient in the way these people make their living. It is not just me speaking here today to this terrible bill. It is my constituents.

On October 3 the minister stated in front of the committee that compensation would be assessed on a case by case basis. In other words, we are expected to read their lips. They are saying "Trust us, we will do what is right". We have seen this happen before and the people of Canada have been hung out to dry because their rights and privileges were not respected. In other words, the minister has stated that bureaucrats would decide who gets and does not get compensation.

● (1515)

Let me say one thing. Farmers and ranchers have about as much trust in federal bureaucrats as some athletes do in the international figure skating judges. I will give a prime example of what I am talking about. The AIDA and CFIP programs put in place to help struggling farmers have done nothing. Farmers call my office on a daily basis with problems related to these programs. The farmer who really needs help gets nothing.

This is the same government that is saying "Trust us. We will do what is right and compensate farmers". What has happened is that the hands of federal bureaucrats have destroyed the agricultural producer. We cannot let it continue with this bill as it stands currently.

Let me point out that we in the Canadian Alliance are committed to preserving our country's natural environment, its endangered species and the sustainable development of our rich natural resources so that future generations of Canadians can reap the rewards as much as we have. However we in the Canadian Alliance will not do this on the backs of private landowners and their families. That is wrong.

The United States introduced similar legislation however there was one flaw: no adequate compensation. What happened? It created a shoot, shovel and shut up mentality. I ask—

● (1520)

The Speaker: The hon. member for Davenport on a point of order.

Hon. Charles Caccia: Mr. Speaker, I wonder whether the eloquence of the hon. member would better apply at the third reading stage of the bill rather than on the amendment before us. I wonder whether his speech is relevant to the item before us.

The Speaker: I am sure the hon. member is working his way toward a succinct explanation of his reason for opposition to the amendments before the House in Group No. 1, which I recall are the subject of the debate today. We look forward to his comments on Group No. 1 in due course.

Mr. Garry Breitkreuz: Mr. Speaker, anyone who is familiar with the bill would recognize immediately the relevance of what I am saying to these amendments.

The shoot, shovel and shut up mentality, if I need to explain it, is simply that if some bureaucrat decides that a species is at risk and that species is discovered on someone's land, probably the first thing that person would do is secretly go and shoot the particular animal because that land will be lost for future use if it is discovered that the species is there. After it is shot, it will be buried. That person then would not tell anyone. That is the shoot, shovel and shut up means and that ought to appear obviously relevant to what we are dealing with today.

Any property owner who suspects there is something on his land and who may lose his land will not let anyone know what has happened. That is why it is important we get adequate compensation. Bill C-5 as presently written will work in the same way as the American legislation to which I was referred earlier.

Without full, adequate compensation we have on our hands a piece of legislation that does not help the species. It in fact hurts them.

What gain would a farmer or rancher have by having an endangered species on his land? According to the legislation the gain would just be the warm, fuzzy feeling one gets from helping an endangered species while the family suffers, maybe even starves, because they can no longer make proper use of the land to make a living. That is really some reward. We need more than that.

If the government wants all private landowners and resource rights owners to co-operate wholeheartedly with the legislation, there must be full compensation to them. Bureaucrats must not dole out this compensation on a willy-nilly basis. It should be decided by us, the elected members of parliament, and put explicitly in this bill so that all concerned would know exactly what kind of support they would receive.

Our party has put forward amendments to ensure that compensation is coupled with fair and reasonable financial support to be put into the bill. We see that landowners, farmers and ranchers, as the frontline soldiers in protecting endangered species, need to be considered. These soldiers must be rewarded for their efforts and not punished.

What would happen if our amendments are ignored by the government? Both landowners and the environment would suffer. I described the shoot, shovel and shut up mentality. What is a good alternative? We need incentives built into the bill.

I will address this later, but we need to see what has happened in other jurisdictions and we need to put the proper amendments in here. Property rights must be addressed. This is a big issue. We do not have adequate property rights in the country. They were intentionally left out of the charter of rights in 1982. We must therefore make sure we have the proper amendments here.

I will close with this last quotation:

> Without compensation there is no way we can co-operatively leave or turn back our land to a habitat state. If society feels that bulrushes, frogs and ducks are valuable then show us that value in dollars or the land will be growing something that pays.

I hope the government will listen to people who are very concerned about this.

● (1525)

Mr. Ken Epp (Elk Island, Canadian Alliance): Mr. Speaker, I hope the fact that no member from another party stood up is not an indication that they are disinterested in this topic or that they do not fully understand the ramifications of the amendments before us right now.

The question we are debating right now is primarily that of compensation for landowners and perhaps others who suffer financial loss because of the legislation's enforcement.

I am privileged to have grown up on a farm, and I am old enough to also remember how things were in the good old days. The House may find this extremely surprising I am sure, but when I was just a youngster in my area I remember some of the farmers actually pulled their implements with horses. We did not. By the time I was old enough to see what was going on around me in my life, my Dad already had purchased a small tractor. However implements in those days were very small. I remember implements with as little as six feet. It would take all week to work a field, which by the time I was a teenager we could work in a day. Now my brother, with the large equipment he has, does that same area in an hour or two.

The reason I mention this is because there is a much greater loss to taking a piece of land out of production than just the prorated area of the land itself. When I was a youngster we had little equipment. If there was a slough in the field and ducks, which had a nearby nest, were on the water, we just farmed around it. It was no big deal. We had a little implement so we just circled around it.

There were actually smart ducks and stupid ducks. The smart ducks would take their family rearing responsibilities to the larger ponds and the dugouts that would retain the water until the youngsters were grown up and could move around. The stupid ducks used to set up their families on a slough. They would swim around on the water and had their nests near the little slough. By the time the ducklings hatched the slough was dried up so there was no water for them. Then they had to take a long overland trek to find someplace where there was water for them.

In all instances, when we found a duck's nest we would farm around it if we saw it in time. Regrettably, there were some occasions when we saw it after it was too late. I remember always feeling very badly about that, but after one has gone over a nest with an implement it is too late to undo it. One cannot unscramble eggs. I think, at least in the area we lived, it is built into the farmer's mentality to preserve life because that after all is what farming is all about; it is providing food and livelihood for sustaining life.

With the small implements it was no problem, but nowadays farmers have implements that are from 40 to 60 feet wide. Some are even greater than that. One cannot make little detours for every little slough. As a result, many farmers have undertaken to level off their fields so that these sloughs are no longer there.

What happens when there is an area which can perhaps no longer be used for production? A great and considerable loss is involved. The farmer or the landowner who suffers that loss should not have to bear that loss himself. Again, we can think of different examples. I think of a large corporation that perhaps has an industrial plant.

● (1530)

If it has to put two or three acres of its land aside to preserve a habitat for some endangered species, it can probably afford it. Percentage wise it is a very small proportion of its total operation. This could even apply to someone operating a very large farm. If he or she loses four or five acres, it probably would not be a big deal.

However there are some people for whom it might represent 50% of their income. It might represent enough of their income to drive them from the position where they can survive and thrive on their property to one where they can no longer stay there. Now compensation becomes an issue of great importance because if they are not compensated for it, they lose their livelihood.

I think too of many people living out in the country in Alberta, Saskatchewan and Manitoba for whom their land is their retirement fund. All their lives they have put all the money they have earned into the business. They do not have an accumulated bank account or huge RRSP funds or, heaven forbid, a government funded pension plan. They are looking to sell their property when they retire and thereby earn the income they need for their retirement. In the event that their land becomes unsaleable, due to it having been classified, their future disappears. It is unconscionable to even contemplate that there would not be adequate compensation guaranteed.

As the present bill is worded, the minister may provide for compensation. It is strictly at the whim of the minister who happens to be there at the time. That presents us with a huge problem simply because of the things we have observed from the government in the time that we have been here.

If a farmer in a Liberal held riding were to lose some property, it looks to me as though there would be a higher probability of getting compensation than if that property were in a Conservative or an NDP held riding. That would be really terrible. The highest probability would clearly be if the property were in the Prime Minister's riding. That is not the way to run a business.

We ought to have rules in place that apply equally across the board and across the country. We in our party believe very strongly in the equality of Canadians. It ought not matter what political stripe is represented in the particular area. It should be based on principles that are put solidly into the bill. What we propose with our amendments, which I strongly support, is that there be a formula which basically mandates the degree of compensation and the fact that compensation must be paid.

Another thing we have to look at is how the property is evaluated? I think of an acquaintance of mine who farms and whose farm location is such that in the foreseeable future, I would say some time in the next 50 years, his land will no longer be farmland and will become part of a city. That land is worth a great deal more than just the present value of it to the farm operation. Will those things be taken into account? I suspect strongly that there will be some gaps, disincentives and inequities and as a result, as my colleague from Yorkton just indicated, individuals will make decisions which take them out of the loop so they are not involved with this conflict.

I have much more to say, but I see my time is up.

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance): Mr. Speaker, the report stage of Bill C-5 is very important. The issue of compensation is one that rose again and again in committee. It is a point of contention for any property owner or other individual or company with a vested interest in land.

The key to the success of Bill C-5 is co-operation. We have been stressing this point. The federal and provincial levels of government, wildlife management agencies and property owners must agree to work together in order for species and habitat to be protected.

There is little hope of true success if this co-operation means financial hardship for property owners. I know that in the western provinces, where many property owners are also farmers and ranchers, they are still reeling from the effects of last year's drought. By all indications that weather pattern will continue on into this production year. The last thing these producers need is more financial burden placed on them by the government.

Most of the producers and landowners with whom I have been in contact are having problems. Many feel that the government has abandoned them. They are in need of help and co-operation from the government, yet they do not see this happening.

The bill rests firmly on the government's feeling that it should be trusted. The government will have a hard time selling that kind of policy in most areas of the country. There must be equality in the bill. In particular, equality must be applied to the financial implications of implementing the legislation. Landowners, ranchers and farmers cannot be expected to take on the lion's share of the cost of these measures. The wildlife and habitat that is to be saved would be to the benefit of all Canadians and the cost of the program should then be shouldered by all Canadians.

Property owners should not be subjected to undue financial hardship. Provisions must be made for the mandatory compensation of property owners. This cannot be left to the discretion of the minister. Compensation must be extended not only to property owners but also to those with an interest in that land. This would mean including those with a legal interest, such as the leasing of crown land.

The minister would have us believe that the issue of compensation is complex and requires more studying. The bill can hardly be passed through the House without having clear and definite guidelines for compensation. Once again the government would have us trust it.

Fair market value should be the basis of compensation. This would simplify the issue. Independent review boards or tribunals would make the decision on what this level of compensation would be. To leave this important issue up to the discretion of the minister simply will not work.

When left to its own discretion, we see what happens within the government. It said that we should trust it, that a national gun registry would be efficient and cost effective, and that Canadian agriculture was a priority and that funding would be adequate.

Guidelines for compensation must be included in the bill. Without the promise of fair compensation, the co-operation of the property owners will be limited. This is not to mean that the property owners are not interested in the protection of endangered species. There is, however, little incentive to co-operate when property owners know that the financial burden of this protection is solely that of the property owner or the interested party.

As the protection of species at risk benefits all, the responsibility of ensuring this protection must be shared by all. Compensation only makes sense. If an owner's financial situation is directly affected by someone else's actions, then it is reasonable for the property owner to seek compensation. The government should not be allowed to consider itself exempt from this basic practice.

Many property owners take it upon themselves to be active in the efforts of conservation and protection. Incentives, such as compensation, would go a long way toward securing these efforts. Conservation and protection is not a one time deal. It is an ongoing effort. There are long term losses faced by property owners if their land is used for these purposes. The property owner has the right to expect compensation for these losses.

● (1535)

The farmers and ranchers that I know are environmentalists and conservationists. They have developed and implemented many fine examples for environmentalists and conservationists to look at. We should listen to them and make sure their wishes and wants are looked at before the government proceeds to make this unfair bill law.

Compensation must be a broad base approach. There should be the inclusion of recovery of legal and other costs incurred by property owners outlined in the bill. Not all property owners have the financial resources to defend their position in courts. Compensating legal costs would offer them a level playing field if conflicts arose between themselves and the federal government due to the implementation of the legislation.

Extraordinary impact cannot be the basis for compensation. Any impact on the property owner must be recognized. To limit compensation to severe circumstances will only serve to limit property owners' willing participation in the protection of endangered species and habitat. That is where we get the shovel and shut up theory that has gone on. It has caused lots of problems in the livestock industry.

If left as it is, the outline for compensation being granted only where extraordinary impact occurs leaves us all wondering who will be making the decisions on what constitutes extraordinary impact. Will these decisions be left to the minister? This is far too indefinite. What may be seen as extraordinary to one person may not be seen as extraordinary to another.

The property owners, I am sure, will be far more likely to view impact on their land as extraordinary than the minister would be. This again leaves the property owners at the mercy of the minister. This is neither fair nor just.

What is key in this issue is the rights of the property owner. These cannot be superseded by the whims of the government. If the principles and goals behind the bill are to truly succeed, the property owner is the first step toward these goals. The bill expects the property owners to be aware of their responsibilities but is negligent in addressing the rights of the property owners. Without landowners' co-operation, there is little hope of success.

Without the necessary amendments, we are left with a bill that amounts only to good intentions. The bill's enforcement and guidelines are far too ambiguous. It lacks the clarity and definition necessary to ensure the adequate protection of species at risk in this country.

The bill must be fair to all participants. Only then will we benefit from its good intentions.

● (1540)

Mr. Kevin Sorenson (Crowfoot, Canadian Alliance): Mr. Speaker, I am honoured today to partake in the debate on Bill C-5, the species at risk act.

This is the first opportunity I have had to state to my constituents', mostly my rural constituents, opposition to certain provisions in the new law. We should make no mistake, there is great opposition to the bill in Crowfoot.

Before I proceed I would like to mention that it is absolutely abhorrent that we have waited this long to get this or any other legislation pertaining to an endangered species completed. It has taken six years and two failed attempts at earlier legislation to get to this point. This is not to say that I would agree to fast tracking any of the legislation through. I fully concur with my colleague, the official opposition critic for the environment, that this legislation, any legislation that may have such serious repercussions for landowners, deserves a thorough and complete review.

It is quite obvious that the bill has not been a priority for the government as evidenced from much of its past actions. Agriculture or farming related issues in general are not high on the priority list for those opposite in the Liberal government.

Bill C-5 is the Liberals' third attempt, third try, third strike at passing endangered species legislation. Its previous attempts died when parliament was dissolved for both the 1997 and the 2000 elections. However, despite the fact that the Liberals have had all this for such a long time, they still do not have it right. The bill still falls short. They still do not recognize and respect the fact that ranchers and farmers are good stewards of the land. They certainly do not appreciate nor understand the importance of property rights in this country.

The best way to protect species at risk is to allow for voluntary co-operation and partnership. Protection of endangered species cannot be accomplished through regulation and enforcement without compensation. In my opinion there should be no regulatory or otherwise taking of property without fair compensation.

