



CANADA

# House of Commons Debates

---

VOLUME 137 • NUMBER 173 • 1st SESSION • 37th PARLIAMENT

---

OFFICIAL REPORT  
(HANSARD)

**Monday, April 22, 2002**

—

**Speaker: The Honourable Peter Milliken**

## **CONTENTS**

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

All parliamentary publications are available on the  
"Parliamentary Internet Parlementaire" at the following address:

**<http://www.parl.gc.ca>**

# HOUSE OF COMMONS

Monday, April 22, 2002

The House met at 11 a.m.

---

*Prayers*

---

•(1110)

[English]

## BUSINESS OF THE HOUSE

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

That the government immediately introduce legislation to protect children from sexual predators including measures that raise the legal age of consent to at least sixteen, and measures that prohibit the creation or use of sexually explicit materials exploiting children or materials that appear to depict or describe children engaged in sexual activity.

The motion, standing in the name of the hon. member for Regina—Lumsden—Lake Centre, is votable. Copies of the motion are available at the Table.

---

## PRIVATE MEMBERS' BUSINESS

[English]

### NATIONAL HORSE OF CANADA ACT

The House proceeded to the consideration of Bill S-22, an act to provide for the recognition of the Canadian horse as the national horse of Canada, as reported (without amendment) from the committee.

**Mr. Murray Calder (Dufferin—Peel—Wellington—Grey, Lib.)** moved that the bill be concurred in.

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

**Some hon. members:** Agreed.

**An hon. member:** On division.

(Motion agreed to)

**Mr. Murray Calder** moved that the bill be read the third time and passed.

He said: Mr. Speaker, I am honoured once again to speak to Bill S-22 which would recognize the breed known as the Canadian horse as the national horse of Canada.

I hope that hon. members saw for themselves what a beautiful horse this is when we brought some horses to the Hill last Wednesday. This sturdy but gentle and intelligent breed is an animal that we can all love and be proud of. It would make a perfect symbol for all of Canada. I have spoken extensively at second reading so I will keep my remarks short today to give other members a chance to wrap the bill up today.

Why the Canadian horse? This is the only breed uniquely developed in Canada. All other breeds are imports. The breed which was developed in Canada is different than its European ancestors and has adapted to the harsh Canadian conditions. This is uniquely our horse.

It played a role throughout Canadian history since it first came from the stables of Louis XIV in the mid-1600s. Not only was it important for centuries in new France, but it helped open up other parts of Canada including the maritimes, Ontario, and western Canada. As a few hon. members discovered the hard way, the horse has developed many devoted fans in western Canada who are prepared to defend with facts the claim that the Canadian horse also has deep roots in the west.

It helped shape our history by carrying Canadian troops in battle during several wars. The Canadian horse provided genetic stock for a number of other major North American horse breeds. Its recognition therefore is a boost to the equine industry as a whole. This horse has twice almost come to extinction, with less than 400 in the 1970s surviving. National recognition would increase its popularity with the breeders, ensuring the survival of this heritage breed.

Other countries recognize national horse breeds: Mexico, Peru, Brazil, Scotland, Ireland and Denmark, just to name a few. We too should be proud of what is ours and what is uniquely Canadian.

I have been impressed by the way that this little iron horse has brought together Canadians from all parts of the country and of most political persuasions as well. I have support throughout the House for the bill. I have heard from horse breeders and horse lovers from east to west. They have been in touch with each other in this effort.

Last Wednesday I had the pleasure of sharing a carriage ride with the hon. member for Nanaimo—Cowichan. Other members also set aside partisan differences to share their enthusiasm for this horse. Last Wednesday's event on the Hill was jointly sponsored by members of parliament from the four other parties in the House. Indeed I credit many of my opposition colleagues for the bill's success so far.

*Private Members' Business*

In the spirit of cross party co-operation, I hope that the bill is passed tout de suite.

• (1115)

**Mr. Scott Reid (Lanark—Carleton, Canadian Alliance):** Mr. Speaker, I too am speaking in support of Bill S-22, recognizing the Canadian horse as the national horse of Canada.

