CANADA

House of Commons Debates

VOLUME 137 • NUMBER 169 • 1st SESSION • 37th PARLIAMENT

OFFICIAL REPORT
(HANSARD)

Tuesday, April 16, 2002

Speaker: The Honourable Peter Milliken

CONTENTS

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

HOUSE OF COMMONS

Tuesday, April 16, 2002

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

● (1000)

[*English*]

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, if the House gives it consent, I move:

That the membership of the Standing Committee on Procedure and House Affairs be modified as follows:

Rick Borotsik (Brandon—Souris) for Jay Hill (Peace River).

● (1005)

The Speaker: Is it agreed?

Some hon. members: Agreed.

(Motion agreed to)

* * *

[*Translation*]

QUESTIONS ON THE ORDER PAPER

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

[*English*]

Ms. Marlene Catterall: Mr. Speaker, I rise on a point of order. I wonder if I could ask for the consent of the House to return to introduction of private members' bills. I have a bill on the notice paper which I know is of interest to all parties in the House concerning riding name changes.

The Speaker: Is it agreed?

Some hon. members: Agreed.

ELECTORAL BOUNDARIES READJUSTMENT ACT

Ms. Marlene Catterall (Ottawa West—Nepean, Lib.) moved for leave to introduce Bill C-441, an act to change the names of certain electoral districts.

She said: Mr. Speaker, there have been consultations with all members of the House of Commons concerning the names of their ridings. There are a number of requests to change the names of certain ridings and this bill simply implements what has been requested by members of the House from all parties.

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

The Speaker: Orders of the day.

● (1010)

Mr. Rob Merrifield: Mr. Speaker, I rise on a point of order. I would ask that we revisit motions because I have a motion that I would like to move.

The Speaker: Is there unanimous consent to revert to motions?

Some hon. members: Agreed.

Some hon. members: No.

GOVERNMENT ORDERS

[*Translation*]

SPECIES AT RISK ACT

The House resumed from March 21, consideration of Bill C-5, an act respecting the protection of wildlife species at risk in Canada, as reported (with amendments) from the committee, and of the motions in Group No. 4.

The Speaker: Before resuming debate on report stage of Bill C-5, the Species at Risk Act, I would like to make a correction.

One report stage motion was included with technical amendments in Group No. 3 when it should have been included in Group No. 5. Therefore, Motion No. 120, proposed by the Minister of the Environment, is now in Group No. 5.

The vote on Motion No. 116 will be applied to Motion No. 120. A corrected voting table is now available at the Table.

[*English*]

Mr. David Anderson (Cypress Hills—Grasslands, Canadian Alliance): Mr. Speaker, we are here again this morning to discuss Bill C-5 one more time. As the saying goes, this bill is uglier than 40 acres of burning stumps but we continue to debate it and continue to work our way through it.

The bill has been introduced a number of times. I asked some MPs, who have been here for awhile, how many times they had seen this bill and they said that they were not sure, but it keeps coming back again and again. In fact in a lot of ways this has a longer gestation period than many of the animals that it purports to support.

The bill was introduced last summer and was sent to the committee last fall. It is interesting to note that the committee spent four months working on the bill and did so much work on it. It heard 120-odd witnesses and made over 300 amendments to the bill.

While we opposed the bill from the beginning, we felt that the committee had done some good and strong work and that it had done what it was supposed to have done. The hypocrisy that comes back to the bill through what the government has done to it is enough to appall anyone.

The government members and the opposition members spent months working on the bill. It seems that the committee was used to keep its members busy more than it was to do productive work. I would suggest that the government, and the minister in particular, has shown disregard for the MPs and their work in the House.

Who is setting the direction of the legislation and the government? It is clearly not cabinet. If it was, one would think it would allow the committees to do their work. I would suggest that the bill is being run by the bureaucracy and the bureaucrats behind the scenes. We see that in many other areas as well. One has to do with the new agricultural policy framework. We clearly see that someone other than the minister is running the department.

I would like to quote from an article in the *Leader -Post* on April 3 that talks about the agricultural framework policy discussions that are supposedly taking place and what a sham they are. The article reads:

> Consultations about the most significant shift ever in Canadian agriculture policy are nothing more than a poorly-organized public relations exercise, say angry Saskatchewan farm groups.
>
> The province's agriculture organizations are confused about why it took so long to set up meetings, why they aren't open to the public and why Ottawa hired a "heavyweight" international consulting firm to facilitate the sessions.
>
> [These organizations] also complain they have had little time to prepare for the meetings about Ottawa's plan to overhaul agriculture, currently underway around the country...
>
> Denise Treslan, executive director of the Western Canadian Wheat Growers, said the meetings are so disorganized she found out third-hand that one of the organization's directors is scheduled to appear at a [meeting].
>
> "It seems like a free-for-all," said Treslan. "We've had no contact whatsoever with the group that is putting together the meetings. We don't know if we are supposed to make a formal presentation or if we show up and it's a roundtable or what."
>
> Farm groups are also concerned the meetings are not a meaningful attempt at consultation, noting the sessions are coming nine months after the policy revision was announced in June of 2001.

This is a pattern we see in the government. When it comes to consultation, it is not sincere in what it does. We will talk a little about that this morning with these amendments to Bill C-5.

With regard to Bill C-5, farm groups have been under pressure for 10 years to support the bill and most of them have continued to oppose the bill. I have talked to a few of them and they have been told by the minister that they should support the bill because, and these are his words apparently, "It could be worse".

I am not sure if that is how we make legislation in the country now. Also I am not sure if this is a promise or a threat from him. Either he is saying that he is in control and he can make the bill much worse if he wants to. If that is the case and that is his attitude then it is probably time for him to go. Or he is saying that he cannot control his bureaucrats or the people who are running his department. If that is the case then he probably should be removed from his post.

Yesterday I noticed that he was doing a good job at PR as he spent some time applauding our Olympic athletes. Perhaps that would be a better place for him than to be heading up this bill.

The Group No. 4 amendments deal with two main issues: stewardship plans and public consultation and whether that is an active part of the bill or not.

The committee worked hard to put together a process for planning. It talked a lot in its work about recovery plans, action plans and stewardship plans. From that four months' work, a national stewardship action plan was agreed to.

● (1015)

I have the format in front of me of what that would have been. The national stewardship action plan made commitments to a number of things. It made a commitment to using the tax system, subsidization and the elimination of disincentives to help landowners protect species at risk.

It was a strategy for public education and information sharing. An awards and recognition program was built into the action plan. It had ways to formalize land agreements and provide technical and scientific support directly to landowners and people who were concerned with species at risk. It also had a consultation strategy.

By the time the minister was done with this part of the bill through Motion No. 25 he had done a few things to it. He eliminated the idea of using the tax system to support conservation. That was taken completely out of the bill. He offered to provide information about species at risk but no program of public education. I presume that means people would get government brochures rather than actually having a program of public education.

It committed to share information but not to develop a program to carry it out. It did keep the awards program. The government agreed to provide information about programs related to stewardship rather than to commit to setting up those programs. It agreed to provide information about technical and scientific support rather than providing the support.

It considerably weakened its commitment to the stewardship action plan through the amendment. It is no longer a plan at all. It ends up being a public relations exercise in the stewardship action plan and that is not adequate.

There is one thing that really bothers me. Where are the Liberal backbenchers on this bill and these amendments? Many of them are extremely concerned about the minister's action with regard to the bill. Many of them have done a lot of work on the bill. They did a good job in committee and had reached a bill that they could support and be happy with.

It went to the minister and came back completely gutted. Yet I hear little noise or attempts to address those issues from the backbenchers of the government. I suggest that they have a responsibility. If the government and cabinet were to bring forth poor legislation and provide poor leadership to Canadians the government backbenchers have a responsibility to have the guts to step forward and say they do not agree with it and that the legislation needs to be stopped. I do not see much of that happening and I am disappointed.

I would like to discuss the second part of the stewardship action plan which is dealt with in Motion No. 29. The amendment removes the requirement that stewardship agreements must be made public so that the public can discuss them. It seems by definition that the stewardship agreement would have to be put out into the public so that consultation and discussion can take place. It is interesting that the minister has chosen to remove the requirement that these agreements be made public before they become legislation.

It is necessary to get broad based support through public discussion. The minister clearly does not allow that in the amendment. That is absolutely unacceptable. Landowners are affected but so too are neighbouring landowners. It is interesting that if wolves were introduced into an ecosystem in a national park people around the park would also be affected. It is important that we take that into account.

I will point out one more amendment that has removed the effectiveness of the bill. There was a five year review built into the bill and amendments were made in committee to have subsequent five year reviews. The minister has clearly chosen to take that out. One review would be allowed and that is it. This reflects one more time the attitude of the government toward working with people.

I opened with a statement about the bill being uglier than 40 acres of burning stumps. At the end of my speech it has as much chance of survival or success as a one-legged grasshopper in a chicken coop. The bill is flawed more now than ever. More now than ever we need to stop it and to do whatever it takes to do that.

● (1020)

Mr. Howard Hilstrom (Selkirk—Interlake, Canadian Alliance): Mr. Speaker, we are debating the various motions and amendments to Bill C-5, the species at risk act.

This legislation would have a dramatic impact on Canada as a whole in regard to the management of our natural resources and wildlife. It would have an impact on individual Canadians who live on the land and even those who live in the cities who want to enjoy the rural areas and the species living out in the countryside.

The Canadian Alliance is committed to protecting and preserving Canada's natural environment along with endangered species. No one on God's green earth wants to see any species disappear. However, we know that over the millions of years that have passed nature itself has determined that some species would not continue to exist. We must have common sense legislation that within reason does as much as it possibly can to protect our endangered species.

The bill would not protect our endangered species in a common sense way. It may not even protect them in an effective way. The bill relies on the big stick. It relies on criminal sanctions when it should rely on some co-operation and some effort to bring Canadians totally on side.

The government has turned against the very Canadians that are most crucial in protecting species at risk, the landowners and land users where the species actually live. In the big cities like Montreal, Toronto and Vancouver, the areas where endangered species live have already been paved over so they are now gone from those areas. They may still exist in some other parts of Canada but the city people have already taken care of that. What is left now are the rural areas in Canada where we are trying to protect these endangered species. We are all in favour of that.

Today we are debating the amendments in Group No. 4. In one particular motion there is no requirement to put compensation in the regulations. This has been one of the binding points with rural people, the landowners, those people who would protect endangered species.

If a cattle rancher were to have a 640 acre square section on which there were particular endangered species or multiple endangered species, the government could come in and say that it should be set aside, fenced off and that there should be no use of that land for the raising of cattle because some species may need some heavier grass which should not be grazed down.

I do not know what the scientists may say about that. However, if that were the case there would be limited or no grazing on that land and yet there would be no compensation given to that rancher for that land which was taken out of production.

The government has asked to be trusted on this and said that it would do something for these people. If that were the case, if the minister's intent were true and believable, then what would be wrong with adding that to the legislation? That would get rid of a lot of problems. It would compensate those Canadians who might incur costs while attempting to save and protect endangered species and their habitat across Canada, which is what everyone wants. What is wrong with doing that simple thing?

It reminds me of Bill C-15B, the cruelty to animals legislation. What was required in that bill was the addition of one simple little legislative entry stating that under the criminal code the normal practices of farmers, ranchers, other livestock users and medical researchers was legally justified and would not be considered cruelty to animals.

● (1025)

The government could bring in good legislation but fails to do it. I do not understand why. It is like it is against farmers and ranchers. It just behooves me. The fine could be as much as $250,000. That is an awful onerous type of criminal sanction on a given farm and ranch. Many of these farms and ranches only net between $20,000 to $100,000 a year and then the government would try to fine them $250,000. That seems like an awful lot.

The government does not even have to let a landowner know that there is an endangered species on the owner's property. If the farmer or rancher were not aware that an endangered species was on the property, and the government did, the farmer or rancher could inadvertently destroy some habitat, or actually destroy the endangered species itself, and be subject to criminal sanctions because the government would not tell them. It is so ridiculous that the legislation deserves to be voted down.

We have some people in this country who are experts and have had experience with the species at risk legislation in the United States. I also have a friend High River, Alberta, David Pope. He is a lawyer and cattle rancher. I have actually seen his cattle ranch and he is a director of the Western Stock Growers' Association.

The directorship of the Western Stock Growers' Association met on April 9, 2002. The government thinks it has all the farmers onside. There are the Dairy Farmers of Canada. I know many members on the government side support the Dairy Farmers of Canada but the Dairy Farmers of Canada on April 3 wrote a letter to the government asking it not to pass the cruelty to animals amendments.

I am waiting to see that vote when it comes up in the House because I expect the Liberals to vote against the cruelty to animals provisions until we can get a decent bill brought in that takes care of our dairy farmers and does not cause them problems like the government is trying to do. Are Liberals the big protectors of farmers and agriculture? I do not think so.

David Pope said the Western Stock Growers' Association believed that the vast majority of the people involved in raising cattle in Canada would not support a law which would allow their federal government to confiscate their land without fair compensation under the guise of protecting habitat of a species at risk, as well as other issues.

Mr. Pope was born in the United States. He came to Canada and was a teacher, cattle rancher and lawyer. He is well travelled and well experienced. He said the legislation in the United States was terrible. There are many components in the legislation we are trying to pass that contain some of the same defects that were in the American legislation.

He said the federal government would have the legal authority to confiscate land without fair compensation, whether it was private land or crown provincial grazing land, under the guise of protecting the habitat.

A forced reduction of the number of cattle grazed on either private or crown land would not be fairly compensated. This backs up what I said a few minutes ago. We have an economic problem with agriculture. The cycles of prices, and commodity prices in particular, go up and down. Mr. Pope pointed out that as a result we end up with the necessity, when the government negatively impacts agriculture, that it provide some compensation for it.

● (1030)

The federal government is creating new crimes against landowners with fines of up to $50,000 or one year in jail. It would be double that if there was a second conviction. Any of us could easily be convicted of one of these offences without the government having to prove criminal intent.

Bill C-5 is along the lines of the Firearms Act. It would create a whole bunch of rules and regulations. They would be so many and so complex that Canadians could not possibly obey them all. With a vindictive government like this one and the present health minister who is a former justice minister, we would see that vindictiveness come forward and hurt Canadians.

I thank the House for the time to speak today. I will be trying to rise and speak to the bill later.

Mr. John Herron (Fundy—Royal, PC): Mr. Speaker, it is a pleasure to reconvene my participation in the debate on Bill C-5, a bill the Progressive Conservative Party has categorically panned.

The bill is weak with respect to four principal points. First, politicians and not scientists would be responsible for establishing the illegal list. I am struck by the fact that the government does not understand the socioeconomic implications of the action plan. It would have been a gift for the environmental community and individuals interested in preserving biodiversity.

Second, I do not know if hon. members are aware of this, but Bill C-5 would not provide for mandatory protection of critical habitat on federal lands. How can the federal government claim the moral fortitude to intervene on provincial or private lands when it would not be taking care of its own backyard? If a species at risk was in a national park, on a military base or north of 60 the Government of Canada would not be obliged to protect it.

Third, Bill C-5 does not include a provision for the protection of migratory birds which are cross boundary species in the purview of the federal government.

Fourth, the bill offers no clarity on the compensatory regime, something of which we in my party and our friends in the Canadian Alliance have been stalwart defenders. If the government had its act together on the compensation issue it would have tabled the regulations simultaneously with the bill.

I will refer to the Group No. 4 amendments for which the Liberal government is under assault by the first nations community. The committee wanted to entrench the consultative process to empower first nations and give them a role in how the act would be applied. There was nearly unanimous support for this by committee members from all five parties of the House of Commons. They said first nations and traditional knowledge should be taken into account not only when advising COSEWIC which provides information on habitat and listing. They should have a role on a permanent council with direct input to the minister, almost like a standing committee.

The Government of Canada has watered down that provision. The first nations community has written to the Minister of the Environment. A letter from the Inuit community to the Minister of the Environment dated February 20 refers to the gutting of the provision that would have allowed first nations to consult directly with the minister. The gutting of the provision goes against the whole spirit of what Bill C-5 was intended to do.

The hon. member for Churchill River is a strong environmental MP although he was stronger when sitting with the NDP than he is with the Grits. He has tabled a compromise known as the Amendment to Motion No. 20. The Government of Canada should follow it. Its language is extremely modest. It revisits the provision that the minister be advised by a council and that first nations have direct input to the minister.

We will categorically vote against Motions Nos. 6, 16, 17 and 20 in which the government goes against the will of the committee. We will support the compromise amendment tabled by the hon. member for Churchill River.

● (1035)

In Motions Nos. 24 and 25 the Liberal government has tried to, shall we say, augment a Progressive Conservative amendment tabled at the committee pertaining to clause 10.2. The amendment pertains to a national stewardship action plan that would: foster stewardship; ensure proper mechanisms such as tax incentives were in place to reward responsible behaviour, a tool which could be used to collect and share information between first nations and provincial governments or between various levels of government; regularly examine tax treatment and subsidies; and eliminate disincentives for actions that protect species at risk.

The government's language for the most part augments our party's amendment. I applaud the wordsmiths of the Liberal backroom who are listening intently to my remarks. It would have been more helpful if the government had kept part H. We in my party are inclined to support the government's augmentation of our amendment because it would blend the language better. Although is ironic, I compliment the government for not taking out an amendment the committee had overwhelmingly endorsed. We in our party think fostering stewardship and co-operative behaviour is a step in the right direction and should be enshrined in the bill. The government has done just that.

The hon. member from Churchill made a complementary amendment that we will support. It has better wording with respect to ensuring the traditional knowledge of first nations is included in the act.

I will also speak to Motion No. 76 which refers to clause 50 of the bill. The government has gone to great lengths to say it needs a consultative process with different levels of government including provinces and first nations. There is a point in the bill where the government would need to implement a recovery plan to provide accountability after the strategy is fully developed. However the committee said if something cannot be measured it cannot be managed.

We set a timeline for implementing the recovery plan and getting it off the ground. We and members of the committee thought a calendar year should be sufficient. However the Government of Canada hates to have accountability for anything where it would have to perform or provide action, so it took out the timeline. That is quite sad.

I will take a moment to refer to Motion No. 114 in which the government says it intends to consult provinces, territories and aboriginals for advice in developing strategies and plans. This refers to clause 69 of the bill. It was argued at length in committee that the provisions made at committee level could not be changed or reversed because it would break the consultative spirit the government had with the provinces.

Government Motion No. 114 would gut the provision under clause 69 of the bill which says the minister shall consult the provinces, territories and first nations. We are now back to May again. It is again a made in Ottawa solution.

● (1040)

I appreciate the opportunity to speak to the amendments in Group No. 4. I have been able to touch upon some of them. We look forward to defeating the bill come third reading.

Mr. Jim Abbott (Kootenay—Columbia, Canadian Alliance): Mr. Speaker, my speech today on Group No. 4 will be based upon the same premise on which I have spoken to the other report stage amendments.

I really appreciate the tremendous amount of hard work that was done by members of the committee in taking a look at the bill which had some pretty significant deficiencies when it left the House after second reading. The work they did was not all in unanimity. As a matter of fact, as I understand it, there was a tremendous amount of debate during the course of the work of the committee.

However there was a very strong feeling, certainly on the part of the Canadian Alliance members, which continues to this day, that we do require a bill that will truly protect the environment.

The difficulty with this species at risk act, Bill C-5, is that the government is moving away from the ability to achieve that environmental protection that the Canadian Alliance wants and many members on the Liberal backbenches want.

The work done by members of the committee was in the area of receiving input from very diverse groups. They worked through it, if the House will pardon the expression, in almost a Solomon-like way of managing to come to balances of interests and opinions among people. When the bill came back to the House it was in a very distinctly improved stage from the way in which it left.

I find it reprehensible that the front bench of the government, the cabinet ministers and the Prime Minister, would have treated the work of a parliamentary committee, the standing committee on environment, with such a tremendous amount of disrespect.

I will take a look at some of the specific motions that the government has brought in, the first being Motion No. 16. I will read the clause as it is presently written. Clause 7(1) and (2) state:

> 7. (1) The Canadian Endangered Species Conservation Council consists of the Minister of the Environment, the Minister of Fisheries and Oceans, the Minister of Canadian Heritage and ministers of the government of a province or a territory who are responsible for the conservation and management of a wildlife species in that province or territory.
>
> (2) The role of the Canadian Endangered Species Conservation Council is to
>
> (a) provide general direction on the activities of COSEWIC, the preparation of recovery strategies and the preparation and implementation of action plans;
>
> (b) co-ordinate the activities of the various governments represented on the Council relating to the protection of species at risk;

This is what the motion deletes:

> ...and (c) seek and consider advice and recommendations from the National Aboriginal Council on Species at Risk.

The amendment, which deletes that last phrase, deletes the reference to aboriginal council because the government wants to introduce mention of a national aboriginal committee in clause 8. There is no reason for the government to make the changes it proposes in Motions Nos. 6, 16, 17 and 20. The government wording would have largely the same result as the committee's proposal, except a name change from council to committee.

It does not justify reversing the work of the committee. These changes were, after all, initiated by Liberal members on the committee. It shows the government's contempt for the work of the parliamentary committees and its own MPs.

We will be opposing this motion because it fails to respect the committee.

Motion No. 17 by the Liberals is to delete the following:

> 7.1 (1) The National Aboriginal Council on Species at Risk consists of the Minister of the Environment, the Minister of Fisheries and Oceans, the Minister of Canadian Heritage and six representatives of the aboriginal peoples of Canada selected by the Minister based upon recommendations from aboriginal organizations that the Minister considers appropriate.
>
> (2) The role of the National Aboriginal Council on Species at Risk is to provide advice and recommendations to the Canadian Endangered Species Conservation Council.

Again this amendment deletes a reference to the national aboriginal council because the government wants to introduce mention of a national aboriginal committee in clause 8 making this clause redundant.

● (1045)

Again there is no reason for the government to make the changes that it proposes in Motions Nos. 6, 16, 17 and 20. The government wording will have largely the same result as the committee's proposal except the change in name from council to committee. This does not justify reversing the work of the committee. These changes were, after all, initiated by members of the Liberal Party on the committee. It shows the government's contempt for the work of the parliamentary committees and even its own MPs.

Again our party will be opposing the motion because it fails to respect the committee.

This does get a little repetitious but my point is that the government keeps bringing in motions that fail to respect the committee and its work.

Government Motion No. 20 would insert clause 8.1 under national aboriginal committee on species at risk. The motion reads:

> The Minister may establish a committee, to be known as the National Aboriginal Committee on Species at Risk, consisting of six representatives of the aboriginal peoples of Canada appointed by the Minister based on recommendations from aboriginal organizations that the Minister considers appropriate. The role of the committee is to advise the Minister on the administration of this Act.

The motion undoes the work of the standing committee and the motion by the Liberal member for Churchill River by replacing the National Aboriginal Council on Species at Risk with a national aboriginal committee on species at risk.

Again there is no reason for the government to make the changes it proposes in Motions Nos. 6, 16, 17 and 20. The government wording will have largely the same result as the committee's proposal except to change the name from council to committee. It does not justify reversing the work of the committee. The changes were, after all, initiated by Liberal members of the committee. It shows the government's contempt for the work of the parliamentary committees and for its own MPs.

Again we will be opposing the motion because it fails to respect the committee.

Government Motion No. 24 concerns clause 10.1, stewardship action plan in public registry. The motion reads:

> son. A copy of the stewardship action plan must be included in the public registry.

Consistent with other transparency provisions in the bill, the motion proposes that a copy of the plan be included in the public registry.

Let me say that the government is not all bad because this is a positive amendment. It increases the flow of information to the public. We will be supporting it because of its increased transparency.

Government Motion No. 25, under clause 10.2, would create a stewardship action plan. I ask members to bear with me as this is a little complex. At present clause 10.2 reads:

> The National Stewardship Action Plan shall include, but is not limited to,

The government motion to amend clause 10.2 reads:

> The stewardship action plan must include, but is not limited to, commitments to

The motion goes through a whole series of additions and deletions in clauses (a), (b), (c), (d), (e) and (f). Because of the complexity of this I will not read into the record the inclusions and deletions but again the motion extensively modifies the amendments by the standing committee that introduced the stewardship action plan to Bill C-5. The amendment reinforces an earlier government amendment that makes the development of an action plan discretionary, not mandatory, although when the minister chooses to develop an action plan this motion will still dictate some elements to be included.

● (1050)

Again we will be opposing the motion because it strongly waters down the committee's changes and, in particular, omits mention of tax treatment and subsidies to eliminate disincentives.

That was just a small section of what we are allowed in a 10 minute period. Although there was one positive amendment that would strengthen the act, overall the entire impact of the government and the Prime Minister of the country was to substantially undo the excellent work of the committee. For that reason we will be opposing the amendments that I have read.

[*Translation*]

Mr. Ghislain Fournier (Manicouagan, BQ): Mr. Speaker, the Bloc Quebecois members will never accept umbrella legislation from the federal government in the form being presented at this time, when the Government of Quebec has already taken the necessary steps on the issue being addressed today, that is an act respecting the protection of wildlife species at risk in Canada. I am therefore pleased to have this opportunity to speak to Bill C-5, which concerns species at risk.

I would like to make it clear that long ago, in 1989, the Government of Quebec long ago enacted legislation respecting threatened or vulnerable species. It also enacted legislation respecting the conservation and development of wildlife, and fishing regulations. There can obviously be no question of the federal government invading areas of jurisdiction that do not belong to it and telling Quebec how to go about protecting its wildlife species at risk, when Quebec already has legislation in this area.

First, I would like to briefly put the bill in context. The federal government must first ask itself if this bill will provide additional protection that is enforceable. Will this bill truly help improve the protection of our ecosystems and of the threatened species that are part of them? The Bloc Quebecois believes that the answer is no.

Of course, the Bloc Quebecois fully agrees with the principle whereby our species must be given even greater protection, but we are opposed to this bill, because it constitutes direct intrusion into many of Quebec's jurisdictions and it directly overlaps the legislation enacted by Quebec in 1989. This bill could very well increase paper burden, instead of allowing for an efficient use of already scarce resources. As I mentioned earlier, the Government of Quebec government has already legislated in the area targeted by this bill. We do not think that the government's proposed measures will improve the situation of endangered wildlife species.

Even though the preamble of the bill provides that the protection of species is a shared responsibility, the bill is not worded accordingly and does not reflect the reality, namely that habitat protection is primarily a provincial responsibility. The whole bill is drafted in a way that leads us to believe that the minister will have the authority to impose on the provinces his own vision of that protection, if he deems it appropriate to do so. In other words, the minister's legislation will prevail over existing provincial laws, even though habitat is entirely under provincial jurisdiction.

Also, the federal government should have dealt properly with the control and evaluation of toxic substances, including, for example, the evaluation of the effects of genetically modified organisms on ecosystems. It could also have dealt with cross border pollution and migrating species.

Biodiversity as a whole is the result of the earth's evolution over more than 4.5 billion years. This process created a wide selection of living organisms and natural environments on our planet. Together, they form the ecosystems we know today. Each one plays a specific role in the food chain and contributes to the biological balance of the planet.

However, in recent years, scientists have been warning about the disappearance of species in increasing numbers, as well as the rise in the number of species facing extinction or extremely vulnerable species.

● (1055)

This is a stark reminder that our planet's natural heritage is under threat. The rate at which species are disappearing from our planet is an indication of the overall health of our environment and ultimately our own human health.

The Bloc Quebecois is aware that Quebecers and Canadians are concerned about protecting species at risk, about protecting and maintaining the environment generally. We recognize that the fragile balance of our ecosystems must be protected and maintained.

To date, the Committee on the Status of Endangered Wildlife in Canada, COSEWIC, has designated 340 wildlife species in Canada as being at risk. Of that total, 12 are extinct, 15 others are extirpated in Canada, 87 are endangered, 75 threatened and 151 vulnerable

Given the increasing rate at which species are disappearing, the situation is serious. Effective action is therefore necessary. But will this bill really help better protect our ecosystems and the endangered species in them?

Unfortunately, the government and the minister are wrong about what their real role is in designing a realizable plan to provide such protection.

The government is but one of the many stakeholders, and it has not yet figured out that its true role is to build bridges between the various stakeholders, not walls. That is what the true task of the government is when it comes to endangered species, a task at which it has failed. The bill on species at risk the Liberals have now introduced will polarize and divide stakeholders far more than it will unite them.

Every action plan to protect species at risk must be based on respect, that is on respect for the species living in our waters and on our lands, and respect for those to whom those waters and lands belong.

This bill is full of provisions providing discretionary power. In true Liberal fashion, Bill C-5 officially sets up COSEWIC, the Committee on the Status of Endangered Wildlife in Canada, as the ultimate authority in determining which species are endangered. At the same time, the bill prevents COSEWIC, which makes decisions based on scientific data, from determining which species are in fact protected by law. COSEWIC determines which are the endangered species, but will not be allowed under the bill to take steps to protect these species and to draw up a list of them.

What threatens species most is the loss of their habitat, where they live, reproduce and feed. Habitat loss is responsible for 80% of species decline in Canada. Again, Bill C-5 fails in this regard. Under the provisions of his bill, the protection of a species is up to the discretion of the Minister of the Environment.

Not only does the bill give broad discretionary powers to the Minister of the Environment, but it does not respect the division of powers as set out in the Constitution and as interpreted over the years. This bill interferes directly in an area of provincial jurisdiction and excludes the provinces from any real and direct input into the process.

The main problem with this bill, which seems to have been raised by all environmental groups, is the fact that the decisions on the designation of species will be made by the minister and his office, rather than by scientists.

In conclusion, the Bloc Quebecois recognizes the need to improve the protection of our ecosystems and the endangered plant and animal species that constitute them. But we do not believe Bill C-5 is the way to go. We oppose the principle of this bill today. However, we will examine it more thoroughly in committee and we will then be able to better define our position on this issue.

● (1100)

[*English*]

Mr. Charlie Penson (Peace River, Canadian Alliance): Mr. Speaker, I am happy to have the opportunity today to again speak on the endangered species legislation. I would remind the House that some of us who were elected to parliament in November 1993 saw this legislation shortly afterward in a different form. The bottom line is that this legislation, in some form or another, has been kicking around parliament for seven years. I ask the rhetorical question, why has it taken so long to get it through? Who in this country could possibly stand against trying to save endangered species, the species that are at risk of becoming endangered and extinct? I do not know anyone who is against that proposal or principle. In fact we would be hard pressed to find anyone in the entire country who is, so what is the problem with getting this legislation through?

I would suggest that there are several problems. To go back to the genesis of this and the timing of discussions at the Rio de Janeiro conference in 1992, the then government of the day, Brian Mulroney's administration, not only agreed to protect endangered species through the agreement on biodiversity but agreed that greenhouse gases were polluting the planet and should be addressed as well. Out of that, the Liberal government of the day inherited these two issues and, I would suggest, has done an absolutely terrible job in managing these issues. If there is a need to protect the planet from the warming problem presented by greenhouse gases and if there is a need to protect endangered species, I would suggest that it has been very badly handled by the Liberal government.

Let me move on to talk about how I see the Liberals operating. Why has it taken seven years to get the bill through? Because, I believe, they are very insincere about the total motive in presenting this. I would suggest that not only does it show up here. They like to put window dressing on it and instead of looking at it as a serious problem they pretend they are doing something when in fact they are not. We have seen it with Kyoto and that will fail. They waste the public's time and a tremendous amount of money by putting forward insincere proposals with window dressing to make it look like they are doing something when in fact they are not.

Why are they having a problem getting the endangered species legislation through? I will raise this again: because they do not have co-operation from the user groups in the country, the very people who have to be part of the solution to this problem, the farmers, ranchers, forest companies and resource development agencies. Also, they do not have the co-operation of aboriginal people in huge areas of the country where the co-operation is needed. In fact, in the Group No. 4 motions on the bill we now see that they have rejected the idea of an aboriginal council. They have rejected the idea of co-operation with user groups such as farmers.

My riding of Peace River is mainly an agricultural riding. The second largest industry is forestry and the third is the oil and gas sector. They control huge parts of the Peace River riding. We are talking about over 100,000 square miles. If we do not have co-operation on this kind of legislation from user groups, how on earth are there going to be enough regulatory and police authorities to regulate the industry in that area of northwestern Alberta? It is simply not possible.

Let us look at the alternative. The alternative is to have co-operation, not confrontation. We know there are certain systems at work. We have had the example of the Ducks Unlimited approach by a group of sports hunters. This group started in the United States and has expanded to Canada and is saying that there is a reduced amount of waterfowl, of ducks and geese.

The people who wanted to hunt said they recognized there was a big problem and there had to be some kind of plan for conservation of these species or otherwise they would be gone. They worked with landowners, with ranchers and farmers, and asked them to take some of their land out of production for a year to allow for waterfowl to nest in those areas. They offered to pay them for doing that and found they had a great amount of co-operation. I suggest that if we do not have co-operation, if we expect the landowners, the few farmers and ranchers left in this country, to carry the burden of the total cost of this program, it will not work.

● (1105)

If 30 million Canadians want to protect endangered species, and that seems to be the goal, should not 30 million Canadians share the cost of doing so? I think they should. I think that is a workable program. It is a proven formula that Ducks Unlimited has used. It is a proven formula that was used in the United States and Great Britain where there are huge trusts and land is bought to protect the environment and the species there. Individuals pay into those trusts and help to administer them.

Why do we not use that kind of an approach instead of the heavy-handed approach that the government seems bent on using? It is a failed model from the United States. We have seen 30 years of failure in its endangered species legislation because it has used the heavy-handed approach with the stick rather than the carrot. We know that it has actually backfired. Some endangered species have been sped to that fate along the way because the very people administering the program, the user groups, are saying that if they are to be hit with a $1 million fine, there will not be any endangered species on their land. The old story is that they get rid of them. It is exactly the wrong approach to use. The Liberal government seems to have learned nothing from the United States. The government still seems bent on this confrontational approach, which will not work.

I want to give the House an example of one approach I have seen first-hand in the farming area I represent in the Peace River country of Alberta. Our farm is just outside of Grande Prairie. Ten years ago the power company wanted to build a huge high voltage power line to service some of the oil industry. The Alberta government said the power company could use that route, but there was a problem. The trumpeter swans nest on the lake there. When the cygnets are learning how to fly they go out and fly their circuits with their parents to build up their wings in order to make the flight deep into the United States to Texas.

By the way, this bird was on the endangered species list at one time. Dr. Bernard Hamm, a naturalist living in our area, single-handedly started a co-operative approach to protect that very bird. The population was down to 50 worldwide. Dr. Hamm and others, working with the farmers and ranchers in the area in a co-operative effort, have restored the trumpeter swan to tens of thousands in number now in just over 50 years.

The Alberta government told the power company that was going to build that huge transmission line that it could only build the line along the lakeshore if it planted some trees there. In other words, when these young birds are learning how to fly they have to be able to clear the power line. The company was told to begin by planting trees that would not grow too high, then taller ones and then even taller ones so that the flight angle would be such that the birds could clear the power line. The power company said it could plant the trees there. I remember when they brought in the big trees and spades and planted all the trees. Five years later, what had happened? Because this is a very low, boggy area along the lakefront, all the trees died. In the meantime the power line is there. The power line will never go away. The power company complied with a silly regulation.

I think that is an exact example of the silly regulation that the government is pursuing, regulation that is not designed to get co-operation from the users who have to be part of the solution. Instead of addressing this issue in a manner that is designed to protect the species, the government has decided to be part of the problem by using a confrontational approach. There is no compensation for landowners who are not only protecting the species on their land but protecting the habitat. Does that make any sense?

On our farm there are wild crocuses growing. Who knows, they could be on the endangered species list next year. They have spores that fly all over the place and root in different spots. If that means that they root in areas of my land we currently cultivate, then that land is no longer available to my family and me because we then would have to protect that endangered species and its habitat. Our family is expected to bear the brunt of taking hundreds of acres of land out of production so that others can enjoy this endangered species. I see nothing wrong with that if others are prepared to pay, but they are not, not under this legislation.

I think if we used a co-operative approach we would find out that taxpayers in this country are prepared. The Liberal government is taking the wrong approach with the confrontational approach. We should be able to pay landowners to compensate them for protecting the very species we all value.

● (1110)

Mr. Darrel Stinson (Okanagan—Shuswap, Canadian Alliance): Mr. Speaker, I will address the motions in Group No. 4 on the species at risk legislation.

I want everybody to understand that there is absolutely nobody that I know of who is not in favour of saving endangered species. It does not matter where we go in Canada or whom we talk to, everybody agrees that in areas of risk, the species should be looked at. That is not the point of concern. The concern is with regard to the whole bill and what is happening.

Let us take the consultation aspect as an example. It was supposed to come forward in the bill. Through an amendment by the government that has been taken out, after the committee recommended strongly that it be left in. A few on the government frontbench decided it this was not the thing to do and it would be better not to tell people what is or what is not on their property or to give them a hand in looking after it. I have a lot of difficulty with this.