Nothing in Bill C-5 compels Ottawa to fully compensate landowners at fair market value for their property. It does allow some far away bureaucrat to all of a sudden unilaterally say that certain land is inhabited by an endangered species. Property owners may get less than half of what their land is worth and still less than that if we factor in the future loss of income over a period of time.

Since provincial governments would get no compensation for losses flowing from habitat restoration on crown lands, no one with a grazing lease from the province would be eligible for compensation. The lessee will be left shouldering all the loss.

In my riding of Crowfoot in central Alberta this is not acceptable. We will not, however, know at the time of passing this legislation what exactly the compensation formula will be. We will have absolutely no say in what it will be. Compensation provisions for the bill are to be established in regulations pursuant to the bill.

Something else the Liberal government does not get is that the provinces enjoy exclusive powers over property and civil rights. The 1960 bill of rights, still good law and still applicable to federal legislation, confers a right to "enjoyment of property" on all Canadians as well as a right not to be deprived of that property except by due process of the law.

Although some do and will deem this law unconstitutional, the supreme court's decision regarding the confiscation of property and the regulation of property, for example in Bill C-68, the firearms legislation, shows that a precedent has been set. Be very sure that if the government believes it can take firearms, it believes it can take land.

In the supreme court challenge of Bill C-68, the court ruled that under the federal government's criminal law power it could regulate firearms in shooting clubs.

Repeatedly in the House today and on other occasions colleagues on all sides have referred to the experience in the United States.

● (1545)

Under similar legislation to what we are contemplating, United States farmers afraid of losing their property are clear that they will shoot, shovel and shut up if they spot an endangered species, a wild turkey or a ruffed grouse, squatting on their land.

In the words of a grade 12 student in Delia, who I had the opportunity to speak with last week as I travelled throughout my constituency, Canadian farmers, upon spotting a burrowing owl and faced with the prospect of losing their land, would shoot fast and dig faster.

This legislation would be absolutely contrary to what it is trying to achieve. It would put species at risk in a much greater threat.

With regard to the United States, I have heard that despite its legislation being 25 years old not one species at risk or endangered species has been saved by this type of top down command and control law. It appears, by most accounts, to be a total failure.

If it were not bad enough that we are enacting an unconstitutional law that would steal our property and destroy a farmer's and rancher's livelihood, Bill C-5 would make criminals out of our landowners.

Clauses 97 to 107 in the bill prescribe the offences and punishment for persons harming an endangered species. Clause 97 states:

> Every person who contravenes subsection 32(1) or (2), section 33, subsection 36 (1), 58(1), 60(1), 61(1) or 74(1) or section 91 or 92 or any prescribed provision of a regulation or an emergency order, or who fails to comply with an alternative measures agreement the person has entered into under this Act,
>
> (a) is guilty of an offence punishable on summary conviction and is liable
>
> (i) in the case of a corporation...to a fine of not more than $300,000,

It further states:

> (iii) in the case of any other person, to a fine of not more than $50,000 or to imprisonment for a term of not more than one year, or to both;

Clause 100 states:

> Due diligence is a defence in a prosecution for an offence.

Clause 102 states:

> A court that imposes a sentence shall take into account—
>
> (b) whether the offender was found to have committed the offence intentionally, recklessly or inadvertently;

The bill says that it is up to the landowner, rancher or farmer to prove to the court that if an animal was taken it was done unintentionally. It is not up to the prosecution or the crown to say that they are guilty or should be prosecuted; it is up to the defence, the landowner or rancher, to prove the innocence of their actions. Nowhere in the legislation is it specified upon whose onus the defence lies.

Farmers could and would incur horrific costs proving in a court of law that they unintentionally destroyed or endangered a species or their habitat.

We heard this afternoon the member for Elk Island talk about growing up as a youngster watching his father go around a duck's nest or watching as a cultivator passed over a certain animal. The onus would now be up to the farmer to prove that it was unintentional.

In my opinion Bill C-5 is unconstitutional. It would criminalize landowners, steal their property and destroy their livelihood. For those reasons I cannot support Bill C-5, which is regrettable, because I do support protecting endangered species.

All sides of the House recognize that if we have endangered species we must bring forward legislation to protect them. However the manner in which the bill is prescribed here would do just the opposite. The bill would be more detrimental and would harm those endangered species more than it would help.

We ask that this be recognized and that members vote against the bill. A bill should be brought forward that would do the job.

● (1550)

[*Translation*]

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, at this time we are addressing a bill about the protection of endangered species in Canada. I believe, as the previous speaker has said, that all of us subscribe to the principle that endangered species must be protected. It is a principle totally endorsed by the Bloc Quebecois. This morning, moreover, the hon. member for Rosemont—Petite-Patrie reiterated this.

The question we must ask ourselves, and is being asked of us, even with the first set of amendments introduced today is this: is Bill C-5 the right answer to the problem all of us here in this House have identified?

The Bloc Quebecois response—as the hon. member for Rosemont—Petite-Patrie said this morning, is this: We do not believe that Bill C-5 is the right answer to the problem identified, namely the protection of endangered species, and there are two main reasons for this.

The first is that Bill C-5 does not in any way improve the protection for endangered species. Moreover, as all major environmental groups have pointed out during consultations, this bill is pointless, in a way, in that it contains major weaknesses. As well, its approach is a piecemeal one, a criticism that has been made on several occasions. It contains no overall vision.

Furthermore, and this is what is most pernicious in this legislation, there is the discretionary power granted to the Minister of the Environment and the cabinet when it comes to the overall enforcement of the legislation. This is apparent, for example, in the amendments that were moved today. We are told, "There will be compensation. But we do not know what kind. We will talk about it after the bill has been passed. It will be in the regulations".

Each time the government does this type of move, Canadians and Quebecers end up losing.

Let us take clause 27, which allows the cabinet, on the recommendation of the Minister of the Environment, to establish the list of endangered species and to amend it if necessary, by regulations.

How can the minister make the list of endangered species? Does he have the required education? No. Which is perfectly understandable; we are chosen to represent the population, not for our degrees. One does not necessarily become Minister of the Environment because one is a biologist.

Therefore, an independent organization should establish this list, because it appears as though—and we are used to this—this list will be based more on political considerations than scientific ones. We had yet another good example of this today during oral question period, when the Minister of the Environment, when asked if he would be ratifying the Kyoto agreement, skirted the issue, gave some argument and tried to avoid the question by saying that he was consulting with the provinces.

This is not the case for all kinds of other treaties; let us take the negotiations for the free trade area of the Americas. The Bloc Quebecois asked on a number of occasions—we even moved motions for the House to debate the issue—that civil society be consulted and that the provinces be involved. There was no problem; each time, the Liberals rejected it, because, clearly, they had to make progress, this was an economic issue, it was extremely important, and it was important for our southern neighbours too.

This was the bulldozer approach. There was no need for the executive or the Minister for International Trade to consult, they just did what they wanted and the governing party is perfectly fine with that.

Why, in the case of Kyoto, does the Minister of the Environment tell us that consultation is necessary, that the opinion of the provinces is important? Because the environment is involved. It is perhaps less important for the current government than economic issues and issues that allow industrial sectors to make profits at the expense of the environment, as we unfortunately all too often see.

There is another case as well. When the North American Free Trade Agreement was ratified by the Liberal government, a number of provinces did not agree and at least two domestic co-operation agreements came under provincial jurisdiction. This did not prevent the government from ratifying the agreement. That having been said, obviously, because provincial jurisdiction was involved, a certain number of provinces had to be in agreement with these co-operation agreements.

So, this is one very specific example today. It is not something from the distant past. Just today, we saw the Minister of the Environment use sophistry to postpone answering the very simple question put to him: Does he intend to ratify the Kyoto accord, yes or no, and when?

● (1555)

The discretionary power provided for in Bill C-5, including in clause 27, makes the bill unacceptable from the word go. I think that any parliamentarian, whether a Quebecer or a Canadian, should object to the discretionary power being given the minister and the cabinet.

As a sovereignist, as someone representing the interests of Quebec in the House, there is a second aspect that strikes me as just as fundamental as the first: not only does the bill fail utterly to improve protection for endangered species, and give cabinet discretionary power, but it also interferes directly in Quebec's areas of jurisdiction. It is another pointless overlap with corresponding legislation in Quebec which has been around 1989.

According to the bill's preamble, the Minister of the Environment intends to respect provincial jurisdiction, but the entire thrust of the bill would suggest otherwise.

Not only is the discretionary power given to the minister very broad, as I mentioned earlier, but the bill does not respect the division of powers, as established in the Canadian constitution and as interpreted over the years. This bill truly interferes in a provincial jurisdiction, particularly in Quebec, and excludes the provinces from any real and direct input into the process. Finally, existing laws, such as the one that Quebec has had since the early nineties, that is for almost 11 years, are being ignored.

I would particularly like to draw attention to clauses 53 and 71 which state that existing provincial or territorial laws, or any other document, may—not shall—be incorporated by reference in the regulations. What is provided for in the act is not the requirement to take into consideration the provinces' know-how or existing laws, not the requirement to get the provinces and territories involved in the whole process, but the possibility to do so, depending on the will of the Minister of the Environment and of the government in office.

Given the oft demonstrated desire of the federal government to centralize powers in Ottawa—the social union agreement, which Quebec did not sign, for good reason, is a prime example of that—there is cause for concern about clauses 53 and 71.

This bill completely ignores existing laws, particularly the Quebec act. If the federal government ignores this act, how can we believe that it will respect provincial jurisdictions and Quebec laws?

It seems to me that there are three things wrong with Bill C-5. First, it ignores the division of powers and responsibilities between the provinces regarding the management of habitats and the protection of species. Second, it ignores existing laws. Third, it gives the federal government extremely broad powers regarding the protection of species.

The federal government is going against true environmental harmonization between the various levels of government. It is doing exactly the opposite of what it is saying in its speeches.

In spite of the amendments that have been made, Bill C-5 must be rejected because it is useless, does not meet the needs—and I believe there is a consensus in the House that endangered species should be protected— directly interferes with Quebec's jurisdictions, and ignores the Quebec act. The Bloc Quebecois will oppose this bill.

● (1600)

[*English*]

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance): Mr. Speaker, when listening to the debate today one would think that the Standing Committee on the Environment and Sustainable Development was a terrible place, with members chattering back and forth and not getting along with one another when debating these issues. But let me assure the House that it was one of the best committees I ever served on. I volunteered for it. The hon. member for Davenport is the chairman. The committee could not have found a better chairman. My party could not have chosen a more astute person than my colleague who is the Alliance environment critic.

Contrary to what the public may think, the Standing Committee on the Environment and Sustainable Development has done a tremendous job. The committee worked so long and hard with so many amendments, I was surprised and disappointed to learn of what we are dealing with today. It is disappointing.

I wish we had had Bill C-5 when I was a boy. Had there been legislation like this when I was a boy, many of the animals that once roamed the plains would still be there. There would still be such animals as the kit fox.

Canadians have completely changed the demographics of where they live. When most Canadians look out their windows they see a huge urban area. A very small percentage of Canadians see a huge rural area. It is natural when we look at legislation such as Bill C-5 to envisage different sights and different things. This is a big problem for Canadians.

I can recall one incident. I have presented many petitions about the poison for the Richardson's ground squirrel or the gopher. The issue went on and on intentionally. We wanted to change the potency so that it would kill the gophers. One evening I received a phone call in my office. The gentleman said he did not know why we were trying to get rid of all the gophers because they aerate the soil. He said that they were good for the soil. I asked him where he was calling from. He was calling from Vancouver. He did not quite understand.

I relate that story simply because of the difficulties in bringing about this legislation. We are trying to protect endangered species which requires certain laws and that certain criteria be placed on areas where the endangered species exist.

The endangered species exist on the property where about 7% of the population is involved. Therefore the worries of that 7% are sometimes overshadowed by the other 93% of the population.

When the committee reconvenes, it should look at some of the environmental groups. For example, just the other day the Saskatchewan Wildlife Federation hired a youth director to get more young people interested in bills such as Bill C-5, to make people more cognizant of the environment. We need to do that, but from a very practical point of view.

There is one thing we must do. With respect to those people who are currently engaged in conservation and protection of the species, we must ensure there is federal money available to assist them.

Most of our problems have come from the compensation area. I will agree that we did not agree on that. We came down very solidly saying they shall be compensated, not may be compensated. That is a bigger area of misunderstanding than one may think. I will give a classic example.

● (1605)

A man not too far from where I live owns title to a section of land. All of the land surrounding his section of land is provincial. The section of land which he owns is worth just about zero without all the government land around it. Let us suppose that most of the land around him was designated as animal habitat. Therein lies the problem. That problem would have to be negotiated in fairer terms than the actual value of the land because his whole livelihood could be destroyed.

I have reason to believe that the government, having listened, would have a more positive attitude toward compensation because Canadians are more cognizant of the value of conserving endangered species and wildlife than they have ever been in our history. There is no question about that. We need to look at this issue carefully and steadily. It is an ongoing issue. We cannot just put it away for a month. We cannot draft legislation and say it will never change. That is nonsense. It changes as requirements change. I expect the government has word of that.

I want to make my last point abundantly clear to both sides of the House. Provincial governments own land. The federal government owns land. Industries own land. Private individuals own land. Natives own land. The hon. member opposite stated that animals do not know when they have come to the end of protected land, which is true.

In order for the act to have the real potency it needs, it must be all inclusive. If a certain species is protected and it has been deemed by scientists that it needs protection, then it must cross over all lands and all people must comply. I do not understand how this would work unless it was all inclusive. I understand that there are provisions for exclusions in the bill.

I look forward to discussing these points further at committee because we are not finished yet. This is a big problem and the Minister of the Environment knows it. As long as the people of Canada know that 7% the population will be making the sacrifices and not the other 93%, then maybe they will take into consideration that we too have a heart and understand firsthand what endangered species mean to us.

● (1610)

[*Translation*]

Ms. Jocelyne Girard-Bujold (Jonquière, BQ): Mr. Speaker, I am pleased to speak today at report stage of Bill C-5, the species at risk legislation.

Before commenting on the group of amendments being considered, it is important to ask the following question: is this legislation really required right now with respect to species at risk in Canada and in the provinces? Does this bill not duplicate—how I like this word, because the government does not understand what the word duplicate means—what is being done with respect to the environment?

Is this government reducing duplication with respect to the environment? Does habitat come under federal or provincial jurisdiction? Will this bill do any good in terms of protecting species at risk? Does this legislation have any vision? Will it allow species that are currently at risk in Canada to survive? Will it allow us to proceed quickly to reduce the number of species at risk? I have all kinds of other questions to ask, but my answer to all of them is no. This bill will not help.

When it comes to environmental matters, the people who live in my region deal with the level of government closest to them, namely the provincial government. For them, anything related to the environment has to do with the province in some way or another. So, they call on the provincial government, which is able to respond, "Yes, in 1989 we introduced legislation dealing with species at risk". True, it is not perfect and it needs to be improved, but that is why a bill has been introduced that will allow us to progress.