I will divide my brief remarks into four sections: first, Senate bills and how they ought to be treated in the House; second, the value of symbols; third, the question of whether the Canadian horse is the appropriate breed, considering the claims of rival breeds to be the national horse of Canada; and finally, some of the reasons why the Canadian horse deserves to be our national breed and to be recognized as such.

I will begin with the first question. Some have been arguing, and this was discussed in the *Hill Times* a few issues back, whether Senate bills ought to be debated in the House and passed through this House when we face a situation in which private members' business and private members' bills are increasingly being shut down in the House.

There is a serious problem with private members' bills originating in the House being unable to go forward for a variety of reasons. It originates with the unwillingness of the government to allow backbenchers of all parties to put forward bills on various subjects that are of importance to their constituents. Unfortunately, one of the few ways that such bills can go forward is by originating in the Senate, which does not have the same degree of control from the government. For that reason the bill should not be rejected or considered on anything other than its merits as a bill in the House. That is really all that has to be said on that subject.

Really, a bill is a bill. The founders of our country were concerned about the nature of bills that could originate in the Senate. That is why they put restrictions in our constitution. Money bills, for example, cannot originate in the Senate. We ought to be respectful of their wishes and say that when a bill is not a money bill, it is just as legitimate when it originates in the Senate as it is when it originates here. We ought to seek to correct the problem of too much restriction of private members' business by dealing with the rules of this House and the behaviour of the committees of this House rather than through any other approach.

I turn to the question of the value of symbols. Some would argue that we ought not to be worrying about whether or not we have a national horse. I disagree with this.

Members should consider the symbols that we do have. We have a national animal, the beaver. There was a time when that might have seemed silly, but that is a unifying symbol. It relates to our history. The beaver has a prominent role in our history, both in New France and then through the Hudson's Bay Company, the Northwest Company and the settlement of the west.

Similarly we have a national leaf, the maple leaf. The maple tree is not endemic to Canada, but Canadians travelling overseas who see other persons with a maple leaf on their backpack know that they are fellow Canadians and feel an immediate sense of commonality and comradery with other Canadians. I do not think any Canadian did not feel proud watching our athletes marching into the stadium at Salt

Lake City, wearing the maple leaf on their jackets. That is a unifying symbol even though it is not endemic to the entire country.

Third, we have a national song. *O Canada* originated specifically as a song that was relative purely to Quebec. Times have changed and it is now a unifying symbol for all of Canada. All of us again felt our hearts swell when we saw the Canadian flag, the maple leaf, raised in Salt Lake City and *O Canada* being played.

Finally, we have a national holiday so I do not see why a national horse would necessarily not fit into that pattern very nicely. I suggest this adds to the richness of our symbols. The greater the breadth of the symbols that unify us, the greater is our national unity.

I wish to deal with the question of rival breeds, other horses that could potentially be considered national horses for Canada. There are only two other breeds that originated in Canada: the Newfoundland pony and the Sable Island pony. Both have their origins here. Of course, neither of them could be considered to be geographically widely spread, particularly the Sable Island pony, notwithstanding its widespread fame. The Sable Island pony is not a formally registered breed whereas the Canadian horse is a formally registered breed. It is the only formally registered breed that has its origin in Canada. This is a good argument in favour of considering it our national horse.

• (1120)

It has been suggested that the mustang should be Canada's national horse. The mustang's formal name is the American mustang, and its endemic range after it was released from its ancestors, the Spaniards in the 1500s, was primarily in Mexico and the American southwest. Canada, especially the Canadian prairies, is simply too cold for the mustang to survive outside of having human care. It would be a poor choice as Canada's national horse.

Interestingly enough the mustang is partly derived from the Canadian horse. In the 1860s many Canadian horses used by both sides in the American Civil War escaped and the gene stock of the American mustang now contains the blood of the Canadian horse among its other components.