I grew up on ranches in Canada. One of the main things that was instilled in us as children was to work very hard to accomplish something and to buy the land; buy land, buy land, buy land. This gave us ownership of the land, a place we could call our own and an opportunity to contribute to society.

Bill C-5 makes everybody wonder whether we should even own land. Who would want to own land in a country that proposes regulations that fall under a dictatorship? If I were a young person saving for my future, I would have to consider whether or not to invest in land which at any time at the whim of the government, it could be decided that the land is worthless without compensation to me as the landowner if there was an endangered species on that land.

We have moved from being an open democratic society to a more socialistic dictatorship with regard to the whole system. The land and ownership of land was the foundation that brought many of our forefathers and foremothers to this country in the first place. Through legislation like this bill the government is taking that away.

We have to wonder what is going on in this great wonderment of parliament and in the whole country of Canada. As far as I am concerned and for many other people, not only is this a direct intrusion into provincial areas, it is a total invasion.

Let me explain to the people who are watching the debate one of the problems they are going to face with this legislation. I will say this from a ranching point of view, having grown up on ranches.

The ranches in the area where I grew up are on very mountainous land. There are valleys, mountains and a lot of range land. People buy 1,200 or 1,400 acres for a ranch which is a large chunk of land. In many cases on that land there is swampland, small lakes and a couple of fairly large lakes that are full of fish and people used to fish on them. We would fence off many of the marshlands because we did not want our cattle calving there nor did we want to have problems pulling cattle out of the mud which often happens.

● (1115)

Also, people who live in that part of the country share that land with the moose, elk and deer which have a tendency to walk through fences or try to jump over them and take them down. If someone decides that all of a sudden the landowner's part of the marsh has an endangered flower, weed or frog living on it, the landowner will be held responsible for it and will have to bear all the costs. The cattle and the wildlife run there. If a moose or something else destroys the fence and the cattle gets in, the landowner will be held responsible for it. It makes absolutely no sense to me. Who can say whether it was a moose or the cattle that did it? I can see court cases coming from all over the place.

What will be done on range land? Range land is where the provincial government decides to lease to ranchers so much range land per head of cattle. If it is determined that something living on the range land is endangered, and there are six, seven or maybe 12 different people running cattle in that area and a cow damages the foliage or whatever is to be protected, would all the ranchers be held liable for that or just one? How would we prove which head of cattle did it? Was it Joe's, Tom's, Susan's or Mary's? What should they do, start taking hoof prints of their cattle so that they can prove which one it was that caused the damage? I think not.

Those are some of the areas the government has not even bothered to look at. We hear the government members say all the time "We will consult". They will not consult. They will not even tell the landowners whether or not there is a problem or an endangered species on their land. The landowners will have to bear that total responsibility. It will not be on scientific findings either. That right will be left to the legislators. That is very hard to understand.

There is a reason the government decided to take land out of private property. Unfortunately, there is no such thing as private property rights in Canada today. I really have to wonder why. Is it because the government does not want people to own land, or is it because it has a fear that if people own land they have something of value and they do not have to depend upon the government for anything? This is probably where it is headed with all of this type of legislation the government is trying to put in here.

I try to explain to people that the biggest fear to any government is people who can stand and say that they are independent. If people can do that, it means they no longer have to depend upon the government for anything and therefore those in government cannot depend upon them to vote for them to keep them in their jobs.

I really question the motives behind pieces of legislation such as Bill C-5. The government cannot afford to allow the people of Canada to own land because that might make them independent. They will no longer depend upon the government to help them so they will no longer have to vote for the government of the day. The government will go to all sorts of lengths to create that scenario. I would like to say that I find that very disgusting, but it goes beyond that; for when the initiative and incentive for young people to buy and invest in their own country is taken away, just exactly where does the government think it will wind up?

● (1120)

I would like to talk for a long time on this subject but I am out of time. What the government is doing to the people of Canada is a total disgrace.

Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance): Mr. Speaker, I am pleased to follow the intelligent comments of my colleague. Before I get into specific comments on this package of amendments, I want to review some of the fundamental concerns we have with Bill C-5.

First, it needs to be said that the Canadian Alliance is totally committed to protecting and preserving Canada's natural environment and our endangered species. Our dedication to that cause is reaffirmed constantly by the consultations we have with our constituents who, if we added up the land holdings of the members of the Canadian Alliance, are representative of a significant portion of the land base of the country. It is the landowners and to a great degree the people who use crown land who are impacted very much by the bill.

We do not believe the act will work. Our reason for opposing it is simply that. We do not believe that an act which does not guarantee fair and reasonable compensation for the owners of property, for the resource users who lease property, is going to work. Those people need to be protected. The compensation that should be in this bill, that should be itemized and clarified, which would protect those people who make use of that land, is not there. Therefore, people may suffer losses.

Farmers, ranchers and other property owners should not be forced into a position where they are penalized for protecting species at risk. Criminal liability must require intent. The act would make criminals out of people who inadvertently and unknowingly might harm an endangered species or the habitat of that species.

Also, we do not like the tone of the bill in terms of the way the federal government has dealt with the amendments that came from committee, reasoned amendments. The reasonable and well thought out packages of amendments that were dealt with at committee, and which have been disrespected by the minister and by the government in bringing this legislation forward, would strengthen the bill, not weaken it.

By ignoring the work of the committee members, the minister has not only shown disrespect to them and to their capabilities, but he has shown disrespect to the people who came and presented their views to that committee. That is something we do not accept.

This is reflective of a very top down approach. We are disappointed in that. We think this legislation is far to important to have been dealt with in such a manner.

I would like to address a couple of aspects of this package of amendments. The first is the five year review component.

The mandatory review of legislation is something that could have strengthened this piece of legislation. It could have made it more open, more accountable. It could have made it a piece of legislation which would have been more subject to change over time to better reflect and better deliver on the promise of protecting species at risk.

Five year reviews, mandatory reviews, are not perfect by any stretch but they are a mechanism that would allow further debate and intelligent debate to take place involving the people most affected by the legislation. It would involve the Canadian public, the land-owners, the people who would be profoundly impacted, not just in terms of their desire to see species protected but in terms of their partnership with the land, people who would be impacted in a negative way inadvertently under the legislation as a consequence of even unintended acts. The need for a review is clear.

When I served in Manitoba as a legislator I had the opportunity to co-chair a red tape review committee. We examined all the regulations, and there were thousands of pages of them, of the Manitoba government's regulatory framework. We were able to go through all of those regulations in partnership with people in our bureaucracy, in our government's service, and in partnership with people from the private sector. We evaluated each of the regulations.

Through that review process we were able to stream out, eliminate and remove duplication and clean up wording that was confusing. We were able to introduce better processes for dealing with regulations that were being developed. Also, we were able to implement a better process for review of existing regulations as a consequence of that activity we engaged in.

● (1125)

In Manitoba we have implemented a process whereby many new regulations are sunsetted. A sunset clause of course means that the regulation dies after a certain period of time unless it is subsequently reintroduced. An act must be reintroduced to continue to be effective. In too many cases we found old pieces of legislation, the result of concerns of 50 or 70 years ago, still on the books, still taking up space, still utilizing the resources of the taxpayer but unnecessarily so.

An extreme example of this is the regulations that required companies that employed more than 10 female persons to have a matron on staff to, I presume at the time these were drafted, guard the chaste character of said females on staff. It is a regulation that at the time it was drafted fit in with the customs and mores of the day, but certainly it lost its meaning a long time ago. We also ran into a regulation that required spittoons. It actually regulated the size, design, shape and location of said spittoons in public establishments. It was important at the time. It was a critical piece of legislation.

I am not suggesting in any way that spittoon legislation is on the same level with species at risk legislation. What I am suggesting is that regular reviews of such legislation are an intelligent pursuit and make good sense. A regular review of any legislation that can profoundly affect the people of a country is especially important.

Through our process in Manitoba we introduced various strategies. Some of them required, for example, the pre-notification of legislation and regulation, pre-notification of affected people, and obviously consultation on bills at the provincial level. In Manitoba, for example, open committee meetings are held on every bill. Every aspect of a particular bill is exposed to public involvement. The public has the chance to come in and speak to the legislation being proposed to make their input and views known.

Such could have been the case with this piece of legislation, but Bill C-5, although purportedly using a process of full consultation with full input from a wide variety of people, failed at one stage, the stage at which it got to the minister's office. All the good deliberations as a consequence of the input the committee received were largely ignored and dismissed.

I am very concerned about the five year review. I think it should be brought back into the bill itself. I am also concerned about the aspects of the government amendments, Motions Nos. 6, 16, 17 and 20. These deal with the changing of the proposal that came from the committee, the proposal that would have created a national aboriginal council.

In my capacity with new responsibilities as the chief critic for aboriginal issues, I feel it is important that I address these specific issues. The national aboriginal council that the committee proposed would have provided the opportunity for aboriginal people, people who are in particular so knowledgeable and so close to the land themselves, to have consultation mechanisms and formal input into the ongoing aspects of the legislation. The impact it would have on aboriginal people could be profound and I think it is important that the national aboriginal council motion that the committee brought forward be restored.

I know that a number of members on the Liberal side of the House feel the same way and I encourage them to make sure the committee's work on this issue is done and done well. So many people from the aboriginal communities came forward. I understand that an aboriginal working group on species at risk was established. It had representation from the Assembly of First Nations, the Métis National Council, the Congress of Aboriginal Peoples, the Métis National Council of Women, the Native Women's Association of Canada and the Inuit association of Canada.

These representative groups have an important role to play and an important contribution to make to this kind of legislation because it is so profoundly important, not just to indigenous peoples, clearly, but to all people of Canada. The opportunity for regular input on a formal basis would have been a useful thing. We do not want to see the work of the committee reversed. Certainly in respect of aboriginal peoples, the legislation, I believe, should not be amended as the government is now proposing to amend it.

● (1130)

In closing, too often the problem with the government is that it imposes urban based solutions on rural people. The farmers in my riding are certainly hard done by in many respects right now and they do not need an added burden. I understand that city people might want to escape the chaos of their frenzied lives and get the peace from rural life. City people envy farmers, but I recognize that they do not envy them to such an extent that they take advantage of the continuous opportunity to become farmers. I would like to remind them that it is the Canadian farmer and the people of our rural communities who have the greatest interest in preserving species at risk.

Mr. Monte Solberg (Medicine Hat, Canadian Alliance): Mr. Speaker, I want to thank my friend for the speech he just gave. I want to congratulate him on how he concluded, because it is an excellent point.

I really have to ask the question, what are we doing here? The reason I ask the question is this: We are the highest court in the land, higher, in my judgment, than the supreme court. We stand on the shoulders of 900 years of common law and here we are about to pass legislation that flies in the face of that.

Fundamental justice decrees that if we take somebody's property, we provide compensation for it, but we do not do that in the legislation. That is what makes me crazy, because when the Liberals had the chance to hear thoughtful discussion about this in committee they actually voted in favour of an amendment that stated the minister shall provide compensation if property is taken out of production in order to protect an endangered species. Then the government changed "shall" back to "may" again and took out reference to regulation, so it leaves it completely open ended. That is so disturbing to me, because we have substituted the old Roman credo "Let justice be done though the heavens may fall" for some new credo that states "Let the Liberal red book be done though common law and fundamental justice may fall". That is what is happening and it is so disturbing to me and to other people who believe that we have a higher calling in this place, a calling other than to just push through things that might be politically popular. It is wrong to do this. It is completely, fundamentally wrong to push this through without providing compensation.

I want to attach a very important caveat. My friend spoke a moment ago about how important endangered species are to people in rural areas. I live out in the country and there is nothing I enjoy more in the morning than walking my dog down to what we will euphemistically call a stream. It is an irrigation canal. There are cattails, bulrushes, willows and poplar trees. It is beautiful and I love going down there. There are all kinds of wildlife and I appreciate the wildlife so much. One of the things I am proudest of is that my boys know a little bit about wildlife because I have taught them, just like my father taught me. I respect wildlife. I love going into Waterton every year with my son and enjoying the wildlife. It has become part of what we do as a family.

In some ways that is what is so enraging about this legislation. The legislation is such that it treats people in rural areas like a bunch of bumpkins who could not care less about protecting endangered species and that is completely untrue. The people I know in my community around Brooks, Alberta, and Medicine Hat and Manyberries go out of their way to protect these species. They do what they can to find ways to accommodate them. When we are treated like we do not respect them, as if for a hundred years we have somehow ignored endangered species, it is completely contrary to all the evidence.

In this grouping we have talked about consultation. If true consultation were done, not just consultation where people come in and speak, but where we actually respond and listen to what they say, first there would be a recognition that these people are the first line of defence when it comes to being stewards of the land and protecting these endangered species. Second, there would be an acknowledgement that if we take away someone's property we provide them with full compensation.

When a municipality puts a road through someone's property, by law it has to provide fair market compensation. That makes sense to everyone. It is based on that 900 years of common law that I talked about a minute ago. However, if the government takes away someone's grazing land or farmland to protect an endangered species, it does not have to provide any compensation at all, which is so wrong. I cannot believe that people who are lawmakers in this place can abide that. It is ridiculous that we would allow that to happen if we really believe that we are sent here to make and uphold the law. Why are we doing this if we really believe that? It is wrong, but still we persist in doing it.

● (1135)

This year we are celebrating the 20th anniversary of the charter of rights and freedoms. I regret deeply that property rights are not part of the charter of rights and freedoms. However, when will we celebrate 900 years of common law? That is the basis for the charter. Our entire political system is based on common law, but yet we do not celebrate that. In fact, it seems to me that we have done our best to ignore it even though it is fundamental to having a free society, a society based on the rule of law and order and those things that have made Canada a great country, the best country in the world.

We are prepared to abridge that fundamental right today and over the next few days in order to push through a campaign promise made by the government. That is not a good enough reason. There has to be a better reason to abridge a law as fundamental as property rights, the right to enjoy and use one's own property, than pushing through something that may be politically popular, even when there is a remedy at hand, which is to provide full and fair compensation. That is all we ask.

I know my time is not long, but I want to leave off where my friend left off. The government is driving a wedge between its rural citizens and the government itself. It is driving a wedge between rural citizens and itself by what people have now come to think of as law that is unjust. We wonder why there is so much cynicism about the charter in so many parts of the country and about the supreme court and all of that. The reason is this fundamental lack of respect for basic justice.

An hon. member: Because of the Liberals.

Mr. Monte Solberg: Mr. Speaker, it is because of this government and previous Liberal governments.

Basic, fundamental law requires that people be compensated when their legally obtained property is taken away from them. It is that straightforward: Let justice be done though the heavens may fall. That has to be our approach if we want to maintain some kind of order in society. If we do not do it, we will have the American experience, where people, though they love the wildlife on their property, if it comes down to their livelihood and looking after their family or protecting those species, I can tell members which side they will come down on. They will protect their family.

If they sense for a moment that their property will become valueless or will be taken away from them to some degree and as a result they will lose their livelihood because they will get no compensation, then the American experience will be repeated here. That will mean that all the species on that land will be wiped out. It will be a situation in which people actually will go out and get rid of endangered species, which will become a liability. If that happens, the responsibility will rest on this government because it is the Liberals who are pushing through this bill without any recognition for the fact that people have paid for their property through their hard work and their efforts. They own that property and the government is going to take it away without compensation. Again, that is wrong.

My friend across the way is looking at me and rolling her eyes, but I have to say that this is what this issue boils down to. Let me pose this question to my friend across the way. Why would the government change that amendment that we passed in committee? Why would it not agree to pay full and fair compensation when that was offered to them in committee? The government is preparing to allow people, in some cases, to get rid of endangered species on their property if they have to save their property. That is what it boils down to.

I regret very deeply that the government has driven this wedge between itself and its citizens. I regret that it is prepared to undermine fundamental and basic justice, common law, but it appears that the government is prepared to do that. If the government does that, the consequences are on its head.

● (1140)

Mr. Dick Proctor (Palliser, NDP): Mr. Speaker, it is a pleasure for me to take part in the debate on Bill C-5.

This is the third version of species at risk legislation that has been brought before parliament in recent years and there is one common theme that runs through them all. Each time they are introduced the legislation is weaker than the previous time.

On this occasion there were a number of good amendments from a hardworking environment committee, one that I participated in briefly. There were countless hours put in on that committee in its deliberations. It came forward with a number of amendments and as we heard today virtually all of them have been gutted and undercut by the cabinet members opposite.

It seems to me that what the speaker who just concluded his remarks and others are saying and what cabinet is doing by its actions is that the legislation is too important to be left in the hands of legislators. That is an extremely unfortunate occurrence. We are sent here from 301 ridings across the country to do our jobs to the best of our abilities.

In this case the environment committee came together, worked hard, proposed a number of good amendments including compensation for ranchers and farmers and then the cabinet turned around and said in effect that it did not really care what the environment committee thought. The government said it would be this way. It really diminishes the relevance of the House of Commons, this institution, and the whole democratic process.

On the species at risk act, SARA, we are experiencing the largest extinction epidemic worldwide since the time of the dinosaurs. Scientists believe we could lose a quarter of our species on earth within the next three decades if we do not change course.

We have serious endangered species problems of our own. Twenty-seven have already gone extinct in Canada in the past century and a half. We have more than 350 species known to be at risk and the list grows year after year. Some of the animals that are at risk are: the beluga whale; the woodland cariboo; the burrowing owl, which we have in the riding I represent in Saskatchewan; and the grizzly bear. All these species could vanish in coming decades unless and until we take strong steps to protect them. The legislation is long overdue.

I will turn briefly to Group No. 4 that is under discussion today. We feel that none of the changes are more offensive than the amendments that are proposed that remove the ability of the first nations to have input into the implementation of the species at risk act. There were a number of proposed amendments made at the time and they have all been gutted. These amendments were made by the Metis, the Dene, the Inuit, and other first nations. It is a sad commentary what has transpired since the committee reported before Christmas.

I would like to mention the Rio summit of 10 years ago. There was political courage demonstrated and political capital risked at the earth summit at Rio in 1992 when Canada was a signatory to the creation of laws aimed at protecting the vulnerable species. I happened to hear the former environment minister speaking on CBC last Friday and referring to the decade of neglect, which was her phrase, and what transpired since the Rio summit of 1992. The government office came into power late in 1993 and virtually nothing has happened in the intervening 10 years since that occurrence.

● (1145)

This is in sharp contrast to what is happening in other countries. Mexico has made the protection of critical habitat mandatory. Canada is only proposing to make it discretionary. A species would enjoy protection under the provision of this law at the pleasure of the environment minister. If a species were deemed worthy of protection there would remain a period, which could be as long as 30 months, before the habitat would actually be protected, and only the residents, the nest or the den would be protected in the interim.

I want to say a word or two about property rights. I acknowledge that I come from a riding which contains a mix of both rural and urban. I want to address the real concerns that people have in the riding of Palliser about the law which if passed would affect them.

Our party believes that people must be compensated if their lives are affected by this plan to rescue any endangered species. Landowners must be assured that they are not facing personal loss in order to protect habitat. If land is purchased it has to be with the consent of the owner and at fair market price. Workers whose jobs are lost or whose paycheques shrink must be compensated. The same logic applies to communities.

We know that Canadians want to stop more of our wildlife from disappearing forever. All of us want to do that and we understand that as a result the cost of protecting those species must be shared by all of us and not just the people on whose land the endangered species happen to live.

There is an amendment in Group No. 4, made late in the day, which would suggest a bit of a compromise in terms of natives, and working with cabinet ministers and aboriginal leaders. It is a may as opposed to a shall. We are concerned about that. The cabinet opposite needs to stand and restore that wording to shall as opposed to may in this regard.

A large number of communities, such as the aboriginal groups, the first nations, the Metis, the Dene and the Inuit, have come forward with detailed, strong and impressive presentations that impacted not only with regard to representation in the legislation but also in many other ways. I know that the committee was impressed with the representation by those organizations. The feeling of betrayal that those groups have is understandable with what has transpired since the House returned in late January.

It seems to me that the changes that have been made to Bill C-5 do nothing to encourage farmers and ranchers. They do nothing for aboriginals. Frankly they do nothing for the environment and for species at risk. They do nothing for the institution of this place and for legislators. All they do perhaps is put a happy face on the cabinet's point of view. The bill as amended is a sham and not worthy of support.

● (1150)

Mr. Rahim Jaffer (Edmonton—Strathcona, Canadian Alliance): Mr. Speaker, it is a pleasure to stand in this place and speak to Bill C-5 at report stage and the Group No. 4 amendments. All the speakers, including my hon. colleague from the NDP who just spoke, have an honest passion to help protect endangered species. However, as others have said, there are some real concerns about how the bill has come together and how the government brings stakeholders together because there has been no effort on behalf of the government to bring stakeholders on all sides of the fence together.

That is where the bill will fail. That is where this side of the House will have tremendous difficulty in supporting the bill. I listened to my hon. colleague from Medicine Hat who comes from a rural area. He is clearly someone who is passionate about endangered species. I know he is an avid bird watcher and that he has been known to chase cougars from time to time. He has also actually wandered with the buffalo. I know how committed he is to endangered species but there was frustration in his voice when it came to the government and the basic rights that have been violated time and time again by trying to include property rights, something that is so fundamental.

My colleague talked about the 20 year anniversary celebration of the charter. We still do not have protection of property rights. That is why we find ourselves in the situation today where farmers, ranchers and landowners are so concerned about the prospects of finding endangered species on their land and that the government may not compensate them properly or fairly and will disregard the work they have done when it comes to stewardship and other programs.

The government is not willing to guarantee any form of compensation in the type of equation the opposition has outlined in the past. The government commissioned its own researcher, Dr. Pearse, to put together a fair compensation equation in dealing with land that has to be expropriated because of the endangered species. The government has failed to even consider those recommendations that it commissioned.

Something that particularly frustrates me a great deal in this place is the way democracy works. I have been speaking about that, as many of my colleagues have in the past, with different legislation, different cases, and different issues in committees. I have been trying to see if this place can function more democratically than it currently does. We have another case of where this place has failed because of the government's lack of paying attention to what members of this House do, even outside of the House.

I look at all the amendments that were put together at the committee stage. There were so many positive amendments made on all sides of the House that pertained especially to this Group No. 4 amendments. They dealt with a national aboriginal committee, the creation of stewardship and action plans and public consultations. These were positive amendments made at the committee stage from all members of the House. These amendments were agreed to in committee. They were discussed, debated, studied and witnesses had appeared. There had been some great progress made at the committee level which would have made a lot of things that are in the bill more tolerable right now to all members of the House.

However when the bill came back to the government we see some of the changes the government made to the committee changes that were made initially to the amendments. They are just outrageous. Some of them as simple as changing a name from council to committee particularly where Motion Nos. 6, 16, 17 and 20 deal with the aspect of a national aboriginal committee. When that issue was debated in committee the actual name proposed for this national aboriginal committee was the national aboriginal council. The government did not want to accept that recommendation from the committee and changed it from the national aboriginal council to the national aboriginal committee.

● (1155)

It does not create the type of goodwill we are trying to establish in this place to bring stakeholders together. Even in the areas of stewardship and action plans, the government has made changes since the bill went through committee which are simply outrageous. It almost seems that it is trying to nitpick so that it does not have to give credit to members of the committee who worked so hard to scrutinize the bill.

It does not surprise me that there is sometimes such a disincentive in this place among members. They feel the work and the study they do to get to know a bill so they can make it better is continuously rejected. They are trying to represent the people in their ridings and Canadians generally. It begs the question as to what our role is as members of parliament in establishing proper laws and in trying to represent all Canadians by bringing people from all walks of life together? No wonder there is such frustration and breakdown of the way democracy works in this place, and this is a perfect example of it.

What I want to focus in on, and my hon. colleague from Medicine Hat touched on this, is the idea of driving a wedge between landowners and people who live in rural and urban areas, which I think that is a better way to put it. Canadians from all areas clearly have spoken in different polls and in different forms of expression about species at risk. They are generally in favour of establishing species at risk or endangered species legislation that would help protect species. I believe that in some polls as high as 92% of Canadians were in favour of such legislation.

If there is that form of consensus among Canadians who feel that protection of endangered species is important, then why is it so difficult to bring MPs, who represent all sides of the argument, together in this place? Obviously there was an opportunity for the government to bring those two groups together but it failed miserably.

My hon. colleague from Medicine Hat spoke specifically about the issue of compensation. Let us look at the people who are closest to the land and who are closest to endangered species and know the habitats of many of these species well enough that they can put measures in place to protect these species. These people are clearly ranchers, agriculture producers and landowners in rural areas. They have the knowledge and experience to protect these specifies and to it effectively.

We want to have landowners, ranchers and others on board. We want to work not only with people in the urban areas but also in some of the most crucial areas to the survival of endangered species. We have to bring all these groups together. One of the biggest areas in which this bill has failed is in the idea of compensation. For instance, if landowners potentially find habitat or endangered species on their land, it is still not clear whether that land can expropriated and whether they will be compensated for the confiscation of that land.

As my hon. colleague said, when people rely on that land through the history of generations, their livelihoods or the production for whatever it is they use the land, clearly they will react adversely if that livelihood is threatened. This is not a plea from some of these landowners, farmers or ranchers to receive handouts. Many of these people are providing viable services and businesses to their communities or the country. They only want to have that viability protected.

It is clear that, if the idea of compensation is dealt with even slightly to show that the government cares about private property rights and to show that it will never leave its rural farmers, ranchers and landowners while in the lurch in the process of trying to protect endangered species, then there would be the biggest positive response from some of these groups to help protect endangered species. Clearly that is the concern among many of them now.

● (1200)

This is the third time the bill has been introduced in this place in some form or another. For those who wonder why it has not had the consensus, the government has failed time and time again to bring stakeholders together and to let this place work in a fair and democratic way. Even as bills travel through this place and go through committee to be scrutinized. the government interferes in that process without respecting some of the basic recommendations of all party committees, which basically come together to build consensus.

Finally, the stakeholders have still not been brought together and that is a shame. I am happy that I could voice these concerns on behalf of Edmonton—Strathcona.

Mr. John Duncan (Vancouver Island North, Canadian Alliance): Madam Speaker, I would like to talk about the amendments to Bill C-5 and bring a little different focus to the discussions. A lot of people are speaking as if the landowners primarily affected by this bill might be farmers and ranchers. We also have a big slice of the public who are cottage owners, who are involved in land development or forest woodlot ownership. There are any number of other land use activities or ownership patterns that can be impacted by this proposed legislation.

In our non-urban areas right now there are two very significant initiatives on the minds of people; that is, the species at risk act and the ratification of the Kyoto agreement. That shows the kind of priority this legislation should have.

I met with the Canadian Real Estate Association this morning. I was interested to see that it has three priority items that it wants to bring to our attention this year. The first is the national debt and the second is the limits on RRSP contributions in Canada, which are longstanding issues and are financial in nature. We would expect that from the Canadian Real Estate Association. However when it has the species at risk act and property rights in its top three issues, then we know this is a major and significant bill which has the attention of people and has them very much concerned.

They basically share the concerns of my colleagues in the Canadian Alliance. I know there are a lot of people on the Liberal side of the House who also feel the same way. It will be interesting to see where they are when it comes time to vote. They also agree that the lack of commitment in species at risk act for compensation when citizens are deprived of their property rights is a major problem. Property rights are not guaranteed under the Canadian constitution and in this bill there is no obligation to provide compensation.

The bill states that the government may provide compensation and only for losses suffered when there is extraordinary impact. Of course the bill does not define "extraordinary" which obviously makes it virtually unworkable or takes it into the domain of the courts where there will be huge costs and uncertainty inflicted on the landowner. It means that this will become an exercise in frustration.

Therefore what will happen is human nature will come into play. The bill in all likelihood will be counterproductive in most instances when it comes to private land and that is very unfortunate. Property rights are the foundation of a strong economy and a democratic society. All this is doing is diluting both of those principles.

● (1205)

We are on the same wavelength as the real estate association and many other organizations and institutions across the country. They believe this bill should recognize property rights when landowners are deprived of the use of their property to protect an endangered species.

My background was working 20 years as a forester. I worked for industry and was responsible for land use plans for hundreds of thousands of hectares. I have dealt with endangered species. I have dealt with any number of management plans related to habitat and good conditions for many species of wildlife in British Columbia and on coastal British Columbia.

When we look at a bill like this, I believe we need to take a practical, pragmatic and realistic approach. After all the committee work, it was headed in that direction. I have an insight from some of the people involved in that committee as to the many thousands of hours of time of the committee members and other stakeholders and how much taxpayer effort was behind the work that went into creating a report from the committee. Unfortunately all this work was blown up as soon as the government got its hands on it.

This is a huge frustration. It is symptomatic of what is wrong with this place. Many of us could and would enjoy and be enthusiastic about the work of committees. However, when we see the work of committees being blown up or ignored by the government, then one begins to wonder why we would put energy and effort into that exercise. The worst part of it is that the very people who are funding that whole exercise, the taxpayer at large, are being taken for a ride and ignored in the process.

This is a clear cut example of committee work being ignored. I have been here since 1993. I cannot think of another bill that has had more input at the committee level for a longer period of time than this one. There was a set of amendments that were very well thought out. I think there could have been all party support.

Obviously everyone wants to protect endangered species in Canada. There are some things we do not want and we can learn by looking south to the U.S. which has a very heavy-handed endangered species act. The U.S. act has led to property owners doing everything they can to ensure that they do not end up with a liability. People want to do the right thing but they do not want to make their property worthless by doing it. The government cannot go with straight disincentives.

Recently there was a case where a group wanted to influence a land use decision in its favour under the U.S. act. In order to do so, it planted fur from an endangered species on the barbed wire fence of a property owner to prove that the endangered species existed there so that the land use would be denied to the property owner.

● (1210)

This goes to show how far off the rails that kind of disincentive can go. The legislation is now headed in that direction, against the recommendations of the committee.

Mr. Rob Anders (Calgary West, Canadian Alliance): Madam Speaker, for those who may be in our galleries today or who may be watching at home, I want to tell them that a girl named SARA is about to steal my land. We could have amended SARA so she would have been less of a thieving kind but, as it turns out, we have a minister who, as I have been told by people who have worked for him, has more ego than common sense.

Unfortunately, we have a scenario where even though the minister does not have the budget—I understand his own cabinet colleagues have not given him the budget to actually implement the bill or enforce it—he is bullheadedly pushing ahead with it.

Today I actually had people from my riding in Calgary travel to Ottawa, a long way from here, about 3,000 kilometres or so, to speak to me about the species at risk act, SARA, and what it would do to their properties. They were very mindful and very watchful of SARA.

These people, who represent the Calgary Real Estate Association, know about private property and understand the concerns very intimately. They asked me if I knew that if any of the 198 endangered species were found on a piece of land that the owner could lose control over his or her property.

I want people to know that if any of those 198 endangered species are found on their land they could lose all control of their private property. It is a very dangerous thing.

I think back to the very foundations of the party that sits across the way, the Liberal Party. When I think back to the turn of the century and the times of Wilfrid Laurier, that party stood for free trade and classical liberalism. It believed in private property and in property rights.

Today we see an odd scenario where that party did not enshrine private property rights in our constitution and today is passing legislation that would severely restrict our freedoms and personal liberties and would actually allow for confiscation, expropriation, regulation and interference without any form of compensation.

SARA would give the government the power to deprive landowners of the use of their property. It is very dangerous stuff. It has a lack of commitment for compensation when citizens are deprived of their property rights. There is no obligation whatsoever under the act to provide compensation and the affected landowner could face a long, costly struggle with no assurance of compensation. The sanctions basically amount to either expropriation or partial restriction.

These are not my words, even though I happen to like them a great deal. These are the words of the people who are involved with the Calgary Real Estate Association. These people know property. They came all the way from Calgary today just to speak to me with regard to this particular issue.

A lot of people are very upset with SARA. They are worried about what she just might do.

I will go through what I consider to be important questions that the government or anyone should always ask with regard to legislation.

First, will the legislation actually solve the problem? Let us say the problem has to do with endangered species. If we were to actually put forward legislation that did not offer compensation to farmers, ranchers and others with a direct vested interest in these things, then we would wind up with legislation such as they have in the United States where people choose to go ahead and liquidate. I think the United States describes it as shoot, shovel and shut up. People would actually go ahead and get rid of endangered species on their land out of fear that it would somehow restrict their ability to use the land.

● (1215)

The legislation would actually make the problem worse. It singles out these endangered species for landowners to go ahead and get rid of them as nuisances.

Second, what fruit will it bear? This is an important question we should always ask when putting forward legislation. If the fruit it bears means that it actually impinges on the endangered species, results in restriction of personal freedoms in the use of private property, increases transaction costs and all these nasty things, then what fruit does it bear? I would say that it bears bad fruit. As a result, why would we pass something that bears bad fruit? Why would we put time, effort, blood, sweat, tears and political equity into it?

Third, who wants it? Do I hear a cry, a cacophony from the veterinarians across the land saying that they want to see this legislation? No.

Do I hear ranchers who deal with huge amounts of beasts on a regular basis and who have an obvious vested interest in stewardship of the land crying out to see this legislation? No.

Who do I hear crying out? I hear some city dwellers who do not actually live among many animals but who are particular fans of given cabinet ministers who are emotionally attached to this idea. However, I believe that if they are in favour of this, and I know many of them actually are not, they have wrongly placed their faith in the legislation because without fair compensation the legislation would do far more harm than good. In terms of the nitty-gritty of the legislation, I do not see all those people who want it.

Fourth, is it based on an exotic case? Is the government bringing forward the legislation based on a small incidence of success? As I have said in one of my previous speeches, out of all the species in the United States that have been listed as endangered species and animals, which are supposed to be protected with this type of Canadian legislation that has been modelled after the legislation in the United States, it was effective in only three-tenths of I think 1%. That basically means that the legislation was approximately 99% ineffective. It actually missed by such broad strokes that when one considers the amount of money that could be involved with this, the cost makes no sense.

Fifth, how much will the bill cost? Here it is doubly insidious because it is not only a question of how much money it will cost the Canadian economy as a whole but it is also a question of who pays for it that is very dangerous. Even though it is government legislation that is depriving people of the use and enjoyment of their private property, of their land, actually it is not the government that pays for it because the cabinet colleagues of our ego driven cabinet minister in this case have not provided any money for it. As a result, who will be responsible? It will come off the backs of the Canadian taxpayers. It will come off the property owners. It will be an attack on property owners.

It is funny when we think of the Senate having been set up as a body of sober second thought in a sense to guarantee private property rights. What a twisted fate this is.

The sixth and final question, what or who will slip through the cracks? The legislation would allow the very group that it says it is out to defend, the animals, the endangered species, to be the ones who slip through the cracks. It sets up an incentive structure for the farmers, the ranchers, those who own those large lots of property, to actually get rid of endangered species. The legislation does endangered species more harm than good. They would be better off without the legislation.

Let us quickly go over to economics because I have touched on some moral and ethical questions that one always needs to take into account with legislation. In economics, for prosperity we require a recognition of private property rights. It is one of the fundamentals. It is kind of a Jeffersonian classical liberal idea. When he wanted to write the constitution he wanted to have private property rights rather than the pursuit of happiness because he believed in it so strongly. However this legislation is directly contrary to that fundamental understanding of economics and actually attacks private property rights. Rather than reducing costs it increases transaction costs for those who own the land because of all the regulations involved.

● (1220)

The legislation bears bad fruit. It does not accomplish what it was supposed to do. If enacted it will be incredibly costly, and even cabinet colleagues across the way do not support the minister on it. I ask the government members to show courage and vote against it.

● (1225)

Mr. Grant Hill (Macleod, Canadian Alliance): Madam Speaker, this is my opportunity to speak to the amendments in Group No. 4 relating to species at risk, Bill C-5.

I will begin my discussion on the overall and broad effect the species at risk legislation would have on society, which is the reason we are debating the legislation. There is an advantage to society to protect species that are at risk.

I was recently at a talk on science which was dedicated to the effect pollution has on organisms downwind of big metropolitan cities, in particular Toronto. A scientist who is quite well known for his work in this area talked about how the plant and animal species downwind of the major cities were in fact different from those in areas upwind.

He studied lichens and their growth and showed how the effects of pollution were negative on that plant species. He did not speak a lot on animal species, which is where we are at today with the legislation, but the same effects have been shown to be true and present.

It shows the effects of human activity on other animal species. I tried to look back to see where we have been successful in our efforts toward species at risk. The one area where we have been successful is with the whooping crane. That was a widely publicized issue in which Canadians should take some pride. We have had some success in tracking and raising these birds in a tame environment and then releasing them in the wild.

Would Bill C-5, and particularly the amendments that we are talking about today, give us success in that regard? The two areas that are very particular to these amendments are areas that relate to letting the landowners know whether or not they have species at risk on their properties.

We have tried to put forward amendments to the legislation that would allow the landowner to be made aware of the presence of species on their properties that are at risk .