With its bill before us now, the federal government is thumbing its nose at the bill that has already been introduced by the Quebec government, and it is saying, "We will consult with you, but we reserve the right to tell you what to do". Allow me to get out my dictionary to find out what the word "consultation" means. When you consult someone, it is because you have a question and you want several viewpoints on an issue. The federal government is saying, "We will consult with you, but it is a bogus consultation. You can say whatever you want, we will decide for you".

If this is the true meaning of the word consultation, we need to do some rethinking. I think I will demote the federal government to grade one, where children are taught "Consultation is a process used to determine what consensus has arisen from the reflection triggered by this process". That is not what this government is doing. It consults to suit itself, as my colleague from Joliette has just said, in asking the Minister of the Environment during oral question period what Canada's position is concerning ratification of the Kyoto protocol.

I would remind hon. members that I was the environment critic for the Bloc Quebecois for two years. Ever since the last parliament, I have been hearing constantly that the Canadian government is going to ratify the Kyoto protocol.

Today, the Bloc Quebecois questioned the Minister of the Environment again. We are forced to admit that what I had been hearing for several years is definitely no longer the case. I believe that the Minister of the Environment, for whom I have the greatest respect, having worked with him and prepared some fine documents relating to environmental questions, has been set adrift by his government. He has been told "You are on your own on this issue, because that is not our position".

What they are doing is to say "We cannot ratify it because consultations are required". When they do not want to listen, that is when they consult. That is how things are with this government. I can see that a Tower of Babel situation is developing here. It is always the same. When things are going along fine, no consultation is needed. When they are not, then they consult.

● (1615)

Habitat protection is a provincial responsibility and it is not up to the federal government to tell the provinces how they must act together to protect species at risk and their habitat. When we think about it, Bloc Quebecois members are the only ones here who defend the Canadian constitution. This is quite something.

We say "Canada is a beautiful country, but we want to build a country to be on an equal footing". They do not know their constitution. Habitat and species at risk are provincial jurisdictions. It is not with amendments to a useless and short-sighted bill that the government will help species at risk.

COSEWIC prepared a list of species at risk. That list was made by scientists. The bill says that this list is useless and that we must start all over again. We cannot reject out of hand a list that is the result of studies conducted by scientists over a number of years. Neither the Minister of the Environment nor cabinet is an expert on species at risk in Canada.

Anything that does not reflect their thinking is rejected. They will have to understand that we in Quebec want to protect species at risk, that the habitat is a provincial jurisdiction and that it is up to us to deal with people who have land on which species at risk have their habitat. We must negotiate with these landowners and agree on compensation.

Let us stop putting the cart before the horse. Let us give credit where credit is due. Species at risk, the habitat and the related legislation all come under the Quebec government. I would ask this government to come up with policies on issues that really are under its jurisdiction, such as the Canadian armed forces—the Minister of National Defence is here—trains and airports, because these are all areas under its responsibility. The government must stop interfering and getting involved in areas in which it has no business.

Things would be much better if the federal government spent public money wisely.

It is for all these reasons that the Bloc Quebecois is opposed to the bill.

[*English*]

Mr. Gurmant Grewal (Surrey Central, Canadian Alliance): Mr. Speaker, I am pleased to rise on behalf of the constituents of the Surrey Central constituency regarding the report stage debate on amendments proposed to the government's species at risk act, Bill C-5, which used to be Bill C-33 and Bill C-65 in previous parliaments.

I make absolutely clear that Canadian Alliance members are committed to protecting and preserving Canada's natural environment and endangered species. Therefore the argument is not about whether or not we should have endangered species legislation but rather that we have effective legislation.

I commend the chief critic for the official opposition on the environment, the hon. member for Red Deer, who has done extensive work in putting forward reasonable amendments at committee stage. Of 13 motions in Group No. 1 which we are debating today coincidentally all the motions are moved by Canadian Alliance members. Eleven motions deal with the issue of compensation. Therefore I will focus my remarks on the compensation component of the bill.

We are opposed to this piece of legislation that punishes landowners and farmers for accidental harm done to species at risk or their habitat. The incentives this would put in place are totally perverse. They would punish the very groups that the government should be trying to bring alongside.

As it currently stands Bill C-5 proposes to allow for some discretionary compensation to landowners and resource users from extraordinary impact losses as a result of regulatory restrictions. Specifically this may mean forcing farmers to adapt their farming practices to accommodate nesting birds, selectively logging certain areas instead of clear cutting, forgoing logging in certain areas during migration season or not farming sections of land for a number of years.

I have many problems with this approach to dealing with compensation. The first deals with the basic issue in good policy making which deals with ensuring the costs imposed on society are distributed in a fair and even way. On the other side of the equation the benefits should ideally be distributed equitably within and across stakeholder groups. Then all Canadians including our future generations benefit when our natural heritage is protected. This deals with the benefit side of the policy equation.

On the costs side of the equation however the picture is less favourable. This is because the government has set a compensation scheme in place that imposes all the costs of protecting these valuable species at risk on to one particular group, that is farmers and landowners. In fact one could say this is yet another form of hidden taxation.

The government's current approach assumes that landowners and resource users need to be coerced into complying with such a law. In fact nothing could be further from the truth. Resources companies and farmers realize that their profits and livelihoods cannot come at the expense of the protection of species at risk.

Therefore the confrontational approach taken by the government shows that in spite of what it says has been exhaustive consultation with all stakeholder groups, the government is still ignorant of this.

One way of showing good faith in dealing with all stakeholders is to ensure that proper stewardship incentives are in place, including fair and reasonable compensation for economic losses.

One way to build relationships with landowners and resource users would be to establish stewardship agreements based on fair and reasonable support for forgone revenues. The basic economic logic suggests that the costs should be borne by all Canadians.

● (1620)

The government's consultation process seems to favour certain interest groups over others. The riding of Surrey Central, one of the largest in Canada, is largely urban. However a small proportion of my constituents derive their livelihoods from farming and resource related activities. They have already felt the heavy hand of the government as it mismanaged the softwood lumber industry.

The minister indicated on October 3 at committee that compensation provisions would be assessed on a discretionary case by case basis. As per this bill it is not mandatory for the government either to develop a more detailed policy or regulations on compensation. This attitude of just trust us is not acceptable.

This promise has never been put in black and white on a piece of paper. Provisions for full compensation must be outlined in legislation set by elected members, not by bureaucrats. The formula must be clearly spelled out before the bill is passed by the House. If the government is willing to do it, there should be no problem with putting its promise in writing in the bill. Our motions are listed in Group No. 1. Members should just vote for them.

The government may come back with the argument that an amendment passed at committee stage inserted a clause regarding fair and reasonable compensation into the legislation. This is somewhat misleading, however, since the compensation paid out under this provision is not compulsory. It is just case by case. Instead it is still up to the government to determine when compensation is to be paid.

Opinions can differ over what is to be considered fair and reasonable compensation. Also the government has yet to indicate the criteria it will use to decide who gets compensation and who does not. This is a problem that needs to be resolved before the legislation is passed.

While agreeing to pay compensation under certain circumstances is a baby step maybe in the right direction, it is far from clearly articulating and developing a system for calculating and selecting how the compensation will be paid to a given landowner or a farmer. Instead the government seems intent on punishing them in whatever way possible, whether this means not giving agriculture any new money in the budget or paying them for revenues lost due to the presence of endangered species on their lands.

Not only the opposition party is saying this. A well known economist from the University of British Columbia, Dr. Peter Pearse, proposed a compensation scheme whereby landowners would be compensated at a rate of 50% for losses that affected 10% or more of their income. I understand the government is using this report only as a discussion paper.

However I fear that the government is not interested in more discussion. There is every indication that it may impose closure on the debate just to snub what we are trying to say in the House. I believe this is just another example of irresponsible use of delegated regulation making power by the government and its departments.

Many times regulations do not depict the intent of legislation. This legislation is very vague. It has less meat on the bone. However through the back door the government is in the habit of pushing through the regulations which are not debated in the House. Through the regulations the government is coming up with all kinds of misdirections which are sometimes contradictory to the intent of the legislation.

It will not work without guaranteeing fair and reasonable compensation for property owners and resource users who suffer losses. Farmers, ranchers and other property owners want to protect endangered species but should not be forced to do so at the expense of their livelihoods.

The bottom line is that unless the bill provides for mandatory compensation and stops criminalizing unintentional behaviour, it will not provide effective protection for endangered species and we cannot support it as such.

● (1625)

The Acting Speaker (Mr. Bélair): Before we resume debate, it is my duty pursuant to Standing Order 38 to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Cumberland Colchester, health.

[*Translation*]

Mr. Robert Lanctôt (Châteauguay, BQ): Mr. Speaker, I rise today to speak on Bill C-5. As was the case with Bill C-15B on animal cruelty, the Bloc Quebecois is of the opinion that protection of our wild species is essential.

That protection must not, however, be done just any old way, nor used as a band aid solution. We need concrete measures to ensure that there is additional protection and that it is workable. We need to seek to really enhance the protection of our ecosystems and endangered species.

I could have been really committed to such a bill, because of the unique and endangered ecosystems in my riding. I am aware of the need to find a concrete and workable solution.

We believe, however, that it is possible to create standards with a view to improving and enhancing the status of endangered species and ecosystems while at the same time respecting Quebec's areas of jurisdiction and avoiding needless interference.

As was the case with Bill C-10, we see that there is a proposal to establish additional authorities, thus duplicating what is already in place. Why do so, if not to do away with the possibility of a partnership between the federal government and Quebec?

It seems to us that it would be wiser and more appropriate to direct resources properly toward programs which already are meeting the needs. It strikes us as totally pointless to waste money creating something that already exists and is working, rather than consolidating what is already in place with some tangible and real resources.

The Bloc Quebecois believes that it is essential to point out again that these duplications are not only pointless, but also harmful in that they are perpetuating and increasing the delay, and that is precisely what we do not have: time.

The Bloc Quebecois can see that the environment is one area in which there is a shared jurisdiction between the federal government and the government of Quebec. The federal government must not, however, take advantage of this pseudo-authorization to usurp powers that do not belong to it. That is exactly what the minister responsible for implementing this bill is trying to do. This we cannot accept. This approach is both inconceivable and unacceptable.

This kind of intrusion means administrative duplication, which inevitably results in a very cumbersome bureaucracy that quickly becomes outdated. Such bureaucracy adds nothing to the objectives of the bill in terms of protection, which include, as stated in the preamble, respecting our commitments under the United Nations convention on the conservation of biological diversity, setting priorities and recognizing everyone's role in the conservation of wildlife. But it is only in the last part of the preamble that the word protection is mentioned for the first time. We see a lack of consistency and a lack of vision on that issue.

I find it unfortunate that, on such a sensitive issue, the federal government would choose to serve its own interest instead of those it purports to serve. Of course, it talks about shared jurisdiction but this so-called sharing is more of a one-way street, which is not desirable or beneficial to anyone.

Sharing necessarily implies some form of dialogue, interaction or at least discussion between the parties. However, such is not the case under this bill. In fact, one might think that with this bill the minister is trying to give himself broader decision making powers at the expense of the provinces. What kind of expertise can the minister have that would justify such powers?

I fail to see any sharing in this bill, just interference. The minister is using this bill to give himself considerable discretionary powers without showing any respect for the constitutional division of powers and responsibilities.

Interfering in Quebec's jurisdictions will not help protect species at risk. How else are we expected to react when Quebec's legislation in this area is totally ignored? I think that true sharing would require that Quebec's relevant legislative provisions be taken into account, but that is not the purpose of this bill.

● (1630)

The Bloc Quebecois believes that consultations would have been desirable and beneficial for everyone, but once again, the federal government would rather ignore the established facts and lists, do as it pleases and attempt yet again to centralize powers.

We support measures to provide sufficient protection for species at risk, but we cannot support this bill which denies Quebec and the provinces their unique responsibilities for managing wildlife.

We believe that we must act quickly to protect species at risk, but the federal government will not succeed by appropriating powers unduly. We believe that an active and productive dialogue between the federal government and Quebec is necessary to try to find an appropriate solution to this urgent situation. We will not give blind consent just because they have proposed legislation on the issue. This bill must meet the needs of the situation.

Given that reference is made in the preamble to national identity, I have to wonder how the bill is appropriate. I see it as an attempt by the minister to appropriate powers, thereby breaching the division of powers as defined in the constitution.

I hope and wish for concrete measures to be implemented to protect species at risk, but before I give my support, the objectives need to be clearly identified and prioritized. This is not what I see in Bill C-5.

I will wait for a bill that respects jurisdictions and contains an objective to preserve before giving my support. Because of the disrespectful wording and the underhanded objectives of Bill C-5, I cannot give it my support.

It is clear that the primary purpose of this bill is political. The first line of the preamble equates Canada's natural heritage and our national identity. Yet, natural heritage existed well before we arrived and will be there long after we are gone.

● (1635)

[*English*]

Mr. Rob Merrifield (Yellowhead, Canadian Alliance): Mr. Speaker, I rise today on behalf of my constituents of Yellowhead.

I will begin by saying that this is very important legislation for us in our constituency. In the spirit of true debate, which I hope is what we have here even though I would be somewhat surprised if that is what we have, nonetheless I will give it my best shot, I hope the words we say today will actually be listened to and that the people of Canada will understand and discern just how important the legislation is to them and the generations that will come after them. The legislation has some serious flaws and we really need to consider that.

We are here once again to discuss what will happen with the good ideas from caring, concerned citizens to implement legislation that is designed by Liberals and Ottawa bureaucrats.

Bill C-5 is very good and well intended legislation to protect species at risk. I do not think anyone wants to injure those that are most vulnerable in our world as far as species. There is no question that our habitat is very important to all of us. I do not think anyone here would intend anything but good. However the legislation we are discussing today would perhaps have dire consequences for its intention.

The reality is that the bill would do very little to protect at risk animals. It would probably do the opposite and speed up their decline and perhaps even damage our environment at the same time. We need to seriously debate the amendments that would make this flawed legislation into an effective tool to really protect endangered species.

For most of the last century, the protectors of our lands have been those who have a vested interest in the long term sustainability of the environment: the farmers and the resourced based industries like forestry. They have taken it upon themselves to protect the land, partly out of concern for the environment and partly because of clearly defined environmental laws that promote wildlife habitat. We can see that in the forest industry where there have to be so many setbacks, like not cutting right up to banks of streams and having to leave certain blocks of trees for habitat on to roads and such. These pieces of legislation are there and in place and the habitat co-exists with industry. The implementation of this comprehensive legislation to protect endangered species has become so misguided.

We have seen other examples of this kind of legislation. I refer to the well intended Bill C-68, legislation that was intended to make our streets and citizens safer. Instead of making them safer, the legislation did absolutely nothing to take guns out of the hands of criminals but it has cost $700 million so far. We have well intended legislation that has missed the mark. I would suggest that Bill C-5 would do exactly the same thing.

Although Bill C-5 is well intended to save species at risk, without some amendments it would do the opposite. I am very concerned about that and I am not alone. I believe most of the citizens I represent feel the same way.