This is true of a number of American breeds including the Morgan, the Tennessee Walker, the American Saddlebred, the Missouri Fox Trotter and the standard breed. All of them have some ancestry from the Canadian horse. That is an argument not in favour of including any of them as our national horse. However the Canadian horse has had a tremendous influence and therefore does us proud as a nation.

I would like to say a few words in praise of the Canadian horse and its merits. The Canadian horse was introduced in New France in 1665 during the reign of Louis XIV. In contrast to the many other popular breeds in Canada such as the American Saddlebred, the standard breed, the Morgan, the American quarter horse and the Appaloosa that originated in the United States, the Canadian horse originated solely within Canada. By its physiology it is a horse well suited to Canada. It is physically a strong horse. It is not a large horse, but its compact size helps it to survive in cold weather. It is resilient and strong, thus the nickname, the little iron horse.

*Private Members' Business*

To give a sense of the natural hardiness of this horse I would like to read from a letter that was received by my constituency office. It is from an individual who owns some Canadian horses. It states:

Besides my two Canadian horses, I also have two American quarter horses. My two quarter horses have had numerous health and lameness troubles in the past year. They are kept in the same pasture as my Canadiens, who have not had so much as a scratch or a runny nose. My two Canadiens are fat and sassy on a minimum of feed. My quarter horses require a great deal of grain to keep their weight at a decent level.

I am not a horse owner myself but I do appreciate the good nature of the Canadian horse because my parents are involved with horses. They run a therapeutic riding stable south of Ottawa, and a good natured horse is absolutely essential to therapeutic riding for persons, particularly children, suffering from either physical or mental disabilities who gain benefits from the interaction with the horse and from knowing that horse will be well-behaved, gentle and considerate toward them. The relationship they form with the horse is every bit as important as the physical therapy they get from riding the horse.

I have breeders in my own constituency. I had the great pleasure last December of riding in a carriage pulled by two beautiful Canadian horses around the town of Pakenham, the centre for the breeding of the Canadian horse.

I would like to conclude with another passage from a letter I received in my constituency office explaining why one Canadian feels we ought to honour the horse. It states:

We should honour the Canadian Horse, who has earned the right to be called Canada's National Horse. The Canadian Horse truly represents what the residents of Canada should strive to be—strong, intelligent, noble, honest, hard working, and true to its roots. The Canadian is resistant to disease and cold, and lameness is practically unheard of. After all, none of us are native to North America, but rather, we all descend from immigrants of other countries, who came here, adapted, multiplied, and produced the many great residents of our nation. What breed to better represent our history, than one who has done the same?

• (1125)

**Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP):** Mr. Speaker, it gives me great pleasure to rise on behalf of the federal New Democratic Party and thank the hon. member for Dufferin—Peel—Wellington—Grey for bringing this debate to third and final reading.

Everyone knows the joke about the horse that went to the veterinarian and the veterinarian said “Well, what is with the long face?” There would be a lot of long faces in Canada if this bill does not pass as the member has brought it forth.

I want to quickly thank all the organizers and the hon. member's staff for organizing last Thursday's Horse About on Parliament Hill. Anyone who saw those four Canadian horses would marvel at the beauty they displayed on Parliament Hill.

I also want to bring greetings on behalf of Mr. John Hart and his family from Margaree Centre in Cape Breton. They have Canadian horses and have been trying to push this issue for many years to bring it to fruition.

In conclusion I would say that the member and the House will have neigh problems from the New Democratic Party on this very important issue.

**Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.):** Mr. Speaker, it is really an honour to be the

seconded to this bill. It gives me the opportunity to draw the House's attention to a phenomenon that has occurred on this set of benches where I sit next to the member for Dufferin—Peel—Wellington—Grey. By the sheerest coincidence, three of us in this row: the member for Scarborough Centre; the member for Dufferin—Peel—Wellington—Grey; and myself, the member for Ancaster—Dundas—Flamborough—Aldershot, all at the same time have had bills before the House within two weeks that dealt with symbols of national unity, symbols of Canada.