The arguments that have been used against that are I suppose valid. The public could possibly become interested in the land, tromp on it and possibly endanger the species in question. I am of the mind that telling the landowner is an advantage. If the landowner were aware he would be capable of taking preventive steps against harming the habit for that species. That is one specific area where I am not certain the argument is one I accept.

The second area would be consultation. There is a great desire to consult on issues of this kind. Those who have a vested interest of course are the ones the government has the closest access to. People who are animal activists would be very interested in this issue and would likely be available for consultation and available to the committee as it travels. I am not certain that all components of society are as actively sought by us when we look at legislation of this nature. For instance, the indigenous groups in the country certainly have an interest in and a record of being interested in species and the overall environment. I am not certain if we have seen any amendments in these two specific areas that would make the legislation more appropriate.

● (1230)

I will talk about more broad issues as well. In my view, and some of my colleagues have expressed this plainly, the best way to preserve species at risk is a co-operative mechanism. In other words, the stewards of the land are enlisted in this co-operative effort. In the preamble to the legislation we see these thoughts reflected. A co-operative approach is much better than a forceful approach. I looked to see whether that was carried through in the way the legislation would actually be enacted and I am not certain that the stewards of the land are well enlisted in this approach.

I would ask the philosophical question, is this for the good of society? I happen to believe it is for society's good to try to protect species and maintain biodiversity. I also believe that if it is for the societal good, the cost should be borne by society as a whole, not by individuals suddenly singled out by the presence of a species at risk or by an accident of nature there is a species at risk near their dwelling, their place of work or their place of commerce.

What pitfalls do I see if we do not go down that road? The one pitfall of course is that if we punish the steward of the land, we end up with the triple *s* approach to preservation. That has been very evident in other jurisdictions.

I represent a large ranching part of Alberta. An individual gave me an example of what had happened in his particular case. The grizzly is a species that by some estimates should be very heavily protected. In his part of the world over the last few years the grizzly bear has become a problem for some of the cattle. One of his neighbours went down the route of exterminating a grizzly because if it was found on his property, the access of his cattle to the range would be shut down. That is an example that is very harmful to the overall concept of being a steward of both the land and the species.

Farmers and ranchers often are very vocal and close to the issues of species at risk and property rights, but it is interesting that the Canadian Real Estate Association is currently lobbying, in the good sense of that word, here on the Hill. One of its big issues, one of three issues that was brought to parliament, was the very issue I am speaking of, property rights in relation to species at risk. Most of us know a realtor. I was intrigued by the fact that realtors would take this issue to parliament and say they have discomfort with the approach in Bill C-5, an approach which basically says that the government may provide compensation and only for losses where there is an extraordinary impact. There is no obligation, in other words, to provide compensation under the species at risk act. If there is one thing the government could do and should do to change the tenor of debate on this major issue, it would be to provide compensation.

The example that was given to me by the realtor who came to see me was one which I think should affect most homeowners in Canada if in fact their property, a city lot, not a country lot or some pristine beautiful piece of property, were designated to have a species at risk on it. Individuals could lose the ability to have barbecues behind their homes. They might even lose the opportunity to put a fence around their property for the standard reasons people fence in their property, for example to keep their tots in hand.

The point was broadened out to talk about land development. Land developers look for the opportunity to give economic advantages to Canada. They look at areas to put in developments, factories, condominiums, homes in the broadest sense. Those developers, having purchased property and finding a species at risk on it, and possibly the government having known about this and not having let them know, could lose their whole livelihood and have the property taken from them

● (1235)

I conclude my comments by saying that species at risk are important. They are important for society as a whole, as a good for society. I believe that society should pay for that good and not have the issue of compensation for land left with such vague phrases. "May compensate for extraordinary impact" is not good enough. "Must compensate" is much more appropriate.

Mr. Brian Fitzpatrick (Prince Albert, Canadian Alliance): Madam Speaker, more government, more regulation, more intrusion into our day to day lives, a heavy-handed approach to basic fundamental rights: this is increasingly becoming the agenda of the government. This legislation is representative of that approach.

I think every member of the House supports the intended goal of the legislation to protect endangered species. That is not the problem. The difficulty here is that there is a whole host of stakeholders who are opposed to this legislation. When we analyze that, the root cause of that opposition is lack of consultation. The government and the bureaucracy have an approach to mandate and legislate results without consultation or co-operation. There is a tremendous amount of opposition to this piece of legislation.

I am from Saskatchewan. This legislation, along with other intrusive pieces of legislation from the government, will have a negative impact on rural Saskatchewan and I suppose other parts of the country as well. What are some of these concerns?

I mentioned that it is running roughshod over fundamental rights. Property rights are the heart and soul or our economic system. The free enterprise system could not work without our concept of property. It would totally break down.

The other day we celebrated the 20th anniversary of the charter of rights. When the Liberal government created the charter of rights, it deliberately chose to ignore the inclusion of property rights in our constitution as a basic protection. I can see why the Liberals did not want that in the charter of rights. It is this type of legislation we are looking at today that underscores their contempt for the concept of property rights.

In a modern democracy, all we can expect is that if the government needs property, at least we will have due process in expropriation proceedings and we will receive fair compensation. The government refused to guarantee those basic rights in this legislation. That is dangerous.

As far as interfering with basic rights is concerned, a second danger point is criminal justice principles. In many ways a hallmark of a western democracy is how we treat the accused in our society. One of the principles of our criminal justice system that is pretty strong and basic is that we do not make criminals out of citizens who did not have mens rea, the intent to commit the crime.

This legislation has serious consequences for someone who innocently might cause damage to habitat or an endangered species. No matter how innocent, he or she could face five years in jail and $250,000 in fines. In my province many of the farmers are corporate farmers. They have been required to incorporate to deal with taxation issues and other matters. The sanctions are even heavier for a corporate entity, some $1 million in fines.

We are observing the decline of rural Canada. In a lot of ways, if the government is not the cause of the decline, it has helped to accelerate it. I had the privilege of driving through North Dakota not long ago. There are five pasta processing plants in that state near the Canadian border. A few years back a group of entrepreneurial farmers in the prairies wanted to develop their own pasta plant. The Canadian Wheat Board regulations would not permit them to do so. Their project was aborted because of government regulation.

In rural Saskatchewan today, any sort of minor roadwork, ditch digging, putting in culverts, removing an old bridge or anything along those lines now requires environmental impact studies due to the legislation of the government.

● (1240)

The government's rail transportation policies have been a disaster for rural Saskatchewan. They have been a disaster for our small towns and our rural highway network which is falling apart.

The government's income support programs have been a disaster as well. When I talk to farm people back in my province I am told these programs are lean on results and very heavy on bureaucracy and complication.

There have now been a few more things added to this legislation including cruelty to animals amendments which are going to have a huge negative impact on rural Canada.

We have already debated the firearms legislation many times in the House. It sends out dangerous and hostile signals to people in rural Canada.

The government should be looking at policies that encourage growth in rural Canada instead of coming up with policies that accelerate the decline of rural Canada, some of which I just mentioned. There are many more. The government is perceived in my part of rural Canada as a hostile, alien entity. Its agenda is not compatible with the interests of rural Canada.

Emerson and Thoreau did not like city life. They preferred instead to get close to nature, to get out to the forest and away from the craziness of urban life in the United States. I have spent a good deal of my life in rural Saskatchewan. After spending a lot of time in an urban area it is very refreshing to get back into a rural area close to nature.

People who live in rural Canada are much more sensitive than their urban cousins are about the environment and endangered species. They have much better knowledge of that as well. Quite often the government gets its inspiration from urban society. It may have good intentions, but as Shakespeare and others have said, the road to hell is paved with good intentions. The government should be listening to rural Canadians when bringing in policies of this nature.

It gets a bit scary to hear the words "the government should do something about that" because every time the government takes on a task, its cure is quite literally worse than the problem. It has a bad habit of doing that sort of thing. The government wants to regulate and control our day to day lives. It wants to respond to every request from a group in our society for the government to do something. In response it comes up with more bureaucracy, legislation or something that interferes with our basic fundamental rights.

There has to be a refocus because the country is in decline. When I came back from the United States in 1969 our dollar was almost on par with the United States dollar. Our standard of living and our tax rates were equivalent to those of the United States. Today our standard of living is 30% lower than that of the United States. I do not know what the dollar is today, but yesterday it was still in the 62¢ range. Canada is slowly headed in the wrong direction.

We need a government that creates an environment that challenges people to aim for the gold medal, not the bronze medal. With this government we are dealing with a lead medal. We are not even aiming at third place any more.

We do not need more government interference in our day to day lives. We need some positive signals from the government that encourage growth and give people hope for the future. This legislation is just one of many pieces of legislation which send out the wrong signal.

● (1245)

Mr. Leon Benoit (Lakeland, Canadian Alliance): Madam Speaker, I am pleased to speak to the legislation once again.

I do not know how many Canadians know it, but this is the third time this bill or a similar bill has been before the House of Commons. The first two times it was killed by the opposition and people across the country who realized it was bad legislation. The bill now before the House is fundamentally the same bad legislation that was rejected across the country twice before. Why is it before the House again?

For an answer we can look at the Challenger executive jets. The arrogance of the Prime Minister and the government has allowed it to purchase executive jets for $100 million when the military has 40 year old Sea King helicopters. We all know military helicopters get a lot rougher use than Challenger jets. This kind of arrogance—

Mrs. Karen Redman: Madam Speaker, I rise on a point of order. I am sure all people listening are anxious to hear my hon. colleague get to the content of the Group No. 4 amendments to the species at risk bill before the House.

Mr. Darrel Stinson: He was.

An hon. member: That is not a point of debate, Madam Speaker.

The Acting Speaker (Ms. Bakopanos): Yes, it is a point of debate.

Resuming debate, the hon. member for Lakeland.

Mr. Leon Benoit: Madam Speaker it is unbelievable. It demonstrates the level of arrogance of the government.

I said when I started my presentation that I would—

Some hon members: Oh, oh.

The Acting Speaker (Ms. Bakopanos): Order please.

Resuming debate, the hon. member for Lakeland.

Mr. Leon Benoit: Madam Speaker, the heckling is getting a little heavy over there. I guess some ministers have come to the realization that this is bad legislation and they do not want to hear about it. That is pretty clear. The fact that government members are not allowed to speak to the bill demonstrates that the government does not want to hear opposition to the legislation which has been shot down twice before.

In my opening comments I connected this group of amendments to the Challenger jet purchase. I will continue to do so because it has to do with arrogance. It is arrogance that prompts the Prime Minister and other ministers in the cabinet to buy executive jets when our military is short of equipment of all types and does not have enough people to do the job it has taken on and will continue to take on.

The same arrogance allows the government to prevent its own members from speaking to Bill C-5. Lots of them want to speak to the legislation. Many Liberal members in the House do not support it. They recognize that it is bad legislation. Arrogance is so ingrained in the government that it has become a huge problem.

I heard the Liberal vice chair of the environment committee on CBC radio a couple of weeks ago on the show *The House*. She talked about what had gone on at committee. She talked about some of the amendments in Group No. 4 and how they had been changed. I did not entirely like the product the committee came up with but it did its work. It was good work by and large. What the committee came up with was much better than what the government has put forward. The vice chair of the committee said on national radio that she was upset and disgusted with her own government because it had ignored months of hard work by the committee. The government completely ignored the work of all members of the committee. It threw it aside and put in place what the minister and cabinet wanted.

That is a problem of arrogance. The government no longer cares what the public wants. It thinks it can go on indefinitely without having to worry about the public. That is the sad truth. It is the level the Liberal government has come to.

I can understand why the minister and hon. members opposite want to shut me down through heckling. They do not want to hear this stuff. However it is a fact. Not only opposition members are saying this. Government members are saying it.

People across the country who expect their MPs to speak on their behalf must be wondering where the speakers are from the governing party. They are not here today. They have not been here for the past few days. They will not be here over the next few days—

● (1250)

The Acting Speaker (Ms. Bakopanos): I think the hon. member has been here long enough to know we cannot mention the absence or presence of members. I remind the hon. member that I have given him a lot of leeway, five minutes, and there is the question of relevance in terms of what we are discussing which is Group No. 4.

Mr. Leon Benoit: Madam Speaker, I had referred to Group No. 4 and was making comparisons. There is no doubt that my remarks were relevant. As far as mentioning who is in the House, I did not refer to who was or was not in the House. I did not say government members were not in the House today. I said government members had not been speaking to the legislation. I am sorry if the way I expressed it was not clear.

Government members have not been speaking to the legislation. Why have they not been speaking to it? It is because the government has told them they are not allowed to. The whip has come down heavily and told them they are not allowed to speak to Bill C-5. That is not the way a democracy works. What we have had in Canada for some time is not a functioning democracy.

What we have seen with the Group No. 4 amendments is a clear example of this. The committee worked on the Group No. 4 amendments regarding stewardship action plans. The all party committee dominated by the government presented its work in a report. What did the government do with the report? It chose to throw it aside and put in place what the environment minister and members of the cabinet wanted. That is exactly what it did. That is the way the government operates now. It simply threw it aside.

We know the abuse is extreme when the Liberal vice-chair of the committee goes on the radio to say she is disgusted with what her own government has done with the committee's work. She went on CBC radio two weeks ago. She said the committee had done good work on the issue, work which included the Group No. 4 amendments. She said the committee put forth its work and the government said to heck with it, the work means nothing so we will put in place what we want. The government's arrogance has reached a point where the Liberal vice-chair of the committee has made an issue of it. It is a clear problem but it did not develop recently. It is not new but it is expanding and has become worse. It is leading to bad legislation.

The Group No. 4 amendments we are talking about today demonstrate the point. The legislation and amendments now before the House and the country at report stage are not those brought forward by the committee. They were brought forward by the government to override the amendments of the committee. That is completely unacceptable.

As a result Bill C-5 has no clause for fair compensation for landowners or land users who have endangered species on their land. Because the legislation does not have a clause for fair compensation it will completely fail. Rather than protect endangered species, something we all support, Bill C-5 would further jeopardize them. Because it would adopt a mandatory rather than a voluntary approach it will fail. I look forward to commenting on further amendments as well.

● (1255)

The Acting Speaker (Ms. Bakopanos): I am sure most members do not sleep with Marleau and Montpetit at their bedside as I do, but before we resume debate I will read from a section on page 533 dealing with report stage:

> The Speaker can also control debate through the use of the relevance rule as applied to debate on clauses of a bill.

Mr. Gerry Ritz (Battlefords—Lloydminster, Canadian Alliance): Madam Speaker, I am pleased to stand in the House and again take part in the debate on Bill C-5. The bill has been introduced three times in three different parliaments. It was first introduced two parliaments ago.

I have gone through some of the notes written at the time. We talk about the relevance of Bill C-5. It encountered the same problems when it failed the first time. It encountered them again when it failed in the 36th parliament. It is encountering them yet again. I cannot understand why the same government is in power. It has had three kicks at the can with the bill. There are still 139 amendments coming forward. Today we are dealing with Group No. 4. How can the government get it so wrong three times in a row? It boggles my mind.

This species at risk legislation would put at risk not only animals, plants, spiders and all those creepy crawly things but farmers, ranchers, oil patch workers, miners, woodlot owners and all the people who work the land in an environmentally sound way. There is already legislation in place. With Bill C-5 the biggest species at risk would be the taxpayer, the ordinary Canadian doing his darndest to make a living and keep the bank and the tax man off his back. Legislation like this would add to the regulatory burden and take the wind out of people's sails who are trying to be entrepreneurial and move ahead. I cannot understand it.

Bill C-5 would expand ministerial discretion. It creates a shudder effect through most of Canadian society when people see bills like Bill C-68, the obnoxious firearms bill. I thank the Liberal government for giving me more cannon fodder to use in the next election. The government is assuring my re-election with this legislation.

At the end of the day Bill C-5 would not serve the community. It would not serve the interests of Canadian taxpayers or the species they are trying to support.

There are three ministers in control of the issue: the Minister of the Environment, the Minister of Fisheries and Oceans, and the Minister of Canadian Heritage. Canadians have concerns about these ministers when it comes to preserving their discretionary power.

Under Bill C-5 the minister alone would decide whether compensation was given and how much it would be. The government has budgeted $45 million to implement the legislation. Bill C-68 was budgeted at $85 million. Can members guess where it is now? The numbers we have obtained through access to information requests indicate it is 10 times that amount.

Bill C-5 would be another huge waste of taxpayer money. It would be another boondoggle to add to the notches in the government's bedpost. It flies in the face of everything a democracy stands for. There would be a total lack of transparency in reporting. Ministerial reports including listing decisions would be deleted. There would be no requirement for them. The minister could make changes arbitrarily. We have seen it done under other legislation. The government will keep doing it because it has the power. We can only shake our heads.

When will the Canadian people get the idea that these guys are not an effective government? Bill C-5 has no sunset clause. There is no mandatory review period, something that should be standard for any new legislation like this. We should be able to ask whether it is working. Whether it entails a three year or five year period, something must be put in legislation to indicate whether it is on the right track. The government is definitely not on the right track.

Under Bill C-5 politics rather than science would decide what was in danger. Every Canadian wants species to be protected but the legislation offers no effective means of doing that. That is why there are 139 amendments even though the government has had three kicks at it. Nothing has changed.

As I have said, a budget of $45 million is inadequate when we consider the different types of compensation. When we in the Alliance talk about compensation we mean market value compensation. The committee came up with the same recommendations. The all party committee made up of backbench Liberals and five parties from this side of the House came up with great recommendations. However the minister and a few of his henchmen on the front bench, probably the same three I named, said they would not do it the committee's way because they had a better idea. Their idea might give them more power, clout and budget money but it will not at the end of the day protect any species, especially the poor Canadian taxpayer.

● (1300)

I have talking points from the first time the bill was introduced. The main message was what Canadians wanted. These were polls that the Liberals did at that time. What did Canadians want when it came to protecting species at risk? First, a plan based on concern for the environment. All Canadians wanted a healthy environment and to protect biodiversity.

Second, a plan based on caring for species at risk. We can legislate it but that does not mean it will happen. If we have a plant variety, and we have lots of those in the west on range land and so on, and we trample over three miles of other plant life to go in and protect that one, what have we gained at the end of the day? I am not sure this will even work.

We have seen the American model fall apart. The Americans had the sense to back up and take another stab at it and go with incentives, allowing ranchers, farmers, woodlot owners, and miners to come up with plans that were proactive, not reactive and wrong-headed like Bill C-5.

The big thing that Canadians want to see is common sense in the bill. To protect species at risk we must have common sense to consider the needs of everybody involved. We must have a balanced plan, one that accommodates, changes, and is flexible. We should go back to some sort of sunset clause or a review. Are we getting the most bang for our buck?

The bottom line is we must have respect for the landowners. Whether it is someone's front lawn in the city, someone's back 40 out west or on the east coast in an apple orchard, we must have respect for that landowner. We must have a proactive approach, certainly, to protect species but we must base it on respect for that landowner, the guy who is trying to make a living from that land. If we take away the ability to farm or work the land how will he pay taxes? We are coming into that situation as well.

The committee laid out a proposal for timelines, action plans to be completed and so on. Those have all been brushed aside. We see the heavy foot of the ministers coming down saying that they do not want any of this red tape tying them down. That is unfortunate. That is what they are doing to the rest of the country.

No one on this side of the House or on that side of the House wants to see any endangered species at risk. We really do not. That is just good common sense. That is the end result of the bill. However I cannot see us getting there when we are trying to get from A to D without doing steps B and C. Compensation and good sound science are the B and C in that equation. They are not in the bill.

I do not know what kind of a bomb it will take to get these guys off of that type of logic. They will make us criminals before we have a chance to defend ourselves or explain what our role is and how that burrowing owl got there. It just happened overnight. It was not there last week when the farmer plowed it and that type of thing.

There are a lot more questions than answers starting to come forward in the bill. The longer it takes and the more debate that is going on, a lot of these questions are coming out, but the silence on the other side is deafening. We are not hearing any answers.

Probably the best thing the Liberals can do is hoist the bill again. Maybe the fourth time will be a charm. Let us take it back to committee and let these guys honour what the committee has done this time around and not put the hobnail boot on it. We need co-operation, not confrontation with the provinces. Habitat is all provincial and we are coming down hard on them with everything that is in the bill. We are totally cutting them out.

I talked to the provincial ministers in Saskatchewan and Alberta and they are afraid of this. They really are. They have some major concerns and they are relying on us to bring their concerns forward. We are happy to do that. I know this debate will continue and I look forward to that.

● (1305)

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Madam Speaker, it gives me pleasure to speak again to Bill C-5 which is simply a bad bill.

One would think that after the experience the United States has had with its legislation, which in the beginning was similar to what we are looking at today, we would learn there are better ways of doing it. A lot of people have analyzed this particular bill to be worse than what the United States came out with 25 years ago. It just did not work.

In Group No. 4 we have a number of amendments that would help address that by getting people to co-operate with one another in order to protect the endangered species as needed. That is what the Americans are moving toward. It is beginning to work and having an effect.

Instead of bringing the hard hammer of government regulation, government rule and law, down on the backs of the taxpayers, we should look at how we can make it work collectively. That would be the cheap way of doing it. I guarantee we would not have a lot of court cases as is the case in the United States. This bill would certainly bring a lot of those about.

A big problem with that is if someone is charged. We have a backward law where one has to prove one is innocent. The onus of proof is the reverse. We always assume that one is innocent until proven guilty. Not in this case. One is guilty and it is up to the landowner or a property owner or whatever the case might be to prove that one is innocent, that one is doing what is required by this law to protect endangered species. That is not democratic. The way this is set up it is not even according to the code of our judicial system.

There are people in this country who still do not realize that when the constitution was brought in by Prime Minister Pierre Trudeau in the early 1980s the government totally and intentionally left property rights completely out of the picture. Because property rights do not exist in the constitution of this land, which is a disgrace, every one of these amendments attempts to fill that gap, that void.

It is because the constitution in the United States does have property rights that the endangered species act that it tried to pass 25 years ago finally is having a turn. The United States recognizes that it is important that it not only protect endangered species but it also protects the rights of the landowners and property owners in that country.

We will not do that here because we do not have any such rights to protect. It does not exist. I would like to know why the most obvious right would be left out of the constitution. I would not dare suggest as to why the government would do that. It would probably be declared unparliamentary language and I would have to apologize.

Any apologies that need to be made should be made to all the people that the government is trying to impose this kind of law on. People must recognize that they have to prove they are innocent rather than be proven they are guilty. People must recognize that if the government needs their land in order to protect endangered species it will go in and take it. It has the right to do it, with no compensation, because there is nothing to protect property rights.

● (1310)

Even the common sense Liberals who served on the parliamentary committee began to realize there was something wrong with this big picture. They made the best possible effort as committee members, along with others, to bring to the attention to members in their own party that the bill really needed work. Suggestions came from the committee after all its hard work. In the usual dictatorial manner the minister said that what comes in the front door would go out the back door and ignored everything suggested or brought forward.

Most of those suggestions came from the public after having met with the committee. It brought to the committee's attention some serious flaws in the bill. The Liberal backbenchers who served on the committee as well as the opposition recognized these problems. They were willing to bring them forward to the minister who in his usual dictatorial manner ignored the whole thing.

We stand here today in opposition to the bill because of these flaws. Speeches have been made by one opposition member after another, with no speeches coming from the Liberal side because its members know it is a bad law and they cannot possibly stand up and defend the legislation. I do not blame them. I too would remain seated and keep quiet.

Anyone on that side of the House who represents a rural riding which contains endangered species would know that the amendments in Group No. 4 are essential to make the legislation viable.

We get a lot of letters from lobby groups and different people who encourage us to support the bill. They say we must support it. One particular person who came to see me asked whether I would support the bill. I said I could not in its present form. After further conversations with people I understand now that they do not really know what this is all about. Communication regarding the bill is really lacking. People do not understand the situation.

I asked one constituent whether I could give a test. I asked about the burrowing owl and what we must do to protect it. I would like to ask some of the members in the House today what we must do to protect the burrowing owl. I am sure they do not know. I do not think they know. This particular constituent told me that we would have to fence off the area, let the grass grow and leave the species alone to enjoy its habitat.

What people do not understand is that burrowing owls will not live long in growing grass. They require the grass to be maintained. They pop their little heads out of their holes and must be able to see over the grass to spot their prey so they can eat. That is how it is done. It is not done through legislation such as this.

Mr. Geoff Regan: How did they survive 200 years ago, Myron?

Mr. Myron Thompson: I hear a goat.

The Acting Speaker (Ms. Bakopanos): Order. I guess hon. members want to be named instead. Everyone can have their opportunity to debate.

Mr. Myron Thompson: Thank you for your intervention, Madam Speaker. They were popping up like a bunch of gophers over there and I was beginning to think I would get drowned out.

We have a piece of legislation that is being put together by senior bureaucrats ignoring the input that went into this debate from individuals who know what they are talking about, such as ranchers, aboriginal people and all kinds of groups that deal with these kinds of endangered species all the time. This information has been fed to the government through the committee and the government has ignored it. Anytime there is a law that is bad for people it cannot be good for other things.

We have to approach it from both sides of the coin. The government has not done so. It is making criminals out of law-abiding landowners. That has to stop. There is the onus of proof. How backward can it get? The government does not understand because it is not an expert on endangered species. It should start paying attention to the scientific community. That is what we are asking and that is what we will demand as the opposition. I only wish it would use its common sense, wake up and do the right thing.

● (1315)

Mr. John O'Reilly (Parliamentary Secretary to the Minister of National Defence, Lib.): Madam Speaker, I want to follow in my colleague's footsteps because he made some valuable points about the legislation. The facts are a little different from what the member has said. Of course what the House of Commons is all about is being able to stand and talk about the differences we have and the various political philosophies. Certainly this bill is one which draws out the differences.

My riding is the second largest riding in southern Ontario. If we put it with the riding of Hastings—Frontenac—Lennox and Addington we would have a third of the land in southern Ontario. It is a large agricultural based riding with 44 municipalities, 24 Santa Claus parades and 18 cenotaph services so I think I can talk for rural Ontario.

Rural Ontario is much like the west. We have the alienation of being 80 miles from Toronto, the CN Tower and so forth. There are some similarities between rural Ontario and the west. I have figured it out. Apparently when someone moves out west and buys a pair of Boulet cowboy boots and puts them on, he or she immediately feels western alienation. It is the French made cowboy boots that do it. I have a couple of pairs that I wear in the riding.

Due to the fact that I do come from a large agricultural riding, I have consulted with ranchers, farmers, trappers and the various people who make their living off the land. I was at the dairy farmers banquet on Saturday night and we dealt with this subject. What I explained to them and what I talked to everyone about is that somewhere along the line the government has to govern. It cannot go along leaving gaping holes in the species at risk act as things that cannot be addressed. We have to address them. Somewhere along the line the government in power has to come to the realization that something has to be done.

The member across the way talked about the burrowing owl. I know that if a groundhog tried to take over the trees we would probably do something different with it than we would do with the burrowing owl.

We do have land that is at risk. We do have species that are at risk. We do have the responsibility as a government to make sure that some of the items that are in the bill are brought forward and are acted on by the government. That is what a government is for. It has to govern whether the opposition members like it or not.

Members of the opposition will continue to try to talk this bill out and hopefully earn some brownie points by passing a speech back and forth to each other. I do not know how that works, but I admire them for their tenacity and tell them to keep going. We finally may have an opposition. I have not seen one since I came here.

The species at risk act has been nine years in the making. Nine years seems like a long enough time to put forward policies, different words and a cumulative process to bring forward informed policy. Not everyone will like the act and not everyone will be against it.

Today I met with real estate people from my riding. They have an issue with compensation. I fully agree with them. If someone's land is to be taken out of production, he or she should be compensated. I think we will find support for that particular item.

For instance, if someone takes out a loan with Farm Credit Corporation and a certain number of acres are needed in order to qualify for the loan, if some of that area is taken out of production, does it still remain part of the overall package?

Those are questions that have to be addressed and they are addressed through some of the revisions. We have revisions, changes, studies and refinements and each time the legislation has been brought back, the government listens a little more.

● (1320)

We talk to fishers, farmers, ranchers, resource companies, conservationists and environmentalists. I think I have spoken with most of them because my riding covers large operations. There are 27 commodity groups in the agricultural area I come from.

There was a demonstration. The grains and oilseeds people are in trouble right across Canada but particularly in Ontario because the Ontario government has not come up with its portion of the allotment that farmers need in order to be equal to the farmers in Quebec. Quebec gets the same amount of money on a proportional basis as Ontario. It is just that Ontario does not spend it. Some of the government policies have to be reviewed and we hope the new government in Ontario will do so.

There were 334 motions during the clause by clause review of this particular piece of legislation. There were 125 amendments made to the bill and 75 of those are supported by the government. I think that is progress. An opposition member cannot get everything. The minister will respond to the 75 amendments that were made which will make the legislation much more secure.

As we go through the bill and study it clause by clause, as a good Liberal government should, to make sure all areas are covered, all items are studied and re-examined and various people are consulted. We do not take sides. We do not hang our hat on one particular lobby group that is perhaps well paid to get some section through. We have to look at all aspects, particularly when we consider the various segments of the population that are affected, whether it is people in the dry cleaning business or people who are ranchers.

I was quite pleased to announce this week that I managed to get a $12,000 grant for a school in my riding that will rehabilitate the creek bed leading into Lake Simcoe along one of the valuable tributaries. There will be some tree planting and shoreline development. A couple of settlement ponds will be built for cattle to drink from so the stream will not be polluted. These are very worthwhile projects. It will benefit Brock township, which is in my riding. It will benefit the area. It will benefit the environment. It will teach young people to be land stewards and to actually see what can be done to save the environment.

I encourage members opposite to apply for these grants or to get organizations in their ridings to apply for them. They cannot complain about not getting them if they do not apply. I do not seem to have any opposition in getting them. I have the highest number of grants. It is only because I encourage people to apply. It is not anything I do. I do not take credit for them, but I do push them on this end. If nobody on the other side is competing with me, then obviously I will take everything I can for my riding. My riding benefits from it and that is the way it works. We have to become involved.

We work our way through that program, through the Haliburton game and fish farms and the various things we deal with. A representative from the Haliburton Real Estate Board was at my door today to talk about compensation. I fully agree with him. In my former life I was a real estate broker. In fact I am still a real estate broker; I am just on hold.

Moving along to the bill, there are a large number of species at risk and we have to review them, not just in the context of a burrowing owl or some other species that might be at risk. We are also looking at how we can deal with wetlands. It used to be that farmers would find the worst piece of wetland and use it as a dump. The township would dump all its trash there because it was wet and nobody could use it. Now the wetlands are being cleaned up.

● (1325)

A grant for $650,000 just went to Sir Sandford Fleming College in my riding. The college is developing an ecosystem that will treat all the brown water, all the various pollutants. It will be of great benefit to everyone in the House to copy that type of plan and see that things can be done with land that is reserved for various parts of society, whether it is wetlands or the Carden plains, the Carden Alvar in my riding where people deal with the expansion of quarries and what to do with the waste water from them.

Liberals are more than happy to speak to the bill. However we want to talk about the positive things in the bill, the things that make Canada a better country in which to live, things that make my riding a better place in which to live, and make all provinces and territories equally benefit from this very good piece of legislation along with the amendments.

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance): Madam Speaker, I will talk about the species at risk but with a couple of specific examples. I happen to know about them because they are very topical in my riding of Renfrew—Nipissing—Pembroke.

The first pertains to moose tags and potential species at risk that we have not too far from Ottawa. Area moose hunters will have a great deal of difficulty bagging a trophy animal this coming fall as available moose tags for cow and bull moose will drop to 10 and 17 respectively. That is down from 218. In wildlife management units 48, 55A, 55B and 57, a total of 218 tags were awarded last year. That total will be reduced to 27. In the WMU 48 area from Pembroke along the Ottawa River to Mattawa and west of a portion of Algonquin Park, there will be six bull and three cow tags available. Again, they are down significantly.

The problem we have is that while we speculate that the cow population is holding steady, the bull population is declining. While a reduction in the number of tags will help rejuvenate the moose population, the underlying cause in the greatly reduced number of moose in the area is federal legislation that has nothing to do with the proposed species at risk.

We are concerned that the species at risk legislation has nothing to do with conservation efforts and that until it addresses other areas of federal legislation and encompasses them in the proposed species at risk act, it is not ready to go through. As the members opposite have often said, it is important not to rush it through but to get it right. Here is a case of it being rushed through.

Another species supposedly at risk in the riding of Renfrew—Nipissing—Pembroke is the Algonquin wolf, supposedly related to the red wolf. The township of South Algonquin recently received information indicating a proposed 30 month moratorium on hunting and trapping of wolves in the 39 townships surrounding Algonquin Park and noted the regulatory impact statement of the EBR posting. The township of South Algonquin opposes the moratorium as it will have an immediate impact on natural resources such as deer, moose and beaver. Here we have another compounding effect on the availability of moose. Also, it will have a devastating impact in the future should the wolf population increase at the same pace that it has in the past 10 to 15 years.

The businesses in the area depend on the big hunts to provide revenue during the period when they would otherwise be closed. Businesses within the township hunt wolves to provide recreational opportunities and employment in an area that relies greatly on tourism. Should the wolves increase in numbers it could affect the population of big game animals and thus affect the entire economy. Residents within the township disagree with the myth that the wolf population is declining. The wolf population has increased dramatically over the past 10 to 15 years even though trappers in the area have tried to manage the resource to prevent the wolves from eliminating the beaver population.

The facts are that the deer population died off in the late 1950s and early 1960s due to the severe winters, not the wolf population. This in turn caused the wolf population to decline afterward since it depended on the deer as a major food source. Trapping records from the mid-1960s to the mid-1980s would probably show that there were very few wolves harvested compared to the period from approximately 1985 to 2000. The same trapping records would show that the beaver population increased from the early 1970s to the early 1990s and decreased in the 1990s, especially in the township of South Algonquin and neighbouring townships.

These facts definitely indicate the drastic effect wolves have had on the beaver population, consequently affecting the trappers and their incomes. Up until approximately 1960, the park rangers in Algonquin Park tried every possible means to manage or control the wolf population. Hunting, trapping and, from the stories told in the local area, also poison were used to try to reduce the wolf population, without success. The population remained stable until the deer died off.

● (1330)

Stories written in park publications also indicate that there is not a shortage of wolves within the park. Consequently, why would this moratorium be necessary? The moratorium was brought in because one person studying wolves over a series of years claimed that they were an endangered species. There should be closed seasons, especially during the period when animals are having their young and carrying out their parenting duties, from early spring until early fall. We agree to a closed season from April 1 to October 31, but we do not understand why there would be proposed legislation for different hunting and trapping seasons. My party agrees that the season for hunting and trapping wolves should be open from November 1 until March 31, but again this trails down to the idea of it being a species at risk.

Trapping is a renewable resource and one of the oldest industries in the province. It is also something the province can boast about. However, should trappers not be allowed to manage this resource in neighbouring townships surrounding Algonquin Park, the effects will be an immediate decline in the beaver population and a financial burden to trappers.

Since this 30 month moratorium has been implemented we have already seen the effects, the increase in the wolf population, which is combined with the cancellation of the spring bear hunt. That too has already fostered an increase in the population and nuisance bear complaints within the province this past year. This will cause serious and probably permanent damage to our local businesses and economy. Prior to a final decision on the moratorium, it would have been appreciated if the recommendations were heard by the scientific community. It would also have been appreciated if the proposal to categorize the Algonquin wolf as an endangered species had been looked at more closely before the reflex of implementing the moratorium. We do not agree with the geographical township area being closed year round to hunting and trapping as it will single out and affect local hunters, especially trappers' ability to manage their traplines.

I appreciate the opportunity to speak on the specific issue of the Algonquin wolf. With this being started, and in conjunction with the notion of endangered species without scientific evidence, we have already had many businesses go under.

The other problem in relation to the Algonquin red wolf is the migration path. The migration path goes from Algonquin Park all the way to the maritimes. If this legislation goes through and the Algonquin wolf is designated as an endangered species, even though all the evidence points to the fact it is not, many homes, farms and livelihoods will be classified as habitat and restrictions will be put on people's land if they are not expropriated with unclear compensation altogether.

The legislation will impact on the population of other animals, such as the deer, as already mentioned, the overpopulation of the beaver, which has a horrendous effect on the lumber industry that is vital to the riding of Renfrew—Nipissing—Pembroke, and the moose, which has already had significant declines in population altogether.

In conclusion I emphatically request that the bill be halted at this time and looked at further to ensure that endangered species are classified as such under scientific confirmation.

● (1335)

Mr. Jim Gouk (Kootenay—Boundary—Okanagan, Canadian Alliance): Madam Speaker, I thank you for recognizing the hon. member for Haliburton—Victoria—Brock because I thought what he had to say was very interesting. Perhaps before I get to what I had intended to say, I could comment on a couple of points, one in particular, that he brought up.