The Canadian Alliance is committed to protecting and preserving Canada's natural environment but it is very important to make changes to the legislation. If we do not, we will have serious problems. I think many of the members in the House will discuss and debate the kinds of changes that are needed today. Bill C-5 is an example of top down, controlled legislation coming from the Prime Minister's Office that again shows the contempt the government holds for members of parliament.

At the very least, the bill should be put to the test of free votes in the House. This check on the legislation has been discarded in the name of Liberal partisanship and the threat of the Prime Minister's Office has been looming down over backbench Liberals for many years. This is legislation that should go beyond that because Canadians are not interested in partisan wins. They are interested in legislation that is good for the country, not legislation that is flawed or deficient.

● (1640)

The Canadian Alliance is committed to supporting good legislation at any time and pointing out the flaws of bad legislation to make it better for the citizens of our country. That is what I hope will happen with this legislation.

I would like to talk about some of the good things in the legislation. Protecting endangered species is a worthwhile goal. The Canadian Alliance will do its bit to prod the species at risk legislation into accountability so that we can determine which species are to be protected based on a scientific decision and not on politics.

We were encouraged by the snowmobile clubs and associations from across the country with regard to the legislation and to changing criminal activity to accidental activity. This is a very important issue for me because I come from what is termed the snowmobile capital of Alberta, which is Whitecourt. We know very well how devastating this piece of legislation would be on the tourism and snowmobile industry if it came forward in its present state. We would not want to see steep penalties because of accidental harming of an endangered species and most snowmobilers would not want to see that either.

One of the greatest downfalls of Bill C-5 is the lack of guarantee for fair and reasonable compensation for property owners, farmers, ranchers and resource users who are sure to suffer losses. To be forced to do so at the expense of their livelihood is absolutely ridiculous. Over the past year, citizens of my riding of Yellowhead have repeatedly raised the issue. The way Bill C-5 is currently written would bring devastation to the industries that are already suffering from crippling Liberal policies.

In Yellowhead it is not one industry that will suffer from C-5, many will. Not only is there the agriculture sector, but there is also the resource sector, including forestry, which has vast tracks of land. It is very important that they be heard in this piece of legislation.

There is already legislation, whether provincial or federal, with regard to some of the things that need to be taken into consideration when it comes to looking after some of the species that come onto these lands. I am not saying we do not need other legislation but we certainly need to consider the implications of this one.

The farmers of Yellowhead who are already on the brink of collapse cannot face the economic responsibility of protecting the endangered species of Canada without assurances of some fair compensation. As the legislation is currently written, it is in the self interest of farmers to make their land inhospitable to wildlife to ensure endangered species are not found on their property. I am very fearful that farmers may do some of the worst things, which would be to remove habitat that endangered species usually like to get to, because of this piece of legislation. They may remove the species or their habitat before looking after the species.

Why would I say that sort of thing? I would like to tell the House what happened on my farm just a year ago.

We are very excited when the bald headed eagle comes onto our farm. Every year we set the clock to the arrival of the bald headed eagle, which is March 21 every year. Last year when the eagle came back, our cattle were calving. My son ran out to check one of the cows and the bald headed eagle was feeding on the calf as it was being born. It was a terrible situation. He chased the eagle away and ran back in.

It was 4.30 p.m. He called the wildlife department to see what he could do with the bald headed eagle as it was an endangered species, but everyone had gone home. He left a message saying he would have to shoot the eagle. Right away the wildlife officer called back and said not to shoot at the eagle rather shoot into the air. That is what he did. I do not know if there were any feathers when he shot into the air.

● (1645)

We cannot expect a farmer to lose his livelihood over protecting an endangered species. This legislation is prone to do that and we have to understand the damages that would result from it.

[*Translation*]

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, it is my pleasure to participate in the report stage debate on Bill C-5, an act respecting the protection of wildlife species at risk in Canada.

Often we have to make comparisons with what we have seen the federal government do in other areas with respect to issues as important as this one. We cannot but notice that every single time Quebec is ahead because it has taken the lead, because it wanted to be a pioneer in areas it believed were of paramount importance, it ends up being penalized for being a pioneer, for acting faster than the federal government in areas under its jurisdiction, be it shared or sole jurisdiction, especially when we know what is happening in health care.

When the GST and the QST were harmonized back in the mid 1980s, Quebec took the lead. We thought it was a good way to make sure that businesses could see their way through a double taxation system where some goods were taxable and others were not. As a matter of fact, this harmonization was never completed because the federal government has not seen fit to help us out with it. We have nevertheless managed to harmonize the GST and the QST to the maximum.

A few years later, the federal government announced it was going to harmonize the provincial sales tax in the three maritime provinces with the GST and gave them $900 million in compensation. Quebec had taken the lead and was penalized for it. It had not demanded any money to harmonize the GST and the QST when it did it without help from the federal government.

It is the same thing with the Kyoto protocol. In the 1970s, as a result of the energy crisis, the Quebec government decided to go green. Today we are faced with the following situation. If you look at what is happening in Quebec, it has the best performance in America with regard to greenhouse gas emissions. Once again, we have to pull the rest of Canada along to have the Kyoto protocol implemented and move forward to protect our resources and the environment.

Once again, Quebec is being made to pay for having led the way, for having made a commitment to the environment. While we were footing the bill for that commitment, while the continuation of extremely polluting practices in the rest of Canada are now being debated, these are costs that companies in the nine Canadian provinces will not have to assume, with the result that the costs of what is produced in the Canadian provinces do not reflect the true damage to the environment. Because we took the initiative, we are once again being penalized, because the rest of Canada is dragging its heels on the environmental protection issue.

In addition, when one looks at the fiscal imbalance in the 1960s, we—I am talking about Quebec—asked the federal government for tax points, because we were sure that that was the best way of restoring some sort of balance between the federal government and the Government of Quebec. But, in those days, this was not what the other provinces wanted. It took another 12 years, until 1977 to be more precise, for the provinces to understand that it was in their interest to obtain tax points in order to fund the various health, education and income security programs. Once again, we led the way.

With Bill C-5, we find ourselves in the same situation again. In 1990, over 11 years ago, the Bourassa government passed legislation on endangered species, on wildlife conservation, and on fisheries resources practices and conservation. We made this commitment to protect endangered species and their habitat 11 years ago in Quebec. Now we find ourselves in a situation where the federal government is not respecting what was done and wants to impose pan-Canadian legislation on endangered species, with no regard for provincial jurisdiction.

In 1996, my colleague, David Cliche, then Quebec's minister of the environment, agreed to sign a federal-provincial accord on the protection of endangered species on the following condition.

● (1650)

I think things were clear back then. That one condition was that the agreement should not ignore Quebec's jurisdictions, it should not ignore what had been done since 1991, and it should ensure a degree of complementarity regarding the protection of species at risk and their habitat, based on what was done by Quebec and the other provinces and by the federal government in their respective jurisdictions.

We have nothing against a federal act on the protection of the environment, to the extent that it applies strictly and exclusively to areas where the federal government has full jurisdiction such as, for example, Parks Canada. It goes without saying that migratory birds come under federal jurisdiction. But jurisdictions must be respected when we come up with an act that deals with all the species that are endangered or at risk, with wildlife conservation in general, and with fisheries conservation.

Clause 32 of the bill is particularly dangerous, since the federal government may decide alone that a province, for example Quebec, does not fully respect its vision concerning the protection of species and wildlife habitat. We know that, for the past 10 years already, the Quebec government has been actively involved in wildlife conservation, and in the protection of endangered species in particular, through a good and well thought out piece of legislation.

With this clause, the federal government could create some incredible duplication in an area that is already well looked after by the Quebec government. For example, the bill refers to conservation officers. They are actually called federal enforcement officers. But it is the same. The federal government could invoke clause 32 to say "Quebec is not doing its job properly". We know how members opposite can resort to demagoguery. The federal government could say that Quebec is not doing what it should the way the federal government wants it to be done and use clause 32 to appoint federal enforcement officers who would work alongside with conservation officers governed by the Quebec act.

It could also put into place plans for the restoration of animal habitats, as the Quebec legislation, which I would remind hon. members has been in place for 11 years, is capable of doing. We have the experience and the resources to do so. The Quebec legislation already has provisions for habitat restoration.

We can see where things are headed. It could have been so simple. It would seem that simplicity is anathema to the federal government. It is incapable of doing anything simple. The more complex things are, the happier it is. The more likelihood of stirring up disputes, the happier the people over there are. It can be seen with all the matter of tax imbalance how the Minister of Intergovernmental Affairs is exhibiting shameless cynicism and just brushing aside the opinion of leading Quebec specialists and organizations. He even dares to take excerpts from their brief and quote them out of context, in order to make them appear to say the opposite of the general thrust of the brief.

We can see how those on the other side have the capacity to be what the miners call powder men, the ones who set off explosions. Once again, here we are in a situation where it would have been easy to say, "We are going to respect jurisdictions. We are also going to respect existing legislation. In Quebec you have been at this for 11 years. You have been protecting endangered species with three very specific pieces of legislation with teeth". They could have said, "We respect that". The federal legislation could have been limited to federal jurisdictions. But no. It is way easier to stir up trouble, as is the wont of those people over there.

As soon as there is an opportunity to impose a clear desire for still greater centralization, they go ahead and do it. As soon as there is an opportunity to stir up federal-provincial squabbles, they go ahead and do it. As soon as they see a situation with the potential for literally crowding out the government of Quebec or the provinces, even in areas under their jurisdiction, they go ahead and do it.

● (1655)

Who do these guys think they are? How can people who contribute, as they do in Quebec, some $40 billion in various kinds of taxes, accept having such troublemakers across the floor from us?

We are going to fight this unacceptable bill. We, the Bloc Quebecois, are going to win that fight.

[*English*]

Mr. Brian Fitzpatrick (Prince Albert, Canadian Alliance): Mr. Speaker, first, I would like to make some preliminary comments. I am from Saskatchewan and my riding is largely a rural one. The signals sent out by the government are not friendly toward rural Canada or are not perceived as friendly. There seems to be a total lack of sympathy by the government toward the plight of Canadian farmers and producers.

I noticed in the budget run-up the Minister of Finance noted that the average per capita contribution of Americans toward agriculture was $350 per person whereas in Canada it was less than half at $168. I was expecting some initiative in the budget but I did not see any. I guess this is more of the same with the government.

Bill C-68 was another piece of legislation that was perceived as a hostile step by rural Canadians. They cannot see any logic or reason behind the legislation. They see a total waste of money coming out of the legislation and they cannot see one single benefit other than maybe more job creation in this town for public servants.

The cruelty to animals legislation seems to be driven by the fanatics in the cruelty to animals industry. The last thing my constituents need is this sort of thing to enter their part of the world, with the aid of all the resources of government on its side, and harass people who are having a difficult time making a living, paying their taxes and supporting their families.

The endangered species legislation is just another intrusion in the lives of my constituents and they do not feel it is necessary either. When Liberals go around the country trying to determine why they are not very popular in rural Canada, they just have to look at their actions. The actions are the reason why there is this feeling of alienation in that part of the world.

In the fall we debated Bill C-36 and much hot air was let out over sunset clauses. We would be better served in the House if we started evaluating existing government policy with sunset clauses to determine whether they are achieving any useful results or not. We would probably find that a good part of what we have created is irrelevant, useless and we could do away with. We could simplify the world.

The reason I raise this is that the majority of members on the other side of the House believe that if there is a problem in society they can make it go away by passing a law.

Generals do not win wars by ordering a result. They win wars by having a solid strategic plan in place and having motivated, well equipped personnel who can carry out the plan. Anyone can order a result. The members over there could get a private member's bill or something that orders a result but that does not mean there will be a result. Getting and achieving results is something totally different than just ordering them.

Good laws, like success in the military field, require a plan that will work along with the resources necessary to complete the plan. It involves the co-operation of the necessary participants. The bill is a miserable failure on just about every count that we can look at. It totally overlooks two levels of government, municipal and provincial. The government has a bad habit of ignoring them. It likes to go right over their heads and ram something through without considering the impact.

The recent kerfuffle in Russia over the Kyoto accord is another example of how the government is out of touch with the people of this country.

● (1700)

This bill ignores one of the most important participants required to make the legislation work, the landowners. The Liberal government has continually shown contempt for property rights. When it brought home the constitution it absolutely refused to comprehend that the charter of rights should include some protection for property rights. Just about every other country that has something like that does entrench property rights or some recognition, but the Liberals did not. The Liberals had an opportunity to patch up their omissions with the Meech Lake and Charlottetown accords, however they failed there as well.

Most people I know are involved in their businesses or their careers. They devote a huge part of their week toward creating income for themselves, their families, their communities and their government. In my province, government consumes something like 50% of all such income. At the end of the day, only a small portion is left over and people use that generally to acquire property and equity in property. We are no different.

Last spring the Liberals, with much enthusiasm, voted for a pay increase. Why did they want a pay increase? To buy a better boat, get a better home, get a better car or take a nice trip. Basically, what they were after was trying to materially improve their standard of living as Canadians, that is, property.

Everyone appreciates that the government, in trying to carry out its obligations or responsibilities, from time to time must interfere with property rights. No one is arguing with that belief. However, we do object to a government that ignores due process, and fair and reasonable compensation.

That is why the Liberal government, back in the early 1980s, refused to recognize property rights in our charter of rights. It did not believe in due process when it dealt with property rights. It did not believe in fair compensation to citizens who had their property robbed or damaged by government action. Maybe it was the Trudeau effect on liberalism. A little of that left wing, socialist mentality has crept into its way of thinking and is flourishing today in this society.

The Liberal government has a good track record of interfering by imposing obligations on Canadian citizens without providing compensation such as: the Canadian Pension Plan, EI, GST, fuel taxes, and payroll deductions. It imposed these obligations on businesses and put onerous responsibilities on them. It made them become its bookkeepers and tax collectors and, in most cases, there was absolutely no compensation whatsoever for doing these things. Again, it showed a wanton disregard for property rights and the economic interests of Canadians.

What really takes the cake, from the Magna Carta to where we are today, is that the British-American Anglo justice system says that it takes a guilty mind not just a guilty act to create a criminal offence. The government has a consistent track record of chipping away at that concept and turning things into strict liability. I do not know why it wants to do that because when it gets people in prison, no sooner does it get them in prison and it wants them out. It is a crazy system. Just about everyone else in the world recognizes mens rea, mental elements and so on and the government ignores it.

● (1705)

[*Translation*]

Mr. Clifford Lincoln (Lac-Saint-Louis, Lib.): Mr. Speaker, first I will say that the grouping of these motions defies logic.

Group No. 1, which is supposed to deal with compensation, does not include clause 64, the main clause dealing with compensation. This clause is included in Group No. 5, in Motion No. 109. It makes absolutely no sense. How is it possible to talk about compensation without talking about the provision in the bill dealing specifically with compensation?

Group No. 2 deals with federal-provincial relations. It is about deadlines and federal-provincial agreements.