The member for Scarborough Centre, who is of Greek descent, brought forward a bill pertaining to respect for the national flag. It was very appropriate in his case because, if we remember, Greece is the cradle of civilization and of freedoms, and I like to think of the member for Scarborough Centre as the man of culture who brought forward a bill pertaining to the symbols of Canada.

Myself, I am merely a man of words and my bill would have pertained to changing the oath of citizenship to reflect the values of the charter. My bill in fact was to be debated today and it was with great pleasure that I was able to exchange the time with the member for Dufferin—Peel—Wellington—Grey so his bill could go forward. I regret that my bill is not currently votable but his is. It now stands a very good chance of passing into law.

The bill we have before us now is a bill that pertains to making the Canadian horse the national horse of Canada, a very important national symbol. The member for Dufferin—Peel—Wellington—Grey is a farmer, so we have before us a bill dealing with national symbols from a man of the land. Here we have a man of culture, a man of the land, a man of words and today, the man of land has the floor.

Symbols are dreadfully important and Canada is deficient in them. One can only think of two important symbols. One is the beaver, which was adopted by a pioneering society which saw in the beaver the same type of industry and effort that those who came from all over the world to clear the land saw in themselves.

The second important symbol, and it has taken a long time for it to take root in Canada but is now one of the most important symbols of all, is the maple leaf. The maple leaf is the symbol of Canada not because there are maple trees everywhere in Canada. It is because of that glorious show of yellow, gold and red that we see every year which uplifts the spirit of every Canadian. Regardless of where we come from in our ethnicity or who we are, every Canadian sees the red and gold of the maple leaf and they feel that spirit in them. That is one of the things that helps them identify themselves as Canadians.

Thus we have a third symbol and that is the Canadian horse. It is so appropriate because the moment we see the Canadian horse we fall in love with it. Not only is it a tremendously beautiful animal, it also symbolizes the kind of industry and sheer niceness about being Canadian. The Canadian horse is rooted in Canadian history going right back to Louis XIV of France who sent the first contingent of horses to Canada. The Canadian horse has become an integral part of our national identity. It is extremely appropriate that we have the bill before the House. We actually have a chance of making this symbol into law. I think this is an extraordinary opportunity and I really congratulate my colleague for his success in bringing it so close.

*Private Members' Business*

Finally, I would like to point out that symbols are dreadfully important. We do not have enough of them in this country perhaps but national symbols are the things that declare the identity of people and in this day and age the world is becoming a much more dangerous and frightening place.

● (1130)

It is very important for Canadians to develop a stronger sense of their identity through their symbols, and symbols are very powerful when they do this, because we seem to be entering into an era of much doubt and distress. There is a rise of a kind of religious nationalism that will run in full collision with the kind of principles of freedom and democracy and open society that this country has come to represent. Symbols like the Canadian horse, and the Canadian flag from the member for Scarborough Centre, and I hope some day an oath that will reflect Canada's fundamental values, is the armour Canadians will need in years to come when we see the type of nationalism that poses a threat to the fundamental values that unite us as Canadians.

I will just state those values: equality of opportunity, freedom of speech, democracy, respect for the rule of law and the search for human rights for all people. This is what being Canadian is all about. This is what our symbols ultimately point to.

We have taken one giant step with the bill the member for Dufferin—Peel—Wellington—Grey has brought before the House today. The Canadian horse is an important symbol and I am extremely proud to have been a part of the debate today.

**Mr. Gerald Keddy (South Shore, PC):** Mr. Speaker, it is with pleasure that I rise today to speak to Bill S-22, the national horse of Canada act. Once again I would like to thank the member for Dufferin—Peel—Wellington—Grey for bringing this Senate bill into the House of Commons under his tenure and under his leadership. He has done a fine job in pursuing the bill, along with our colleagues in the Senate.

For me it is a special pleasure to speak to Bill S-22. Back in 1990, in New Ross, Nova Scotia, the town where I was born and raised and where I live today, Allan Hiltz started the rare breed program. He brought in and brought back to this agriculture museum the Cotswold sheep, the Berkshire pig and the Canadian horse.