According to him, the government has examined and re-examined the bill, it has made changes, modified and reviewed, and this has been nine years in the making. Let us think of that: nine years. It seems like forever that the Liberals have been sitting across the way and it has not even been nine years. Nine years is a very long time, yet strangely enough, in spite of what the hon. member said about the bill being reviewed, changed and modified over the course of nine long years, it still has so many fundamental errors. I am not talking about little things, little changes that need to be made or semantical changes or possible uncertainties.

There are fundamental things. The first is that the government would take someone's land without compensation. It is absolutely astounding. The hon. member says that it has spent nine years to fix the bill and yet we still have a clause that allows the government to take the land without compensation. Oh, yes, the government says it will probably give some compensation but we do not know what it is. The Pearse report suggests that it might be 50% of the actual value of the loss. I find it a little hard to take when the member says the government has spent nine years getting it right. It has spent nine years and still has it wrong.

Likewise, the government says it does not want to make any changes for dealing with somebody in court who may inadvertently harm an endangered species or its habitat. It says it does not want to change that because that would make it harder to prosecute anybody. The government would rather just go ahead and prosecute but have the judge take that into consideration in sentencing. What an absurdity. An innocent person, a person even the government acknowledges would be innocent, would be subjected to the legal system and would have to hire a lawyer because the government wants to make some special conditions for the person in sentencing. Of course the government has a lot of lawyers in its benches and a lot of lawyer friends, so perhaps that has always been part of its strategy. The person would be a convicted criminal and then the government would say it is okay because the person will get a very light slap on the wrist because the government recognizes that it really was not the individual's fault. It would not be that individual's fault. It would be the government's fault for not getting the bill right.

I would like to talk specifically about Group No. 4 with regard to consultation, which is what I had intended to do before the hon. member on the government side got up. I want to talk specifically about consultation and also about something that ties in with that for the Liberals, which is consistency. Although there are many places where we have to give the Liberals very low marks, we can give them excellent marks for consistency. We are talking about consultation on Bill C-5 or rather the lack of it. There is a consistency in what the Liberals do with regard to this lack of consultation. Probably the most recent example is the very rushed purchase of the Challenger jets. This is an area where there was no consultation with parliament or with the public sector. In fact, they used a sneaky little tactic to make sure they got this without even consulting with cabinet. They found a way to bypass the cabinet. Like I said, it is consistency.

Kyoto is another example of where the government has failed to consult. Mind you, I can understand why it failed to consult in the case of Kyoto. It has nothing to consult about. It has never explained how we are to achieve the objectives laid out in the Kyoto protocol. The government has never explained to anyone how much it will cost to achieve these objectives. It has never explained what the impact will be. Why would it consult? It has nothing to tell the people when it attempts to consult.

Another example is the current Minister of Transport. When he first took his position he actually said, and you could have knocked me over, I can assure members, that he would look at the privatization or commercialization of Via Rail.

● (1340)

Given that minister's penchant for big government, crown corporations and power to the government, it was very out of keeping. We kind of scratched our heads and wondered what was getting at. Sure enough, without any consultation whatsoever, a month or two later he said that they were going to scrap that idea because the private sector was not interested. How did he know that? There was no consultation whatsoever. Again, it is just like in the case of Bill C-5 with the endangered species.

The government has not consulted with these landowners. It has not talked to them to try to deal with the concerns they have raised. They are very consistent in my home province. The bill has quite an impact in my home province.

It was not that long ago this same government said it was going to put through the Nisga'a agreement, which B.C. has now soundly rejected provincially, without any consultation with the people of British Columbia. It was only because it made a huge procedural error in the House, that we ended up forcing at least a limited number of hearings in British Columbia.

It was interesting when we held a hearing in Terrace, British Columbia, in the riding of Skeena. One hon. member from the Liberal side gave an angry response to someone in the audience who was not allowed to speak because it was a very closed meeting. The person in the audience said "If you won't allow me to speak, why did you bother even coming here?". The hon. member from the Liberal side of the committee in response said that they did not want to be there and that the only reason they were was because the Reform Party had forced them. That is great consistency on the part of the Liberal government.

In this bill the government says it will consult after the bill is passed. It will consult with scientists on what they think should be put on the endangered species list. Of course the Liberals will not let scientists tell them what should be on the list. They will just let them talk about it. If they like what they say, they will do it. If they do not like it they will ignore the scientists. They are not placing anything in the hands of the scientists other than the pretence that there will be a bit of consultation. I guess even the Liberal government is getting a little concerned about the fact that it fails to consult very much with all the different bills it puts forward.

In my province of British Columbia we have a severe problem now. It is hitting other parts of the country as well. However particularly in the rural areas of British Columbia, which is where the impact of Bill C-5 will be, we are experiencing the softwood lumber dispute. Softwood lumber is wreaking absolute havoc on the forest industry in British Columbia. My riding is particularly forestry dependent.

Bill C-5 raises a lot of concerns with those same people in the forest industry. They say that the government may take a lot of their land or that it may restrict the use of these lands and that they may be very restricted on where they can log or the manner in which they can log. There is nothing in the bill about whether or not they will get any compensation for this or even whether they will have any input, say or the ability to challenge the government in the event that it starts restricting their ability to carry out logging activities in B.C.

That is again an example of a lack of consultation by the government. It has not gone to the province, talked with these people, dealt with those issues and explained to them reasonably how it would deal with those situations should they arise.

In the odd place where there has been a little toying with the concept of consultation, I can assure the House that the consultation has not been meaningful. It is interesting that the government does not even appear to consult with its own members on the committee. Those very same committee members have made recommendations which the government has either ignored or put in changes which the government is now proceeding to take out.

I notice that I am running out of time. That is very unfortunate because I can assure the House that I have a lot more to say about this issue.

It is interesting now that the government is saying that it does not even want to review this legislation later. Not only is it failing to consult with people before the bill is passed into law, it is also saying that it will put provisions in to ensure that it will never have to consult with them after the bill is passed.

● (1345)

I can understand why the government might want to get rid of reviews. Where there have been mandatory reviews on other legislation, the government is years behind. Maybe it is because the government feels it cannot get good enough control of its committees and may have to override them.

I appreciate the time I have had. I look forward to continuing this debate. I would hope that at some point the government suddenly wakes up and decides it will fix the bill. Nine years is long enough. The government should be able to get it right.

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Madam Speaker, what do the passenger pigeon, the Dawson's caribou and the blue walleye have in common? They are three of the 12 species identified by the committee on the status of endangered wildlife in Canada, or COSEWIC, as being extinct. That means that for future generations they will be as mythical as unicorns or Liberals in western Canada. A species which may have existed in the past, but has long since disappeared from the Earth are what these species are.

That a species that once thrived in Canada has vanished from the Earth within the last hundred years is cause for sadness. We cannot help feeling somehow responsible for asking ourselves what practical things we could have done to save these animals from extinction.

In addition to the 12 extinct species, there are 17 other species that are extirpated. This means that there may be some members of the species elsewhere in the world, but we have banished that species forever from our land. For example, the great prairie chicken has vanished from western landscape and grey whale will no longer be seen on our Atlantic shores.

Canadians are concerned when they hear that there are only 1,000 giant pandas in the world. We want to preserve this magnificent species. We see the heroic efforts made to keep the Chinese panda species alive and we are very much aware that Canada's heritage is not just our cultures that people bring to the land from other places. Our heritage also constitutes the species that make up this land which is our home, for just as the people who live here give our country a flavour like no other, so do the animal and plant species that make up a great part of the tapestry of Canada.

It is of no small concern that we find that there are hundreds of species in Canada that are either vulnerable, threatened or endangered or, in other words, on the road to extinction. The list includes badgers, chestnut trees, frogs, orchids, owls, snakes, sparrows, turtles and whales. It is a comprehensive list that spans from one end of this country clear to the other.

That is why I am so disappointed to see Bill C-5, an act respecting the protection of wildlife species at risk in Canada. The bill was introduced on February 2, 2001. Here we are, well over a year later, still discussing the bill. It is exactly that kind of glacial government reaction that keeps species on the endangered list or pushes them further down the slippery slope on the way to extinction.

If the government really wanted to save endangered species, it would have a broad education campaign aimed at making Canadians aware of what species live in their neighbourhoods and how to best foster a friendly environment.

For example, in my riding of Port Moody—Coquitlam—Port Coquitlam there is a small stream that flows into a second stream. Pacific salmon spawn in the second stream. Developers wanted to build a road across the small stream and to avoid any possible pollution of the second stream, the one where the salmon spawn, instead of using a viaduct to cross the small stream as is usually done, a bridge was built 70 feet above the small stream and the pylons were put far away from the stream bed, so as not to disturb the habitat. Building that bridge, the David Connector, cost a lot of money but in beautiful British Columbia the awareness and appreciation of our environment makes us prepared to take the extra steps to preserve the habitats of species at risk.

In the case I just mentioned, the federal Liberal government did not throw a single dime towards the cost of building a major bridge instead of a small viaduct. If the government were really concerned about protecting endangered species, it would have used some of the $4 billion plus that it collects from highway fuel taxes to build an infrastructure to bypass the habitats of species at risk.

The government might also have spent some of the money to educate the public, especially young students, as to why such a bridge made sense in that case. Instead of doing that, the city of Port Moody designed and built the bridge, the neighbourhood paid for it and I explained it to concerned constituents.

As I read through Bill C-5 and the group 4 amendments, I did not see the kind of practical problem solving that saved a spawning stream in my riding via the David Connector. Instead I see a government that does not want to involve the public in the broader issue of how to best protect species at risk, does not want federal tax dollars to be part of the solution and seems to be willing to subjugate its commitment to protecting species at risk to the practices of aboriginal communities.

As an MP from the lower mainland, I am very much aware of the recent controversial grey whale hunt by the Makah tribe in Washington state. At the same time, I take certain comfort from the fact that the Makah stopped the hunt in the 1920s because the species was at risk and only considered resuming the hunt at a rate of less than five adult males a year after the grey whale was removed from the endangered species list in 1994.

Today the beluga whale and the bowhead whale, as well as the peary caribou populations are at risk in various parts of the Canadian north.

I am concerned about the creation of a national aboriginal council, now to be renamed the national aboriginal committee. Certainly most Canadians would agree that the native communities in the Canadian north have probably forgotten more about beluga whales than I will ever know in my lifetime. It is clearly appropriate that their deep knowledge of the land on which they live, which is so necessary for their survival, should be drawn upon in our attempt to protect species at risk.

● (1350)

We must however ensure that once the input of the national aboriginal council is taken into account the final regulations bind everyone, native and non-native alike on a level playing field. It would simply be wrong to let race and culture based loopholes allow anyone to kill a member of a species that might be endangered and that Canadians want to protect.

If we had a government that was prepared to listen to the concerns of Canadians, issues like the one I just raised could be quickly decided. Given the appropriate goodwill, there is no doubt in my mind that the hunting and ceremonial concerns of Canada's first nations could be satisfied while protecting the species that shape the land on which we all live.

That however is not how the government wants to do things. Public dialogue and discussions is to this government what kryptonite was to Superman, a dangerous thing to be avoided at all costs.

In my riding of Port Moody—Coquitlam—Port Coquitlam I saw firsthand how public awareness of the importance of spawning streams influenced the decision to build a major bridge rather than a minor viaduct thereby protecting the natural habitat of a species of Pacific salmon.

Let the public in, listen to them, get them involved and they will be a step ahead of the political class every single time. That is why my party is calling for broad public consultations. We think that the public needs to be consulted before stewardship action plans are drawn up and that the proposed text of a stewardship arrangement should be included in the public registry for at least 60 days. Given that these affect not just the landowner but neighbourhood lands as well, anything that would restrict consultation with affected stakeholders should be vigorously opposed.

Further, the way the Liberals have conceived the bill, if a species is at risk and is found in a farmer's field, the government has the right to impose a stewardship action plan without paying the farmer any compensation whatsoever for the loss of his or her land.

Of the 387 species at risk identified by the committee on the status of endangered wildlife in Canada there are three species of moss. These are the apple moss, Haller's apple moss and poor pocket moss.

I believe all Canadians want to see preserved every single one of the 387 species that are identified as being at risk. At the same time, if farmers find themselves in a situation where they will lose a field without any compensation whatsoever because of an endangered species of moss is found on it, those farmers will face tremendous temptation to go ahead and grab the rototiller. That is because the way the law is set up, farmers can lose their land by reporting that a species at risk has been found, and by being good citizens.

Canada's farmers are just as eager as the next person to promote and preserve the at risk species that share the land with us but the law must encourage them to be partners in the preservation effort rather than victims of an ill-conceived government scheme.

This concern is so great across the country that at the recent Canadian Alliance convention in Edmonton two separate resolutions were proposed to deal with this problem. The first read:

> We recognize that Endangered Species Legislation must respect the fundamental rights of private property owners, include full compensation for affected landowners, and promote co-operation through incentives...

A second resolution dealing more broadly with the issue of property rights contained the comment:

> This policy would require that full compensation be paid to farmers who lose the right to use allor part of their property as the result of regulation by endangered species laws.

The importance of properly compensating landowners cannot be overstated. If the government really wants to protect and preserve species at risk, it will ensure the buy in of those landowners where the species at risk reside. Most of us know that the carrot is better than the stick in this regard. Unfortunately for Canadians, the Liberal government has not learned this lesson.

Because of this, and all the reasons I enumerated above, I urge all members of the House not to support the bill and to vote for a new bill that is full of common sense ideas.

* * *

● (1355)

AUDITOR GENERAL OF CANADA

The Speaker: I have the honour to lay upon the table the first report of the Auditor General of Canada for the year 2002.

[*Translation*]

Pursuant to Standing Order 108(3)(*e*), this document is deemed permanently referred to the Standing Committee on Public Accounts.

STATEMENTS BY MEMBERS

[*English*]

HOCKEY

Mr. Paul Steckle (Huron—Bruce, Lib.): Mr. Speaker, it was the series that brought a nation together and it was the goal that brought us collectively to our feet. On September 28, 1972, the Huron—Bruce born Paul Henderson scored what is perhaps the most famous goal in hockey history. It was in the dying minutes of game eight of the Canada-Soviet summit series when Henderson slipped the winning goal past the Soviet net minder, Vladislav Tretiak, to clinch the win for Canada.

As Foster Hewitt's words reported the goal to the world, millions of Canadians danced and hugged in a manner reminiscent of only a few other pivotal moments in our history. Never has a single sporting moment meant so much to so many Canadians. The sound of that winning shot reverberated across the Pacific and then from coast to coast to coast. Few Canadians do not know the name of this genuine Canadian hero.

Today, 30 years after that historic moment, although many of his teammates have been given the honour, Henderson has yet to be inducted into the Hockey Hall of Fame. Given the importance of preserving Canadian culture perhaps it is time to recognize this truly Canadian hero.

* * *

CURLING

Mr. Rick Casson (Lethbridge, Canadian Alliance): Mr. Speaker, last Sunday Canada once again rose to the pinnacle of world curling supremacy. The Randy Ferbey Rink from the Ottwell Curling Club in Edmonton, Alberta, won the 2002 world curling championship in Bismark, North Dakota, disposing of Norway 10-5 in the final.

With Randy Ferbey skipping and throwing third stones, Dave Nedohin throwing skip rocks, Scott Pfeifer at second and Marcel Rocque lead, they took on the world's best and brought the crown home to Canada where it belongs. The Randy Ferbey Rink also entertained the crowds at the Brier in Calgary this year, combining sheer talent with hard work and good sportsmanship.

Dave Nedohin's triple raise takeout to score four will rank among the best shots in the history of the game. It proves once again that good sports can win and that one can have some fun along the way.

We in the House of Commons and Canadians from coast to coast to coast congratulate Randy, Dave, Scott and Marcel. They are truly great ambassadors for Canada. We hope to see them next year at the Brier in Halifax.

* * *

GEOLOGICAL SURVEY OF CANADA

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, on April 14 the Geological Survey of Canada celebrated its 160th anniversary. The Geological Survey of Canada which is part of Natural Resources Canada is Canada's oldest scientific agency.

The Geological Survey of Canada has a rich history closely entwined with that of Canada's. Its pioneering geologists were often the first explorers to chart the frontiers of our vast country. Today it is a world leader in the evolution of scientific concepts that allow us to better understand the planet on which we live.

The work of the Geological Survey of Canada gives us knowledge upon which we base critical decisions affecting the development of our lands and waters and our mineral, energy and groundwater resources.

I congratulate those whose dedication and talent have made the Geological Survey of Canada an important part of Canada's fabric.

● (1400)

[*Translation*]

DAVID N. WEISSTUB

Mr. Irwin Cotler (Mount Royal, Lib.): Mr. Speaker, today I would like to pay tribute to Professor David N. Weisstub. The holder of the Philippe Pinel Chair in Legal Psychiatry and Biomedical Ethics, Faculty of Medicine, Université de Montréal, the French government has made him a knight of the Legion of Honour.

Professor Weisstub enjoys an international reputation in ethics, law and forensic psychiatry. He is honourary president for life of the International Academy of Law and Mental Health, and directs the most important forensic psychiatry journal in the world, the *International Journal of Law and Psychiatry*. Francophile that he is, he has made a considerable contribution to the international reputation of the psychiatric hospital, located in east Montreal.

Professor Weisstub is one of the few Quebecers and Canadians to receive this high honour for his remarkable contribution to law and medicine, and his scientific contributions, particularly to the Francophonie, primarily via exchanges between Quebec and France.

We wish to express our appreciation and congratulations for all his excellent achievements.

* * *

INUIT COMMUNITY OF NUNAVIK

Mr. Guy St-Julien (Abitibi—Baie-James—Nunavik, Lib.): Mr. Speaker, the Inuit of Nunavik and the members of the 2002 general assembly of the Makivik Corporation, through the corporation's president, Pita Aatami, are calling upon the Government of Canada to investigate the circumstances surrounding the extermination of all of the dogs in Nouveau-Québec between 1950 and 1975, and demand explanations, apologies and compensation for the Nunavimmiut.

More than 200 interviews were recorded with Inuit whose dogs were put down or who witnessed such acts, and a video will be submitted to Canada. This has gone too long without being settled.

At the Makivik general assembly held at Tasiujaq on April 11, I apologized in my capacity as a Liberal government member in the House of Commons for the extermination of all the dogs in Nouveau-Québec between 1950 and 1975.

* * *

LIBELLULES DE JOLIETTE

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, the region of Lanaudière, and particularly Joliette, can be proud of the benjamin women's volleyball team of Thérèse Martin high school.

Indeed, the Libellules achieved something they had not done in five years when they won the benjamin interprovincial volleyball festival, on March 30. The Libellules, who had to face much taller players and much more experienced teams, used finesse to prevail over power.

Coached by Yvon Turgeon and Véronic Laplante, the team is made up of Caroline Mailhot, Marie-Ève Pelletier-Marion, Alexandra Bisson-Desrochers, Jeanne Liard, Mélissa Lachapelle, Sarah Godin-Blouin, Claudia Bourgeois, Emmanuelle Bourgeois, Catherine Laurin, Christine Champagne, Christine Bourgeois and Gabrielle Duval-Brûlé, not to forget manager Francine Duval and trainer Luc Tessier.

Congratulations to this young team for successfully meeting such a challenge.

* * *

[*English*]

RCMP

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, like most Canadians I appreciate the work of the RCMP most of the time. The final report on the APEC inquiry was released March 27 by the Commission for Public Complaints against the RCMP. Commissioner Shirley Heafey reaffirmed the findings of the interim report which noted that the rights of protesters had been infringed upon and which called for a public apology. So far no apology has been forthcoming. I would urge the RCMP to do so.

Likewise I suggest it heed the privacy commissioner's call for it to remove video cameras situated in downtown Kelowna.

The RCMP needs to show respect for the findings of other duly appointed and mandated officials if it wishes to maintain the confidence of Canadians.

* * *

FOOD AND DRUG SAFETY

Mr. Andy Savoy (Tobique—Mactaquac, Lib.): Mr. Speaker, the United States is considering legislation to address concerns of bioterrorism and food safety. One provision will require up to 24 hours advance notification for food shipments entering the United States. In our business climate just in time processing is the norm and has helped companies in both the U.S. and Canada function more efficiently.

Potato and produce shippers in my riding of Tobique—Mactaquac often have only hours to fill and deliver loads to clients on the eastern seaboard. This proposed U.S. legislation requiring up to 24 hours notification could have very serious implications to both Canadian and American growers and processors.

I urge every member of the House to lobby senators and members of congress to make them aware of the problems with this proposed legislation. We send 5,000 food shipments a day to the United States. We agree with the intent of their efforts but Canadians and Americans cannot afford to have trade jeopardized by this legislation.

* * *

● (1405)

POST-SECONDARY EDUCATION

Mr. John Herron (Fundy—Royal, PC): Mr. Speaker, post-secondary education is a national tragedy with tuition rates having risen 126% in the last decade while student debt loads have quadrupled.

Tomorrow a decision will be made on whether my private member's motion on post-secondary education will be deemed votable. The motion would allow students to claim up to 10% of the principal of their Canada student loan annually for a decade as a tax credit provided that they remain in Canada. This motion has received national support from the business community as well as the Canadian Alliance of Students Association, which represents 310,000 post-secondary students. The national director, Liam Arbuckle, stated:

> The Liberal Government has listened to us lobby and they agree that changes to post-secondary education need to be made, well now it's time to put their money where their mouth is.

It is high time post-secondary education was deemed a national priority. We must have a public debate in the House on easing the financial burden on students.

* * *

MEMBER FOR CALGARY EAST

Mr. Deepak Obhrai (Calgary East, Canadian Alliance): Mr. Speaker, my wife Neena, son-in-law Robin, daughters Priti and Kaajal, son Aman and myself would sincerely like to thank Canadians from coast to coast, including members of the House and the Senate, for their prayers and best wishes during the difficult time I underwent from complications arising from heart surgery in February.

The prayers and best wishes were a source of great strength for all of us during this difficult time. We were overwhelmed and touched by the compassion that crossed all cultural and religious boundaries. It made me feel proud to be living in the best country in the world.

Indeed, the family would also like to thank Dr. Maitland, Dr. Traboulsi, Dr. Verma, Dr. Pujara, Dr. Dave and the nursing staff of the intensive care unit and units 91 and 92 of the Foothills Hospital who for us will forever symbolize the care and professionalism of the medical profession.

I thank my colleagues and friends very much.

* * *

[*Translation*]

BYELECTIONS IN QUEBEC

Mr. Gérard Binet (Frontenac—Mégantic, Lib.): Mr. Speaker, yesterday evening, strong objections to the tenets of the PQ surfaced during the byelections that were held in Quebec.

Just like in the November byelections, Quebecers made it clear that they feel safer in a united Canada than in a sovereign Quebec.

In light of yesterday's results, many will seriously wonder about PQ policies.

If things are getting slippery for the Parti Quebecois, it is probably because the Liberal values of co-operation, security, stability and respect for democracy are better suited to the fundamental needs of Quebecers.

Liberal members are unquestionably the best promoters of Quebecers' interests, both at the provincial and federal level.

* * *

SOCIÉTÉ RADIO-CANADA

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, as a result of steps taken by the Bloc Quebecois, yesterday, a group of female members of parliament made a joint public statement in support of women working in Quebec and in Moncton who are victims of pay discrimination at Radio-Canada.

In a joint statement, these members from the Bloc Quebecois, the Conservative Party, the New Democratic Party, and the Liberal Party demanded that pay inequities suffered by female employees of Radio-Canada be eliminated as soon as possible.

The women showed proud solidarity on this issue that affects all women: the right to equal pay for equal work.

On behalf of my colleagues from the Bloc Quebecois, I would like to thank all of the women who joined together with us to put an end to this injustice once and for all.

* * *

PRIME MINISTER

Mr. André Harvey (Chicoutimi—Le Fjord, Lib.): Mr. Speaker, tonight in New York, our Prime Minister will be honoured. The EastWest Institute will be naming him "statesman of the year".

The mission of the EastWest Institute is to improve dialogue between the former Soviet bloc and the west. By bestowing this distinction on our Prime Minister, the organization is highlighting the exceptional work he has done to include Russia in the G-7, as well as the support we provide for Africa.

This clearly demonstrates Canada's influence and that of our Prime Minister on the international stage. The new partnership for African development is an example of what we are able to do to make the world a better place.

My colleagues join me in congratulating the Prime Minister for receiving this prestigious distinction. Everyone is proud of our Prime Minister.

* * *

● (1410)

ACTION DÉMOCRATIQUE DU QUÉBEC

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Mr. Speaker, yesterday's win by the Action démocratique du Québec in the Saguenay byelection signals an important victory for democracy in Canada and in Quebec.

The ADQ candidate, François Corriveau, won 48% of the votes cast in Saguenay, a riding which has long been a PQ stronghold. His victory is a clear sign that the people of Quebec want to elect a conservative alternative.

Here in Ottawa, we are facing this same disastrous democratic deficit: old ideas from the government and under-representation of opposition voices. The victory in Saguenay is a small one, but it will hold out hope for Canadians interested in democracy.

It is also a good sign for the new parties. The Canadian Alliance sees this up close and we take heart from this important victory. Bravo, Mario Dumont.

* * *

[*English*]

HOUSING

Mr. Wayne Easter (Malpeque, Lib.): Mr. Speaker, I am pleased to inform colleagues that April is New Homes Month. This is an annual event sponsored by the Canadian Home Builders' Association to profile building industry professionals, their products and services.

It is also an occasion to provide consumers with home buying information. As Canada's national housing agency Canada Mortgage and Housing Corporation is the most reliable and objective source of housing information in Canada.

CMHC plays a key role in helping many Canadians make informed housing choices. Products such as the *Homebuying Step-by-Step Guide*, *Before you Renovate* and the *About Your House* series provides Canadians with a wealth of information to help them sort through the many choices and decisions involved in buying, renovating and maintaining their homes.

* * *

SPORTS

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance): Mr. Speaker, I had the privilege yesterday, as all of us did, of meeting with members of the Canadian Olympic and Paralympic teams. It was an honour to meet these dedicated athletes and coaches.

On behalf of the riding of Saskatoon—Rosetown—Biggar I thank Kasper Wirz of Vanscoy for his dedication to the Paralympic movement in Canada. Mr. Wirz was the cross country skiing and biathlon coach at the 2002 Salt Lake City Winter Paralympic Games. Mr. Wirz was a competitor for many years and is currently head coach of the Cross Country Canada Disabled National Team.

I thank all the coaches and athletes who represented Canada so well in the 2002 Winter Olympic Games. We are proud of all them.

* * *

[*Translation*]

INFRASTRUCTURE

Ms. Hélène Scherrer (Louis-Hébert, Lib.): Mr. Speaker, on April 5, the Economic Development Agency of Canada announced 26 new projects for Quebec City under the Canada-Quebec Infrastructure Works Program.

For the riding of Charlesbourg, this will mean an investment of over $2 million under sub-component 1 of the program, the purpose of which is to promote projects to repair, replace, expand, restore or build water, sewage or water treatment infrastructures. Several other applications were submitted under transportation and culture and recreation infrastructures.

This kind of investment in municipalities allows us to improve infrastructures that have a high need, to pursue the Canadian government's environment and sustainable development objectives and, as a result, to improve the quality of life of the inhabitants of Charlesbourg.

ORAL QUESTION PERIOD

[*English*]

GOVERNMENT EXPENDITURES

Mr. John Reynolds (Leader of the Opposition, Canadian Alliance): Mr. Speaker, there is something wrong with the priorities of the government when it decides that the most important priority is buying two luxury jets.

The government has different priorities than the people of Canada. Making real investments in health care and national security, paying down the debt and offering tax relief for hard-working families who play by the rules should be the priority.

Could the Prime Minister explain to Canadians why purchasing these two luxury jets for his cabinet was such a high priority?

● (1415)

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I explained in the House yesterday that the jets we had were very old and needed to be replaced. Two were replaced. The Americans bought 20 of those types of planes for the same type of job we have to do.

Members of the opposition have travelled many times on these jets while doing their business in Canada with ministers.

In terms of debt, we are the only country in the western world that has managed to pay the debt in the last few years. In fact by the end of this year we will have perhaps paid almost 10% of the national debt over the last four years. We have the right to—

The Speaker: The hon. Leader of the Opposition.

Mr. John Reynolds (Leader of the Opposition, Canadian Alliance): Mr. Speaker, buying luxury jets when the military tells us the existing ones are fine is wrong. Buying luxury jets with gold faucets when our soldiers in Afghanistan waited for weeks for porta-potties is wrong. Buying luxury jets when even today the auditor general tells us that the government needs to refocus its defence spending is wrong.

Could the Prime Minister explain to Canadians why buying luxury jets for his cabinet is a priority when our soldiers in the field do not even have the proper equipment?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, his seatmate said on TV yesterday that these jets were not very luxurious. The ministers, the Governor General and sometimes military people use these jets. I think we had to replace them.

Three times in the last year I had to make three urgent landings because there was something wrong with the planes. It was decided to replace them. On top of that, these planes will permit cabinet ministers to go to places they could not go before. We want to use them to make sure the government is close to the Canadian people.

Mr. John Reynolds (Leader of the Opposition, Canadian Alliance): Mr. Speaker, the Prime Minister's chief election adviser and his top guy, Warren Kinsella, said that he would have advised against buying the jets because the waste of tax dollars was hard to spin politically.

What has happened to the Prime Minister? He used to criticize governments for this type of selfish spending and now he is authorizing it. The Prime Minister criticized the spending of a former prime minister on a luxury jet and now he is buying them for himself.

After almost nine years in office, has the Prime Minister forgotten all the promises he made to the Canadian people?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, when the leader of the opposition was with the Tories they bought many planes at a time when we had a $42 billion deficit. We waited until we had paid off over $35 billion of the debt before we bought new planes. After 19 years, new planes were needed. Security demanded them and the ministers are using these planes very effectively.

Mr. Grant Hill (Macleod, Canadian Alliance): Mr. Speaker, yesterday the government tried to justify spending an extra $25 million on these luxury jets by saying that part of it was for pilot training.

We have learned that for each jet purchased the training for two pilots is free; covered.

Just exactly how many pilots are we training?

Hon. Don Boudria (Minister of Public Works and Government Services, Lib.): Mr. Speaker, let me do this again for the benefit of the hon. member. Most of us understood this yesterday.

In addition to the purchase of the plane, and the hon. member asked about that yesterday, there is equipment, such as communications hardware, electronic equipment, flight data recorder, monitors, security equipment, communications equipment, provisioning of parts, ground support equipment, installation of security and of course pilot training. All those things are there.

Mr. Grant Hill (Macleod, Canadian Alliance): Mr. Speaker, yesterday the minister said parts, taxes and pilot training. He backed away from taxes. He is obviously backing away from pilot training because four pilots are trained for free.

I ask him again, how many pilots will we be training? How many?

Hon. Don Boudria (Minister of Public Works and Government Services, Lib.): Mr. Speaker, obviously if we are purchasing aircraft, everyone who flies the fleet has to be able to fly the plane. Otherwise, what is the purpose? The hon. member should understand that. Believe it or not, I am told the hon. member even has a pilots licence himself so he should know better than to suggest that pilots should not know the kind of plane which they will be flying.

* * *

● (1420)

[*Translation*]

KYOTO PROTOCOL

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, yesterday the Prime Minister confirmed that Canada lacks the political will to ratify the Kyoto protocol within the promised timeframe. The Prime Minister stated that Canada would like to ratify Kyoto "one of these days". In other words, this means that the government no longer has a deadline, which is clearly at odds with its firm commitment to ratify the Kyoto Protocol in 2002.

Will the Prime Minister stop playing on words and recognize the major setback that he has caused with respect to reducing greenhouse gas emissions in Canada?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I said that we hoped to ratify it in 2002. I did not say that we would ratify it in 2002, but that we would work to ratify it in 2002.

Unfortunately, the consultations with the provinces and the private sector are not over. We will not make any decision without taking into consideration the views of the provinces and the private sector. We plan on doing everything we can to ratify the Kyoto protocol, but we need the co-operation of the provinces.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Prime Minister knows very well that the consultations should be in connection with the implementation of the Kyoto protocol, not the ratification. Putting off the ratification indefinitely is part of the agenda of the Prime Minister, who stated yesterday that he would like to ratify Kyoto, not in 2002, but "as soon as possible".

With global warming now a reality, rather than trying to sidestep the issue, will the Prime Minister go back to his good intentions and state once again, clearly and unequivocally, that the Kyoto protocol will be ratified in 2002?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I am quite happy to hear the member say "Never mind the provinces". We are taking note of this. At some point, his advice might come in handy, but I think that we would be wise to talk with the provinces before ratifying the agreement. The provinces should know, however, that the Bloc Quebecois and the NDP would like us to act against their advice. This is good to know.

Mr. Serge Cardin (Sherbrooke, BQ): Mr. Speaker, the government is obviously showing serious signs of wavering regarding the Kyoto accord.

Does the weak position that the Prime Minister is taking not explain why a number of Canada's international partners, including G-8 members and the European Union, are extremely disappointed by Canada's attitude regarding the Kyoto accord?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, as the Prime Minister explained, there is no change in the Canadian government's position.

It goes without saying that the issue of credits for the sale of clean energy to the United States is very important to us. We are waiting for the Europeans to realize the importance of this issue. So far, this has not happened, but we continue to try to persuade them.

Mr. Serge Cardin (Sherbrooke, BQ): Mr. Speaker, the government may claim that it does not lack leadership, but the Suzuki Foundation, Greenpeace and the Association québécoise de lutte contre la pollution atmosphérique are all condemning the government's attitude.

What is the Prime Minister waiting for to wake up and truly assume his role by expressing his government's determination to ratify the Kyoto accord in 2002 and take the necessary measures to reduce greenhouse gas emissions?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, the policy of the Canadian government is very clear: we want to have effective consultations to thoroughly examine issues with the provinces, territories, affected industries and Canadians. We must have a plan whereby no region of the country is going to be more affected than others. These two things are very clear. The Prime Minister said it repeatedly since last year. I think he mentioned it in Italy, back in June. There is clearly no change in the Canadian government's policy.

* * *

[*English*]

THE ENVIRONMENT

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, Canada made the commitment in 1997 to reduce greenhouse gas emissions to 6% below the 1990 level.

Five years later what do we have? We have the government madly backpedaling, hiding behind 11th hour consultations and casting blame everywhere except where it belongs, on itself, while it continues to pose as the great champion of the environment.

What will it take for the government to ratify Kyoto or has one day now become probably never?

● (1425)

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, the hon. member simply has not paid attention to this file. The government's position was stated in June last year. It was that we wished to ratify this year and we would do so only after full consultation with the provinces, the territories, industry and the Canadian public, and in addition, that we would have a plan that would not unduly hurt any region of the country.

Those are suggestions which the NDP opposes. Fair enough. However those are the types of conditions we feel are important before we make a decision on ratification.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, maybe we can actually get the minister to do the right thing on another environmental issue.

The government is currently discussing with British Columbia the lifting of a 31 year moratorium on west coast offshore oil and gas exploration. Citizens are deeply worried about oil and gas exploration putting the environment, fishermen and coastal communities at risk with no guarantees whatsoever that the results of exploration will justify the risks.

Will the environment minister pledge today to keep the moratorium in place? Will he do his job and protect the environment?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, here we have the leader of the NDP once more saying that on an important issue we should not listen to anyone and that it is okay just to proceed unilaterally, and if someone has a better idea or a different idea it should not be considered. I would like her to recognize that democracy consists of listening to people, something she is not very good at.

Democracy suggests that no matter whether we ultimately agree or whether we ultimately do not agree, at least we are open to the suggestions of the people of Canada. We know better the approach of the New Democratic Party which has been so destructive to the province of British Columbia over the last decade.

* * *

HEALTH

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, in 1998, when the federal government was denying health care money to hospitals and provinces, Health Canada began a process of parceling out $17 million in hidden contracts to a company called Innovaction. This was clearly designed to avoid legal reporting requirements.

Will the Minister of Health tell us why this process was followed? Why were there no precise written contracts? Why was there no tender?

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, I am well aware of the auditor general's comments in relation to this situation. We are undertaking all the necessary steps to ensure that our contracting procedures in the future will be in full compliance with standards set down by treasury board.

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, I wonder if the health minister could tell us how many other contracts in Health Canada have been awarded this way?

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, Health Canada, like all government departments, works very hard to ensure that we observe the contracting procedures set down by treasury board and public works. We are working very closely with the auditor general and her department to ensure that in the future Health Canada's standards are improved in this regard.

* * *

GOVERNMENT EXPENDITURES

Mr. Gerry Ritz (Battlefords—Lloydminster, Canadian Alliance): Mr. Speaker, this past week Canadian taxpayers have continued to hear a litany of excuses as to why these Liberal high flyers need new jets. They claim the present Challengers are out of date. They are 19 years old yet the government's own report says they are fine.

The Sea Kings are twice that age and continue to carry our military personnel into war zones. I would suggest to the Prime Minister that they have more than two or three urgent landings a week.

Does the Minister of Public Works and Government Services have a new excuse today or will he just cancel this unwarranted expense?