[*English*]

It is a misleading title because Group No. 2 refers to the critical part of the bill regarding listing and habitat. I do not know why we should not call it listing and habitat. I think it is a delusion to call it deadlines and federal-provincial relations to imply that if we encroach on federal-provincial relations in the bill the amendments produced by the committee are not valid.

I remember the beginning of endangered species legislation. I am very sorry I was not able to take part in the workings of the committee this time, but I was there when the minister of the environment at the time proposed endangered species legislation for the federal government. I was a parliamentary secretary. It was the first time ever the federal government was going to move to this area of legislation, backed by a huge majority of Canadians. Since then we have had Bill C-65 under the succeeding minister, then Bill C-33, and now the present one, Bill C-5. Every time, it seems to me, we have slipped down the slippery slope.

If we want to talk about compensation, let us talk about compensation. The whole issue is whether we will be firm and mandate from the government that the bill means to be implemented with obligation on the part of the government or whether it will be discretionary. If there is a thread running right throughout the bill it is the tremendous discretion given to the government on every section, whether it be listing, whether it be habitat, whether it be compensation, whereas the committee had suggested that the government shall produce regulations to set out the criteria for compensation and that it should be fair and reasonable.

I look at the arguments produced for saying that the committee was not valid in its conclusions. The argument states that the standing committee amendments remove governor in council discretion. I would suggest that there are stacks of pieces of legislation where governor in council discretion has been removed, because this is the intent of laws: to bind the government to certain things. Do we not remove governor in council discretion when we mandate as a House that legislation will be or shall be reviewed every five years, as is the case with several pieces of legislation here? There is no discretion there. Is there not discretion, for instance, in the Canadian Environmental Protection Act where we mandated that certain listings be carried out within fixed timetables, that regulations be issued within fixed timetables? There was no discretion there.

I see that regarding compensation the committee also required the mandatory development of detailed compensation regulations. What is wrong with that? This is what Canadians want. They do not want it to be left to the discretion of this government or that government according to the will of the day or the discretion of the day. This is why there are mandatory provisions in legislation binding government to certain specific acts. I see nothing wrong or untoward with the provisions that the committee set out to bind the government to an obligation that regulations must be produced and that compensation must be fair and reasonable. What is more, we are talking about compensation in Group No. 1 without examining the key item of legislation, clause 64, which deals with compensation. This is something completely illogical if ever there was.

Besides, the section on compensation refers to clauses 58, 60 and 61, and it happens to be that clause 58 has been completely gutted by the government in this bill. We are talking about compensation referring to a certain set of criteria under clause 58 as amended by the committee, but now clause 58 is a completely different animal.

● (1710)

How can we talk about compensation on one side and have another grouping for listing and habitat when all of these things are holistic and interdependent? I would suggest, first, that the way we have grouped these things is completely illogical. I do not know how it was done in the first place, whether it was produced at the request and instigation of the minister or the ministry, but it does not make any sense at all.

If we discuss compensation we should be in the main section of the bill and deal with it within Group No. 1. Also, if we are to deal with the subject of compensation, which is of course a big issue for a lot of members here, as we have witnessed by all the speeches made in this regard, then obviously we have to tie it into the key sections of the bill regarding habitat and listing, because all of it is together. We cannot just separate one from the other.

I would suggest that we give a lot of time to having the bill debated, that we do not bring forward any closure which would prevent discussion on Groups Nos. 2 and 3 and the others. There is no way we can deal with the bill in a piecemeal fashion, looking at compensation completely separately from the other key items of the bill. If we are to abide by the rules of the House, then we have to talk about the groupings one by one.

I hope we will have a lot of time to speak about Groups Nos. 2, 3, 4 and 5, but especially Group No. 2 about the critical subject of listing and habitat, where the committee recommendations, worthwhile and completely constructive and objective, have been gutted. If members look at clause 58 they will find that the whole page has been gutted and replaced.

I am very sad. On the eve of Rio Plus 10 we will have a bill that will look like a great bill. It will have a wonderful title. It will be very thick. Then around the world we will be able to produce the fact that we have an endangered species bill, but I suggest that really it is a hollow little book. There is not much in it except for discretion and it is discretion from *a* to *z*. It is sad.

The whole question of compensation is a good example of what I am saying, because we have replaced some obligation on the part of the government, completely legitimate, by total discretion, and we know what discretion leads to.

● (1715)

Mr. John Williams (St. Albert, Canadian Alliance): Mr. Speaker, I would like to compliment the member for Lac-Saint-Louis for his comments because here we have a government member speaking out against the government's bill. It is heartwarming for the opposition, not in a partisan way but because the member has read the bill and has taken exception to some of the clauses and this whole notion of discretion. The government has become far, far too heavy handed.

I will read to the House one clause from Bill C-49, which is the budget implementation act. Members may ask what has this to do with the environmental bill, but this is an example of the government's heavy handedness. It refers to the creation of the Canadian air transport security authority.

How much authority will this authority get? Let me refer members to subclause 36(3) on page 11, and I will quote. This is the authority that the government will give itself if the bill passes, and the governor council is the cabinet:

> The Governor in Council may require air carriers to transfer to the Authority, on such terms as the Governor in Council considers appropriate, their rights, titles, interests or obligations under any contract respecting screening specified by the Minister, despite any contractual restriction on the transfer of those rights, titles, interests or obligations.

What could be more heavy handed than that? Despite any contractual restriction on the transfer of rights, titles, interests or obligations, if the government says they will be transferred to the government they will be transferred.

Here we have on this environmental bill the government saying "On our discretion we may, if we feel it appropriate, pay compensation". The government has an obligation to parliament to explain what it actually means. If it is going to write some regulations from here on in explaining what its discretion is, then I think it has an obligation to table these regulations right here in this place before we vote on the bill.

It seems only appropriate, but then of course this is not the first time the government has treated the House with contempt. The government will again treat the House with contempt on the bill, as it is treating with contempt not only the House but the private sector and anybody who has anything to do with air transport security. The government will say that despite whatever protection there is in law it is irrelevant and "you will do what we say" because the House will pass a law saying "we will give the government whatever it wants".

Now, of course, there is this discretion. We heard the member for Red Deer talking earlier today about how the bill on the environment says a person is guilty until he can prove himself innocent. This trashing of the whole system of democracy that has been built up over a thousand years shows up time and time again and it has to come to a stop.

I live in the country. I am sure there are more members than I who live in the country and enjoy the country, but unless there is an environmental impact assessment certifying that there are no endangered species on the property, people cannot walk around on their own property with the freedom to enjoy it. They might step on something and kill it, and that is against the law.

I cannot overemphasize my disgust at the way the government brings in legislation through the House, expecting a rubber stamp after one day or two days of debate. If there are more than three days of debate it brings in closure and says "Enough of that, we have to get on with the work".

It is not so. We read in the *Hill Times* today about a motion that is coming up for a vote, maybe next week. The former Clerk of the House of Commons is saying, and we have the title, "Parliament 'abandoned' constitutional responsibility". This is in the *Hill Times* of February 18.

The government treats this place with disrespect. We are trying to stand up in an open forum and say on behalf of all Canadians that they need to know what the government is doing. If government is passing a piece of legislation it has to be exact and specific, but compensation at its discretion, if it is of the mind to do so, cannot be approved. I hope the House will reject the bill and reject these particular clauses. We must recognize that if we are to earn the respect of Canadians for being here, then we had better start exercising the authority they have given us. We had better start telling the government it cannot have this authority and amend this legislation before it gets approved.

● (1720)

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, I am pleased to rise today to speak to Bill C-5, an act respecting the protection of wildlife species at risk in Canada. There are days when we have to wonder what we are doing here in this House.

I will try to enlighten those Quebecers and Canadians who are watching us on the reasons why we are discussing a bill on the protection of wildlife species in Canada. Why should we be discussing that in Quebec when the Quebec government has been taking its responsibilities in that regard since 1990?

At the time, under a Liberal government, the National Assembly passed, with a big majority, a piece of legislation entitled an act respecting threatened or vulnerable species. Then, in 1990, it passed an act respecting the conservation and development of wildlife, followed by the fisheries regulations.

All these laws and regulations are enforced by wildlife conservation officers, women and men who work very hard to ensure the protection of species, including wildlife species at risk. They sometimes risk their lives to enforce the standards adopted by Quebec.

If, in Quebec, we enforce our own legislation with the help of wildlife conservation officers, men and women who enforce this legislation, we wonder why this parliament should discuss and pass a bill that duplicates what is already being done in Quebec and elsewhere. For the information of Quebecers, the reason is that all provinces do not enforce the same way their legislation on species at risk and other environmental legislation.

The federal government is trying to demonstrate to all stakeholders in Canada, to all those responsible for the protection of species at risk that they should protect more vigorously some of these species.

Obviously, this bill never mentions that, in Quebec, the existing legislation already provides for what is at stake in these regulations. The government spokespersons themselves admit that this bill provides for a second line of protection, because the Quebec legislation will apply, but Bill C-5 will be a second protection.

Why should we have two lines of protection when, in Quebec, the federal government would just need to discuss it with the relevant Quebec government department if it wants to have a particular species protected. It is that simple.

The Quebec government has never refused to protect an endangered species. It has never happened in the past. But the federal government wants two lines of protection. That is called duplication, and that is what really drives up the costs of the Canadian federation.

While the government is sinking money in bills such as this one, health, education and the real issues that people want to hear about are not being addressed.

A responsible dialogue could have been established between the departments involved, the federal department and the one in Quebec, to determine which species if any require protection, or Quebec's wildlife conservation officers might have been involved—we know that ministries across the countries are often underfunded; why not have included in this bill a good intention: to divide between governments, to share with the government of Quebec, the burden of enforcing all of the legislation regarding species at risk?

Why not use the additional funding from the federal government to hire more wildlife conservation officers in Quebec with more responsibilities, so that they can better enforce the law?

No. This bill will create federal enforcement officers, another category of players to duplicate and overlap what is being done in Quebec.

● (1725)

This is why it is often difficult to speak to bills where we wonder, yet again, what is going on. Energy and money is being spent where there is already work being done. As I said earlier, since 1990, the Quebec government has had its own legislation. I am repeating this so that Quebecers will fully understand.

In Quebec, we have the act respecting threatened or vulnerable species. What is the difference between this act and the species at risk act in Canada? Probably the word "Canada", because you will not find it in the Quebec legislation. There is also the act respecting the conservation and development of wildlife. These acts have been in place in Quebec since 1990.

In 1996, Quebec's environment minister signed with the federal government and the other provinces an agreement to protect species at risk. What is the difference between that agreement and the act respecting the protection of wildlife species at risk in Canada? Is it the fact that the words "wildlife" and "Canada" are not included?

In 1996, under an accord signed by the federal and provincial ministers of the environment, everyone was going to respect his own area of jurisdiction. No one was going to interfere. However, a press release was issued at the time by the Quebec minister of the environment saying that all this had to be monitored, because it could open the door to overlapping.

The then Quebec minister of the environment was right on, because in 2002 there will be overlapping. Once again, the federal government will come and stick its nose into an area that is very well managed by Quebec, without any exclusion clause for that province, and without any specific agreement to invest or help the Quebec wildlife conservation service.

The government could have acted in good faith by investing additional money. If it does not do so in the areas of health and education, it could have used this bill to help Quebec hire other officers, other women and men, for its conservation service, so as to reduce the workload of those who are currently working very hard. But no. Once again, the federal government will create its own network of federal enforcement officers. The bill refers to federal enforcement officers. Such is the harsh reality of this federation.

I agree with the Liberal member for Lac-Saint-Louis. In the end, this bill makes no sense to me, a true Quebecer. It makes no sense at all. Moreover, on the issue of compensation, he is quite right to say that compensation could have been possible. When we decide a habitat is essential in order to protect a specie at risk, a compensation scheme is a must. Again, the federal government should have loosened up its purse strings and provided compensation for land owners and any stakeholders incurring losses as a result of the implementation of this bill or just the implementation of Quebec laws.

The federal government could have shown great openness, and contributed to the wildlife conservation network, the wildlife conservation officers network in the province of Quebec or announce a compensation scheme for the land owners who, because of the establishment of an essential habitat on their land, could face a drop in its value because it can no longer be used. We could have had a real compensation scheme. But no, once again not a word from the federal government.

We never hear from the federal government when it is time to pay up. But when it comes to imposing new norms and establishing additional requirements for the provinces, getting everybody to work hard, having the provinces put more money into health or education and, once again, make them work even harder to protect wildlife, we can always count on the federal government. It is very good at making others spend their money. But when the time comes to spend its own money, it is never there.

Again, this is what I am trying to explain to Quebecers and Canadians who are listening this afternoon. We have to be careful. I am seriously wondering what we are doing today here as Quebecers discussing a bill that is already in place in the province of Quebec.

● (1730)

[*English*]

Mrs. Karen Kraft Sloan (York North, Lib.): Mr. Speaker, I share with members of the House and indeed Canadians who are watching this afternoon a remarkable event which took place in the standing on environment. Members on all sides of the House, indeed in all political parties, put aside partisan differences and worked together in an unprecedented spirit of co-operation.

In the spirit of co-operation members around the table worked hard to find common ground to improve the original species at risk act, Bill C-5. The resulting amendments put forward by committee reflect testimony from the scientific, conservation and industry witnesses which the committee heard.

In his ruling this morning on Bill C-5 the Speaker stated that many motions were proposed to make further changes which were substantial modifications by the committee or to reject the committee's modifications. While I had some reservations concerning these motions, arguably these motions ought to have been resolved in committee, the Speaker decided to go ahead with them.

I suggest that these matters were resolved in committee by members who represent all parties of the House.

The matter before us is the issue of compensation. Yet I do not see Motion No. 109 included in this grouping. This is the government's motion. If this group deals with compensation, why are we not dealing with the government motion?

Motion No. 109 by the government reverses the committee amendment regarding clause 64 on compensation. During the committee's deliberations on clause 64 on compensation very important issues were raised with regard to landowners, farmers and ranchers. All committee members applauded the efforts of farmers and ranchers in their activities to protect species and their habitat.

No one expects any one individual to bear the full cost of species protection. I was very concerned about this issue as I did not want to set a precedent in legislation to pay people not to break the law. However I feel it is important to be clear about our commitments to Canadians in legislation. I felt it was important to ensure clarity in this provision. In co-operation with other committee members I supported an amendment to make regulations for compensation mandatory. The government decided through Motion No. 109 to reverse this decision.

A document was produced by the government regarding the rationale around some of the committee amendments. The government says that it partially supports nine of the committee amendments, some of which strengthen the legislation including one dealing with compensation regulations. It is not clear to me why on one hand it says that it supports compensation regulations but it wants them to be discretionary.

This is not the only example of discretion in the bill. Virtually every major decision point in the original Bill C-5 is discretionary. With the over 60 government amendments that have come forward it has reversed the committee amendments so the bill is essentially back to its original state, particularly in key areas.