In 1990, the three Canadian horses that were purchased from Quebec brought the total Canadian horses, not just in Nova Scotia but in the maritime provinces, to five. Three were at the Ross Farm Museum, one was at the Louisbourg National Historic Park and one was owned by Ruthanne Hart, who is the founding member of the Canadian Horse Breeders Association, Atlantic District.

There are now 3,000 Canadian horses across Canada, with 250 foals being born every year. Eleven of those horses are in the small community of New Ross, with eight of them at the Ross Farm Museum.

Canadian horses and heritage animals are definitely a part of our Canadian heritage. They take us back to the very roots of our existence. Part of the foundation stock for the Canadian horses were horses that were brought from France to LaHave in Lunenburg county in 1632 to 1635. Some of those bloodlines still run in the horses that were later taken to Quebec.

It is important to remember that most of the horses already in Nova Scotia prior to 1632 were picked up when Argall raided the French settlements in Nova Scotia and burned Port Royal. They stole the horses and took them back to New England. A lot of the original breeding stock that was in Nova Scotia was lost. It was the horses that were brought into LaHave and the horses that were later taken to the province of Quebec that established the foundation stock for the breed today.

It is not my intention to be longwinded on the bill today. All of us want to see the bill go through the House as quickly as possible. However, I have one more comment to add.

I listened with interest to the member for Lanark—Carleton. I would like to correct one part of his debate for the record. There is no such thing as a Sable Island pony. I have been on Sable Island many times and have worked out there for eight years on the offshore. There are Sable Island horses and they are direct descendants of Canadian horses. Those are horses that were picked up in 1755, 1756 and 1757 during the expulsion of the Acadians and taken to Sable Island. That is the foundation stock of the Sable Island horses, which is exactly the same foundation stock as Canadian horses.

In closing, I once again congratulate the member from the government side for bringing the bill forward. It is a great bill and a great day for all Canadians.

● (1135)

[*Translation*]

**Mr. Clifford Lincoln (Lac-Saint-Louis, Lib.):** Mr. Speaker, since its arrival in the colony of New France, the Canadian horse has been acknowledged for its strength, endurance, vitality and good temperament. From the very first, it provided substantial support to the first builders, the first farmers, the first loggers of the new colony.

The Canadian horse has the longest history of any horse breed in Canada. The first ones came from the royal stables of Louis XIV in 1647. The new Canadians were quick to discover and depend on the numerous attributes of the breed.

This horse was to be used everywhere, on the farms in particular, as well as for transporting people and goods. They were also raced.

[*English*]

The Canadian horse made an impact across the land and was soon employed all the way from Manitoba to Nova Scotia. It was also used as a cross-breeder and indeed it gained renown also as a war mount and pack horse.

For instance, during the American civil war hundreds and thousands of Canadian horses were purchased for the purpose of war and sadly left dead on American battlefields as indeed on other battlefields such as those of the Boer War.

Large numbers of the Canadian horse were also purchased and shipped off to our neighbours in the south to be bred with racing trotters and pacers, and a significant number even found homes as far away as the West Indies.

Sadly, the breed almost perished as a result of its popularity as a war horse and a cross-breeder. These activities, combined with the general neglect of all horses due to the arrival of mechanized farm machinery, nearly sounded the death knell of the Canadian horse.

Thankfully the breed is now enjoying a renaissance. Through astute management on the part of breeders helped by the federal government and Quebec government and with the help of the Equine Research Centre in Guelph, the number of Canadian horses is on the rise. Today it is estimated that there are between 2,000 and 3,000 across the land.

People across Canada and the United States are now rediscovering the breed and are falling in love with the Canadian horse all over again. Making the Canadian horse a national symbol will attract to it the respect and recognition it has always deserved. Indeed, the Canadian horse, strong, calm, hardy and intelligent, is a fitting national symbol for all Canadians.

For all these reasons, I hope that all members will join in support of Bill S-22.