Hon. Don Boudria (Minister of Public Works and Government Services, Lib.): Mr. Speaker, let me begin by congratulating the hon. member on being the newly appointed critic for public works and government services. I hope he will be able to ask informed questions on this issue.

At the risk of repeating what I said before, the government has replaced two planes that are 19 years old with Canadian planes. Furthermore, this does not in any way delay the process of the acquisition of helicopters. That process is well underway as we speak.

Mr. Gerry Ritz (Battlefords—Lloydminster, Canadian Alliance): Mr. Speaker, that process has been well underway for 21 years. Tomorrow is a long way off.

Yesterday the Prime Minister said that the government as a whole made the decision to blow $100 million on jets that we really do not need at this time. Somebody decided to trample sound accounting procedures and then plucked $100 million from the already stretched military budget. That was March madness at its finest.

We really would like to know which one of the high flyers over there actually signed off on this $100 million fiasco?

● (1430)

Hon. Don Boudria (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the Government of Canada did not blow anything. To replace two Canadian aircraft we purchased two new Canadian aircraft made by Canadian workers and of course, they are excellent worldwide technology.

If the hon. member does not believe the quality of these aircraft, perhaps he should discuss this with the member for Souris—Moose Mountain. He has been on board. The member for Vancouver Island North has also been on board. The members for Prince Edward—Hastings, Peace River, Selkirk—Interlake, Edmonton—Strathcona and Saanich—Gulf Islands all have been on the Challengers and they know better.

* * *

[*Translation*]

THE ENVIRONMENT

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the Prime Minister is hiding—

Some hon. members: Oh, oh.

The Speaker: Order, please. It is virtually impossible to hear the hon. member who has the floor. It is important for everyone to be able to hear the hon. member for Roberval's question.

Mr. Michel Gauthier: Mr. Speaker, the Prime Minister keeps hiding behind consultation with the provinces in order to justify the fact that his government has not yet moved on ratification of the Kyoto protocol.

The Prime Minister knows very well that consultation with the provinces is not connected with the principle itself, because that was accepted in Rio in 1992, but with the implementation mechanisms, the cost breakdown and so on.

This is my question for the Prime Minister: because the decision was made in 1992, because the principle has been accepted by one and all, what is he waiting for before signing?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, the Prime Minister stated clearly last year, and even before that, that the ratification of Kyoto depends on consultation with the provinces, with the territories and with other affected parties.

There has been no change in the position of the Prime Minister, which he has stated again this very day. I do not understand in the least why the hon. member indicates that consultations with the provinces must be abandoned, when energy is one of the things which come under provincial jurisdiction, at least certain aspects of it.

Why create problems with the provinces as the member is trying to do?

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the Minister of the Environment knows very well, as do all of us in this House, that the fundamental objective of Kyoto, that is to reduce greenhouse gas emissions, was accepted by everyone at Rio in 1992. Not just the other day, but in 1992.

Is the minister going to stop wasting our time? Is he going to sign the protocol, the principle of which has been accepted by everyone? If the principle is not generally accepted, let him stand up and say so. We will understand.

Hon. David Anderson (Minister of the Environment, Lib.): Of course, the principle has been accepted, Mr. Speaker. That is why we signed the Kyoto agreement in 1997.

Ratification, however, is quite another thing. Canada never ratifies anything without consultations with those affected. It never ratifies without having everything in place.

I must also point out that it is the Bloc Quebecois member who is calling for a change in the Government of Canada's policy, and the Prime Minister who is continuing with the same policy we have had for months. The policy they want is to have no consultation whatsoever with the provinces, but instead a unilateral decision to—

The Speaker: The hon. member for Lakeland.

* * *

[*English*]

NATIONAL DEFENCE

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, yesterday the Prime Minister said that he cannot take the media along on the Challengers because he would have no place to put them except the toilet. Well, with all the marble and gold, maybe the toilet would not be such a bad place to spend a little time. Meanwhile, our soldiers in Afghanistan have waited more than two months just to get porta-potties. That is unacceptable.

Where is the government's priorities when it comes to our soldiers?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, they are not luxurious interiors. They are the same as the existing Challengers which many of the members of that party have travelled on. There is no marble, there is no gold.

We do look after our troops. We are making sure that our troops in Afghanistan, in the Arabian Sea, have the equipment and the training they need to do the job.

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, I agree with the minister on one thing. The Challengers did not have to be replaced. They are fine. It is all about government priorities, luxury jets for the cabinet instead of supplies and equipment for our soldiers.

The Minister of National Defence will go to the wall for the Prime Minister but he will not for our troops. Does the minister know what this does for morale? Why should our soldiers fight for him when he will not fight for our soldiers?

● (1435)

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, I think the only marbles being lost are the ones over there.

We are providing our troops what they need to do their job. If one wants to talk about the Sea King helicopters, it does not detract one ounce of attention from that effort to replace the Sea Kings. Meanwhile, we have upgraded the Sea Kings and they are performing terrific service for us in Afghanistan.

* * *

[*Translation*]

THE ENVIRONMENT

Mr. Bernard Bigras (Rosemont—Petite-Patrie, BQ): The Prime Minister can say what he likes, but it is clear that Canada is losing ground when it comes to the environment. The proof is that, since 1970, the federal government has spent $66 billion on oil development but only $350 million on green energy development.

Can the Prime Minister deny that these figures are evidence of the government's negligence and lack of vision with respect to the environment?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, I have often explained to the House, in response to questions from the Bloc Quebecois and other opposition parties, that we are spending almost $2 billion on greenhouse gas emissions alone, not to mention other measures we are going to take in connection with energy and the environment.

The government House leader and myself are in the process of implementing action plan 2000. There are therefore billions of dollars for reducing greenhouse gases.

Mr. Bernard Bigras (Rosemont—Petite-Patrie, BQ): Mr. Speaker, if the Minister of the Environment truly believes in the environment, would he be prepared to take the same amounts which have been sunk into Newfoundland's Hibernia project and invest them in wind energy in the Gaspé, thus creating jobs in the region as well as developing a non-polluting form of energy?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, the Minister of Finance and the government House leader, when he was the Minister of Natural Resources, explained clearly that we included $260 million in tax benefits in the last budget for renewable energy. This is a fair amount of money set aside for renewable energy. If a company is looking for a benefit, there is no doubt about where it should focus its attention.

* * *

[*English*]

GOVERNMENT EXPENDITURES

Mr. John Williams (St. Albert, Canadian Alliance): Mr. Speaker, the auditor general said today that national defence paid $174 million in 1998 for a satellite communications system which it developed. The problem is the system is still in the box because before it was delivered, national defence bought a commercial one for less money and it does the job just fine. The system is still in storage today.

Can the Minister of National Defence explain how spending $174 million on a piece of junk is value for the Canadian taxpayers?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, at the time in 1991 it was considered to be the proper course to take. It was properly designed. In the interim while we were waiting for the product to be delivered, we purchased a commercial one on a temporary basis. It turned out at the end of the day that it worked quite fine. Now there is an attempt to utilize the other system which had been ordered. The department is looking at how it might do that.

Mr. John Williams (St. Albert, Canadian Alliance): Mr. Speaker, that is a pretty lame excuse. It is still just a piece of junk for $174 million. There was $100 million spent for a pair of jets that we do not need, $25 million dollars that Health Canada spent on a system no one knows how to work, and $1 million spent on a report that no one can find. It goes on and on. The auditor general points out that $7 million went to foundations without parliamentary approval.

When is the government going to clean up its act, or do we have to wait until the next election before we can kick those guys out of here?

[*Translation*]

Hon. Lucienne Robillard (President of the Treasury Board, Lib.): Mr. Speaker, I think that the member for St. Albert is mistaking his dream for reality.

A look at how this government has managed things over the last few years, the way it has updated all of its management practices over the years, the efforts that have been made in all of the departments and the whole new policy on internal auditing that we have established, will assure Canadian taxpayers that they have a responsible government.

● (1440)

[*English*]

JUSTICE

Mr. Janko Perić (Cambridge, Lib.): Mr. Speaker, my question is for the Minister of Justice.

Illegal and dangerous home grown pot operations have become serious problems in my riding and in other cities in Canada. What is being done at the federal level to help local authorities deal with this problem?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I would like to thank the hon. member for this very important question.

We know that cannabis cultivation is a significant problem in communities across Canada. As well, as attorney general being responsible for the prosecution of those offences in most parts of Canada, it is of concern. We will keep working with local authorities in order to enforce the law, prepare cases and make sure that we bring those cases to court.

* * *

FINANCE

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, institutional investors, such as the carpenters union, are increasingly concerned about the independence of financial auditors in Canada. In light of the Enron scandal, they believe that an auditor's independence could be compromised if they are selling other non-audit services to the same company. The retirement security of millions of Canadians could depend on the integrity of auditor independence.

Will the Minister of Finance agree that this practice poses a potential risk to investors? Will he commit today to investigate the matter and bring forth legislation that would disqualify auditors if they are providing other non-audit services to the same company?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, the concerns of the carpenters union is very much on point. While much of the action required is within provincial jurisdiction, we are indeed looking into the matter. We are doing so at the international level within the G-7 and within the IMF. We are also doing so within Canada. In fact some three weeks ago there was a very important meeting which the federal government attended along with all of the stakeholders in Toronto, including the Institute of Chartered Accountants.

The hon. member is absolutely right. Maintaining the integrity of our financial markets really does depend on the quality of our financial statements.

* * *

[*Translation*]

FISHERIES

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, last year, the Minister of Fisheries and Oceans purchased licences and crab fishing boats for aboriginal communities. Following this purchase, 19 fisher helpers lost their jobs without financial compensation.

Currently, ten of the affected fisher helpers are occupying the Fisheries and Oceans offices day and night, in Tracadie-Sheila. These fisher helpers do not have jobs, and some of them have no income.

Will the Minister of Fisheries and Oceans take action and provide them with financial assistance, based on the third recommendation in the report made public yesterday by an expert panel, and will he do so as soon as possible, and not one month from now?

Hon. Robert Thibault (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, every year, a hundred or so fishing ventures change hands. The employees of these companies may lose their jobs, or go with the new employer, depending on the demand.

It is unfortunate that in this case, given that we purchased fishing licences to comply with the Marshall decision, people are suffering. Our department and other federal departments are working with the province to find alternatives. We will continue to work with them to find other jobs. The mentoring program shows that we want to work with aboriginal communities and commercial fishers and may meet the needs of some employees. I cannot be certain about these people, but in the meantime, I would urge them to vacate my department's offices.

* * *

[*English*]

NATIONAL DEFENCE

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, the auditor general commented positively on the use of a $20,000 recruiting bonus to attract new recruits to our military.

Will the Prime Minister now agree that the $101 million for his new jets would be better spent on recruiting 5,000 new skilled recruits into our armed forces? We could have had those 5,000 by the end of March.

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, our new recruitment program is going quite well. We are passing our expectations. Last year we set the target at 7,000. This year we set the target at 10,000 and we have met it. Furthermore, the attrition rate is down 20% to one of the lowest rates in the NATO countries.

We are addressing that issue effectively.

● (1445)

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, according to the news last week, a lot of our people are leaving the reserves every day.

The procurement procedure to replace the Sea Kings is a national embarrassment. Last week we found out that public works is still going through the bidding process to acquire desert camouflage uniforms for our troops who are fighting in Afghanistan. Those troops will be home before they even get the uniforms.

How can the minister expect to attract men and women to the armed forces when the Prime Minister's personal planes are deemed a national priority but safe helicopters and much needed uniforms are not?

Hon. Art Eggleton (Minister of National Defence, Lib.): Mr. Speaker, as has been said before, the replacement of the Sea Kings is proceeding apace and by the end of the year there will be an announcement as to its replacement. Meanwhile the Sea Kings are operating quite effectively.

On this matter of the uniforms, let me again quote the commander of the army, who says:

> Ill-informed and alarmist rhetoric surrounding the decision to send our soldiers to Afghanistan in the new green CADPAT uniforms does little to inform the public and is corrosive to the morale of soldiers deploying on this important operation.

That is from the commander of the army.

* * *

RESEARCH AND DEVELOPMENT

Mr. Rob Merrifield (Yellowhead, Canadian Alliance): Mr. Speaker, last week, Genome Canada, a federal agency, approved $5.5 million for a stem cell genomics project. The press release was eerily silent on whether the controversial embryonic stem cell research was part of this project, but a call yesterday to a lead researcher confirmed that they are doing research on human embryos in this project.

My question is, why would the government hand over funds for research on human embryos before parliament has even seen a bill on the subject?

Hon. Allan Rock (Minister of Industry, Lib.): Mr. Speaker, Genome Canada is one of the world's leading genomics research agencies. Under its leadership, scientists in Canada are pushing back the frontiers of knowledge in this growing new science, which holds the promise of cures and treatments for serious diseases. The money invested through Genome Canada is helping us find ways to save lives. We are very proud of the work that Genome Canada is doing.

Mr. Rob Merrifield (Yellowhead, Canadian Alliance): Mr. Speaker, we do not have any legislation on this. It is bad enough that we have one institute, the CIHR, approving federal funds, but now we have Genome Canada. Meanwhile the government has just shrugged its shoulders and poured millions of dollars into agencies. It is beginning to look a lot like a well orchestrated plot to me.

Who is calling the shots on these profoundly important Canadian issues, the Parliament of Canada or unelected, unaccountable scientists?

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, as I have indicated to the hon. member in the House before, we are going to introduce legislation in relation to assisted human reproduction.

I have made a commitment that we will both respond to the very fine report of Standing Committee on Health and introduce legislation on or before May 10. I hope the hon. member is in the House and able to facilitate the passage of this important legislation.

[*Translation*]

MICROBREWERIES

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, Quebec and Canadian microbreweries are facing stiff competition from large Canadian breweries and foreign microbreweries. In their countries, these microbreweries benefit from an excise tax reduction. Since there is no such preferential tax treatment in Canada, half of Canadian microbreweries have shut down over the past five years.

Is the Minister of Finance waiting for the 48 remaining microbreweries to fold before deciding to reduce its excise tax?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, I already met with association officials. We have had discussions, and the issue is still under consideration.

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, it is all well and good for the issue to be under consideration, but the government must act, because the situation is urgent.

Large Canadian breweries such as Molson and Labatt claim to support a reduction of the excise tax for microbreweries but, at the same time, they are putting the brakes on, with the complicity of the Liberals, when the time comes to take action under Bill C-47.

By its inaction on this issue, is the government not confirming that it is in collusion with the major breweries, and therefore responsible for maintaining a situation that has been deteriorating year after year in the microbrewery sector?

● (1450)

Hon. Paul Martin (Minister of Finance, Lib.): Not at all, Mr. Speaker. I already said that I met with association officials and that we are continuing to monitor the situation.

[*English*]

The Speaker: The hon. member for Calgary East.

Some hon. members: Hear, hear.

* * *

HUMAN RIGHTS

Mr. Deepak Obhrai (Calgary East, Canadian Alliance): Mr. Speaker, I wish to thank you and my colleagues.

In the recent legacy safari of the Prime Minister to Africa he said that aid and investment would be targeted to countries that have a good record of human rights and democracy, but when he got to Nigeria where they stone women for committing adultery he did nothing but promise money. It shows how concerned he is about human rights.

Does the Prime Minister believe we should be assisting governments that continue to violate basic human rights, including stoning women for adultery?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, I would like to warmly welcome back the member to the House. It is good to see him back and in form.

He is in good form but he is badly informed, I am afraid, because in fact if he had been following the success of the Prime Minister's trip he would know that the Prime Minister was going on specifically the view of bringing this message to Africa: "We can help you, we want to help you. You must help yourself with good governance and respect for human rights". The answer he received back from African leaders was "Yes, we will work with you". This is a great success for the Prime Minister and for Canada.

Mr. Deepak Obhrai (Calgary East, Canadian Alliance): Mr. Speaker, I would like to congratulate the minister on his appointment and thank him for welcoming me back to the House.

I would like to inform him that I grew up in Africa, so I know very well about Africa.

The question is quite simple. On his recent legacy trip to Africa, the Prime Minister said that he would ask the African countries to rate themselves before he gives development dollars. How does he expect them to rate themselves when the likes of Mugabe and others are still ruling in Africa? Will that not create friction among the African leaders? How does he expect African leaders to rate themselves?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, I think the hon. member's question is very pertinent, because we will recall that in the House recently we had the example of the Commonwealth and two African leaders, the leader of Nigeria and the leader of South Africa, who rated Mr. Mugabe insufficient to be a member of the Commonwealth. The African leaders themselves are buying into the agenda that they must offer responsible government. They believe in it.

For the member who has experience in Africa, I ask him to join us and all members of the House in encouraging this fantastic initiative which will bring all of us benefits throughout the world.

* * *

THE ENVIRONMENT

Mr. Bob Mills (Red Deer, Canadian Alliance): Mr. Speaker, the Minister of the Environment said last week that he would be the one "hanging on the barbed wire bleeding" if the politically correct view of climate change science was faulty in any way. In fact, many scientists disagree with the Chicken Little sky is falling rhetoric of the minister when he does his presentations.

Will he allow both sides of the scientific debate on climate change to present their views to the government?

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, putting aside the wildly extravagant language of the hon. member's introduction to the question, let me suggest to him that the science process works when we of course have debate between scientists, so we always expect some level of contradiction. Indeed, contrarians are encouraged in the scientific process so that all aspects are explored.

Nevertheless, on the climate change issue there is a clear consensus of climatologists and other people involved in the specialties surrounding climate change that, one, we are seeing climate change and, two, it is the result of human activity.

Mr. Bob Mills (Red Deer, Canadian Alliance): Mr. Speaker, we understand that this morning many members of the cabinet who disagree with signing and ratifying Kyoto met to tell the Prime Minister to back off on this issue. The facts really are that the government has not done its homework on this file, it does not listen to the scientists and economists and it clings to the clean energy credits with the U.S., which I might remind him is not a signee to the Kyoto protocol.

Will this minister finally tell Canadians the government will not ratify Kyoto and that it will look at logical alternatives to effectively deal with the—

The Speaker: The hon. Minister of the environment.

● (1455)

Hon. David Anderson (Minister of the Environment, Lib.): Mr. Speaker, I thought that I and other members of the House, particularly the Prime Minister, had explained in detail the approach that we intend to take.

We believe that we can discuss fully the implications of the ratification with the provinces, with the territories, with the affected industries and with the Canadian public and we intend to do so. We also intend to have a plan in place that does not penalize any province or territory or any region in the country unduly. Finally, we intend to make sure that in that debate the issue of clean energy exports figures prominently because we think that is very important.

The process is there, the science is clear and I suggest that the hon. member take part in it.

* * *

[*Translation*]

ENABLING RESOURCE CENTRE

Ms. Monique Guay (Laurentides, BQ): Mr. Speaker, the Public Service Commission of Canada, with the blessings of the President of the Treasury Board, has not only turned its back on the crying needs of the disabled, by closing their Enabling Resource Centre, but worse still, has axed the treasury board's entire Employment Equity Positive Measures Program.

Will the President of the Treasury Board be wise enough to admit she was wrong to terminate this program, which has proven its merits ever since 1983, and does she intend to comply with the recommendation by the Human RIghts Commission that its funding be extended?

Hon. Lucienne Robillard (President of the Treasury Board, Lib.): Mr. Speaker, the Treasury Board is very strongly committed to employment equity measures. We are there to support the various departments. We had certain support measures in place, and these had been announced as being of limited duration, in order to enable each department to develop its own expertise on employment equity. This they have done.

Now it is up to the departments to really apply these measures throughout the public service. I have no misgivings whatsoever about my colleagues, the ministers, and their departments, assuming their responsibilities in this area.

[*English*]

GOVERNMENT EXPENDITURES

Mr. Scott Brison (Kings—Hants, PC): Mr. Speaker, yesterday in question period the Prime Minister sounded more like Captain Kirk of Star Trek than the Prime Minister of Canada when he said that his new $100 million luxury jets would permit the ministers to boldly go places they were not able to go before.

Will the Prime Minister please list specifically what important new locations will be accessible to the Liberal cabinet cling-ons as a result of this $100 million purchase of new luxury jets?

Hon. Don Boudria (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the latest information is 55 additional Canadian airports.

* * *

[*Translation*]

RAIL TRANSPORTATION

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, yesterday the Minister of Transport said that it was up to Via Rail management to decide on the choice of rail equipment, thereby suggesting that the decision was not up to him.

Would the Minister of Transport consider setting environmental standards for the rail equipment used in Canada? This would produce two benefits: it would reduce greenhouse gas emissions and it would help protect jobs at GEC Alstom, in Montreal, the only plant in Canada capable of manufacturing such environmentally friendly diesel engines.

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, Transport Canada sets the standards for the entire transport system countrywide. However, in this case, it is up to Via Rail management to determine the type of equipment and how it will be used.

* * *

[*English*]

GOVERNMENT CONTRACTS

Mr. Jim Abbott (Kootenay—Columbia, Canadian Alliance): Mr. Speaker, my question is about the lack of Liberal ethics again, liberal Liberal connections. There was no tender for a $400,000 contract by the Minister of Canadian Heritage for the royal visit in October. The excuse by her apologist is that protocol requirements for such a visit require detailed understanding of protocol. Her department has a protocol department itself.

I know the tendering process can be a royal pain, but why did Columbia Communications get the contract? Is it not just the liberal Liberal use of Canadians' dollars?

● (1500)

Hon. Sheila Copps (Minister of Canadian Heritage, Lib.): Mr. Speaker, contrary to media reports, the contract has not been awarded.

HEALTH

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, we remember that almost two years ago the health minister announced with great fanfare a ban on Dursban, a pesticide that is particularly dangerous for children. He said "...we are to impose unilaterally, using our authority as a government, that the product come off the market."

It is still on the market and we know why. Today the health minister said at the health committee that it is not really a ban. It is a phase out. How many children have to suffer brain damage from this pesticide before the government finally acts?

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, I wish the hon. member would stop scaremongering. I did indicate today in committee that the chemical in question is being phased out. We are acting in exactly the same way as the United States environmental protection agency.

Let me reassure the hon. member that the PMRA takes the safety and well-being of all Canadians very seriously.

GOVERNMENT ORDERS

[*English*]

NUNAVUT WATERS AND NUNAVUT SURFACE RIGHTS TRIBUNAL ACT

The House resumed from April 12 consideration of the motion in relation to the amendment made by the Senate to Bill C-33, an act respecting the water resources of Nunavut and the Nunavut Surface Rights Tribunal and to make consequential amendments to other acts.

The Speaker: As it is now 3 p.m., the House will proceed to the taking of the deferred recorded division on the motion to concur in the Senate amendment to Bill C-33.

Call in the members.

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

(Division No. 271)

YEAS

Members

Adams
Alcock
Anderson (Victoria)
Assadourian
Augustine
Bachand (Saint-Jean)
Bagnell
Bailey
Barnes
Beaumier
Bélanger
Bellehumeur
Bennett
Benoit
Bergeron
Bertrand
Bevilacqua
Bigras
Binet
Blondin-Andrew
Bonin
Borotsik
Boudria
Bourgeois
Brien
Brison
Brown
Bryden
Bulte
Burton
Byrne
Caccia
Cadman
Calder
Cannis
Caplan
Cardin
Carignan
Carroll
Casey
Casson
Castonguay
Catterall
Cauchon
Chamberlain
Chatters
Clark
Coderre
Collenette
Copps
Cotler
Crête
Cullen
Cummins
Cuzner
Day
Desrochers
DeVillers
Dion
Doyle
Dromisky
Drouin
Dubé
Duceppe
Duncan
Duplain
Easter
Eggleton
Elley
Epp
Eyking
Farrah
Finlay
Fitzpatrick
Folco
Fournier
Gagnon (Québec)
Gagnon (Champlain)
Gallant
Gallaway
Gauthier
Girard-Bujold
Godfrey
Goldring
Goodale
Gouk
Graham
Grose
Guarnieri
Guay
Guimond
Harb
Harris
Harvey
Hearn
Herron
Hill (Macleod)
Hilstrom
Hinton
Hubbard
Ianno
Jackson
Jaffer
Jennings
Johnston
Jordan
Karetak-Lindell
Kenney (Calgary Southeast)
Keyes
Kilgour (Edmonton Southeast)
Knutson
Kraft Sloan
Laframboise
Laliberte
Lalonde
Lanctôt
Lastewka
Lebel
Leung
Lincoln
Longfield
Loubier
Lunn (Saanich—Gulf Islands)
MacAulay
MacKay (Pictou—Antigonish—Guysborough)
Macklin
Malhi
Manley
Marcil
Marleau
Martin (LaSalle—Émard)
Matthews
Mayfield
McCallum
McGuire
McKay (Scarborough East)
McLellan
McTeague
Merrifield
Mills (Red Deer)
Mills (Toronto—Danforth)
Mitchell
Moore
Murphy
Myers
Nault
Normand
O'Brien (London—Fanshawe)
O'Reilly
Obhrai
Pallister
Paquette
Paradis
Parrish
Patry
Penson
Peric
Peschisolido
Peterson
Pettigrew
Phinney
Picard (Drummond)
Pillitteri
Pratt
Proulx
Provenzano
Rajotte
Redman
Reed (Halton)
Regan
Reid (Lanark—Carleton)
Reynolds
Richardson
Ritz
Robillard
Rocheleau
Rock
Roy
Saada
Sauvageau
Savoy
Scherrer
Schmidt
Scott
Serré
Sgro
Shepherd
Skelton
Solberg
Speller
Spencer
St-Hilaire
St-Jacques
St-Julien
St. Denis
Steckle
Stewart
Stinson
Szabo
Telegdi
Thibault (West Nova)
Thibeault (Saint-Lambert)
Thompson (New Brunswick Southwest)
Thompson (Wild Rose)
Tirabassi
Toews
Tonks
Ur

Valeri	Vanclief
Vellacott	Venne
Wappel	Wayne
Whelan	Wilfert
Williams	Wood– — 218

NAYS

Members

Blaikie	Comartin
Desjarlais	Godin
Lill	Nystrom
Proctor	Wasylycia-Leis– — 8

PAIRED

Members

Asselin	Bellemare
Bonwick	Dalphond-Guiral
Fontana	Maloney
Marceau	Ménard
Owen	Pagtakhan
Perron	Plamondon
Torsney	Tremblay (Lac-Saint-Jean—Saguenay)
Tremblay (Rimouski-Neigette-et-la Mitis)	Volpe– — 16

● (1510)

[*Translation*]

The Speaker I declare the motion carried.

(Amendment read the second time and concurred in.)

* * *

[*English*]

PRIVILEGE

CANADIAN ALLIANCE COMMUNICATIONS MATERIAL—SPEAKER'S RULING

The Speaker: Order, please. The Chair has a couple of rulings that I know Hon. members have been sitting on the edge of their seats waiting for. I am prepared to give these rulings this afternoon.

I am now prepared to rule on the question of privilege raised by the hon. Parliamentary Secretary to the Prime Minister on February 28 concerning communications issued on the Canadian Alliance website and by various members of that party in relation to the deliberations of the Standing Committee on Procedure and House Affairs with regard to its study of conflicting statements made to the House by the Minister of National Defence.

[*Translation*]

I would like to thank the hon. parliamentary secretary for bringing this matter to the attention of the Chair, as well as the hon. members for Okanagan—Shuswap, Témiscamingue, and Richmond—Arthabaska, who all spoke when this matter was first raised.

I would also like to thank the hon. Parliamentary Secretary to the Leader of the Government in the House of Commons, the leader of the opposition in the House, as well as the members for Portage—Lisgar, Lakeland, Renfrew—Nipissing—Pembroke, Toronto—Danforth and Beauport—Montmorency—Côte-de-Beaupré, who have all contributed.

[*English*]

The hon. Parliamentary Secretary to the Prime Minister argued that the Canadian Alliance had breached parliamentary privilege by the language used in certain statements on its website and through certain of its members' comments to the media to the effect that the Minister of National Defence and the Prime Minister had deliberately misled the House and concealed important information through false statements made in the House.

Members need not be reminded that the minister denied that he deliberately misled the House or that the matter was referred to the Standing Committee on Procedure and House Affairs for study. Members had the opportunity to criticize and to challenge the words of the minister, both in the House and during the proceedings of the standing committee, as is normal during debate. The Standing Committee on Procedure and House Affairs has now reported on the matter of the statements of the hon. Minister of National Defence. It is up to the House to deal with the report and its findings.

However, this question of privilege remains outstanding. I ask hon. members to bear with me as I place the question in context.

● (1515)

[*Translation*]

The *House of Commons Procedure and Practice* states the following on page 74:

> Freedom of speech permits Members to speak freely in the Chamber during a sitting or in committees during meetings while enjoying complete immunity from prosecution for any comment they might make. This freedom is essential for the effective working of the House. ...Though this is often criticized, the freedom to make allegations which the Member genuinely believes at the time to be true, or at least worthy of investigation, is fundamental.

[*English*]

It continues at page 76:

> Members are therefore cautioned that utterances which are absolutely privileged when made within a parliamentary proceeding may not be when repeated in another context, such as in a press release, ...on an Internet site, (in) a television or radio interview—

That being said, the privilege of freedom of speech is not limitless. Indeed, members will recall that during the committee's study, the Chair here in the House had, on several occasions, to caution members that it was unparliamentary to state that the Minister of National Defence had deliberately misled the House, had given false information, or had lied to the House.

[*Translation*]

I have carefully considered the arguments submitted to me concerning certain communication documents of the official opposition and certain comments made by the hon. members for Portage—Lisgar, Lakeland and Renfrew—Nipissing—Pembroke.

[*English*]

Based on our practice and precedents, I have had to conclude that no prima facie case of privilege exists. Nevertheless, though there is no breach of privilege, there is a cause for concern.

These various statements and communications were, in my opinion, intemperate and ill-advised. If we do not preserve the tradition of accepting the word of a fellow member, which is a fundamental principle of our parliamentary system, then freedom of speech, both inside and outside the House, is imperilled.

I must also say that I am greatly troubled by the fact that the language complained of in this case actually appears again in the text of the dissenting opinion from the Canadian Alliance. Pursuant to motion of the committee, that opinion has been printed as an appendix to the 50th report of the Standing Committee on Procedure and House Affairs.

Of course, Standing Order 108(1)(a) permits a committee to print dissenting views as appendices. Indeed, so common have these appendices become and such are the pressures of time when a committee completes its work, that committees often agree to print these dissenting appendices, sight unseen. This is a potentially dangerous development since it gives the authors of the dissent a virtual carte blanche in terms of their use of language. I would appeal to the chairs of committees and to all hon. members to pay close attention to the impact of committee decisions in this regard.

Let me be clear about this: As your Speaker, I am not commenting on the substance of dissenting opinions or on the content of committee reports themselves. Committees have been and must remain masters of their own procedure. But in deciding on the language and the form of these texts, I believe that it behooves all hon. members to ensure that our parliamentary practice with regard to language and form is fully respected.

I hope that all members will consider carefully what I have said in this ruling and that they will be guided accordingly, so that even in the heat of debate on contentious subjects, they will be mindful of our practice and respectful of the traditions that serve this House well.

Once again, I thank all hon. members who intervened in this matter and I hope that these comments will be helpful.

[*Translation*]

STANDING COMMITTEE ON PROCEDURE AND HOUSE AFFAIRS—SPEAKER'S RULING

The Speaker: I am now prepared to rule on the question of privilege raised by the hon. member for Acadie—Bathurst on March 21, 2002, concerning disclosure by the media of the draft report of the Standing Committee on Procedure and House Affairs prior to the report's presentation to the House.

[*English*]

I would like to thank the hon. member for bringing this matter to the attention of the House, as well as the hon. members for Témiscamingue, Richmond—Arthabaska, Lethbridge, Brossard—La Prairie and the hon. government House leader for their contributions on this question.

● (1520)

[*Translation*]

The hon. member for Acadie—Bathurst, in raising the matter, pointed out that some portions of the draft report of the Standing Committee on Procedure and House Affairs were divulged in a newspaper before the presentation of the report to the House. He asked the Speaker to conduct an investigation in order to determine who had released the information to the press.

I want to state at the outset that I view such matters very seriously, as I know all members do. The important work accomplished by committees can only be successful if members know that their deliberations in the preparation of reports will be kept confidential until presented to the House. As the hon. member for Acadie—Bathurst noted, the premature release of such information is unacceptable.

House of Commons Procedure and Practice states at pages 884-5:

> Speakers have ruled that questions of privilege concerning leaked reports will not be considered unless a specific charge is made against an individual, organization or group, and that the charge must be levelled not only against those outside the House who have made in camera material public, but must also identify the source of the leak within the House itself.

[*English*]

In this particular situation, the hon. member for Acadie—Bathurst has not made allegations against any particular individual or charged anyone with being responsible for this leak. Instead, he asks that the Chair conduct an enquiry into the matter.

[*Translation*]

I should first say that since no specific charges were made against a specific individual, the Chair cannot find this to be a prima facie question of privilege. However, even if the Chair is not disposed to so find, we continue to be faced with this serious and ongoing problem.

I should remind hon. members that in response to earlier concerns arising from the leaking of committee reports, the Standing Committee on Procedure and House Affairs studied the issue of confidentiality with respect to in camera proceedings and confidential committee documents. It tabled a report on April 29, 1999. Yet, in 2002, the problem is still with us.

[*English*]

As all members are aware, and as I stated when this matter was first raised in the House, the Standing Committee on Procedure and House Affairs has the authority to examine this matter without a referral from the House. *House of Commons Procedure and Practice* states at page 215:

> ...the permanent mandate of the Standing Committee on Procedure and House Affairs includes "the review of and report on the Standing Orders, procedure and practice in the House and its committees".

[*Translation*]

As all other standing committees, if it so wishes, under Standing Order 108, the Standing Committee on Procedure and House Affairs can "send for persons, papers and records" to shed light on this situation.

[*English*]

I can only refer hon. members of the procedure and House affairs committee to a work prepared by one of our colleagues, the hon. member for Scarborough—Rouge River entitled *The Power of Parliamentary Houses to Send for Persons, Papers & Records* a source book on the law and precedent of parliamentary subpoena powers for Canadian and other Houses. I commend the work to all members of the procedure and House affairs committee. I am sure they will find it very helpful if they undertake the enquiry that the hon. member for Acadie—Bathurst is recommending.

● (1525)

[*Translation*]

But the committee may ultimately find itself faced with the same quandary if individuals choose not to respect House practice with regards to confidentiality.

As I stated earlier, while I do not find that there is a prima facie question of privilege, in the present circumstances, the seriousness of a leak of confidential committee information should not go unchallenged. The matter of confidentiality is one of great importance to the House and I remind all members of their responsibility to ensure that confidential proceedings and reports of committees remain so.

Once again, I would like to thank all hon. members who intervened in this matter and I do hope that these comments will be helpful.

[*English*]

The Chair has notice that the hon. member for Lac-Saint-Louis wishes to make submissions with respect to a question of privilege raised in the House yesterday.

* * *

PRIVILEGE

STANDING COMMITTEE ON CANADIAN HERITAGE

Mr. Clifford Lincoln (Lac-Saint-Louis, Lib.): Mr. Speaker, it is really important to refer to the question of privilege which was raised with you yesterday, which brought into focus some decisions of the committee that I chair. Before you rule, you should have a total picture of exactly what happened from both sides.

The background of the hiring of expert advisers to the committee for its work on the study of the Canadian broadcasting system goes back to the spring of 2001, including statements made in the House by the Parliamentary Secretary to the Minister of Canadian Heritage and by the Minister of Canadian Heritage to the effect that the minister and the department were thinking of setting up an expert commission or task force to look into the question of the state of Canadian broadcasting, something which the Standing Committee on Canadian Heritage was proceeding to do almost at the same time.

Some of us made representations to the minister at the time that if she set up this independent task force of experts, it would detract from the work of the Standing Committee on Canadian Heritage. As a result, I wrote to the minister suggesting that the experts be fused into our committee work so that they would give us advice as parliamentarians and there would be only one report going to the House of Commons. This was agreed to.

Naturally, the question of funds was important. We already had a research team which was supplied by the House of Commons and obviously using additional experts meant additional costs. It was agreed tentatively that I would communicate with the ministry to establish that the ministry would fund the work of expert advisers which had been its idea in the first place. This is what happened.

Meanwhile, our committee was seized with the whole issue. A subcommittee was formed to recommend two or three experts to our committee. The subcommittee met on a few occasions and eventually by a normal process of selection, decided to recommend that two eminent professors and eminent experts in communications and media, Dr. Marc Raboy from the University of Montreal, and Dr. David Taras from the University of Calgary, be taken on by the committee as expert advisers.

In this connection, I wrote a long letter to the deputy minister on December 4, suggesting the hiring of Drs. Raboy and Taras and giving all the various parameters of the costs and so forth. Meanwhile, we circulated the CV of Professor Raboy and also of Professor David Taras to all the members of the committee on December 5 in anticipation of a meeting which was to take place the same week and actually took place on December 6.