Now we have a bill that is highly discretionary. This includes the listings of species, prohibitions against killing them or destroying their residence on non-federal lands and prohibitions against destroying their habitat even on some federal land. We therefore cannot claim that under the legislation we will protect species and their habitat. In truth, we may decide to protect a species at risk or we may not.

I raise another issue with regard to the grouping of amendments that was brought forth by the member for Lac-Saint-Louis when he spoke about the grouping of motions in Group No. 2. These amendments are dealing with deadlines and federal-provincial jurisdiction in relations.

● (1735)

The amendments are not merely about deadlines. They deal with the heart of the legislation. It is unfortunate we do not have an opportunity in the debate to rise on questions and comments because I would like to know why we are dealing with the most important aspect of the legislation which is deadlines. We are dealing with listing decisions, general prohibition safety net decisions, and protection of critical habitat. We will hear throughout the debate, as we have heard in committee time and time again, that if we do not protect the habitat of species we do not protect the species.

We have international commitments. We do not want Canada to be the laughingstock of the globe because we do not provide mandatory habitat protection and critical habitat safety nets. These are important issues yet they are hidden. Why are they being hidden?

More importantly, as members of the House we must ask ourselves who we represent. We represent Canadians. I represent the constituents of York North, not just the people who voted for me but everyone who lives in York North. As a member of the House, the Parliament of Canada, I also represent Canadians. All 301 of us represent the people in our ridings as well as the people of Canada. When the committee undertook this important work in a unique atmosphere of co-operation, putting aside partisan interests to do something important for the environment, it was reflecting the concerns of Canadians.

I will share a little about how many Canadians care about endangered species. I am referring to an article from the Ottawa *Citizen* dated January 29, 2001. I am sure things have not changed all that much a year later. The article says more than 90% of Canadians would support a law to protect endangered species. More importantly, it says Canadians not only care about endangered species but understand what must be in the legislation.

This initiative is second only to the Spanish fishing trawler incident of 1995 when Canada seized a fishing trawler accused of illegally fishing on the Grand Banks of Newfoundland. This is an important issue for Canadians.

A survey conducted by Pollara focused especially on rural Canadians who are closest to the land and would be most affected by measures to protect species and their habitats. Of the rural Canadians surveyed, 92% said they supported endangered species legislation. They said they wanted effective legislation, not legislation that might or might not protect species. They wanted legislation with real measures to protect species the way they deserve.

● (1740)

Mr. Peter Goldring (Edmonton Centre-East, Canadian Alliance): Mr. Speaker, I am pleased to rise today to speak to the species at risk act and, most important, to the motion put forward by the Canadian Alliance. The motion asks:

> That Bill C-5, in the preamble, be amended by replacing lines 22 to 24 on page 2 with the following:
>
> "landowners should be compensated for any financial or material losses to ensure that the costs of conserving species at risk are shared equitably by all Canadians,"

The rationale of the motion is that the bill's preamble currently says there are circumstances under which the cost of conserving species at risk should be shared. The amendment would replace the weak statement with a stronger affirmation containing two points: first, that since species conservation is of benefit to society broadly its costs should be shared broadly and not fall on one group; second, that landowners should be compensated for losses suffered as a result of implementing endangered species legislation.

A while earlier my colleague from Yellowhead mentioned a circumstance where a bald eagle attacked one of his neighbour's cows that was having a calf. Having lived on a farm as have many others in the House I know this is the reality on a farm. The farmer grows his herds by the newborns and it is absolutely imperative that they be allowed to grow and mature.

Who would be held liable if the farmer reacted to save his livestock? Would he be criminally liable for the act? I have another basic question. If the species at risk is a predator that was hitherto not in large numbers in the area, why should the farmer be financially responsible for the loss of his herd yet unable to defend his herd or livelihood? These are all questions that ultimately come down to the situation of compensation. Yes, compensation is the issue.

Bill C-5 includes the notion that the minister may pay compensation. It does not say shall. May means maybe yes, maybe no. The bill should say shall or will compensate. The bill says the government may pay compensation. That is a step in the right direction but it must be further defined. It is an improvement over the Liberals' earlier version of the endangered species bill, Bill C-65, but it is not good enough yet.

Under Bill C-5 compensation would be entirely at the minister's discretion. There is no requirement that it must be paid and no recognition that landowners and users have rights as well as responsibilities. At committee the Canadian Alliance won a large victory when it was agreed that compensation should be fair and reasonable. However the bill says compensation should only be for losses suffered as a result of extraordinary impact arising from the application of the act. What does extraordinary impact mean?

In a government commissioned study Dr. Peter Pearse, a University of British Columbia professor, suggested landowners should be compensated for up to 50% for losses of 10% or more of their income. Is this what the government intends? It should at least have the courage to say so if this is what it means.

Instead of coming clean the minister pleads that compensation is a complex issue and more time is needed to study it properly. No cost estimates for different compensation scenarios or discussions of how many people might be affected have been released. This contributes to great uncertainty and reinforces the perception that government environmental programs are brought forward with no planning or preparation.

The Canadian Alliance won another victory at committee when it was made mandatory for the government to develop regulations for compensation. On October 3 the minister told the standing committee he was proposing to develop general compensation regulations that would be ready soon after the legislation is proclaimed. He said it would be done as an interim measure until comprehensive guidelines could be developed.

● (1745)

In other words, the minister probably has the regulations drafted and sitting on his desk. Why does he not table them now so we can all judge whether his idea of compensation would be fair and reasonable for Canadians?

With regard to shared responsibility for common goals, the federal government has signed the United Nations convention on biological diversity and should therefore incorporate its principles into any legislation to conserve species and ecosystems. Article 20 (2) of the convention states:

> The developed country Parties shall provide new and additional financial resources to enable developing country Parties to meet the agreed full incremental costs to them of implementing measures which fulfill the obligations of this Convention—

Clearly the United Nations convention recognizes that because the objective of maintaining bio and ecosystem diversity is so important costs must be equitably borne by everyone and not just developing countries. We expect the same principle to apply to Bill C-5. Protection of endangered species must be recognized as a common good.

The species at risk working group is composed of leading industry and environmental representatives. It wrote in September 2000:

> SRWG strongly urges Parliament to implement key amendments that firmly recognize that the protection of species at risk is a public value and that measures to protect endangered species should be equitably shared and not unfairly borne by any individual, group of landowners, workers, communities or organizations.

There are lots of examples of compensation working in other jurisdictions. Brian O'Ferrall, a Calgary energy, environmental and expropriation lawyer, told the standing committee in May 2001:

> —quite apart from expropriation, there are statutes which provide for compensation where land is not taken but where it is injuriously affected (depreciated in value) by either a public work or structure erected adjacent to the land.

In his opinion,

> Providing for compensation should be mandatory, not discretionary. That is, the Minister should have to provide for compensation for the impacts, costs or losses which a landowner incurs as a result of the prohibition against destroying habitat. As the legislation is currently proposed, compensation is not even mandatory in cases where regulatory restrictions have had an extraordinary impact on the landowner's use of his land.
>
> Adequate compensation is the incentive to cooperate. Absent adequate compensation, the landowner will have no reason to cooperate because then he is being asked to bear a disproportionate share of the cost of protecting endangered or threatened species.

Compensation to private landowners for regulatory restrictions which protect endangered species and preserve biological diversity is practised in jurisdictions around the world. From Tasmania to Switzerland, Scotland and the United Kingdom, compensation corresponds with the basic principles of the economic market. If the value of my property is diminished because of someone else's actions I expect to be compensated. This strengthens certainty and leads to greater confidence in the marketplace.

Having provisions for full compensation in legislation acts as a disciplinary device for governments. It restricts random regulations, makes governments more careful in planning and respects private property, the basis of our economic system. Compensation or full support is absolutely necessary to achieve full co-operation of landowners and healthy species populations.

I could go on and on but I see my time is coming to an end. I will close by saying I fully support the motion of our party.

● (1750)

Mr. John Duncan (Vancouver Island North, Canadian Alliance): Mr. Speaker, if I had a single message today I think it would be that all parties in the House would commit fully to protect and preserve Canada's natural environment and our endangered species. That is clear. That is motherhood. However there are obvious differences in the way we would approach the issue.

I was in the House when the member for York North who sits on the environment committee was speaking not too long ago. She talked about the international commitments we must make on endangered species and other environmental issues. While I agree with that statement, it is also very important that Canadians recognize, because the rest of the world certainly recognizes it, that Canada's land stewardship is world class. We have every reason to be very proud of much of what we pursue. I think in particular of our broad landscape activities such as agriculture, ranching, forestry and other industries which obviously have a major influence on our landscapes.

Canada, by virtue of being a vast country with a small population, has become the victim of negative campaigns launched both internationally and domestically by groups that denigrate Canadian practices as a matter of mission for their own self-serving interests.

I certainly agree that Canadians care deeply about the environment. Rural Canadians do not need a lesson from anybody on land stewardship. They have a deep commitment to the environment. I have children as do most of us. I remember reading a book to my children about the city mouse and the country mouse. Country mice certainly do not need lectures from the city mice about land stewardship. It is true the other way around as well.

Half the problem could thus be summarized as one in communication between Canadians, as well as between Canadians and the international audience. Canada has the optics internationally of being a vast wilderness. Somehow that sets a higher standard for Canada than it does for other nations. We have accepted that is the way it is. In accepting that, we have set a different standard for ourselves for a long time which is all very positive.

We can learn things from others. We should learn from what has occurred with endangered species legislation in the United States. The Americans have ended up with a very unhealthy situation in many areas. They have gone to a system based on penalties rather than on incentives. They do not have what we would call land managers so much as they have legal managers. It has created a legal mess. The court has become the arbiter of how land will be managed.

● (1755)

That is very destructive and leads to a lack of creativity and progress. It is so polarized that in the western states for example some fur from an endangered species was planted into the ground to demonstrate that that species must be there and therefore activities on that land could not take place. That issue has become very messy. It was demonstrated eventually that it had been a covert activity to utilize the planted material to try to influence land management behaviour. We do not want to go there.

There have also been major confrontations and demonstrations in the last couple of years because of the draught in the western states which has created a real problem both for the agriculture industry and for what is called the sucker fish which is an endangered species. Thousands of people have lost their livelihood because of legislation that did not seem to recognize common sense behaviour and compromise as being another way to go.

The lessons we need to take from that are very clear. We want land managers who are land stewards. We do not want legal messes and a place where lawyers rather than land managers will thrive.

I spent 20 years as a land manager. I managed tens of thousands of hectares of forest land in British Columbia. That land was predominantly owned by the people of British Columbia. It was crown land. I spent five years at university preparing to do that. I am very proud of the land management activities I carried out. I am proud of the accomplishments. I operated primarily under a system of incentives rather than penalties. I am worried that is going to change.

During that time, prior to running for politics and changing my career, I spent some time in Washington and Oregon on a postgraduate mature student program. It was for a period of 12 weeks over the course of a year. The spotted owl controversy was going on in that part of the world. It was totally polarizing and totally destructive. It led to panic clear cutting of huge swaths of land. It led to tremendous legal actions. There was chaos and destruction in small forestry towns in those states. It was totally unnecessary. A much better resolution could have been derived and it all was lost in the fog because it became a fight among law makers, politicians and lawyers.

In summary, we still have a problem with the legislation. Unless there is mandatory compensation and no criminalization of unintentional behaviour, we will not achieve our goal of effective protection of endangered species.

● (1800)

Mr. Jim Abbott (Kootenay—Columbia, Canadian Alliance): Mr. Speaker, this bill is very important to my constituents. It is important to me personally because I have chosen to live with my family for over 25 years in an area of British Columbia in the Rocky Mountains. Our home is on a small lake. There are all sorts of eagles, osprey, muskrat, white tailed deer, and elk. We have everything around our family home. This issue is very important to me personally and to my constituents.

For the most part people choose to live in Kootenay—Columbia because they highly value all of the species that there are. From time to time there are conflicts between domestic herds and herds of elk, for example, which are in transition.

There are also potential conflicts between various species and open pit mining and other activities. Believe it or not, over 20% of all the metallurgical coal that is consumed in the world comes from my constituency. I know what it is to have that activity combined with a desire and love of endangered species, the love of all species. That love is shared by many people who are involved in rod, gun, fish and game clubs. They are hunters, sportsmen and outdoor enthusiasts.

A balance must constantly be worked at between the land required for a potentially endangered species and the ability to do resource extraction in a responsible way. For the most part the balance has been achieved between forestry companies such as Tembec, formerly Crestbrook, Wynndel Box and Lumber, JH Huscroft, Downie Street Sawmills in Revelstoke, and mining companies such as Cominco, Fording and Teck. The balance has been maintained by all of these companies. In my judgment it has been absolutely exemplary in the world. After all my constituency with no exaggeration is the big game hunting capital of the world. We have a balance that we are very proud of.

I cannot think of any other issue that could come before this parliament that could potentially have the emotional impact and real impact that Bill C-5 has on my constituents and on my own choice of lifestyle.

Of the 301 members of parliament, there are members from urban, suburban and rural Canada which can create difficulties. It is understandable that some members, frankly very few of whom have spoken to the debate today, have a lack of understanding that there is a compensation issue which is absolutely key to the success of this legislation.

A person from urban Canada would possibly look at buying or renting a piece of property that would be 33 feet wide by 100 feet long. However, when looking at what the bill will do if compensation is not taken into account satisfactorily, we are not worried about a piece of property that is 33 feet by 100 feet, we are worried about larger pieces of property. We are looking at pieces of property that are tens, hundreds, or thousands of acres, pieces of property that are measured by the quarter mile, the square mile, pieces of property that encompass all sorts of topography and geography where a value has been assumed over a period of time for the holder of that property, be it an individual or corporation. That value has become part of the assets of that individual or company.

● (1805)

Faced with the possibility of having that asset value, which in some cases is not just in the millions of dollars but in the hundreds of millions of dollars, wiped out with the discovery of an endangered species, the human temptation to shoot, shovel and shut up will be there.

We have seen the triple-S in action in the United States under the endangered species act. At various times in my constituency we have had clashes, particularly with regard to aquatic life, between the interests of people who are using the U.S. endangered species act and those who wish to have access to continuing to see the aquatic life on the Canadian side of the border. We continue to work through that process.

I was impressed when I happened to be sitting on the environment committee in September 2000 and SARWG, the species at risk working group, came before the committee. It made the following submission:

> SARWG strongly urges Parliament to implement key amendments that firmly recognize that the protection of species at risk is a public value and that measures to protect endangered species should be equitably shared and not unfairly borne by any individual, group of landowners, workers, communities or organizations.

I was particularly impressed when the group came before parliament speaking as one voice. I was astounded at the competition of the species at risk working group. The group did not just consist of people who classified themselves as environmentalists or industrialists. With the exception of the recreational user of our great lands, every group that has an interest in our environment and in the protection of the endangered species is a part of the species at risk working group.

At the conclusion of the group's submission, which was insightful and valuable, I asked its industry members and its environmental members if they spoke with one voice and they answered that they did.