• (1140)

**Mr. Richard Harris (Prince George—Bulkley Valley, Canadian Alliance):** Mr. Speaker, I felt that I had to speak on this Senate private member's bill just briefly. I want to point out the dictatorial way that the government has acted in relation to private members' bills coming in through members of parliament.

Apparently an attempt was made to introduce a bill such as this some time ago and was quickly—

**The Acting Speaker (Mr. Bélair):** I am sorry, the hon. member is way off the subject that we are debating this morning. I will give him the floor again if he will please come back to the subject of the Canadian horse.

**Mr. Richard Harris:** Certainly, Mr. Speaker, this private member's bill that came through the Senate in an attempt to represent the creation of a Canadian horse is important.

For that reason, I think our members are likely to support the bill. However, at the same time, we express our discontent with the way the government has treated private members' bills originating in the House of Commons.

• (1145)

**The Acting Speaker (Mr. Bélair):** Is the House ready for the question?

**Some hon. members:** Question.

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

### *Government Orders*

**Some hon. members:** Nay.

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

*And more than five members having risen:*

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

*And the bells having rung:*

**The Acting Speaker (Mr. Bélair):** At the request of the chief government whip, the vote is deferred until tomorrow afternoon at the end of government orders.

**Mr. Joe Jordan:** Mr. Speaker, I rise on a point of order. I ask that we suspend until 12 noon.

### SUSPENSION OF SITTING

**The Acting Speaker (Mr. Bélair):** Is it the wish of the House to suspend the sitting until 12 noon?

**Some hon. members:** Agreed.

(The sitting of the House was suspended at 11.45 a.m.)

### SITTING RESUMED

The House resumed at 12 noon.

---

## GOVERNMENT ORDERS

• (1155)

[*English*]

### CRIMINAL LAW AMENDMENT ACT, 2001

The House resumed from April 18 consideration of the motion in relation to the amendments made by the Senate to Bill C-15A, an act to amend the Criminal Code and to amend other acts.

**Mr. Gary Lunn (Saanich—Gulf Islands, Canadian Alliance):** Mr. Speaker I am very pleased to rise on this Senate amendment. I would like to say at this time, Mr. Speaker, that I will be splitting my time with the member for Prince George—Bulkley Valley?

I am opposed to the amendment. Basically it does two things. First, it deals people who innocently have computers systems which have been used for a criminal offence or for child pornography. They would not be convicted of an offence or be charged with an offence.

The problem with the Senate amendment is that while it tries to protect an innocent third party from prosecution if that person did have the criminal intent to commit the crime, it also creates some loopholes for those people who intentionally intend to use the Internet for child pornography. These people could slip through the cracks by having a defence and therefore might not be charged.

*Government Orders*

Some people have argued the other side. People using other forms of communication other than the Internet could also be innocent. I would argue that with charges related to child pornography, there has to be the mens rea element or intent to commit the offence. We do not need to write that into the statute. The danger of doing that is we could be creating loopholes for those people who intended to use the Internet for child pornography and could use this section in their defence.

Again, we in the Canadian Alliance are opposed to this for that reason. The sections under the criminal code already have the mens rea element, and this does not have to be put into statute.

The second aspect in the Senate amendment is where the accused is charged with an offence where the written material is alleged not to constitute child pornography. It all comes down to artistic merit. This area has huge problems as we have witnessed when the Supreme Court of Canada sent the Robin Sharpe case back to the B.C. supreme court. The court ruled that in certain areas when Robin Sharpe dealt with child pornography, he could not be prosecuted for his violent writings because they were found to have "artistic merit".

I have a very difficult time with this. They are going down a very dangerous, slippery road. Robin Sharpe originally argued that this was a charter issue and a violation of his freedom of expression to use it for his own personal use. When it went back to the B.C. supreme court, it took one step further, and that was artistic merit.

This is an area where we have to put the rights of society against a possible right, and I do not even argue that it is a right, of an individual. Child pornography deals with the most innocent and vulnerable in our society, and that is our children. We have to use every bit of due diligence to ensure that we as parliamentarians have the correct legislation to protect our children.