When the meeting took place, all the members had received the CVs of these two experts. A motion was put before the committee that set out all the various terms of hiring of these two experts, and it was quite clear to all the members of the committee that the funding would come from the Department of Canadian Heritage.

According to the rules in place, a memorandum of understanding was struck between the Department of Canadian Heritage and the House of Commons and approved by both parties under their own wording. This memorandum inter alia says that the experts "will provide advice to the standing committee as it carries out its broadcasting study".

● (1530)

When the MOU was struck between the two ministers, the department and the House of Commons, a contract of services was also established with the expert advisers, and it is several pages long. I will be very pleased to make it available to you, Mr. Speaker, including a schedule which is a mandate as between the expert advisers and the committee.

This mandate specifies that the contractor, that is each one, Doctors Raboy and Taras, is acting under the aegis and mandate of the Standing Committee on Canadian Heritage. It is quite clear that they are acting under the directives and under the mandate of the committee for Canadian Heritage.

The motion was approved on a unanimous basis by all members of the committee. The necessary expenses were filed by the two experts and eventually reimbursed to the House of Commons by the Department of Canadian Heritage. Everything was fine and dandy until the contract expired on March 31 and had to be renewed on exactly the same formula.

A business meeting of the committee was held on March 20 to pass what we thought would be a routine motion. However at that time the MP for Sarnia—Lambton raised the whole question of conflict of interest and went into a long argument about the question of conflict of interest, at which point the member for Kootenay—Columbia started to have doubts about his first decision to approve the motion back in December and the member for Quebec also expressed some doubts. Therefore we decided to adjourn the meeting.

You may recall, Mr. Speaker, that on the same evening I called you on the telephone to tell you that this proposition had been made that there might be a conflict of interest and you suggested that the best person to approach would be the chief clerk of the House of Commons to find out whether this was completely bona fide, which I did.

On March 21 in the morning I called on the chief clerk and had a conversation with him. He confirmed with me that this practice had been carried on between the House of Commons and various departments on several occasions in two ways: either the refunding of contracts as was the case here or sometimes the lending of officials and experts to a committee for a period of time. He even offered to provide me in writing some precedents in this connection.

I must admit that at this point I myself recalled something that I did not remember when we had the meeting on March 20. I served for almost a year and a half on a review of the Canadian Environmental Protection Act. We sat for a year and a half at least and we travelled all across Canada. Two people were seconded to us by the Department of the Environment, Mrs. Ruth Whery and Mr. Harvey Lehrer. They spent all their time with the members of committee, travelled with us and gave us advice. This was certainly a case that I lived myself. In fact the chief clerk gave me in writing one case from the eighties and he said "If you want some more precedents I'll be very glad to supply them to you". He gave me his blessing that what we did was perfectly in order.

I went back to our committee meeting on March 21. I advised the members of my visit with the chief clerk and what he had said. A vote was taken on the motion to hire the two expert advisers on the same basis as before. The vote at the request of the member for Kootenay—Columbia and I think as well at the request of the member for Quebec was taken on a recorded basis. The motion was carried with the two latter members, the member for Kootenay—Columbia and the member for Quebec, voting against it.

● (1535)

Mr. Speaker, with the consent of the House I would be glad to make all the papers available to you. They are very clear. The hon. member for Sarnia—Lambton felt his privilege as a member of parliament had been breached by the procedure. I find that totally exaggerated and outrageous. In what sense was his privilege breached? The committee remains completely autonomous in making its decisions as does each of its members including the hon. member.

The contract states clearly that whatever work is done by the contractor is done under the aegis and mandate of the committee. We have received no direction at any time from either the department or the minister. We stand totally autonomous and independent in our decision making. Of course we co-operate with the ministry. If it is doing a study and we can obtain the study of course we will obtain it, but that is not to say we are not autonomous. It is not to say that contractors who have no business with the department or the minister and who act totally for us are in a breach or conflict of interest.

I say this in friendship because I have a lot of regard for my hon. colleague from Kootenay—Columbia. We have a lot of mutual respect in our work together. I understand what he is feeling. Professor Taras made statements with regard to the Canadian Alliance that he may not have liked or approved of. He gave me a copy of the letter he wrote to Professor Taras and I saw reply he received.

This has nothing to do with conflict of interest. It is another issue altogether. I will quote from the contract between the expert advisers and the committee. It clearly states:

> The Contractor shall not comment in public on the Committee's deliberations relating to the broadcasting study, which will be the sole responsibility of the Committee. However, the foregoing does not prohibit the experts from writing or speaking on broadcasting issues generally, such as would be the case in the normal conduct of their professional duties.

Surely it is not for the committee to tell experts what to say about matters relating to their confidence. It is interesting that the CVs of both experts were circulated to all members of the committee including my hon. friend from Kootenay—Columbia.

I will quote from the CV of Professor Taras which all hon. members have in their offices. He is a TV commentator on Global TV's *Morning Edition*. *Morning Edition* has the largest audience of any morning program in Calgary. He is a frequent on air commentator for CBC radio and television. He has given commentary on the Alliance leadership race of 2000; the Calgary civic election of 1998; the Alberta provincial elections of 1989, 1993 and 1997; the Canadian federal elections of 1993, 1997 and 2000; the Alberta and federal government budgets of 1993, 1997, 2000 and 2001; the Quebec referendum of 1995; the Canadian federal election of 2000; and the Alberta provincial election of 2001. He gives approximately 150 media interviews or commentaries every year. He is a jury member of the Canadian Journalism Foundation and received an annual award for excellence in journalism in 1996.

It is not as if this comes out of the blue. Professor Taras is a commentator and political scientist. He comments on these things. We may not always like it. I sympathize with my hon. friend over there because these things sometimes feel exaggerated and hurt people. In his reply to the hon. member Professor Taras says he has commented negatively about the Liberal government and other parties.

● (1540)

I do not know what Professor Taras' political affiliation is. Nor do I do care. He is there to advise us and speak to the committee about questions of communications in our study of broadcasting on which he is a well recognized expert. All the documents are official, above board and tested. They are taken from the work of committee officials, the House of Commons and the department and are in proper form.

As confirmed to me by the chief clerk of the House, there are precedents. I have lived a precedent with regard to the Standing Committee on Environment and Sustainable Development for a year and a half or more. The matter is a total exaggeration of the facts. For the hon. member to raise a question of privilege and say his privilege has been affected in any way is a total exaggeration.

Mr. Speaker, I hope that in light of the facts I have brought before you, and I will submit all the documentation to you if the House will permit, you will reject the question of privilege out of hand.

The Speaker: Is the hon. member for Kootenay-Columbia rising on the same point? I heard him yesterday on this point. I am reluctant to get into a protracted argument. Does he have something new to say on the matter?

Mr. Jim Abbott (Kootenay—Columbia, Canadian Alliance): I believe I do, Mr. Speaker.

The Speaker: All right, I will hear him very briefly.

Mr. Jim Abbott: Mr. Speaker, I extend to my hon. colleague the same compliment he extended to me. We work well together and have a high regard for each other. I reiterate that this was tested, was above board and went to the table. That is what I said yesterday.

We have a difficulty with what was tested, above board, and advised to us on the basis of the advice of the table to the chair of the committee. As I suggested yesterday, we have now realized the consequences. If the table or a member of the committee support staff such as the clerk or others reporting to, advising or helping the committee were to make public comment about my party, the Liberals, the NDP or anyone else we would find it exceptionally difficult.

What is new is that I have received a response from Professor Taras which points out that he makes comments about any number of political parties. I agree with my hon. colleague from the Liberals, the chair of the committee, that all the information was available to me and all the others. He is scrupulous in making sure we have all the information we require. I will candidly admit I missed the fact that Professor Taras or the other advisor could potentially have made negative comments about our political parties and interfered therein.

My point is therefore the same. I recognize that this is the point of privilege of the hon. member for Sarnia—Lambton. I spoke in support of it to show that although the support staff may not be making public comment, by stepping outside our strict rules we have ended up with unintended consequences we could have foreseen and with which I quite frankly feel uncomfortable.

● (1545)

The Speaker: This concludes the argument on the question which, as I indicated yesterday, the Chair has taken under advisement. The hon. member's documents can be transmitted to the table. They will be forwarded to me as required in the course of the preparation of the ruling. I appreciate his assistance and offer of assistance in that regard but there is no need to formally table the documents for the Chair to have access to them in the course of coming up with a decision on this point.

The Chair has notice of another question of privilege from the hon. member for Saskatoon—Rosetown—Biggar.

STANDING COMMITTEE ON HEALTH

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance): Mr. Speaker, I rise on a question of privilege with regard to a notice sent out yesterday by the Standing Committee on Health. The notice misrepresented the role of the House in a way that seriously maligns parliament.

The notice sent out by the health committee indicated that its business for the day was Bill C-53. Bill C-53 was up for debate yesterday and had not yet passed second reading when the notice was sent. The committee chairman had presupposed that the House would pass Bill C-53. While that ended up being the outcome, the committee notice to study Bill C-53 should not have been sent out until the House had made the decision to refer the bill to committee.

I refer the House to a ruling from October 10, 1989. Mr. Speaker Fraser ruled on a similar matter regarding an advertisement put out by parliament before parliament approved it. The Speaker quoted the then member for Windsor West, the recent Deputy Prime Minister, as saying:

> —when this advertisement...says in effect there will be a new tax on January 1... the advertisement is intended to convey the idea that Parliament has acted on it because that is, I am sure, the ordinary understanding of Canadians about how a tax like this is finally adopted and comes into effect. That being the case, it is clearly contempt of Parliament because it amounts to a misrepresentation of the role of this House—.

The Speaker's comment in 1989 ruled that the effect of presupposing a decision of the House may tend to diminish the authority of the House in the eyes of the public.

We can draw a parallel between the 1989 case and the recent notice sent out by the health committee. If the committee gives the impression that Bill C-53 received second reading before the vote took place at second reading then its notice conveys the idea, as the former member for Windsor West argued, that the House adopted Bill C-53 at second reading since that would be Canadians' normal understanding of the process. The former Deputy Prime Minister argued that this sort of mockery of the parliamentary system amounts to contempt of parliament.

While the Speaker in 1989 did not rule a prima facie question of privilege he did say:

> —I want the House to understand very clearly that if your Speaker ever has to consider a situation like this again, the Chair will not be as generous.

Mr. Speaker Fraser was in a quandary. He was not sure on which side he should rule so he gave a warning. He warned that next time he would rule on the side of granting a prima facie question of privilege.

This sort of thing has happened many times since those words were spoken. In the last two parliaments the Speaker had a tendency to look the other way. He did so when the Minister for International Trade sent out a press release announcing the establishment of a Canada-China interparliamentary group when no such group existed. He did so when the government announced the appointment of the head of the Canada Millennium Scholarship Foundation before there was legislation to set up the foundation.

A matter was raised by hon. member for Prince George—Peace River regarding the Canadian Wheat Board on February 3, 1998. Another matter was raised on October 28, 1997 regarding the Department of Finance. These complaints headed other warnings.

On November 6, 1997 the Speaker said:

> —the Chair acknowledges that this is a matter of potential importance since it touches the role of members as legislators, a role which should not be trivialized. It is from this perspective that the actions of the Department...are of some concern...This dismissive view of the legislative process, repeated often enough, makes a mockery of our parliamentary conventions and practices...I trust that today's decision at this early stage of the 36th Parliament will not be forgotten by the minister and his officials and that the departments and agencies will be guided by it.

● (1550)

These are strong words but such words cannot always be effective in defending the authority of this House. The fact that this behaviour continues undeterred demonstrates that the House must get serious.

Thankfully in this parliament the Speaker has taken these matters seriously. I will comment on two of those cases because they help to establish a pattern involving a particular minister.

Bill C-53 is sponsored by the same minister who was charged with contempt for leaking the contents of Bill C-15 before it was tabled in the House. When the Minister of Health was minister of justice, she was at it again with Bill C-36. Bill C-53 represents the minister's third offence, the latest tragedy to be preformed from her trilogy of contempt.

If the House is to function with authority and dignity then it must be respected, especially by its own members.

Mr. Speaker, I ask that you rule this matter to be a prima facie question of privilege at which time I will be prepared to move the appropriate motion.

The Speaker: I think I can deal with the question of privilege raised by the hon. member for Saskatoon—Rosetown—Biggar.

[*Translation*]

I have in hand the notice for the meeting of the House of Commons Standing Committee on Health for Tuesday, April 16, today.

The notice was published before second reading of the bill in the House.

[*English*]

I think I have to differentiate between the cases that the hon. member has cited in her no doubt able argument. Those referred to advertisements published by the executive, that is by the cabinet or by a minister, concerning the activities of the minister that would follow passage of a bill in this House.

This particular notice is a House publication. It was done no doubt by a zealous committee chair or committee clerk in the Standing Committee on Health who was aware that this bill was coming forward and who decided he or she may as well get ready to publish the notice that there would be a meeting on the bill. There is no doubt in my mind that had the bill not been passed at second reading the meeting would have been cancelled and we would have heard about it.

The fact is that the publication was an internal document published by parliament for use in parliament. It was not published by the minister. It was published by the House. Obviously it was done prematurely. Perhaps someone was a bit overzealous in anticipating the passage of this legislation but I suspect the enthusiasm by the members of the committee to get at the study of the bill brought them to a point where the clerk or the chairman of the committee felt they had better get on with it because everyone wanted to get at it with such haste and, accordingly, the notice was published.

It is hard to find that there has been a breach of the privileges of the House when the House itself published the document. Accordingly, I am afraid I do not find there is a question of privilege in this case.

● (1555)

Mr. Ken Epp (Elk Island, Canadian Alliance): Mr. Speaker, my question of privilege is on the same topic. Your ruling has just opened this up.

The committee that I attended most of the time, the finance committee, used to have no restrictions on motions. Since the government took control of that committee a motion has been brought in that requires 48 hours notice of meetings. As a result, in the finance committee as well notices of meetings have been given two days prior to an anticipated meeting, which subsequently then, as you suggested, had to be cancelled.

I have the following question for you, Mr. Speaker. Is your guidance necessary for this committee? How do we as members of parliament and members of the committee demand that no motions be put in committee without having had 48 hours notice on those motions?

We have found that government members selectively move motions and uphold the ruling of the chair even though notice has not been given when it is to their liking but when it is not to their liking they uphold the rules rigorously, and there is nothing we can do about it. I ask for your guidance.

The Speaker: Tempting as it is for the Chair to answer questions in the House, I think the hon. member knows that it is not for me to stand here and answer questions from hon. members, much as I might like to give answers.

I would suggest that the hon. member, at his committee, approach the clerk of the committee who will be full of information on this subject. Alternatively, he could read Marleau and Montpetit, which is a fountain of information on this kind of subject as well. Having read those and consulted with the clerk of the committee I am sure he will have an answer that, while he may not be totally satisfied with it, will at least be an answer to his question.

As much as I would like to help him, I think I will refrain from doing so at this particular time.

I wish to inform the House that because of the deferred recorded division government orders will be extended by 11 minutes.

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 amendments from the committee, and of the motions in Group No. 4.

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, Canadian Alliance): Mr. Speaker, as we resume the debate on Bill C-5, I want to clarify where the Canadian Alliance stands with respect to the species at risk act.

The Canadian Alliance is perfectly committed to protecting and preserving Canada's natural environment and endangered species, let there be no mistake on that, but we do have some major concerns with Bill C-5, as I will lay out and as have other members very capably laid out over the course of this day.

Alliance members do not believe that Bill C-5 would work without guaranteeing fair and reasonable compensation for property owners and resource users who suffer losses. Many of us who have spoken in recent days have farmers and ranchers in our constituencies. Those individuals want to protect endangered species but they should not be forced to do so at the expense of their own livelihoods, and therein comes the rub.

We have insisted all along that criminal liability must require intent. The act in this case would make criminals out of good people who may inadvertently and unknowingly harm endangered species or their habitats. This is unnecessarily very confrontational and makes endangered species a threat to property owners. We need a co-operative approach, not the confrontation that seems to be a part of Bill C-5. We need co-operation with the provinces.

The 1996 national accord for the protection of species at risk was a step in the right direction. It needs to be developed co-operatively. Instead Bill C-5 would give the federal government the power to impose its laws on provincial lands. Since it is left completely at the minister's discretion, landowners do not know if and when the shoe would drop. Instead of working with the provinces and property owners, the federal government seems to be introducing and producing an uncertainty and a climate of resentment and distrust as well.

It appears that the government wants to amend only along certain lines. In effect it is reversing many of the positions taken by its own members of parliament on the environment committee. Unfortunately that is another example of some of the top down control by bureaucrats who wanted to go a particular way on this bill. It also shows a real contempt or disregard for government members across the way and members in the opposition benches here.

The government really has no idea what the costs and the socioeconomic implications of the legislation would be over time. In the minister's information supplement of October 2001, the Minister of the Environment said:

> Environment Canada is aware that compensation for restrictions on the use of land is a complex issue that requires careful consideration and innovative thinking. We will need several years of practical experience in implementing the stewardship and recovery provisions of the Species at Risk Act (SARA) before we can be precise in prescribing eligibility and thresholds for compensation.

In speaking to the standing committee on October 3, 2001, the minister explained why he could not guarantee compensation in Bill C-5. He said:

> We then got deeper and deeper into this and it became more and more of the proverbial swamp, and more and more difficult to do partly because, of course, governments should not pass legislation which is open-ended in terms of funding. We have fiscal responsibilities which, as you can well imagine, are fairly strict on us. Forty-five million a year is what we're given to run the process and that's what we can expect and that's it.

Any fair-minded person, in hearing that kind of a statement, and those hearing it today, would understand that to be a red flag. Is it not essential that the costs on industry, on property users and the cost on government in terms of enforcement resources be known by the government before it introduces legislation with such far reaching implications?

In particular, we want to know and have a little more close approximation of what the bill would cost farmers, loggers, fishermen, ranchers and so on. We want to know what the government's compensation costs would be as well. Without that information, individuals cannot plan and government does not know what costs are being passed on.

The Canadian Alliance proposed a motion in a previous group, Motion No. 15, which read:

> The purposes of this Act, outlined in subsection (1), shall be pursued and accomplished in a manner consistent with the goals of sustainable development.

That is very important. It is closely related to socioeconomic interests because it requires that a balance be struck between the environmental goals and the needs of the taxpayer. Without considering this important aspect of sustainable development, environmental laws could quickly kill the goose that lays the golden egg, so to speak.

● (1600)

Worrying about endangered species is only something that prosperous economies can afford to do because someone must pay for it. Economic desperation will be no friend to species at risk so we must put that forward.

The species at risk working group was made up of representatives from a broad range of environmental and industry groups, among them the Canadian Wildlife Federation, the Sierra Club, the Canadian Pulp and Paper Association and the Mining Association of Canada. When they appeared before the House standing committee in September 2000 they said the purpose of the act should be pursued to the extent possible while taking into account the social and economic interests of Canadians. That is a reasonable amendment that should be accepted by the House.

We put forward another motion which would require socio-economic interests to be considered in the legal listing of species. The bill would already provide that it be considered in developing recovery measures.

Another great concern is the minister's wide discretionary powers. It can be a pretty scary thing. The minister could decide whether compensation should be given or not. He would have the power to decide how much compensation would be paid. The minister would decide whether provincial laws were effective or not and whether the federal government would step in to impose the law.

Those are the kind of wide powers that the minister would have. That kind of discretion is the opposite of transparency. On this very day on Parliament Hill there are a number of real estate agents. Various members have met with them through the course of the day. They have expressed to me personally the major concern they have about these wide discretionary powers granted to the minister in this particular bill.

The government has refused to provide any proper draft legislation about the process for compensation, who would qualify and how much one would receive? Those are pretty critical and essential points.

Where is the technical amendment which would provide a predictable process for property owners to seek compensation? The all party committee of the House said the minister must draft regulations but the government seems to want to stay away from that obligation. Where is the technical amendment which would set out the criteria that the minister would use to determine whether a provincial law would be effective or not? Again, the committee rightly put some criteria into the bill but the government wants to take that out as well.

The process for action plans and recovery plans needs to be transparent and so must the process in other areas as well.

Farmers, ranchers and other such people can be of real help to us. They can be our best allies in respect to a bill like this. Providing incentives for habitat protection by promoting good management practices is a good thing. The Canadian Alliance supports stewardship and incentives for protecting habitat. We believe that farmers and ranchers are some of the best conservationists and that their stewardship initiatives must be acknowledged and encouraged.

I know I speak for a wide variety of people, but certainly for those in my own constituency of Saskatoon—Wanuskewin, when I say that farmers understand the importance of maintaining a healthy environment. Farmers, ranchers and agricultural people are primary stakeholders and as such their rights must be respected in the bill before us today.

We believe there should be protection. We should preserve Canada's natural environment and endangered species as well as the sustainable development of our abundant natural resources for the use of current and future generations.

There are major concerns about the bill. It does not measure up. We are vigorously opposed to Bill C-5 in its current form. We will rue the day because of some of the implications, amplifications and fallout from the bill. Therefore we stand opposed to Bill C-5.

● (1605)

Mr. Deepak Obhrai (Calgary East, Canadian Alliance): Mr. Speaker, it is my pleasure to rise to speak to Bill C-5, the species at risk act. Before I do that once again I thank my colleagues in the House who have sent me best wishes, flowers and prayers for my speedy recovery. Since this is my first day back I have gone from an S.O. 31, to questions, and to debate all in one day. It shows that I have regained my strength. I am happy to be here and to represent the constituents of Calgary East.

I grew up in Africa. I was born very close to one of the world's most renowned national parks, the Ngorongora Conservation Area near the Ngorongora crater. During the time that I was growing up I had the great privilege of seeing and observing wildlife that is home to that part of the world. It is one of the best places where one can see wildlife in its natural habitat. Conservation has been important to me; it is paramount. It grew up with me. I always take an interest in looking at and ensuring that we have good conservation policies.

While growing up in Africa near this national park it became evident, after the boundaries of the national parks were made, that poaching as well as the killing of animals was taking place because the people who lived near the park derived no benefit from the national park. For sound management practices, to ensure that the wildlife was not put at risk, it became necessary for the management of this wildlife to become partners with the local population who lived near there to ensure the viability of that national park. This became one of the important issues.

Today, most people and governments recognize that if they do not work in partnership with the people who are the players then they cannot have good conservation policies. That is what is missing in Bill C-5.

We are not making people partners in Bill C-5. We are telling them what we want, but that does not mean they are partners in the conservation process. Most people who believe in conservation will know that if we do not make them partners the conservation practices will not last for long. We are putting species at more risk if we do not make people partners. That is what is wrong with the species at risk act.

The Canadian Alliance is not opposed to protecting and preserving Canada's natural environment and endangered species. As a matter of fact not only in Canada but the world over. Our opposition to the bill does not mean that the Canadian Alliance is opposed to protecting and preserving Canada's natural environment.

We want to outline what is wrong with the bill. We are not making the people who will be affected by the species at risk act as partners. I am talking of landowners, land users, et cetera. There is no compensation process. The government's own committee pointed that out.

Interestingly, my office receives many postcards from conservationists who ask us to support the bill. If I receive a postcard asking me to protect species at risk, I will say yes. Who would not say yes? However the message misses all the other points. It misses the issue of compensation and the review period. These were highlighted in committee by experts and Liberal members agreed to those points.

● (1610)

There is a campaign now where individuals are sending a message about species at risk. It seems to have reached the PMO. It is giving direction to individuals to ignore what the experts have said and to ignore what everybody has said. These higher officials are telling people how it will be done. The bureaucrats say they will do it because there seems to be a campaign going on.

Why am I talking about this campaign? The reason is because my office has received numerous postcards telling me to vote for the species at risk legislation. I have written to these individuals explaining that there are problems with the bill and outlining the problems. I tell them we need to fix it and get it right. What is wrong with getting it right? All the government has to do is get it right and get going so we can genuinely protect species at risk.

We have problems in the bill which have already been highlighted. I recall speaking to the bill when it came out for the first time. I highlighted the same issues at that time. I wonder who is listening. The environment committee made recommendations and nobody listened. The government refused to listen.

This issue begs a number of questions. Will the bill protect species at risk? Is the bill drawn up in the right manner? Is it consistent with the objectives of ensuring that species at risk are protected for years to come? This is not a five year situation. We must protect endangered species for years to come.

The bill is flawed. Many members will rise and speak against the bill. The Canadian Alliance is opposed to the legislation. I know I am repeating myself when I say that the Alliance is not against protecting and preserving Canada's wildlife, but I want to ensure Liberal members do not say that the Alliance is not in favour of protecting and preserving Canada's natural wildlife. They have a habit twisting the message around. That is why I keep repeating the message. The Canadian Alliance is not against protecting and preserving Canada's wildlife.

How can we support a bill that even the experts say requires refinement so it is done right in the first place? It will now be left up to the whim of the government to decide when to review the legislation. Based on past whims of the government we know things change. We know the government is fast asleep. The bureaucracy moves slowly. We just need to look at the immigration bill and how long it took before it was reviewed.

The Canadian Alliance supports protecting and preserving Canada's natural environment, but we cannot support Bill C-5 for the reasons outlined.

● (1615)

Mr. Werner Schmidt (Kelowna, Canadian Alliance): Madam Speaker, it is always a pleasure to welcome back a colleague who has served our caucus well, who has served the House well, who represents the constituents of Calgary East very well. He has suffered from a misfortune, ill health and almost was unable to come back and visit with us, to put his shoulder to the wheel and help us do the job that needs to be done. We welcome the hon. member back, encourage him and may he be healthy for many years to come. It is good to have him back.

I thank him for the wonderful speech he has just made. He articulated many of the things which I think we need to look at.

I want to approach the bill from a principled point of view and ask two questions. Is the bill democratically conceived? My other question is the one with which my colleague actually ended his speech. Does the bill protect species at risk and does it do so in an equitable and fair manner? I wish to address those questions as I go through various amendments in the bill.

I was really impressed by the Minister of the Environment during question period. He made a very interesting statement. He said that the one thing we have to do when we create legislation in the House and when we deal with the affairs of the country, we must be sure that we listen to the people, that we pay very careful attention to what the people are saying and that we do it in a manner that will meet their needs, their interests so that indeed we can be the democrats that we purport to be. That is what he said. I think my colleagues will all verify that is what the hon. Minister of the Environment said.

Guess what. Right here in the bill, right off the top what do we find? We find that the committee recommended that the bill should have a five year review. The committee recommended a five year review. What did the government do? No, it would not do that. The government is going to review the bill when it thinks it ought to be reviewed. That is wrong, wrong, wrong. That is the way in which the government operates. So right off the top we have some difficulties with the bill.

I want to get into a very specific part of the bill, the creation of the stewardship action plans. Motion No. 25 deals with the creation of stewardship action plans.

The standing committee had required that stewardship action plans must include a commitment to examine regularly "tax treatment and subsidies" and "to eliminate disincentives". The government wants to delete this language but it is vital. Why? It demonstrates that compensation is not just in cash payment but could involve other things like tax treatment which is so vital to farmers and other property owners.

Further, while the government always wants to create incentives and programs, it must be forced to confront the realities of disincentives, the reasons that people do not respond.

My hon. colleague just a moment ago said that if people are not involved in conservation, if they do not make it their business, it is impossible to police the actions that will actually result in conservation. The ivory tower theories of bureaucrats will never do the kinds of things they say they will do unless the people actually agree that they want to do it.

The government also wants to delete the standing committee's requirement that stewardship action plans provide technical and scientific support to persons who are engaged in stewardship activities. Get this: The government will provide information relating to technical and scientific support available to persons engaged in stewardship activities. This is a small but significant difference. Instead of giving property owners real assistance by sharing data on the presence of endangered species on property to protect the sensitive habitat for example, the government can simply mail them a brochure and say "Have a look at this" and that is what they do. Thanks a lot.

The motion extensively modifies the amendment of the standing committee that introduced this stewardship action plan. The amendment reinforces an earlier government amendment that makes the development of an action plan discretionary. Is that not interesting. There is a stewardship action plan that is required that is provided for but it is discretionary and not mandatory, although when the minister chooses to develop an action plan, the motion would still dictate some elements to be included.

● (1620)

When a piece of legislation says that maybe it is mandatory or maybe it is not mandatory, we come to the point where we say what is this? Is this whimsical legislation that allows the minister to do whatever he or she wants to do whenever he or she feels like doing it?

The committee did not mandate compensation, but at least required that the minister commit regularly to examine tax treatment and subsidies and to eliminate disincentives for people who protect species at risk.

I cannot avoid talking about compensation. Is it not interesting that the bill could provide for the opportunity of the minister to confiscate land, to take away property without compensation.

Canada is a democracy. Canada is a country where people are supposed to have a say in what happens. I want to underline, as my colleagues have, that the Canadian Alliance and I personally definitely are not opposed to protecting species that are at risk. Members of my family and I are very strong conservationists and have always been. To take the position that it is possible to take away property, to take away the freedom to enjoy and to use personal property simply at the whim of a minister, that may put at risk a different species, that species being those who own property. The bill is completely silent about that. That is not right.

The committee's amendment requires the commitment to provide technical and scientific support to persons engaged in stewardship activities. Instead the government commits to providing information. Landowners can expect a far lower level of support by virtue of this amendment. The government is asking them to assume significant responsibilities, It is threatening them with criminal sanctions for even inadvertent errors, yet it refuses to offer technical assistance as to how they could actually do the job.

We must strongly oppose this particular amendment which waters down the original intent of the legislation.

Motion No. 29 is a modification of amendments carried by the standing committee. It removes the requirements imposed by the standing committee to provide the public with an opportunity to comment on draft contribution agreements still under discussion, as well as publish them when they are complete. This is unacceptable.

A stewardship agreement can affect not just the landowner but neighbouring lands too. For example, the introduction of wolves back into an ecosystem in certain parts of the western United States affects not just the national parks involved, and I believe this happened at Yellowstone National Park, but all the ranchers in the area as well.

Therefore, it is essential that proposed stewardship agreements must be made public prior to being finalized. It is part of that consultation program, yet somehow it is not required. We must oppose that kind of highhanded thinking.

The intent of Motion No. 114 is to accommodate the changes made by the standing committee to the bill which establish proposed management plans. Specifically, it requires that management plans that adopt existing plans are considered to be proposed management plans and are subject to a public comment period. That sounds like a pretty good idea. Let us do that. We would definitely support this motion.

Under Motion No. 24 any government in Canada, organization or person must provide a copy of the stewardship action plan and must be included in the public registry. Consistent with other transparency provisions in the bill, the motion proposes that a copy of the plan be included in the public registry. This is a positive amendment which increases the flow of information to the public.

● (1625)

An amendment was made by a Canadian Alliance member to the effect that this information should be made public. The word public was inserted. This is a very positive amendment that came forward. I wish the government would see fit to put that amendment forward.

There has been a bit of negative and a bit of positive in my analysis, and my speech was far from finished. I would ask the government to please consider this amendment and at least make public the information so that everyone knows what is involved in the stewardship action plans and the technical information necessary for people to actually exercise the stewardship that we all want them to do.

Mr. Philip Mayfield (Cariboo—Chilcotin, Canadian Alliance): Madam Speaker, I am pleased to participate in the report stage debate on Bill C-5.

As we debate the bill I am reminded this is not the first time it has been debated. There have been other manifestations of the bill in previous years and other parliaments. As we were considering this issue in one of those debates I received a phone call from a lady in Ontario not too far from where we are right now. I have told this story in the House before but I am going to repeat it.

This lady was told that under the Ontario species at risk legislation, she was going to be forced to give up the use of a piece of property she had bought. She had purchased a piece of vacant land. She had an idea in mind and she borrowed a considerable amount of money to purchase this piece of property and then paid the costs of planning and developing. Before it was finished, she was notified that the property was no longer available for the use she had planned on and that an endangered species had been discovered on it. It was a bird, I believe it was a shrike. I wish I could remember the specific name. In any case this lady said that whatever we do, we should keep in mind the people who innocently get involved in situations like this.

This lady bought the property, paid for it and owed the money to the bank. No one is going to buy it back from her. What is she going to do besides suffer the consequences of not being able to take advantage of an investment she made and not being able to repay it? The money she had saved, the money she was able to borrow and the resources she used to guarantee the loan were all lost.

This is a consequence of highhanded legislation where a government has as its lowest priority those people it purports to represent. This situation is not new. There have been other stories and incidents like this one that the government has been able to take advantage of, but because it has the authority, the power and the majority in parliament under the whip to enforce that power, the taxpayers, Canadian citizens, the ones who are supposed to benefit from the resources of this vast, beautiful and rich country of ours, are left without. They are ditched.

At committee a number of amendments were proposed to the legislation that would allow public consultation to include members of the public. Those who were faced with finding endangered species on their property would be allowed to enter into a relationship with authorities and conservation officials using the guidelines of the legislation. They would work together in a co-operative manner to protect endangered species.

What would happen if someone inadvertently walked across a valuable piece of property and found an endangered species? Would the temptation be to run and tell someone and face the risk of having that property confiscated, taken away, not to be used? Not a chance. As a matter of fact, when the loggers were faced with the spotted owl threat earlier on, a well-known official told his people "If you see one of those things, shoot the damn thing and get a shovel and bury it".

● (1630)

We are concerned about endangered species. There must be a co-operative effort initiated by the government in legislation such as this, but unfortunately not with this legislation, so people can co-operate with those who are concerned about the loss of endangered species. There must be a method of public consultation whereby people clearly know the rules. If there is an endangered species, people can begin to co-operate immediately for the benefit of that species and not be faced with the threat of losing what they have or faced with the consequences and all of the costs of the unfortunate discovery of an endangered species on their property.

As one who was born to rural life and lived on a ranch, it is a wonderful thing to be involved with the various species of birds, animals, plant life and micro-organisms. I can remember as a child being on my belly watching things like frog eggs. It is something that we must cherish. It is something that is part of our Canadian heritage. We must not allow people in areas that have no responsibility for endangered species to take over control of the program so that those who bear the burden must suffer all the consequences.

It has been my observation that in the House we are often told that Canadians are a community of people. Yet in this circumstance it is not the community that is bearing the consequences or the costs; it is the individual. The legislation, with the amendments the government has introduced, strips the consultative process from this.

For example, most of the amendments in Group No. 4 concern issues of notice, public consultation and discussion. This presents opportunities to stress the fundamental importance of making consultations as wide as possible, of ensuring that consultations have a real impact on the administration of the act and are not done simply for show.

Included in this was the proposal for a five year review of the act. Initially the bill had provided for a parliamentary review of the species at risk act five years after it came into force. The standing committee added the additional requirement that it be subsequently reviewed at five year intervals. Motion No. 130 from the government however will remove this standing committee amendment. It does not think the automatic five years are needed and instead would put the onus on parliament to put a review on the agenda should it be deemed necessary.

You and I, Madam Speaker, have sat at committee together. We have worked in parliament enough to know that parliament does not do anything until the executive decides that parliament will do it. How will parliament do what needs to be done, to put something on the agenda if the government has already determined it is not necessary? This is totally wrong. It denies people the input, the opportunity to be consulted, to know, to respond favourably and to act in a co-operative manner for something of which we are all in favour.

Not only is it contemptuous again of the standing committee, it removes an opportunity for greater accountability and for public involvement. Mandatory reviews of legislation, not quite as effective as a sunset clause but perhaps a close second, are important for ensuring that an act is working as intended and for creating an opportunity to make changes that will simply not be left to the whim of the government House leader of the day to fit his particular agenda.

This is basic democracy. It is accountability. It ensures that legislation is ever kept current, ever kept green.

● (1635)

Mrs. Betty Hinton (Kamloops, Thompson and Highland Valleys, Canadian Alliance): Madam Speaker, it is my pleasure to rise once again to speak to Bill C-5. Let me begin by confirming that the Canadian Alliance is committed to protecting and preserving Canada's natural environment and endangered species.

The bill, as drafted, has serious flaws which could ultimately work against the goal and the intent of the bill which is to save endangered species and plants. Not only that, but the bill contains numerous flaws in the way the public and property owners are to be compensated, consulted and informed if at all in some cases. If that is not enough, it legislates segregation that will put Canadians under different rules depending on who their parents are. It has no place in a country such as Canada.

The government has failed miserably with the softwood lumber agreement and innocent victims are paying for that cost across this country. We cannot afford to let that happen again. The endangered species bill must be treated very seriously, not just rewritten and changed on the whim of the PMO.

Let us start with respect. First, the PMO's draft makes this flawed bill worse. In addition it flies in the face of parliamentary democracy. For example, in Motion Nos. 6, 16, 17 and 20 relating to Bill C-5, the standing committee wanted to create a national aboriginal council. The PMO instead wants to call it a committee. It is changing the words in various clauses.

The idea of an aboriginal committee is acceptable. Clearly in many places, especially in the north, natives have a kinship with the land and so consultation with them is appropriate, just as it is with other stakeholders such as property owners and resource based industries. However the name change from council to committee reverses the standing committee's work without justification. The government, in a contemptuous manner, is showing complete disregard for the hard work and the expertise of the parliamentary committee and its own MPs. How does this top-down control from the Prime Minister's Office help protect endangered species?