I recall coming away from that meeting thinking that all the environment minister and Liberal government had to do was enroll or engage recreational users, get their input to the submissions that SARWG made and we could have a law that would be acceptable, workable and create the kind of balance that I could proudly talk about in my constituency of Kootenay—Columbia.

As was pointed out by the member for York North, we had a situation, on a distinctly non-partisan basis, where there was co-operation among members of all parties on the environment committee. We are now talking about SARWG's co-operation and the various interests involved there. We had co-operation and a bill that was workable and now the environment minister and the Government of Canada are putting their boots to it. That is not good enough.

The bill is not reflective of what is needed to protect endangered species in Canada.

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Canadian Alliance): Mr. Speaker, if I were to premise my remarks with regard to the species at risk act, Bill C-5, I might say that Liberal duplicity is exposed. I wonder if the bill, when it is finally proclaimed, will protect or save anything at all.

It must be perfectly clear that the Canadian Alliance is committed to protecting and preserving Canada's natural environment and endangered species. The bill will not work without guaranteeing fair and reasonable compensation for property owners and resource users who suffer losses. Farmers, ranchers and other property owners want to protect endangered species but they should not be forced to do so at the expense of their livelihoods.

We can look at all kinds of other references or examples of compensation working in other jurisdictions. Quite apart from direct expropriation laws, there are statutes that provide for compensation where land is not taken but perhaps where it is injuriously affected or has depreciated in value through either public work or a structure erected adjacent to the land.

Provisions for compensation should be mandatory, not discretionary. The minister should have to provide compensation for the impact, costs or losses which a landowner incurs as a result of the prohibition against destroying habitat. That is fundamental.

As the legislation is currently proposed, compensation is not even mandatory in cases where regulatory restrictions have had an extraordinary impact on the landowner's use of his land. That is a fatal flaw in the bill.

Adequate compensation is the incentive to co-operation. Without adequate compensation the landowners will have no reason to co-operate because they are being asked to bear a disproportionate share of the cost of protecting endangered species. In other words, the individual bears the cost of a national objective. Compensation for private landowners for regulatory restrictions imposed for protecting endangered species and preserving biological diversity is practised in jurisdictions around the world so why not in Canada?

Compensation also corresponds with the basic principles of the economic market. If the value of a property is diminished because of someone else's actions, there is naturally an expectation to be provided with some compensation. It strengthens certainty and leads to greater confidence in the marketplace. It supports the prospect of foreign and domestic investment and without it that kind of investment will be placed on hold. We know the problems with the lack of aboriginal settlements in British Columbia and how that has affected foreign investment.

Having provisions for full and fair compensation in the legislation acts also as a disciplinary device for governments. It restricts random regulations and makes the government more careful in planning. It also respects the principle of private property. It is the basis of our economic system and provides economic order in the country.

We have all heard the stories of bureaucrats descending upon some hapless citizens. We have a lot of examples of that. The current bill also leaves open the abuse of the system upon the rights of the individual.

Compensation or full support is absolutely necessary to achieve full co-operation from landowners and to have healthy species populations. The United States is facing that difficulty but it is not directly parallel. However, without proper incentives, compensation and the other range of help that might be available, people depending on their land for their livelihood will act in ways perhaps counterproductive to saving species at risk.

While many landowners have in the past co-operated in species recovery programs without compensation, I think we can clearly say that the majority of these cases involve those who can either afford the changes to their practices or are willing to make sacrifices for species. We believe there are those who may not be so willing or, especially in these economic times, may be seriously financially impacted and who are already experiencing very difficult financial circumstances. They have the desire and the will but not the economic capacity to do so.

● (1810)

For the helpless species and in the name of putting people at the centre of legislation, those people must be fairly compensated or supported, and that means fair market value.

We can draw upon the experience of land trespass and the resultant devaluation from the compensation process that surrounds the oil exploration and extraction regime. It is a good model to follow but the government has heard all those things and in the face of it has completely ignored it.

The other thing I would briefly mention is that criminal liability must require intent. We have the concept in law of mens rea, having a guilty mind. This also was a point that was brought to committee and the government is not providing for that.

The act would make offenders out of people who may inadvertently and unknowingly harm endangered species or their habitat. This is unnecessarily confrontational and would make endangered species a threat to property owners. As a result of this, co-operation would be gone and goodwill would evaporate.

Also, we need co-operation not confrontation with the provinces. The 1996 national court for the protection of species at risk was a step in the right direction. Instead, Bill C-5 would give the federal government power to impose its way on provincial lands. However, since it is completely at the minister's discretion, landowners do not know if or when. Instead of working together with the provinces and property owners, the federal government is introducing uncertainty, resentment and distrust.

The final insult is that the government is amending Bill C-5 and reversing many of the amendments voted by its own Liberal MPs who worked on the environment committee. The committee, which had the spirit of co-operation, and in view of sound evidence from the experts of the world who testified at committee, the government is riding roughshod over the process. That is another example of top down control perhaps from the Prime Minister's Office and unelected officials there. It looks as though the Prime Minister has completely failed in this regard and again shows the contempt in which the government holds members of parliament in this place.

What is the point of having a committee stage in the legislative process at all or even involving parliament in the process when the Liberals will simply govern by edict. The report stage reverses the work of the committee so why have it? Why go through this process at all?

The bottom line is that unless the bill provides for mandatory compensation and stops criminalizing unintentional behaviour, it will not provide effective protection for endangered species and we cannot support it.

I would ask some of the members who were on that committee, the member for Lac-Saint-Louis, the member for North York, the member for Davenport and perhaps even the member for Kitchener Centre, if they would stand in their place for the courage of their convictions and vote against the legislation. I call upon them to do so.

The overall process shows that the Liberals cannot manage and certainly, as a flagship piece of legislation, the minister himself has failed.

In summary, the Liberals abuse parliament and, on the administrative side of government delivering, they also fail to wisely administer on behalf of all Canadians.

● (1815)

Mr. Svend Robinson (Burnaby—Douglas, NDP): Mr. Speaker, I will take a couple of minutes on this group of amendments to voice my very deep sense of concern and anger at the decision of the Liberal government to reverse the important work that was done by the standing committee on the environment. I want to pay tribute to the chair of that committee, the member for Davenport, a longstanding and very respected member of the House and a former minister of the environment, as well as all of the members of that committee from all sides of the House who worked long and hard to arrive at a consensus.

The debate around that legislation was vigorous even within our own caucus. We came to the conclusion that we could support it because of the fact there had been significant improvement in two key areas of the legislation, the area of habitat protection as well as the in the area of the very important decision around who would have the final word, scientists or politicians. There was significant improvement and strengthening of those provisions in response to representations from environmentalists and from Canadians across this land.

With those improvements, we were prepared to support the legislation, recognizing full well that in many important respects a lot more work could have been done to protect endangered species. Canadians wanted to see endangered species protected. That compromise was arrived at in good faith after literally hours and hours of intensive work, dialogue and hearings of the standing committee on the environment.

As well, that compromise was one that was supported by the Canadian Alliance. The representative of the Canadian Alliance on that committee voted in favour of the bill at report stage precisely because of the fact that they were able to arrive at that consensus. It was a consensus that included industry as well. It was quite extraordinary that they came on board and they did. Some of the major heads of industry together with Elizabeth May from the Sierra Club, the David Suzuki Foundation and others were prepared to say, yes, that this was a bill they could live with. While it was not perfect they were prepared to live with. That is all too rare.

What happened? The Minister of the Environment, my colleague from British Columbia, and quite obviously the Prime Minister's office as well, came in and said to hell with this agreement and to hell with all the work the committee did on these profoundly important issues and, in particular, on the key issues of the listing and scientific basis for that and the issue of habitat protection.

The member for York North, a hard working member of that committee from the government side, pointed out very eloquently that the government tore up that consensus, which is one of the most disgusting displays of contempt for parliament that I have ever witnessed. I have been here for a few years, but seldom has there ever been that kind of gross contempt for the work of a group of dedicated members of parliament from all parties.

I appeal to the government, even at this late stage, to recognize that it has made a serious mistake and to go back to the original legislation. I appeal for it to recognize, as I said before, that while it does not represent a perfect bill, 80%, 85%, 90% of Canadians believe deeply in the importance of protecting endangered species. The bill that came out of committee was one they and we as New Democrats could support.

Where did the pressure come from that government caved in in such a crass and appalling manner and voted non-confidence, not just in the many witnesses who appeared before the committee but in their own colleagues and in the chair of the committee? As I said before, the chair is a dedicated, respected member of this House and he is an environmentalist. Members, like the member for Lac-Saint-Louis and the member for York North, have spoken out courageously against these amendments? It is a dark day for democracy when we see what has happened to Bill C-5.

● (1820)

I appeal, if not to the government, then perhaps to Liberal members of parliament to reject this weakening of the legislation, to stand up not only for the environment and endangered species, but to stand up for the integrity of parliament itself. That is what this is about. It is about a government showing contempt for the work of an all party committee and in doing that contempt for the views of Canadians from coast to coast to coast. These Canadians said that they wanted to protect endangered species and that they believed this was a significant way of advancing that.

On behalf of my colleagues, we are terribly disappointed and angered at the betrayal by the Minister of the Environment, by the parliamentary secretary and by the government of the work of that committee and of the work of dedicated Canadians who want to protect endangered species.

The NDP will reject in the strongest possible terms this attempt to water down the legislation. If these amendments, which would weaken and erode the protection in the bill, are adopted, we intend to oppose this legislation.

Mrs. Betty Hinton (Kamloops, Thompson and Highland Valleys, Canadian Alliance): Mr. Speaker, this is an unusual circumstance for me today. I find myself, for the first time in a year, being on the same side with my colleague from Burnaby—Douglas. That does not happen often so it is a rare moment.

I agree wholeheartedly with many of the comments that have been made today. I suppose, besides expressing my concern and sympathy to the Canadian public if this bill passes as it stands today, I would like to express my concern and sympathy to members on the government side of the House who worked on the committee.

On the opposition side of the House it is not uncommon for us to have worked very diligently and very hard to put through very well thought out amendments which are defeated. It happens. We are on the opposition side and quite often that is what happens. However, for members on the government side to have worked so diligently alongside all other members in the House and to have put forward with great diligence amendments that would work, thoughts that would make the bill workable and to have that shot down must be very disappointing. They have my sympathy.

Speaker's Ruling

The government wants to amend Bill C-5 to reverse many of the positions that were taken by the Liberal MPs on the environment committee. This is another example of top down that has been happening all year. It has to stop. There is not a single Canadian in my opinion who would not want to protect endangered species. When a species is eliminated from this world, it never comes back again and we are all the worse for that.

This piece of legislation could be made very workable. The biggest obstacle it faces is the fact that there is no fair compensation in this package. It is unreasonable to expect anyone to allow someone else to walk in and say "This is for your own good. I am going to take your land away because there is a species on there that needs to protected and no, I am sorry, I will not compensate you for it". Who in their right mind will accept that?

My colleague from Wild Rose has said in the House several times on this piece of legislation that it is promoting shoot, shovel and shut up. I agree with him completely. If the intent of this is to protect species, we have to do it with fairness. If we do not, then that is precisely what will happen. If we ask people to make a choice between the preservation of a spotted owl, for example, and their ability to make a livelihood out of a woodlot, they will choose their livelihood.

In the current situation with the softwood lumber deal, it will have a more significant impact. We cannot ask people to choose between their livelihood, their living and the species. It will not happen so there has to be adequate compensation. To do otherwise will ensure the demise of a lot of species, which would be a very poor thing to have happen in this country.

I do not understand a government that treats people like children. That is one of the hardest things for me to accept. There should have been a consultation process that worked. I am certain that during the consultation process members on all sides of the House relayed the feelings of their constituents on how this piece of legislation would affect them negatively.

I would think that our role in government would be to take all that into consideration and put together something that would work for all concerned. There were 130 amendments that came forward. I am proud to say that 60 of them came from our caucus. Unfortunately, after all the wrangling, all the discussions and all the talk that took place, they were thrown out.

Is it any wonder that people in this country have less and less faith in politicians, in the system and in law. If we want people to respect law and respect the decisions that are made by politicians, they have to make sense. The bill does not make sense. I cannot possibly support the way this is going. If there is not adequate compensation, I do not think the public of Canada will support it either. If the aim is to destroy species, then the bill is going in the right direction.

* * *

● (1825)

REQUEST FOR EMERGENCY DEBATE

SPEAKER'S RULING

The Speaker: I indicated to the House earlier today that I would return on the subject of the request for an emergency debate by the hon. member for Cumberland—Colchester respecting softwood lumber.

An emergency debate took place on this issue on October 4 last year and again on November 6. I note that it was the subject of debate of an opposition motion on March 15 last year on a supply day. In fact a motion was adopted on March 15, 2001.

The hon. member for Cumberland—Colchester indicated in his remarks that there was a deadline approaching on March 15. In the circumstances I have doubts about whether in fact there is a real emergency in this case, given the timeframes involved.

I note the various debates that have been held on the subject. I also note that there are five allotted days remaining in the supply period after tomorrow's allotted day, and the supply period ends on March 26.

Accordingly I feel there is ample opportunity for this matter to be discussed and not being satisfied of the urgency of the matter I am inclined therefore to disallow his request for an emergency debate at this time.

* * *

● (1830)

[*Translation*]

BUDGET IMPLEMENTATION ACT, 2001

The House resumed from February 8 consideration of the motion that Bill C-49, an act to implement certain provisions of the budget tabled in parliament on December 10, 2001, be now read the second time and referred to a committee; and of the amendment.

The Speaker: Pursuant to order made on Thursday, February 7, the House will now proceed to the taking of the deferred recorded division on the amendment to the motion for second reading of Bill C-49.

Call in the members.