I would like to address the area of compensation. What upsets me most about the bill is that landowners risk losing the use of their land to save a species and there is no commitment from the government to compensate. The act will not work without guaranteeing fair and reasonable compensation to 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 shift in the cost to the landowners is inexcusable. It creates a disincentive for them to protect the endangered species. That is what this is supposed to accomplish. There must be guaranteed compensation to landowners for the loss of their property so that we can be sure that both the interests of the species and the people who live alongside them will be accommodated.

Government Motion No. 25 removes any recognition that property owners face hardship by protecting endangered species. The legislation not only fails to see reality but also fails to recognize the financial burden this act would potentially place on landowners.

We are projected to spend $45 million for species at risk, a small amount of money when we consider we are trying to protect animals and plant life that may disappear from this earth forever. The government has deemed fit to spend over $700 million for gun registry. It has not worked. It will not solve the problem. We spent $101 million for luxury jets we did not need. Now, according to today's auditor general's report, we are writing off $1 billion a year in taxes.

One has to ask what the government is thinking when we see such twisted priorities. Perhaps a better use for taxpayer money would be to aid the landowners for the loss of their property. We need to protect endangered species and in preventing their extinction, we also must protect the rights of landowners before they too become extinct. We must give adequate compensation. Until that is addressed within the bill, I will not support it and neither will my party.

● (1640)

Consultation with the public on bills and issues that concern them is a hallmark of our democracy. Instead of working together with the provinces and property owners to protect endangered species, the federal government is introducing uncertainty, resentment and distrust with its refusal to conduct real consultation with the public and affected stakeholders.

It is of fundamental importance to make consultation as wide as possible. The government must not only listen but heed what is said by stakeholders and ensure that consultations have a real impact on the administration of the act and are not just simply done for show.

Given the harsh criminal sanctions contained in the bill, it is completely unacceptable for the minister to possess information about the presence of a listed species and withhold that information from the landowner. Under these guidelines, due to government imposed ignorance, people can be guilty of a criminal offence if they unknowingly harm a species or its habitat.

Therefore, our second amendment requires that regardless whether the minister publicly releases information about the presence of a species or not, he must in all cases advise the affected landowner. Given the criminal sanctions involved, this is only fair.

Sadly, the government is treating the Canadian public with the same respect it afforded the parliamentary standing committee. Any consultations that do take place will not be in good faith since it has already made up its mind on all the key points and is unwilling to listen to other points of view.

There is a systemic problem with the secretive government in releasing information. This unfortunate quality applies to Bill C-5 as well. There are severe criminal sanctions contained in the bill, yet the government does not want to release relevant information to affected stakeholders. Does that make any sense?

Government Motion No. 126 deletes the requirement for "all ministerial reports including listing decisions" to be entered in a public registry. This reduces transparency and public access to important documents giving insight into how the list of endangered species is developed. In the interest of transparency, all relevant documents should be made available through open channels instead of forcing citizens to go through the loops, the hassles and the delays of access to information requests.

We support putting maximum information into the registry so that interested stakeholders may see what is happening. The fact is the implication of an agreement between the government and one person may have far reaching consequences on his or her neighbours. Transparency is essential. Transparency is defined as being able to see clearly, not translucent where one can sort of see but cannot tell what is going on.

An hon. member: Not opaque.

Mrs. Betty Hinton: Not opaque; I agree.

The other part we have that I mentioned earlier is race based law. Race based law is not the answer. When we talk about fairness, and when I mention the phrase "race based law", there is a reason for the concern. It seems however that in this piece of legislation we have race based law which applies to non-aboriginal people but does not apply to aboriginal people. Therefore, we may find ourselves in a position where private land sits next to reserve land and each piece of land has a different set of rules to follow based on its owner's race. Everyone can see what the danger is here. We have to have something that applies to both aboriginal and non-aboriginal people. The current legislation does not address that adequately.

I wish this legislation actually protected plants and animals in danger of dying off. Unfortunately, the serious flaws in the bill make the animals safer now than they will be if the bill passes.

Putting the burden of criminal liability and land appropriation on Canadians who happen to live next to a species in danger is bad enough. When it is coupled with a lack of compensation, consultation, information and a race based, two tier system, we have a bill that is dangerous to law-abiding citizens and that is dangerous to plants and animals.

The government is asking landowners to assume significant responsibilities and is threatening them with criminal sanctions for even inadvertent errors, yet refuses to offer tangible assistance or even relevant information. Criminal liability must require intent. The act would make criminals out of people who may inadvertently and unknowingly harm endangered species or their habitat. This is unnecessarily confrontational and it makes endangered species a threat to property owners.

● (1645)

If the legislation is put through with its bias, its unfairness and its lack of compensation, we can expect the list of endangered species to grow by leaps and bounds.

[*Translation*]

The Acting Speaker (Ms. Bakopanos): 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 Acadie—Bathurst, Employment Insurance.

[*English*]

Mr. Chuck Cadman (Surrey North, Canadian Alliance): Madam Speaker, I am pleased to rise today to debate the Group No. 4 amendments to Bill C-5. In this grouping there is a common theme and it is an especially disturbing theme. That theme is one of outright interference in the work of a parliamentary committee. Canadians should be very concerned with the government's actions.

As many of my colleagues have already noted, it cannot be stressed enough that when a committee of the House of Commons is charged with examining a piece of legislation, that work must be taken seriously. Enormous time and resources are spent hearing from expert witnesses and making subsequent recommendations for changes to that legislation. The contempt that the government has shown for the work of the environment committee is astounding.

Group No. 4 highlights that contempt in many ways. First, Motions Nos. 6, 16, 17 and 20 deal with aspects of the creation of a national aboriginal committee. The environment committee called for the creation of this body clearly because natives have a close relationship with the land, especially in the north, and so consultation over habitat and species at risk with them is vital.

The committee's report called for this new body to be called the national aboriginal council. In this instance, the government changed the word council to committee apparently simply for the sake of making the change. There is no good reason to make such a change. This is perhaps the most blatant of the changes that show the contempt this government has for the work of its committee which, I might add, is dominated by government backbenchers.

I will present to the Chair several more examples of tampering with the work of the committee before I am finished today, but before I do so I would like to say a few more words about the national aboriginal committee. As I mentioned earlier, the creation of the committee itself is acceptable given the relationship that natives have with the land. Therefore, consultation with them is very appropriate. It is also important to mention in the same breath that it will be equally as important to consult with other stakeholders such as property owners and resource users. The existence of the national aboriginal committee should not preclude wider consultation with others, and special care must be taken to ensure that it does not become a special conduit for race related political concerns.

The administration of the act must concern itself with the protection of endangered species in a sustainable socioeconomic manner. Special privileges and exemptions from the act's application should not be based on race. I am very skeptical, however, that the government will ever be able to live up to this standard as it is clear that the government already discriminates based on race. This is exemplified in the current sentencing provisions of criminal code section 718, where aboriginal Canadians are already given special consideration based on their race alone. My concern of course is that they will be given different treatment for contravening this act than will any other landowner or corporation.

Next I would like to discuss the creation of stewardship action plans. Once again, Motion No. 25 is one that the government is introducing and that completely overrides the committee's work. I cannot even begin to imagine the frustration of government members of the environment committee who, with the co-operation of the opposition, created a report for parliament only to have it totally ignored by their colleagues in cabinet.

The standing committee had required that stewardship action plans must include a commitment to regularly examine "tax treatment and subsidies" and "to eliminate disincentives". The government wants to delete this vital language. It shows that compensation is not just a cash payment. It could involve other things like tax treatment, things that are so vital to farmers and other property owners. In addition, the government always wants to create incentives and programs, but it must be forced to confront the realities of disincentives. There are usually good reasons why people do not respond the way bureaucrats think they should.

The government also wants to delete the standing committee's requirement that stewardship action plans provide technical and scientific support to persons engaged in stewardship activities. Instead, it will:

> provide information relating to the technical and scientific support to persons engaged in stewardship activities.

This is a small but significant difference. Now, instead of giving property owners real assistance by sharing data on the presence of endangered species or assistance in configuring their property to protect sensitive habitat, the government can, for example, mail them a pamphlet. Gee whiz and thanks, especially when one considers the very serious criminal penalties for knowingly or unknowingly contravening the act.

● (1650)

Continuing with the theme of tampering with standing committee work, I would like to point out Motion No. 130, which will remove yet another of the standing committee's amendments to the bill. Initially the bill had provided for a parliamentary review of the species at risk act five years after it came into force. The standing committee added the additional requirement that it be subsequently reviewed at five year intervals. Motion No. 130 from the government would remove the standing committee amendment. It does not think that automatic five year reviews are needed and instead would put the onus on parliament to put a review on the agenda should it deem a review necessary.

I would like to point out that I currently sit on the Standing Committee for Justice and Human Rights and we are now in the process of reviewing the mental disorder provisions of the criminal code, which actually have a mandatory five year review clause. The legislation was passed and implemented in 1991. The review should have been undertaken over five years ago, but we are just getting to it now, today.

An hon. member: And that is mandatory.

Mr. Chuck Cadman: And that is mandatory, as my colleague says, but I guess it is better late than never.

With the deletion of the standing committee's amendment, I doubt that the legislation will be reviewed by parliament until there is a more responsible party at its helm.

I could go on citing examples of how the Liberal government, or should I say certain cabinet ministers, because the members of the standing committee have not been listened to, has contemptibly changed the committee's report but I think the point has been made.

In conclusion I would simply like to point out to Canadians the utter lack of respect the government has for individuals in this country, including its own backbenchers and the legions of expert witnesses who were heard on these issues at the standing committee.

The rest of Group No. 4 deals with public consultation on issues surrounding Bill C-5 and I dare say that these consultations will simply be a farce, just like the hearings of the Standing Committee on the Environment and Sustainable Development were on Bill C-5.

Mr. Reed Elley (Nanaimo—Cowichan, Canadian Alliance): Madam Speaker, it is with pleasure that I rise today to join in this important debate on Bill C-5, the species at risk bill. I believe it is important that I go on record to state categorically that legislation on species at risk is of course extremely important. We must be good stewards of the land, the water and the air that God has given to us. Along with my fellow members of the Canadian Alliance, I am committed to protecting and preserving Canada's natural environment and, of course, endangered species.

That is why it is with a certain degree of sadness that I must say it is so unfortunate that the legislation actually falls short of making any kind of sense. There are many aspects that cause me great concern. Of primary concern, of course, is that I do not believe that this act will actually work as it plays itself out unless it guarantees fair and reasonable compensation for property owners and resource users who will suffer losses under this present legislation. The farmers, ranchers and other property owners who also want to protect endangered species should not be forced to do so at the expense of their own livelihoods.

There are several issues specific to the Group No. 4 amendments, which simply do not meet the standard of parliamentary democracy that all members of the House should be upholding. Committees are intended to be masters of their own destiny and rightly so. However, when the environment minister sets aside the committee's recommendations and ignores its deliberations I believe that something is very wrong with the current state of the House of Commons.

Motions Nos. 6, 16, 17 and 20 deal with aspects of the national aboriginal committee. The standing committee had originally intended to create a national aboriginal council, but the government instead wants to call it a committee. This seems to border on semantics and therefore we have several amendments today that change "council" to "committee". It troubles me that the name change from council to committee reverses the standing committee's work with no good justification.

This is just one more example of the government, or perhaps I should say more correctly the Prime Minister's Office, showing nothing more than contempt for the work of this parliamentary committee and its own MPs. These are changes made just for the sake of wielding power. Unfortunately we have seen the Prime Minister's Office, through the whip, doing this on more than one occasion in the past. Is it any wonder that Canadians stayed away from the ballot box in record numbers during the last election? They feel cynical about the voice that their own representatives have in the House of Commons. When the backbenchers of any government are so restricted as to not even be able to adequately represent their own constituents and the very deliberations of their respective committees, we must recognize that democracy is gone and the dictatorship of the Prime Minister's Office has taken its place.

The idea of an aboriginal committee is in itself acceptable. In many parts of Canada, especially the northern reaches of the provinces as well as the far north, native people have an intimate knowledge of the land. Therefore, consultation with them is appropriate and desired in addition to consultation with the other stakeholders such as property owners and resource users. Motion No. 6 by the government calls for nothing more than the deletion of the term national aboriginal council, which is replaced with the term aboriginal committee later on in clause 7. This type of name change is nothing less than a slap in the face of the standing committee. It does not justify reversing the work of the committee. We must remember that these changes were initiated by Liberal members on the committee. This shows the government's contempt for the work of parliamentary committees as well as its own MPs. Certainly on that basis alone I will be opposing this amendment.

Motion No. 16 follows the same pattern by diluting the role that the aboriginal committee would have with the Canadian Endangered Species Conservation Council. Let us remember that this council is made up of the Minister of the Environment, the Minister of Fisheries and Oceans, the Minister of Canadian Heritage and ministers of the government of a province or a territory who are responsible for the conservation and management of a wildlife species in that province or territory. I believe that we run the risk of making decisions based upon political rhetoric rather than sound, good science. In honour of the committee's original recommendations, I will be opposing this motion as well.

● (1655)

Motions Nos. 17 and 20 continue this pattern of disrespect by the PMO and the government whip. With the respect that I have for standing committee deliberations, I will oppose them also.

The next section of amendments deals with the creation of stewardship action plans. The government is introducing such far reaching amendments to the standing committee's work that all members of the House need to take special note of it. Again we see the utter contempt of the PMO for the work of a parliamentary committee.

Originally the standing committee had required that the stewardship action plans must include a commitment to regularly examine any tax treatment and subsidies, as well as to eliminate disincentives. This is vital and yet what does the government want to do? The government wants to delete this language from the bill.

The government seems to believe that compensation is not just a cash payment but could involve other things like tax treatments which are so vital to farmers and other property owners. The government is attempting, through the use of tax incentives and disincentives, to force land and resource owners to bend to the government's will.

The bottom line appears to be that if the landowner does not follow the wishes of the government, the government will find other means of achieving its political decision.

Farmers in particular have been hit so hard these past number of years through drought, flood and global subsidy wars why on earth would the government want to put one more economic barrier in front of them?

As I have already stated, I believe that decisions, such as those involving species at risk, should be made on real science not political lobbying or political expedience.

Now the government wants to delete the standing committee's requirement that stewardship action plans provide technical and scientific support to persons engaged in stewardship activities. As an alternative, the government will make information relating to technical and scientific support available to persons engaged in stewardship activities.

This small but significant difference means that instead of giving property owners real assistance by sharing data on the presence of endangered species or assistance in configuring their property to protect sensitive habitat, the government can simply mail a pamphlet to them.

All is not gloom and doom today. I am pleased that the government has brought forward Motions Nos. 24 and 114. Motion No. 24 strengthens the legislation by placing a copy of the stewardship action plan in the public registry. I believe this is consistent with the other provisions of the bill that provide transparency. This is a positive amendment that would increase the flow of information to the public.

Motion No. 114 requires that management plans that adopt existing plans are considered to be proposed management plans until also subject to a public comment period. The intent of the motion is to accommodate the changes made by the standing committee to the bill which would establish proposed management plans. Although this is primarily a technical amendment, I will be supporting it.

Unfortunately, the remainder of the amendments run counter to the proposals made by the standing committee to the bill and, as such, I will be opposing the remainder of them.

I know my time is running short and I did want to mention concerns regarding the public consultation process under the bill, specifically the five year review and the maximum public information available.

Initially the bill had provided for a parliamentary review of the species at risk act five years after coming into force. The standing committee added the additional requirement that it be subsequently reviewed at five year intervals. However government Motion No. 130 removes the standing committee amendment and instead would put the onus on parliament to put a review on the agenda should it deem it necessary.

I believe that this is wrong and again shows contempt for the standing committee. Greater accountability and public involvement should be an integral part of our democratic process.

The government had an opportunity to do something really good. Species at risk is something with which we are all concerned, and rightly so. Unfortunately this legislation is flawed and the government amendments further take away from the legitimacy of the bill as well.

● (1700)

Mr. Ken Epp (Elk Island, Canadian Alliance): Madam Speaker, I am delighted to stand in the House of Commons, the House of the representatives of the people of Canada, to debate this very important bill, Bill C-5, a bill relating to the preservation of species at risk.

I believe this is an historic debate today. It will be one of the most significant debates of the last eight or nine years. The reason I say that is very simple. I have a belief in my heart that this will probably be the first government bill to be defeated in the House.

That in itself is a very optimistic statement but I really expect that this time all the Liberal members who worked so hard in committee to do what was right and who have been so dumped on by the whip and the government bureaucracy in this bill, will rise, as I think many of their colleagues will, in revolt. I would encourage them to do so.

I have to relate a little story. Not long ago I told one of the editors of a major paper in my riding of an instance in the House a number of weeks ago when there were no Liberals members at all. I am not speaking about now. I told the editor of the paper how I walked across the aisle and sat on the government side. I was perhaps out of order but I actually sat in the Prime Minister's chair, being the only member on that side of the House. I gave the excuse that there was a member on this side speaking and that it was very difficult to speak if one did not have an audience. I also said that there was something symbolic about the situation. I said that if no Liberals were ready to properly run the country that symbolically we were.

I told that to the reporter and she reported it in the paper. She said that I was a cheeky MP. Perhaps what I did on that occasion was cheeky but I made the point that government members, who have the majority and who by standing on a vote can cause a bill to pass or fail, have an awesome responsibility.

In this particular instance I think they have a wonderful opportunity to restore the sense of democracy, which ought to prevail in the House in any case, and that is that the wisdom of the committee and of the witnesses that were heard should actually be taken into account and should positively influence the legislation with which we are dealing.

Speaking of cheeky, I think if anyone is cheeky it is the arrogant Liberal government on the other side which thinks that whatever it comes up with in the back rooms cannot be revised or amended.

If any one of us in our relationship with other people, with our businesses or with our families were to give the impression that we could never make a mistake, that whatever we said was absolutely right and that whatever anyone else said was just automatically wrong because we did not say it, that would be the height of arrogance and it would go nowhere.

I believe that is what is happening with the bill, and I am very sad about it. The committee worked hard, heard from witnesses and made a number of recommendations to amend the bill and improve it.

Lo and behold, we come to third reading, because the committee reported. This was reported by all members of the committee, not just from one party or another. I believe in many instances these amendments were passed in committee unanimously. The committee reported Bill C-5 back to the House with amendments.

What happened after that? The government introduced a whole bunch of amendments at third reading. The only purpose of those third reading amendments was to nullify the work of all the witnesses and all the committee members.

● (1705)

I know that when I use certain words they reflect back on myself but I really cannot think of any other words to use than the words, what blatant arrogance. It is very unwise. I wish the government would wake up and recognize the collective investment Canadians put into their parliamentarians. It is not cheap. We know the expense of having individual member of parliament here, the office staff, the office costs and the travel costs, not to mention the salaries and the forthcoming pensions. All of that is a huge investment on the part of Canadians. I think it is about time that Canadians received value for that dollar.

If the Liberal members are not willing to finally assert themselves on this occasion, the best occasion I have seen in the over eight years I have been in parliament, and say that the work they did was valid, that they will stand by their work and that they will stand and vote against the amendments which nullify their work , then I think they will have missed a golden opportunity.

I was a math-physics major but I know somebody somewhere said that there is an opportunity, there is a chance given to men that comes but once. I think it goes something like, "a tide in the affairs of men which taken at the maximum leads on to fortune". I have not referred to that poem since I was in high school. I am sure members can tell by looking at my hair that it was not years ago but decades ago. This is an opportunity for members to react.

My colleagues have talked about these different amendments. I think it would be a waste of my time to go through all those amendment again. My appeal is simply to those members who will read this speech in *Hansard* or who are watching it now on closed circuit television in the House of Commons, and my appeal to them is very straightforward. Let us do what Canadian taxpayers and Canadian voters have sent us here to do and are paying us here to do, which is to do what is right.

I would like to emphasize this further. In my whole life I have not very often been able to say that everything I have done today is right. I probably make one or two mistakes every day, sometimes three or four and sometimes more. I think it is a missed opportunity on the part of the government to not listen to the committee and to the witnesses who appeared before that committee. It is forcing through a bill with a bunch of amendments to get its way when what that produces is a bill far less effective than the bill that would result if these amendments by the government would be turned down in order to give us the bill that the committee studied and improved.

Why would the government not want to have an improved bill? We walk into the stores and we see soap and bread that is new and improved. It is better than it was before.

I subscribe to the theory that when the bill went to committee it was not as good as the bill which came back from committee because of the work members of the committee expended on it. They studied it and came up with some amendments.

I have to emphasize over and over again that the members of the House, who really believe their work was valuable and that they did improve the bill, should, in this particular case, although I hate to counsel defiance, defy the authority of their whip, stand their ground and say that they have done good work and that they will stand by it. I would like to see that. I intend to do that. I will vote against these amendments which undo the committee work. I invite all hon. members to join me in that.

● (1710)

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, I will try to keep my remarks short so that the member for Brandon—Souris might also have an opportunity to speak this afternoon. I am pleased that so many members of the Alliance are speaking. It clearly shows the interest in the House and on this side of the House for good legislation and for the democratic process.

I rise today and speak as the member for Winnipeg North Centre, a member of the NDP, but also as the guardian of the western prairie fringed orchid. That was the responsibility handed to me by I believe by the International Fund for Animal Welfare, which has called on many of us in the House to adopt a species that is on the list of endangered species or a threatened species. I am very proud to be responsible for the western prairie fringed orchid. It is a beautiful plant that I think many Canadians want to see preserved and protected.

Let me tell members about the western prairie fringed orchid. The plant grows in the western prairie region and has a long flower spike. It is topped with a crown of white or creamy flowers. Each has a distinctly fringed lower petal and it has many seed capsules.

I am sure the member for Brandon—Souris will join me in espousing great concern about this species because it comes from the southwestern Manitoba region. The plant grows in the whole area of southwestern Manitoba, south to Kansas.

The species has declined significantly throughout its range. More than 90% of the world's known population of the western prairie fringed orchid occurs in the Red River valley of North Dakota, Minnesota and south central Manitoba.

It is likely the orchid was once more widely distributed throughout southern Manitoba, but the number of sites has declined drastically with the loss of the tall grass prairie habitat.

Presently the population of the western prairie fringed orchid is restricted to a 42 square kilometre area around the Manitoba townships of Vita and Stuartburn. I should also point out that during a recent survey there were at least 8,000 to 9,000 flowering plants in the entire Canadian population.

We have this beautiful and rare plant growing in certain conditions unique to southern and central Manitoba, and it is on the verge of extinction.

The threats are many and I would like to very briefly summarize them because they point to the absolute need for an endangered species legislation that is tough, proactive and in line with the recommendations made by the environment committee.

The orchid is at the northern edge of its range and is limited by climate. It probably has a low reproductive potential and is sensitive to various periodic climatic effects, particularly precipitation and temperature. It is clear also that the habitat loss, and this is important for the bill, is the main factor responsible for population decline.

Tall grass prairie has been cultivated to form agricultural fields. Loss of habitat may also be affecting the population of the orchid's pollinators, thereby reducing the plant's ability to reproduce. Overgrazing, intensive hay mowing, drainage of wet areas, competition with introduced species and fire suppression are all factors which have led to serious threats to the western prairie fringed orchid.

It is also worth noting that there have been attempts in the Manitoba region to preserve and protect this rare orchid. There are three sites in Manitoba that have been purchased to ensure the protection of the western prairie fringed orchid. The species is being monitored and managed on these lands. It was declared endangered under Manitoba's endangered species act of 1994.

● (1715)

Recovery efforts are going on in that province and there is an active movement afoot to try to preserve and protect this endangered species. All of this points to the absolute imperative for the government to finally move on the recommendations advanced by activists in the community as well as representatives from all political parties who want to see tough legislation, who want to see mandatory actions on the part of government and who want to see science based decision making.

I just want to say a couple of more things relating to a poll that just came out that others have referenced in the debate. The new national poll just out found that few Canadians support the federal government's proposed amendments to the species at risk act. In fact it found that only 11% of Canadians agree with the government that habitat protection should be at the discretion of politicians. Whereas more than 76% believe habitat protection should be required by law.

We have what we need to act. We have the knowledge and the information about endangered species. We know the precarious situation facing those species, particularly the western prairie fringed orchid. We know that Canadians support tough action by government and want to see mandatory regulations, tough provisions to protect those species and independent scientists making the decisions.

All this knowledge gives us the recipe for the government to act. Yet we have a government that has decided to bypass and sidestep the many good recommendations from months of work by the environment committee, work that resulted in all party co-operation and in the proposal before us today, particularly with the amendments in Group No. 4 which we are now addressing.

Given this information, given the desire of Canadians, given the all party co-operation and the will displayed in this Chamber, surely the government can see its way clear once and for all to act on those recommendations, to act on the spirit of Canadian wishes and to act on the basis of good science and good information. We would hope today that the government, after all these hours of debate on the bill, after the years of waiting and the decades of consideration and study, would finally do the bare minimum, which is to act on the bill as amended by the environment committee. That is the bare minimum the government can do and we look to see some results today.

● (1720)

Mr. Rick Borotsik (Brandon—Souris, PC): Mr. Speaker, I too am very pleased to rise today to speak to the category amendments on Bill C-5. It is important to point out that I wish it was not just simply members of the opposition who spoke with respect to the bill. It would be nice to have members of the government speak to the bill, particularly those members who sat on the committee, who put forward such good amendments at the committee level and who insisted upon changes to a piece of legislation that made it very workable. They made it a piece of legislation that I am sure, had it come forward from the committee the way it was debated, would have been approved by all of the members of the House, including those who sit on this side. I wish that some of those committee—

Hon. Charles Caccia: Mr. Speaker, I rise on a point of order. The hon. member is reflecting on the behaviour of members on this side of the House which I do not think is in compliance with the rules of the House. I also bring to the hon. member's attention the fact that members on this side of the House can only speak once and many of us have done so.

The Acting Speaker (Mr. Bélair): That is not a point of order, but the message has been passed on.

Mr. Rick Borotsik: I thank you, Mr. Speaker, for that message being passed. I have a lot of respect for the hon. gentleman who just spoke. I also suggest, however, that it does not just necessarily have to be members of the government who sat in the committee who could speak to this legislation. It can be any member of the sitting government that can speak, and speak favourably, to the committee's work. That is to what I was alluding. I was suggesting that the committee actually work the way a committee should work.

First, I would like to congratulate our member who sat on that committee for hours on end listening to stakeholders, witnesses and to people who had some very valid points to bring forward. The member for Fundy—Royal was very excited that even government members on that committee accepted some of his amendments in the committee stage. That is how a committee should work.

Unfortunately, somewhere between the time the committee accepted those amendments and the time they hit the House floor other amendments were put forward that changed the whole legislation. We will speak to those because that indeed is what we are talking about today with respect to Group No. 4. I know the hon. member from the government side who just chastised me would be very happy to realize that one amendment the committee asked for was a five year review of the legislation.

That is not an unheard of request. We have asked for sunset clauses on other pieces of legislation, but in this case the committee suggested that there should be a five year review of this legislation. Is that so terrible? We do not know how the legislation will affect endangered species or species at risk five years from now, so let us go back and review it. However coming forward in Group No. 4 is a government amendment suggesting that that not happen.

For what reason, I do not know. I am sure the hon. member would agree with me that it was a good idea to bring the legislation back for review in five years. However the government has decided it is not necessary, that it knows best and that the legislation can go on in perpetuity or until it decides to bring it forward.

This is the third kick at the cat in bringing this legislation forward. The first two kicks at the cat never happened because it was defeated on the order paper. In effect the government has had 10 years to bring the legislation forward but it does not want to review it in five years. To me it does not make any sense, especially when the committee suggested that that happen. To have a Liberal government member vote against this suggestion from the committee is, in my opinion, voting against the committee and the committee form of government that presently exists.

The second thing is that the committee put forward an amendment, and the hon. member will remember this, to establish a council of first nations members to advise the minister. A committee suggested that the amendment come forward, yet it has been changed. The hon. member is going to stand now in the House and explain why he and the rest of his government colleagues are going to vote against the absolute opportunity to have a committee of first nations members come forward to advise the minister on issues of species at risk. The government has gutted it out. The committee wanted it to happen.

The first nations who were given that opportunity are mad, as they rightfully should be. They were the ones who suggested that this was a very good change to the legislation. It was agreed to at committee and now it is not going to happen. In fact the member for Churchill River has tabled a compromise, an amendment, that the government should accept.

● (1725)

The committee said as part of Group No. 4 that the government must consult with the provinces and the territories. That is what the committee said.

These are species at risk. These are endangered species. What is co-operative federalism if not discussing these very issues with the provinces and territories that it serves? That came from the committee. What a great idea. Let us actually sit down and talk to the provinces that have legislation with respect to endangered species. Let us sit down and talk to the territories that know more about their property and the endangered species of their particular areas.

We just talked about an orchid in Manitoba which I was not aware of. Who better to know about that orchid than the member from the province of Manitoba? Is it not a good idea that the government have co-operative federalism and talk to provinces and territories? Guess what? The committee felt that it was. However, when it came forward the minister felt that it was not necessary. The government decided it did not have to talk to the provinces and territories and it should not have that co-operation in the legislation.

Bill C-5 has other deficiencies. One of the major deficiencies is the issue of compensation. The Canadian Real Estate Association was on Parliament Hill today and yesterday. Believe it or not it had three issues that it wanted to talk about. One of the issues was species at risk act. Is it not rather strange that a real estate association would want to speak to species at risk? It spoke to the same issue that the hon. member for Fundy—Royal spoke to with respect to the legislation. It spoke to the fact that there should be compensation built into the legislation for property owners. There should be a compensation built into the legislation for people who will be affected by species at risk.

Why did it not happen? Because the government changed it. Now, unfortunately, the government is under no obligation to provide a compensation package unless of course the circumstance is an extraordinary one. That is a bit of an interpretation. Who will interpret what extraordinary is? Who will interpret if in fact there should be an obligation to that particular landowner with respect to species at risk? The courts will have a heyday. At this point in time the government is off the hook because it could let this thing run for years if in fact there even is a legitimate requirement for compensation from one of these circumstances.

The legislation could have been supported and passed. Unfortunately the way it is right now the amendments that have been brought forward in Group No. 4 cannot be agreed to by the Progressive Conservative Party. They cannot be agreed to by the majority of people on this side and I hope, for those people who are prepared to logically listen to the arguments on the government side, will not be supported by those members as well.

● (1730)

Mr. David Chatters (Athabasca, Canadian Alliance): Mr. Speaker, it gives me no great pleasure to rise once again on Bill C-5. It is tragic that the potential of this place, and the respect I have always had for it having always been a student of politics, has come to this when it does not need to.

A good number of people on the government side, perhaps not for the same reason, also see it as a bad piece of legislation. Here we are repeatedly expressing the same concerns over and over again because that is the only tool that is available to us.

I have been here for nine years. It is not long compared to some people, and certainly not long compared to the hon. member for Davenport who chairs the committee and who also has real concerns about the bill. I have always thought we could produce so much better legislation if we were to allow the committee to have a topic for a bill before it is introduced in the House. The all party committee would access the most expert opinions on any number of topics from anywhere in the world to develop and introduce a bill that would reflect the desires and the intentions of all parties in the House.

It seems so logical to me that after 130-some years in this place that would be the process we would have achieved to give a meaningful role not only to the ministers of the government, but to all members in the House and to all members of the various committees.

I do not understand the government. It gave the bill to the committee for some nine months and various members of the committee introduced some 300 amendments. There was some real co-operation and compromise in committee to come to a unanimous report. Then the minister, and therefore the government on instruction from the minister, turned around and rejected all the work that went into the committee report. I do not know whether that was a lack of confidence in the work of the committee by the minister or whether that was a power play by the bureaucrats who draft these bills and cannot stand to see anybody change the bill that they intended by introducing amendments.

It is a process that is severely flawed and could be so much better and more productive in this place. To engage in this kind of endless filibustering is frustrating and a non-productive use of our time.

The other concern I have with the bill is that of a landowner and a rancher which I have been all my life. Both my wife and I have always been proud to be raised on the farm. We decided we wanted to have a ranch, to raise animals and raise our family in that environment. We have always considered ourselves pretty dedicated stewards of the land and protectors of the environment and the species that live in that environment. We always had a dream to do that. Over the years that dream has been somewhat altered because of the economic realities of agriculture today and the modest living that we are allowed to get out of that enterprise.

● (1735)

It makes me quite angry that for some 40 years or better of my life I worked in all parts around the globe to sustain a dream of being a landowner and rancher and then see the government abuse its power, to be able to take that dream away from me without compensation. I find that difficult and arrogant.

From that perspective it upsets me. It upsets me that there are people in this place, and in the country, who are so arrogant that they think they can change a process that has been going on this planet for millions of years. Species have been adapting and evolving. Climate has been changing and forcing the adaptation and evolution of species for as long as the planet has existed and it will continue for another million years. Certainly we have a responsibility as human beings to do everything we can on the planet to mitigate our influence on the planet but to think that we can actually halt or reverse that process is arrogant beyond belief. It is hard to understand how we can do that.

I will address some of the concerns of the bill. I recently received a letter as a result of an obvious and unexplainable flip-flop and change in direction by the Canadian Cattlemen's Association from a position opposing the bill to a position supporting the bill. The letter was from a fellow rancher who, instead of engaging in work in the oil field as I did to support my habit of ranching, became a lawyer so he could be a rancher. He is the director of the Western Stock Growers' Association. He expressed his concern with the decision of the Canadian Cattlemen's Association to change its position on the bill by saying:

> We believe the vast majority of those persons involved in raising cattle in Canada would not support a law which would allow their federal government to confiscate their land without fair compensation under the guise of protecting habitat (their land) of a species at risk; as well as the other issues addressed in the fact sheet faxed herein.

I agree with him. I do not know what in the world was offered to the Canadian Cattlemen's Association to convince it to change its mind. It is beyond belief. I was a member of that organization for many years. Certainly in the decision it made it is not doing the job that it was elected to do in representing the interests of cattle owners.

One of the other aspects of the bill that strikes terror in my heart, and it should strike terror in the hearts of most people, is the fact that for even unintended violations of the bill a landowner could face extremely severe penalties under the law, up to a million dollars and five years in jail.

Most landowners make a modest living from the land for the work they do. To be forced into a situation where they must defend themselves through the legal system against that kind of penalty should strike fear into the hearts of those people because very few of those people engaged in farming and ranching have the resources to defend themselves against the Government of Canada and against this kind of charge.

It would literally destroy them, bankrupt them and take away the livelihood that they had worked hard to put in place for themselves. That alone should make members think differently. Landowners do not have the same privileges as members of the House whose legal defence bills are picked up by the taxpayers of Canada.

● (1740)

The Acting Speaker (Mr. Bélair): It being 5.41 p.m. the House will now proceed to the consideration of private members' business as listed on today's order paper.

ROUTINE PROCEEDINGS

[*Translation*]

COMMITTEES OF THE HOUSE

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, following consultations between the parties, I believe that if you were to seek it, you would find unanimous consent for the following motion:

> That the Standing Committee on Foreign Affairs and International Trade, in relation to its studies on North American Relations and Security and the Agenda for the June 2002 G8 Agenda, be authorized to travel and hold hearings in two groups in Western Canada and Ontario respectively from May 5 to May 10, 2002 and that the necessary staff also be authorized to travel.

The Acting Speaker (Mr. Bélair): The House has heard the terms of the motion. Is there unanimous consent?

Some hon. members: Agreed.

(Motion agreed to)

[*English*]

SPECIAL COMMITTEE ON NON-MEDICAL USE OF DRUGS

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, after consultations I believe you would also find unanimous consent for the following motion:

> That, the Special Committee on non-medical use of drugs be authorized to travel to and hold hearings in Edmonton, Alberta and Saskatoon, Saskatchewan from Sunday, April 28 to Friday, May 3, 2002 in relation its mandate and, that the necessary staff accompany the Committee; and
>
> That, four members of the Special Committee on non-medical use of drugs be authorized to participate in the IDEAS Conference in Vancouver, British Columbia from May 1 to 3, 2002 in relation to its mandate, and, that, one staff person accompany the members; and
>
> That, the Special Committee on non-medical use of drugs be authorized to travel to New York and Washington, D.C., from Sunday, June 2 to Thursday, June 6, 2002 for meetings with officials from the United Nations, American Drug Enforcement Agencies and independent agencies in relation to its mandate and, that the necessary staff accompany the Committee; and
>
> That, the Special Committee on non-medical use of drugs be authorized to travel to Switzerland, Germany and The Netherlands from Friday, June 14 to Saturday, June 22 for meetings with European officials in relation to its mandate and, that the necessary staff accompany the Committee.

● (1745)

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

Some hon. members: Agreed.