● (1900)

(The House divided on the amendment, which was negatived on the following division:)

(Division No. 228)

YEAS

Members

Abbott	Bailey
Bellehumeur	Bigras
Bourgeois	Breitkreuz
Brien	Brison
Burton	Cadman
Cardin	Casey
Chatters	Clark
Comartin	Desjarlais
Doyle	Duceppe
Duncan	Epp
Fitzpatrick	Forseth
Gagnon (Québec)	Gauthier
Girard-Bujold	Godin
Goldring	Gouk
Grewal	Grey
Hearn	Hill (Prince George—Peace River)
Hinton	Jaffer
Johnston	Keddy (South Shore)
Laframboise	Lalonde
Lanctôt	Lebel

Loubier
McDonough
Meredith
Mills (Red Deer)
Nystrom
Paquette
Picard (Drummond)
Reynolds
Robinson
Schmidt
Sorenson
Stoffer
Thompson (New Brunswick Southwest)
Wasylycia-Leis
Marceau
McNally
Merrifield
Moore
Pallister
Penson
Rajotte
Ritz
Sauvageau
Skelton
Stinson
Strahl
Toews
Wayne– — 68

NAYS

Members

Adams
Allard
Assad
Augustine
Barnes
Bélanger
Bennett
Bevilacqua
Blondin-Andrew
Boudria
Brown
Bulte
Caccia
Carroll
Catterall
Charbonneau
Comuzzi
Cullen
DeVillers
Dion
Dromisky
Duplain
Eggleton
Farrah
Folco
Goodale
Guarnieri
Harvard
Ianno
Jennings
Keyes
Lastewka
Leung
Longfield
Macklin
Maloney
Marcil
Martin (LaSalle—Émard)
McCallum
McKay (Scarborough East)
McTeague
Mitchell
Myers
Neville
O'Reilly
Pagtakhan
Patry
Peschisolido
Pickard (Chatham—Kent Essex)
Pratt
Provenzano
Reed (Halton)
Richardson
Saada
Scherrer
Sgro
Speller
St. Denis
Telegdi
Thibeault (Saint-Lambert)
Tonks
Vanclief
Wappel
Wilfert
Alcock
Anderson (Victoria)
Assadourian
Bagnell
Beaumier
Bellemare
Bertrand
Binet
Bonin
Bradshaw
Bryden
Byrne
Cannis
Castonguay
Chamberlain
Coderre
Copps
Cuzner
Dhaliwal
Discepola
Drouin
Easter
Eyking
Finlay
Godfrey
Graham
Harb
Harvey
Jackson
Jordan
Kraft Sloan
LeBlanc
Lincoln
MacAulay
Malhi
Manley
Marleau
Matthews
McGuire
McLellan
Minna
Murphy
Nault
O'Brien (London—Fanshawe)
Owen
Paradis
Peric
Peterson
Pillitteri
Price
Redman
Regan
Robillard
Savoy
Scott
Shepherd
St-Jacques
Szabo
Thibault (West Nova)
Tirabassi
Valeri
Volpe
Whelan
Wood– — 128

Speaker's Ruling

PAIRED

Members

Bachand (Saint-Jean)
Bergeron
Cotler
Dalphond-Guiral
Dubé
Fry
Guay
Hubbard
Lee
McCormick
Mills (Toronto—Danforth)
Parrish
Pettigrew
Rocheleau
Roy
St-Hilaire
Torsney
Tremblay (Rimouski-Neigette-et-la Mitis)
Baker
Bonwick
Crête
Desrochers
Fournier
Gagnon (Champlain)
Guimond
Kilgour (Edmonton Southeast)
Mahoney
Ménard
Normand
Perron
Plamondon
Rock
Serré
Steckle
Tremblay (Lac-Saint-Jean—Saguenay)
Ur– — 36

The Speaker: I declare the amendment lost.

[*English*]

The next question is on the main motion.

Ms. Marlene Catterall: Mr. Speaker, I think you would find consent that the vote just taken on the amendment be applied to the main motion in reverse.

The Speaker: Does the House give its consent to proceed in this way?

Some hon. members: Agreed.

Mr. Jay Hill: Mr. Speaker, I would like the hon. member for Fundy—Royal added to this vote.

The Speaker: I assume the hon. member for Fundy—Royal will be added as a nay to this vote. Is that agreed?

Some hon. members: Agreed.

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

(Division No. 229)

YEAS

Members

Adams
Allard
Assad
Augustine
Barnes
Bélanger
Bennett
Bevilacqua
Blondin-Andrew
Boudria
Brown
Bulte
Caccia
Carroll
Catterall
Charbonneau
Comuzzi
Cullen
DeVillers
Dion
Dromisky
Duplain
Eggleton
Farrah
Folco
Goodale
Guarnieri
Alcock
Anderson (Victoria)
Assadourian
Bagnell
Beaumier
Bellemare
Bertrand
Binet
Bonin
Bradshaw
Bryden
Byrne
Cannis
Castonguay
Chamberlain
Coderre
Copps
Cuzner
Dhaliwal
Discepola
Drouin
Easter
Eyking
Finlay
Godfrey
Graham
Harb

Harvard
Ianno
Jennings
Keyes
Lastewka
Leung
Longfield
Macklin
Maloney
Marcil
Martin (LaSalle—Émard)
McCallum
McKay (Scarborough East)
McTeague
Mitchell
Myers
Neville
O'Reilly
Pagtakhan
Patry
Peschisolido
Pickard (Chatham—Kent Essex)
Pratt
Provenzano
Reed (Halton)
Richardson
Saada
Scherrer
Sgro
Speller
St. Denis
Telegdi
Thibeault (Saint-Lambert)
Tonks
Vanclief
Wappel
Wilfert
Harvey
Jackson
Jordan
Kraft Sloan
LeBlanc
Lincoln
MacAulay
Malhi
Manley
Marleau
Matthews
McGuire
McLellan
Minna
Murphy
Nault
O'Brien (London—Fanshawe)
Owen
Paradis
Peric
Peterson
Pillitteri
Price
Redman
Regan
Robillard
Savoy
Scott
Shepherd
St-Jacques
Szabo
Thibault (West Nova)
Tirabassi
Valeri
Volpe
Whelan
Wood– — 128

NAYS

Members

Abbott
Bellehumeur
Bourgeois
Brien
Burton
Cardin
Chatters
Comartin
Doyle
Duncan
Fitzpatrick
Gagnon (Québec)
Girard-Bujold
Goldring
Grewal
Hearn
Hill (Prince George—Peace River)
Jaffer
Keddy (South Shore)
Lalonde
Lebel
Marceau
McNally
Merrifield
Moore
Pallister
Penson
Rajotte
Ritz
Sauvageau
Skelton
Stinson
Strahl
Toews
Wayne– — 69
Bailey
Bigras
Breitkreuz
Brison
Cadman
Casey
Clark
Desjarlais
Duceppe
Epp
Forseth
Gauthier
Godin
Gouk
Grey
Herron
Hinton
Johnston
Laframboise
Lanctôt
Loubier
McDonough
Meredith
Mills (Red Deer)
Nystrom
Paquette
Picard (Drummond)
Reynolds
Robinson
Schmidt
Sorenson
Stoffer
Thompson (New Brunswick Southwest)
Wasylycia-Leis

PAIRED

Members

Bachand (Saint-Jean)
Bergeron
Baker
Bonwick
Cotler
Dalphond-Guiral
Dubé
Fry
Guay
Hubbard
Lee
McCormick
Mills (Toronto—Danforth)
Parrish
Pettigrew
Rocheleau
Roy
St-Hilaire
Torsney
Tremblay (Rimouski-Neigette-et-la Mitis)
Crête
Desrochers
Fournier
Gagnon (Champlain)
Guimond
Kilgour (Edmonton Southeast)
Mahoney
Ménard
Normand
Perron
Plamondon
Rock
Serré
Steckle
Tremblay (Lac-Saint-Jean—Saguenay)
Ur– — 36

The Speaker: I declare the motion carried. Accordingly the bill stands referred to the Standing Committee on Finance.

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

PRIVATE MEMBERS' BUSINESS

[*English*]

NATIONAL HORSE OF CANADA ACT

The House resumed from February 8 consideration of the motion that Bill S-22, an act to provide for the recognition of the Canadian Horse as the national horse of Canada, be read the second time and referred to a committee.

The Speaker: The House will now proceed to the taking of the deferred recorded division on the motion at second reading stage of Bill S-22 under private members' business.

* * *

● (1910)

[*Translation*]

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

(Division No. 230)

YEAS

Members

Abbott
Alcock
Anderson (Victoria)
Assadourian
Bagnell
Beaumier
Bellemare
Bertrand
Binet
Bonin
Bradshaw
Brown
Bulte
Caccia
Cannis
Casey
Catterall
Clark
Comartin
Copps
Cuzner
Dhaliwal
Discepola
Dromisky
Adams
Allard
Assad
Augustine
Barnes
Bélanger
Bennett
Bevilacqua
Blondin-Andrew
Boudria
Brison
Bryden
Byrne
Calder
Carroll
Castonguay
Chamberlain
Coderre
Comuzzi
Cullen
DeVillers
Dion
Doyle
Drouin

Duncan	Duplain
Easter	Eggleton
Eyking	Farrah
Finlay	Folco
Forseth	Godfrey
Goldring	Goodale
Graham	Grey
Guarnieri	Harb
Harvard	Harvey
Hearn	Herron
Hill (Prince George—Peace River)	Hinton
Ianno	Jackson
Jennings	Jordan
Keddy (South Shore)	Keyes
Kraft Sloan	Lastewka
LeBlanc	Leung
Lincoln	Longfield
MacAulay	Macklin
Malhi	Maloney
Manley	Marcil
Marleau	Martin (LaSalle—Émard)
Matthews	McCallum
McGuire	McKay (Scarborough East)
McLellan	McNally
McTeague	Meredith
Merrifield	Minna
Mitchell	Murphy
Myers	Nault
Neville	O'Brien (London—Fanshawe)
O'Reilly	Owen
Pagtakhan	Paradis
Patry	Peric
Peschisolido	Peterson
Pickard (Chatham—Kent Essex)	Pillitteri
Pratt	Price
Rajotte	Redman
Reed (Halton)	Regan
Robillard	Robinson
Saada	Savoy
Scherrer	Scott
Sgro	Shepherd
Speller	St-Jacques
St. Denis	Stoffer
Strahl	Szabo
Telegdi	Thibault (West Nova)
Thibeault (Saint-Lambert)	Thompson (New Brunswick Southwest)
Tirabassi	Valeri
Vanclief	Volpe
Wappel	Wasylycia-Leis
Wayne	Whelan
Wilfert	Wood– — 150

NAYS

Members

Bailey	Bellehumeur
Bigras	Bourgeois
Breitkreuz	Brien
Burton	Cadman
Cardin	Chatters
Desjarlais	Duceppe
Epp	Fitzpatrick
Gagnon (Québec)	Gauthier
Girard-Bujold	Godin
Gouk	Jaffer
Johnston	Laframboise
Lalonde	Lanctôt
Lebel	Loubier
Marceau	McDonough
Mills (Red Deer)	Moore
Nystrom	Pallister
Paquette	Penson
Picard (Drummond)	Ritz
Sauvageau	Schmidt
Skelton	Sorenson
Toews	Tonks– — 42

PAIRED

Members

Bachand (Saint-Jean)	Baker
Bergeron	Bonwick
Cotler	Crête
Dalphond-Guiral	Desrochers
Dubé	Fournier
Fry	Gagnon (Champlain)
Guay	Guimond
Hubbard	Kilgour (Edmonton Southeast)
Lee	Mahoney
McCormick	Ménard
Mills (Toronto—Danforth)	Normand
Parrish	Perron
Pettigrew	Plamondon
Rocheleau	Rock
Roy	Serré
St-Hilaire	Steckle
Torsney	Tremblay (Lac-Saint-Jean—Saguenay)
Tremblay (Rimouski-Neigette-et-la Mitis)	Ur– — 36

The Speaker: I declare the motion carried. Accordingly, the bill stands referred to the Standing Committee on Canadian Heritage.

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

ADJOURNMENT PROCEEDINGS

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

[*English*]

HEALTH

Mr. Bill Casey (Cumberland—Colchester, PC/DR): Mr. Speaker, I am pleased to rise again to speak to an issue I raised in October with respect to the drug Cipro. It reflected a lack of respect for the law when the then Minister of Health totally disregarded Canada's patent laws and purchased drugs which were not approved for use in Canada because a patent was already held by another company. The then Minister of Health is a former justice minister and now ironically the minister in charge of patent law in Canada.

The patent law is like the approach the Liberals have taken to GST and free trade. They campaigned against them but changed their minds as soon as they were elected. It means nothing to the Liberals to campaign against issues or policies and then change their minds.

Returning to the question I asked in October, the minister said twice in the House that there were two different versions to the Cipro story. I asked if he would indicate what the two versions were and what the correct answer was. I hope I can get an answer to the question tonight.

The question again is: What were the two versions and what is the correct answer?

● (1915)

[*Translation*]

Mr. Jeannot Castonguay (Parliamentary Secretary to the Minister of Health, Lib.): Mr. Speaker, I will try to shed some light on this for the hon. member.

First, at the time we were in what many have described as a crisis. I think it is important today to remember what the context was back then.

The minister made a statement and I will reiterate it for him. He makes no apology for the actions of his officials. At the time, officials took steps to ensure that appropriate levels of antibiotics would be available for Canadians to protect them in the event of a biological attack involving anthrax. That was the situation we then faced.

The House knows very well that the affidavits of officials at Health Canada are within the public domain. They show quite clearly that Bayer was contacted not once, but twice, to supply the national emergency stockpile system with the antibiotic Cipro, but that Bayer could not supply the Cipro.

The obvious question then is this: If Bayer could provide enough of the antibiotic to ensure the health security of Canadians, why would Health Canada officials have to look elsewhere to secure the supply?

The only logical answer is that Bayer had said that they could not supply the Cipro. If Bayer could have supplied this antibiotic, Health Canada would not have had to seek a source of the antibiotic Cipro elsewhere.

In fact, it is Health Canada's responsibility to guarantee the security of the citizens of Canada by protecting the health of all Canadians. It is Health Canada's responsibility to ensure that sufficient quantities of health service supplies are available for Canadians in times of emergencies. Health Canada secured a supply of antibiotics for Canadians on Canadian soil.

Health Canada has taken measures to deal with a potential anthrax attack. The national emergency stockpile system is stockpiling the following drugs that are usually effective against a variety of organisms: Ciprofloxacin, Doxycycline-including Vibramycin-Amoxicillin, Tetracycline and Penicillin. The target number is 100,000 Canadians, while it was only 40,000 a bit earlier, before this crisis occurred.

These drugs are recommended as standard treatments for this infection by leading American health authorities, including the Centre for Disease Control, NATO and the U.S. Army Medical Research Institute of Infectious Diseases.

In the United States, it is the most recommended drug for this disease, although it can cause side effects like any good medication, which is why we keep in our Canadian reserves other kinds of medication in order to be able to deal with this situation, if need be.

Instead of impugning the integrity of public servants who were acting in good faith at the time, we should congratulate those public servants for making the right decisions in a time of crisis.

[*English*]

Mr. Bill Casey: Mr. Speaker, I was not casting down on the officials who did this as the interpreter said. I was asking a simple question. The minister said in the House there were two versions of what happened. I asked what they were and which was the correct version.

We are not arguing there was a crisis or anything. We understand there was a crisis and the minister had to react. However, will the Minister of Health break the law in the future if there is a crisis? There are other alternatives but the easy way is to break the law. That is what happened in this case.

● (1920)

[*Translation*]

Mr. Jeannot Castonguay: Mr. Speaker, in fact, the member wants to know which of the statements made at that time is the right version.

Twice calls were made to Bayer to find out if it could supply Cipro, and it could not do it at that time. Again, the minister wanted to make sure that we had the drug needed to deal with a potential anthrax attack. We had to be certain that we had this drug should we face such an attack.

So the right version is that two calls were indeed made to Bayer, and the company could not meet our needs. Later it said that it could supply the drug to us in less than 48 hours, should we need it.

The Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 7.21 p.m.)

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Monday, February 18, 2002

Published under the authority of the Speaker of the House of Commons

Publié en conformité de l'autorité du Président de la Chambre des communes

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