(Motion agreed to)

PRIVATE MEMBERS' BUSINESS

[*English*]

COPYRIGHT ACT

Mr. Jim Abbott (Kootenay—Columbia, Canadian Alliance) moved:

Private Members' Business

Motion No. 431

That, in the opinion of this House, the government should draft legislation deleting sections 30.8(8) and 30.9(6) of the Copyright Act.

He said: Mr. Speaker, it gives me a great deal of pleasure to stand and speak to the issue because the minister of heritage in her wisdom has decided not to do anything about it. I draw to the attention of the House the fact that she is sitting on her hands with respect to the issue.

I will briefly describe what Motion No. 431 is about. In 1997 when the Copyright Act was amended and brought up to standard by Bill C-32 two clauses were inserted, namely clauses 30.8(8) and 30.9 (6). The issue is about copyright and the fact that artists should be able to gain from commercial playing of their performances.

I want it to be crystal clear: I and the Canadian Alliance Party are in favour of the principle of copyright and compensation for people whose performances are played by commercial radio stations in any form, particularly where gain is made by the performance.

During the hearings we looked at two issues. First, we looked at prerecorded recordings which are covered by section 30.9 of the act. Second, we looked at ephemeral recordings which are covered by section 30.8.

Ephemeral recordings are things that just happen. For example, let us suppose a Santa Claus parade went by a television camera and the camera captured the image but also captured a band playing *White Christmas* or another popular song in both video and audio. It would then presumably be replayed on a cable network at a later point.

Prerecorded recordings are obvious. They occur where people perform for the purpose of putting their music on some kind of medium which can be physically carried, sent through the mail, walked down the street or put into a tape player, CD player or whatever the case may be.

We looked at the fact that there are times when music which is typically in digital format is transferred from a CD to a direct drive, MP3 or other device. When music is transferred digitally it is called a transfer of medium.

I will restate for the third time that I and the Canadian Alliance are in favour of fair compensation for artists whose music is played on radio stations when the playing of the music yields revenue to the radio station. The artists should get to share in the revenue. I believe there is agreement on the part of all parties with respect to this.

Sections 30.8 and 30.9 of the Copyright Act focus on when the digital image of music is transferred from one medium to another but not heard or played. That is what the exclusion is about.

I will read from the act as it exists:

30.9 (1) It is not an infringement of copyright for a broadcasting undertaking to reproduce in accordance with this section a sound recording, or a performer's performance or work that is embodied in a sound recording, solely for the purpose of transferring it to a format appropriate for broadcasting, if the undertaking

(*a*) owns the copy of the sound recording, performer's performance or work and that copy is authorized by the owner of the copyright;

(*b*) is authorized to communicate the sound recording, performer's performance or work to the public by telecommunication;

(*c*) makes the reproduction itself, for its own broadcasts—

● (1750)

I will not read all the terms and conditions but, as technology advances and as we transfer this music, which is still in an unheard electronic digital format when it is being transferred from a CD to an MP3 player for other reasons, they are clearly there to get around the problems.

However, the collectives who were involved in the copyright hearings asked that the following clause giving this exemption be inserted:

This section does not if a licence is available from a collective society to reproduce the sound recording, performer's performance or work.

In other words, if I were Bryan Adams and I had a recording that was to be transferred and I was not a member of a collective, I, as the artist, would not be able to go after this unintended copyright fee because it is an unintended copyright fee. No value is received for this transfer of medium.

What has happened is that most of the action on this has been because the artists are generally members of a collective. What was intended to be an exclusion really is not an exclusion after all because the collectives are now pursuing it. This is really unfortunate.

I go back to the oral remarks of David Basskin of the CMPA to the Standing Committee on Canadian Heritage on November 7, 1996. On page 8 he stated:

Music publishers recognize that such copying [Radio transfers of format] is integral to the operation of radio stations, and also realize that any publisher foolish enough to demand payment for such copying would likely find himself frozen out of the station's playlist in short order.

Here is a commitment by somebody who was in a position of authority saying that he would not do this.

On November 7, 1996, he further stated:

I cannot speak for everybody, but I think I can speak for my board of directors who represent the largest and best-known interests. On the radio side, we don't seek to change the status quo. If this results in an agreement at a very low or gratis rate, I think we'd be entirely happy. I can't predict, but we'll certainly try our best and we'll keep the committee apprised of our work in this regard.

Not once but twice in that same committee this member said that his collective was undertaking not to do what it in fact was doing. It is presently before the copyright board trying to get a fee attached to the transfer of medium.

One collective, SODRAC, which was in place in 1997, said that it had an arrangement with CBC stating that when it had a transfer of medium with CBC it would pay for it. There was pressure from SODRAC literally days before the legislation came to a conclusion in committee to insert clause 8 into the legislation. The CMRRA, which is the Canadian Mechanical Reproduction Rights Agency, said that not only was it not collecting royalties but that it also had no intention of ever doing it. These collectives existed at the time but collected royalties for different things. After clause 8 was included and clause 9 as another clause, it developed a new sideline which allowed it to collect from another source.

This is completely unfair. We pointed out in committee that the insertion of these clauses would basically allow the collectives to supersede, wipe out or negate this very logical, rational and reasonable exception. When we pointed that out we were told by the collectives that they would not do this. This is a law that simply cannot stand because the collectives have not kept their word. In actual fact I could never understand why clause 8 and clause 6 were put in in the first place.

● (1755)

The Minister of Canadian Heritage should realize that this is an unfair form of revenue collection from the commercial broadcasters. It is unfair and unwarranted and is ill-found money. The collection of this accidental fee was never intended by the legislators, myself included, who were on the committee nor by the members of the House.

When talking about business, we are talking about a bottom line. Any business in Canada has a responsibility to pay its taxes, fees, rent and to pay its royalties.

This is the fourth time, but I want to make it crystal clear. I and the Canadian Alliance are not opposed to the collection of royalties. We believe that a person has a right to his or her property. If that property is being used for commercial purposes and there is commercial gain, there should be payment to the holder, the owner of that property.

By virtue of these two clauses of exception, those copyright holders are able to get their hands into an area to extract money which was never intended by the legislators.

I have brought forward this motion to prompt the heritage minister, to prompt the heritage department and to prompt my other colleagues in the House to make the necessary change so that our copyright system is fair and balanced.

[*Translation*]

Mr. Serge Marcil (Parliamentary Secretary to the Minister of Industry, Lib.): Mr. Speaker, I am very pleased to have an opportunity to speak to the motion before the House. The motion is for the government to draft legislation deleting sections 30.8(8) and 30.9(6) of the Copyright Act.

In the Speech from the Throne, the Government of Canada undertook to make Canadian copyright legislation among the most modern and avant-garde in the world.

The country needs a modern copyright regime. This regime supports Canadian authors and artists, as well as the cultural industries to which they belong. It is a powerful means of promoting innovation, entrepreneurship and success in the new economy.

The member for Kootenay—Columbia put forward Motion M-431. He is calling on the government to draft legislation deleting sections 30.8(8) and 30.9(6) of the Copyright Act.

In my view, the motion is premature, because this is one of the issues which will be addressed in the report to be tabled in parliament by the Minister of Industry, as required under section 92 of the Copyright Act.

In 1990, the Supreme Court of Canada held in Bishop v. Télé-Métropole, that ephemeral recordings are recordings within the meaning of the Copyright Act. Following this ruling, broadcasters had to obtain the permission of copyright holders to make such recordings. They argued that the procedure was onerous and costly and that these recordings were merely incidental to the actual broadcasting.

As a result, through Bill C-32, an act to amend the Copyright Act, passed in 1997, the government added sections 30.8 and 30.9. Under these sections, broadcasters who are authorized to broadcast a live program, a sound recording or a performance which is part of a sound recording may, without seeking the authorization of the copyright holder, make a single copy, also called an ephemeral or temporary recording, either for time shifting or for the purpose of converting a recording into an appropriate format for transmission.

That having been said, sections 30.8(8) and 30.9(6) also provide that if a licence is available from a collective society, a broadcaster must use the licence to make the ephemeral recording; he must also pay the required royalties.

As for French recordings, SODRAC, the Société des droits de reproduction des auteurs et compositeurs, was created in order to issue licences for the production of ephemeral recordings, among other things. As a result, Quebec broadcasters have been paying royalties for some time.

Outside Quebec there was no body authorized to issue licences. Recently the CMRRA, the Canadian Music Reproduction Rights Agency, converted to a licencing body in order to issue licences for the production of recordings. The agency has provided the Copyright Board with the list of charges it plans to implement. The board is due to hold hearings on this around mid-2002.

In June 2001, the Government of Canada began consultations and a reform to bring Canadian copyright legislation more up to date. The document entitled "A Framework for Copyright Reform" sets out the context and mechanisms of that reform and indicates the federal government's intention to take a step-by-step approach to examining reform proposals, consulting the Canadian public and amending the law.

Section 92 of the Copyright Act stipulates that the provisions and operation of the act must be reviewed. It also requires the Minister of Industry to report to both houses of parliament by September 2002. Subsection 92(2) requires a parliamentary committee to review this report.

● (1800)

During that review, the public will have the opportunity to present its views. The committee is required to report to parliament within a year of the tabling of the report required under section 92.

As the government has stipulated with the publication of its Framework for Copyright Reform, the report required in section 92 will set out the government's program with respect to copyright. More specifically, it will set out the list of questions to be addressed subsequently. These will be organized according to certain precise criteria, and then prioritized. One of the points to be included will be the wording of sections 30.8 and 30.9.

In conclusion, I would say that it is better to settle this question within the context of the procedure defined in section 92.

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, the purpose of Motion M-431, moved by the member for Kootenay—Columbia, is to also to amend the Copyright Act, by repealing subsections 30.8 (8) and 30.9(6), which would allow broadcasters to stop paying royalties on ephemeral recordings.

May I remind our colleague from Kootenay—Columbia that royalties are based on the legal notion of property, and that royalty protection normally ends 50 years following the death of the author.

On numerous occasions, the Bloc Quebecois has advocated for the legitimate rights of authors and artists to earn a decent living from the revenue generated by their creations.

When the member for Kootenay—Columbia tells us that they were not earned legitimately and that radio stations have costs and rent to pay, I could respond in turn that artists also have rent and costs to pay.

The federal government made a commitment to ensure that the Canadian copyright system remains one of the best and most progressive systems in the world. However, this must not be done at the expense of the protection of authors and artists.

The House gave serious consideration and held lengthy discussions when it established royalties. I would like to remind the House that these authors earn their living from royalties paid to them for what they have composed or created. Copyright exists as much to reward the creative process as the dissemination of knowledge and cultural content, and it encourages access to this knowledge and content. Many artists earn a very modest living and often their income is below the poverty level. Far too many artists earn between $7,000 and $12,000.

What is the purpose of this motion? How do we define ephemeral recordings? Allow me to explain it. This motion would exempt broadcasters from having to pay royalties when they transfer documents belonging to authors to their hard drive. Let us call this a copy. This transfer to a hard drive is done for the purposes of facilitating broadcasting.

The computer allows them, for example, to select all of the songs on a given subject, such as spring, women or another subject, without having to search through all of their collection manually. This process is therefore economically advantageous because it is quicker. So, broadcasters are, in fact, saving.

Before the advent of the new technologies, this selection was made by employees who were remunerated for their work. But the new method saves money, and these savings still do not seem to be enough. Now, what broadcasters want is to no longer have to pay the royalty when they transfer music or art to their hard drive because there is no immediate distribution. However, this transfer would never be done if the goal was not distribution.

Even though distributors are already realizing considerable savings through these technologies, they do not want to pay the royalties on the transfer, arguing that there is no distribution at that particular time. However, the body representing authors is formally opposed on their behalf to deleting this clause because this use of the work of creators is a copy, and there is no reason why creators should not be paid for their work.

If the member for Kootenay—Columbia had attended our committee's meeting this morning, he would have heard our questions about this. We asked certain stakeholders working on copyright what their position on this issue was, and this is what they told us.

Before Bill C-32, there was no exemption. Since the 30-day exemption, it is rare, not to say exceptional, for distributors to ask for this exemption. We also have a request from the member for Kootenay—Columbia reminding of the situation faced by creators.

The Copyright Act has evolved considerably since 1924. I would like to take a look at its history. The act has adapted to the new realities. From 1988 to 1994, four amendments were made to the Copyright Act, most of them in order to allow Canada to meet NAFTA and WTO obligations.

● (1805)

In April 1996, the government introduced Bill C-32, which recognized the neighbouring rights of artists and record producers, the implementation of a system of what is called “copies for personal use”, that is the right to charge royalties on blank audio tapes, the establishment of new exceptions, such as ephemeral copies.

Today, broadcasters want to do away with the concession for ephemeral recordings. What did they do prior to Bill C-32?

I am speaking today in order to remind the House that it has a duty to continue to protect artists despite all the pressures that may be brought to bear on some of its members to restrict application of the Copyright Act.

The House must take care to defend the rights of authors and performers to be paid for what they do, and paid every time their work is used or broadcast. I see no valid reason why creators would not be paid for their work and for the copies made of it.

I cannot understand why this motion is being brought forward now in the House, when the hearings on bills relating to the royalties payable in Canada for the reproduction of musical works by a radio station other than CBC and Radio-Canada are about to start, on April 22. I would like to offer an example.

The broadcasting association, via the agency that administers their royalty system, has proposed the following: television agencies would pay 25% of their gross revenues to them for a monthly licence, if their request is accepted. On the other hand, SODRAC's suggestion on behalf of the authors at these same hearings will be 1.96% of their revenue.

The conclusion we can reach from this example is that, when broadcasters want to be paid royalties they are very hard-line and demand high amounts, but when they are the ones to pay the royalties, they want the figure to be low.

The Bloc Quebecois will therefore oppose the motion of the hon. member for Kootenay—Columbia, because the work of authors and creators must be protected, and this is an essential value. Ephemeral recordings can indeed turn out to be permanent, and if this is the case, the authors will not be paid for their work. Therefore, ephemeral production rights are already an exception to copyright. I would call upon hon. members to become more aware of this issue.

This motion is not votable, as we know. It was, however, important to the Bloc Quebecois that we contribute our view to today's debate, in order to allow our creative artists to earn a decent living and to ensure that they gain as much as possible from their creative work.

● (1810)

[*English*]

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, I am pleased to speak to Motion No. 431 put forward by my colleague from Kootenay—Columbia. The motion reads:

> That, in the opinion of this House, the government should draft legislation deleting sections 30.8(8) and 30.9(6) of the Copyright Act.

My interest is always piqued when business of the House affects copyright. As I have said before, I am someone who has had the joy of receiving a royalty payment and I also believe I am the only member of the House who has made a living writing plays, so when Motion No. 431 came across my desk, I was interested.

Having read the motion many times, I could not understand what the motion intended to do. No offence is meant to my colleague, but I try to frame my writing so as to be understandable in at least one of the official languages. The way the motion is written, it is hard to know what it says.

Was it a motion that condemned proposed increases in the copyright levy on blank recordable material? I am opposed to the size of the proposed increases because I believe the amount is excessive and may erode public support for the all important copyright payments to creators. No, if that were the case it would read something like "That, in the opinion of this House, the proposed increase in the copyright tariff currently before the Copyright Board is excessive". I would be happy to rise today to support that motion, but Motion No. 431 reads nothing like that.

I pulled out the Copyright Act and tried to figure out what my friend from Kootenay—Columbia was talking about. I had my assistant call the member to get a better understanding of what he meant in the motion and I thank my friend for his kind explanations.

Section 30 of the Copyright Act deals with ephemeral recordings, a phrase that basically means recordings made for later broadcast but do not go directly to broadcast. Technically it is a breach of copyright to transfer a recording from one medium to another, just as it is a breach of copyright to photocopy a book or an article from a magazine. Section 30 outlines the circumstances when these ephemeral recordings are allowed without the express permission of the copyright holder, including what records are required, how long these recordings may be kept and so on.

Subsections 30.8(8) and 30.9(6) say that when a licence is available from the collective society of the specific individual copyright holder, then the other rules of section 30 do not apply and the licence fee applied by the copyright society takes precedence.

There have recently been testimonies before the Standing Committee on Canadian Heritage from private radio stations on the effect of these sections. They said that the sections amount to a loophole in the law which is being used by some of the copyright collectives to charge radio stations a royalty to transfer the recording to a medium from which it can be broadcast, the ephemeral recording, and then another royalty to broadcast the recording. They complain that they are paying a royalty twice to broadcast a song once. I suggest that Motion No. 431 really means that in the opinion of this House, radio stations should only have to pay once for the use of a recording for broadcast, regardless of how many times the recording must be transferred to a different medium to prepare for the single broadcast.

The concept is something I actually endorse. New Democrats support fair taxation, not double taxation. There are a few caveats I would like to put on the record on which my support is conditional.

The first is that the basic framework of the copyright collective is a concept we should all be supporting. There are many who use these organizations as the target for every economic ill in the copyright world. I think that the biggest step forward that has been made in our copyright laws has been the establishment and support of copyright collectives. These collectives are critical for the future of Canadian creators. After all, artists have little to no support in this country. If we look at real dollar expenditures in Canada over the last decade, government support for the arts and for artists is still at a lower level than it was under Brian Mulroney.

This lack of public support has made artists rely more and more on that little copyright cheque. Remember that the vast majority of Canadian creators make less than $20,000 a year, so these collectives are important to them because they are basically poor. Poor people cannot enforce their rights in our society by themselves.

● (1815)

Artists are not going to get legal aid to sue the local radio station or the local kid with an MP3 player for copyright infringement. Without copyright collectives, artists would be unable to enforce their rights, collect any revenue for the use of their work, or effectively negotiate with the huge media interests that primarily use their work to make a profit.

Another part of the Copyright Act I want to be on record as supporting are the sections that allow for private copying of music with the condition that creators are compensated through a small levy on the sale of blank material. I said earlier that I opposed the size of the proposed increase to the blank medium levy, but I oppose it because I worry that a 100% increase in the levy will erode public support for the whole levy system.

Frankly, I want to comment on the fact that the government and the collectives have done an abysmal job explaining the copyright system to the public. All I hear from my constituents is that they know the price of blank CDs is increasing and they are angry about it. No one is attempting to explain to consumers that the money collected by the levy goes directly to composers and performers. No one is explaining that the reason it is legal to make these private copies in Canada is that there is a levy to offset the loss in revenue to creators from private copying.

The government and the collectives, both of whom seem to have lots of money for private jets for the Prime Minister or in the case of SOCAN for meetings in the best private clubs in town, should be spending a small amount of their administrative costs on letting the public know how our copyright system actually works.

Canadians understand that the creators need to be paid for their work. They want to pay creators and performers for their work. They are suspicious of the current system because we live in a country with a history of hidden taxes and comparatively secret and wealthy organizations that only speak through their lawyers. This past behaviour has led the public to be suspicious of the whole public sector and copyright is not immune to this suspicion. They do not need to be suspicious and if the government and the collectives put some effort into public education, then they would not be.

I thank my friend for moving the motion. I hope that this debate contributes to a stronger copyright system.

Mr. Loyola Hearn (St. John's West, PC): Mr. Speaker, I intend to speak briefly on this matter. The comments made by the previous speaker are very appropriate, particularly when they are coming from somebody who is directly involved in the issue, who is aware of it, who undoubtedly has been the beneficiary of royalties at times and who perhaps has been questioned many more times about whether she really got her share of royalties. I also happened to have some of my works recorded and I am aware of some of the problems.

Section 30.8 of the Copyright Act deals with ephemeral recordings made for broadcast purposes and when it is not an infringement of copyright to produce them. Subsection 30.8(8) deals with the application of this section and states:

> This section does not apply where a licence is available from a collective society to make the fixation or reproduction of the performer's performance, work or sound recording.

Section 30.9 deals with the use of pre-recording for broadcast, again when it is not an infringement of copyright to produce. Subsection 30.9(6) deals with application and states:

> This section does not apply if a licence is available from a collective society to reproduce the sound recording, performer's performance or work.

Therefore, removing these two sections would remove the copyright protection inherent in licensing regimes that the exceptions in subsections 30.8(8) and 30.9(6) give and would remove the compensation to copyright holders for these recordings.

Many of our artists throughout this great country of ours try to make a living producing their works. Their only hope of gaining benefits from this work is in the royalties that they are paid. If a large broadcasting company is given free rein to pay for a licence to make a recording but is then allowed to re-record and ship to all affiliates, the material could be used, but the producer of the work, the artist or the writer, would only receive royalty on one piece of material or for having it used once. That is extremely unfair and that is something that many are concerned about.

The proposer of the motion, the member for Kootenay—Columbia, in January actually asked the minister with respect to the Copyright Act if subsections 30.8(8) and 30.9(6) allow for royalties to be collected upon transfer of medium, and if not, why not?

The minister responded, and it is very difficult to understand sometimes what is really being said, that subsections 30.8(8) and 30.9(6):

> provide that where a collective society can issue a licence to broadcasters for the purpose of reproductions of sound recordings, such as transfer of media, royalties are paid pursuant to the licence.

One of the concerns from the broadcasters' point of view is that if they are to pay royalties by using the material, that is fair ball, but if they have to pay royalties by transfer of recording, whether it be from tape to the different types of digital media that are used, then if they have to pay royalties each time transfers are made it is very unfair to the producers.

It is a complicated issue. The position of the Canadian Musical Reproduction Rights Agency is that such a recording exemption, removing the two sections in question, will allow broadcasters to cut overhead and staff because they can reduce work by just copying the material and sending it out to the various networks instead of each network having to use the material and produce it for its own purposes. The artists and copyright holders in this case would not be compensated. We also argue that since this practice has value for the broadcasters it requires compensation for the creators also.

● (1820)

During the 2000 federal election our party mentioned that we would introduce new copyright legislation which would serve both the creators of content and the broadcasters and publishers. The former speaker made a very interesting point in relation to this. If the charges become excessive, even though the artist, the original creator, will benefit more it might be a detriment for the use of that material. If the amount a broadcaster or agency that plays or uses material coming from a creator has to pay to exercise the right to use that material is excessive, then of course they will refrain from using it, from playing it on the radio or whatever. The loser in this case is the creator. The former speaker's comment was not exactly that half a loaf is better than none, but that a reasonable charge would make it beneficial for everybody. I think that is what we have to keep in mind when we talk about increasing rates.

The current government has neglected key areas of concern, including the management of the impact of digital media and the Internet on intellectual property rights. Therein are the causes of some of the problems we face. It is important that we ensure that copyright holders are fairly compensated for their work. The provisions in the Copyright Act allow for collective agencies, such as the Canadian Musical Reproduction Rights Agency, to collect on behalf of artists, songwriters and composers. It is only reasonable that broadcasters should pay a reasonable fee as compensation for use of an artist's work, but there has to be a happy medium, as I mentioned. We have to be very careful with what we do here because sometimes, as the old saying goes, we can throw out the baby with the bathwater.

● (1825)

Mr. Ken Epp (Elk Island, Canadian Alliance): Mr. Speaker, this is again one of those occasions on which I had not anticipated participating in the debate, but a whole bunch of ideas have come into my mind as I have listened to this riveting debate. We can see that all the members in the House are eagerly participating and are right on the edge of their seats to see whether or not this is something they should support.

An interesting thing has happened. All of us are aware of the fact that if a photocopy is made of a photocopy, et cetera, by about the fourth or fifth generation it is a very poor quality copy. The same thing is true for the old magnetic recording medium. The old reel-to-reels were replaced by smaller cassettes, but if a recording of a recording was made, the quality went down and so on. Four or five copies down the line, the quality was very poor. The amount of copying in that medium was automatically limited because the quality was so poor. Therefore, very few people did it.

With the onset of the digital age, there was a dramatic change. We can make a recording of a recording of a recording. We can do it 100 times in a chain. We can record from the first disc to the second with a computer. Here I am thinking of a CD disc or even the old magnetic discs. The chain is literally endless and the quality remains the same. It is a whole new ball game.

Certainly I am 100% in favour of people who create intellectual property, be it music or computer programs, owning the rights to any profit or any value gained by people buying and using it. Or in the case of copying, the rights should go back to the creator.

I did an interesting experiment way back when. I used to give away my computer programs. I was one of these guys who developed some interesting computer programs, including a word processor program, before Bill Gates was even born. He recognized that it was a valuable thing and marketed it, and look where he is and look where I am. For various reasons I used to give away my programs when I created them. Someone told me that I should sell them and it occurred to me that because copies could be made of copies, it would be good if everybody who owned a copy of my programs would be an automatic salesperson for those programs.

My computer programs all started with a screen that said one of two things could be done. Either the program could run or a copy of it could be made for friends. If the copy option was selected, the screen stated that if the users liked the program they could recommend it and sell it to friends. All I asked was that they send me the royalties for it. I had my address on the screen and I asked for $5 every time a copy was made. My theory was that I would become very rich, because my programs would first be given by me to five or six people and each one would sell them to two or three more and it would go exponentially. It would not be long until a million people would be sending me $5 each and I would not have to work for the rest of my life. It did not happen. I do not know what happened, whether my programs were not up to a valid standard or whether those who copied them just forgot or failed to send in the royalties. Unfortunately, nothing much came of it. I did get some money, but not enough to make me a wealthy person, not by a long stretch.

However, what I want to talk about is that it is true that in the digital world one can make new copies without loss of quality. I am very incensed by the fact that the minister of heritage has brought in this tax.

● (1830)

When I buy blank CDs for use in my computer, or blank tapes for recording different meetings and things like that, I deeply resent it that I have to pay a sin tax. We have the GST, property tax, income tax, and this sin tax. The assumption is I am going to sin by stealing before I ever do and I have to pay the tax. It is a wrong-headed idea.

I agree that artists should be getting value for their work but that is not the way to do it. It should be illegal to steal. We send the wrong message when we say that when people buy a blank medium, they have already paid the royalties by having paid the taxes and therefore they can make a recording and they are off the hook. I do not think that is right or fair. I want to emphasize that.

I want to talk specifically about what the motion addresses. I will use an analogy. With a product such as wine, it would be interesting if we charged the person at the restaurant for the bottle of wine, then when the waiter came along and poured the wine into the glass, the person was charged again. That would not be right. The person is only changing the place where the product is contained.

That is what happens at radio stations. They download a disc onto their computer system so that with their computer controls they can call up instantly any song or selection. They have not made a copy. They have not gained by it. Sure, they have gained a little efficiency, instead of having someone work in the back room looking through the shelves for the disc, or in the old days the vinyl discs, which is how they used to do it. They would have shelves and shelves and shelves of these discs or CDs. They had to be sorted alphabetically or some other way. A person would find the discs, put them into the player and play them one at a time.

That is a very inefficient way of operating, so they download the musical selections into a volatile memory and the selections can be accessed instantly. They have not made any more money. All they have done is poured the wine from the bottle into the glass and now it is being delivered to the user.

Certainly if they use it to duplicate something, then there should be a royalty, no question about it. They should have to pay a royalty if an additional copy is made for whatever reason. If it is sent to another radio station, there should be a royalty attached to it. It is the same thing with respect to the individual copying, MP3 copies and CD to CD copies of music.

We ought to be a society that pays the person who produces the product. The value of that product should remain there.

There is another interesting thing about intellectual property. My family has owned some land for about 65 years. There is no statute of limitations. There is nothing that says that after we have owned it for 65 or 70 years or whatever, it ceases to be ours and anyone else who wants it can have it. Yet this is true with books and music. It is true with drug companies who invent and patent drugs. They invent them and the rules are that they can have the exclusive rights to them for a certain length of time and then it goes into what is called the public domain. I even have some questions about that but that certainly is not the object of this motion.

I would like to support the motion my colleague has put forward. I regret that it is not votable. That is one of the flaws in this place. Every private member's bill or motion should be votable so that we can act on these recommendations and stand up for what we believe ought to be done.

● (1835)

Mr. Jim Abbott (Kootenay—Columbia, Canadian Alliance): Mr. Speaker, I would like to deal with a few of the remarks and then conclude.

I was interested in the representation by the Bloc Quebecois member. She talked about the legal concept of property and the legitimate right of the artist to earn a living and that the artists have to pay rent.

I do not know how many more times I can say it. I and the Canadian Alliance recognize the property of creators. We want to see that those people are compensated. I do not know how much more clear I can make it.

We are opposed to when there is double compensation for no particularly good reason. She and the member from the Progressive Conservative Party talked about the fact that the broadcasters are going to make savings. Guess what, they are going to create efficiency. They are going to create efficiency by investing in capital, by investing in their operation. When they invest in that operation, they are going to be penalized because they are going to be paying a double royalty.

I ask the question, why were we even considering the exemptions in sections 30.8 and 30.9 if in fact the loophole was that the exemptions were not going to exist unless they were accessed by collectives? Of course collectives are exactly the way that artists manage to collect the money. Therefore, the exemptions do not exist at all.

We must protect those authors and creators she said. I agree with her completely.

The NDP seem to be pretty much on side, but raise the issue, as did my colleague from Elk Island, of the blank recording material. This is a very critical issue. It is coming up on April 22.

For people's information, on jimabbottmp.com under bricks and bouquets which is on the lead page of website, I have a 500 word presentation on the whole issue of recordable material and how in fact when we did the Copyright Act that this was another part of it that was inserted which does create a problem.

Coming back to the motion at hand, my proposition is very simple, that we pay only once for the use of the recorded material, not that we pay twice. It would be once when the recorded material is transferred in medium and then when it actually hits airplay.

With respect to my friend from the Liberal Party, he says that this is premature. Excuse me, it is not premature. On April 22, in less than a week, we will be having this argument in front of the copyright commission. Shortly after that, payments will be required under this flawed legislation. It will not be reviewed until September 22. By his own words he told us that there will not be any changes at least until the following year. So how is this premature?

What is premature is the early taking of unintended fees from the people who are in the business of broadcasting music. He says it is better to settle this issue within section 92. No, I disagree. If the legislation is bad, if the double payment is being required and the double payment is unfair, then this issue should be dealt with right now.

I have lost count but I think it is at least the 10th time I have said that I am in favour of protecting people's creations with respect to copyright. The Canadian Alliance is in favour of protecting that property and seeing that those people are properly compensated when their property is being used.

Make no mistake about it. What I am after with this motion is to change the legislation so that the unintended collection of royalties will not occur. It is just that simple.

I seek the unanimous consent of the House to make the motion votable so that we can actually bring this to a proper debate on the floor of the House.

● (1840)

The Acting Speaker (Mr. Bélair): Is there unanimous consent to make this item votable?

Some hon. members: Agreed.

Some hon. members: No.

[*Translation*]

The Acting Speaker (Mr. Bélair): The period provided for consideration of private members' business has now expired. Since the motion has not been selected as a votable item, the item is dropped from the order paper.

ADJOURNMENT PROCEEDINGS

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

[*Translation*]

EMPLOYMENT INSURANCE

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, not so long ago, I asked a question in the House and I would like to refer to this question. I said, and I quote:

> Today L'Acadie nouvelle reported that the Liberals in New Brunswick obtained a document showing that Human Resources Development Canada and the Government of New Brunswick signed an agreement to make retired public servants eligible for employment insurance.
>
> One thousand three hundred public servants from New Brunswick took early retirement and obtained employment insurance benefits at the same time.

I will now quote the response from the minister:

> Mr. Speaker, the voluntary early retirement window is a provision that is part of the Employment Insurance program.
>
> This program is available to both public and private employers. It is my understanding that the agreement we have with the province of New Brunswick is being honoured there.

I am not really convinced that this is what the legislation says. As a result, I have gone further. I sent a letter to the Minister of Human Resources Development in which I explained that I do not know much at all about employment insurance, and that I would like it if she could enlighten me regarding which section of the act allows people to take early retirement and claim employment insurance at the same time.

Personally, I do not think this is right. I am anxious to find out whether the parliamentary secretary will be able to enlighten me on this and tell me which section of the act applies. I do not want a song and dance, just the section of the act, so that I can tell the people I know, who are asking me whether, when a company decides to force people to take early retirement, these people are entitled to employment insurance. To my knowledge, this only applies for the government of New Brunswick.

The leader of the Liberal Party is the one who turned this into a scandal in the Legislative Assembly of New Brunswick. He should have contacted his colleague or his federal counterpart before taking such action. It was the leader, Bernard Thériault, who raised this issue in the Parliament of New Brunswick, saying that what the government had done was not right. As well, in his speech to the Legislative Assembly, he said that the provincial government had changed sides and hired other employees to replace those forced into early retirement.

We have an employment insurance plan for people who have lost their jobs, and they cannot even qualify for benefits. In my region, the rate of unemployment is 20% and people cannot even get sufficient benefits to cover the spring gap. People are panicking and do not know what is going to happen in July and next fall.

I am most anxious to hear what the parliamentary secretary has to say about this question I put to the minister, whose answer was that it was in the act. I think that the answer should be simple. I am not asking for a big explanation; I am merely asking which section of the act entitles those who take early retirement to employment insurance, so that all Canadians in the private and public sectors can enjoy the same benefits.

● (1845)

Ms. Raymonde Folco (Parliamentary Secretary to the Minister of Human Resources Development, Lib.): Mr. Speaker, the hon. member for Acadie—Bathurst and I have had many discussions on this. I would just like to clarify the regulations on this, for there are such regulations. I will explain.

This is an employment insurance program to encourage early retirement. It allows workers to draw benefits when they leave their jobs as part of an approved workforce reduction plan implemented by their employer. This is covered by section 51 of the regulations.

Continuing my explanations, all public and private sector employers who plan to downsize can take advantage of this program to encourage early retirement. In early 2000, the province of New Brunswick announced that it would be undertaking workforce reduction and was authorized to take part in this program. The agreement covered eligible employees who left between April 1, 2000 and March 31, 2002.

The employees may therefore apply for EI benefits without penalty when they voluntary leave their job, because they are thus preserving another's job. Those applying for benefits under this provision are subject to the usual eligibility criteria, and the department examines their employment records in order to ensure that they are indeed participants designated for this approved program .

All employees—I repeat for the benefit of the member—from the public and private sectors who work for an employer with a workforce reduction plan that was approved by HRDC are treated the same way.

I would like to inform the member that the government of New Brunswick's workforce reduction plan meets the criteria set out in the EI voluntary early retirement window program. The agreement reached with the government of New Brunswick covered some 1,700 employees who left their jobs in the specified timeframe.

HRDC obtained the necessary information from the government of New Brunswick to determine that its workforce reduction plan met the criteria set out in section 51 of the regulations. Everything seems to indicate that the province of New Brunswick is respecting the terms and conditions of the agreement.

As regards the second part of the member's question, I would like to provide examples of other private companies that decided to take advantage of this program.

For example, in the member's province, there is Alliant Telecom-New Brunswick. For the period from November 2001 to June 2002, HRDC reached an agreement which covers 353 management and non-unionized workers, as well as 337 unionized workers.

Canadian National, across the country, is also eligible. We signed an agreement effective June 2001 to June 2002. It covers 353 management and non-unionized workers, as well as 337 unionized workers.

There is also Noranda Inc. and Brunswick Smelter, where there is an agreement in place for the period from May 2001 to May 2002. This agreement benefited 59 employees in 2001 and will benefit some 35 more in 2002. There are other examples, but I believe that is enough.

Mr. Yvon Godin: Mr. Speaker, I would like the parliamentary secretary or the Minister of Human Resources Development to telephone the Liberal leader in New Brunswick with this information. I say this because the message which has been given is, first, that what was done was not right, because it was a document that he could not have received. Second, the leader of the Liberal opposition in New Brunswick said that the Government of New Brunswick had hired new employees to take the place of those who had taken early retirement.

In conclusion, therefore, I would like to ask the parliamentary secretary whether her department followed this up and whether it has the information. Was the leader of the Liberal opposition, Bernard Richard, right to say in the legislature that the government had hired more people. Is he right, or is this not the case?

Ms. Raymonde Folco: Mr. Speaker, in response to the hon member for Acadie—Bathurst, I would say that the Government of New Brunswick's workforce reduction plan meets the employment insurance criteria concerning early retirement incentive programs. HRDC obtained from the Government of New Brunswick the necessary information to conclude that its workforce reduction plan met the criteria in section 51 of the regulations, the section referred to by the member.

I therefore conclude that, as far as we are concerned, all indications are that the Province of New Brunswick is in compliance with the terms of the agreement.

● (1850)

[*English*]

The Acting Speaker (Mr. Bélair): The motion to adjourn the House is now deemed to have been adopted. Accordingly the House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24(1).

(The House adjourned at 6.50 p.m.)

CONTENTS

Tuesday, April 16, 2002

ROUTINE PROCEEDINGS

GOVERNMENT ORDERS

STATEMENTS BY MEMBERS

ORAL QUESTION PERIOD

GOVERNMENT ORDERS

GOVERNMENT ORDERS

ROUTINE PROCEEDINGS

PRIVATE MEMBERS' BUSINESS

ADJOURNMENT PROCEEDINGS

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

Also available on the Parliamentary Internet Parlementaire at the following address:
Aussi disponible sur le réseau électronique « Parliamentary Internet Parlementaire » à l'adresse suivante :
http://www.parl.gc.ca