● (1200)

In light of the recent B.C. supreme court decision which acquitted Mr. Sharpe in certain cases because of "artistic merit", we as legislators should focus on that and say no, we will draw clear legislation that makes the use of child pornography a serious crime. The excuse, and I will call it an excuse, of artistic merit will not be tolerated in any way, shape or form.

We have a duty and an obligation as legislators to ensure we protect our children from sexual predators. As we have seen in the past, artistic merit can be interpreted broadly. The people put at risk because of these interpretations, our children, have no way to defend themselves.

I will say on the record that I hope the attorney general in British Columbia will appeal the recent decision of the B.C. supreme court which cited artistic merit as a reason for acquitting Mr. Sharpe. These are the areas we need to focus on.

The Senate has brought back a sub-amendment to ensure the legislation would protect innocent third parties. What it would really do is create loopholes for people who would find a way to use them. People could claim they were innocent third parties while using the Internet to exploit the most vulnerable in society.

For these reasons I will be voting against the Senate sub-amendments on Bill C-15A that are back before the House.

● (1205)

**Mr. Richard Harris (Prince George—Bulkley Valley, Canadian Alliance):** Mr. Speaker, I am pleased to rise this morning and speak to a group of Senate amendments to the child protection provisions contained in Bill C-15A.

The new legislation would create the offence of luring a child by means of a computer system. It would define child using the same ages set out in the Criminal Code of Canada. Accordingly, it would be a crime with a maximum penalty of five years to use the Internet to lure persons under the age of 18 for prostitution, child pornography, sexual assault, incest or sexual touching where the accused is in a position of trust. The age would be 16 for abducting an unmarried child from his or her parents. The age would be 14 for sexual interference, invitation to sexual touching, bestiality in a person's presence, exposure or harbouring.

The bill would create the offences of transmitting, making available or exporting child pornography through a computer system, offences which would carry a maximum penalty of ten years. The new legislation would also prohibit persons from intentionally accessing child pornography on the Internet, an offence which would carry a maximum penalty of five years. The material would be liable to forfeiture if deemed by the court to be child pornography.

We in our party have a couple of problems with the Senate amendments. First, we have a problem regarding the Internet. As my hon. colleague from Saanich—Gulf Islands pointed out, the amendment is far too broad to effectively hit the target. Because of the amendment's broadness legal minds would be searching for loopholes in it. The amendment would be an open invitation for people intent on using a computer to export, access or sell child pornography. It would be an open invitation for them to go running to the legal minds of the country who want to deal with the issue and find loopholes to challenge the amendments in a court of law.

We are dealing with people who possess, distribute and create child pornography. We are dealing with the lowest form of humanity: people who seek to draw children into a position to make and proliferate this type of material. If we are to target these people, and indeed we must because they are ruining the lives of countless thousands of people, we must have legislation that does not go out like a shotgun spatter and miss the target. We must set our sights on these people with legislation that is 99.9% loophole free.

● (1210)

I know how the law works in Canada. One can take almost any law and find a way around it if one has a devious mind. A lawyer who is able to make a silk purse out of a sow's ear in a court of law can set some sort of precedent through a loophole. The amendment dealing with the Internet is far too broad in its application and would create loopholes. We need a more targeted approach.



*Government Orders*

Second, we have a problem with artistic merit. I roll my eyes when I think about the Sharpe decision and the so-called artistic exhibits we have seen in the National Gallery. Since I have been in Ottawa I have seen exhibits with a sexual attachment to them that the vast majority of Canadians would find absolutely disgusting. Yet somehow the artists were able to convince whoever they needed to convince that the works had artistic merit. There are dozens of examples here in Ottawa and at the National Gallery.

As for the judges who argued Sharpe's material has artistic merit, a board of inquiry should look at their competency to sit on the bench. If they were politicians their competency to sit in the House of Commons would be questioned. The lawyers who found a way to create the so-called artistic merit defence are an absolute disgrace to the legal profession. That is my opinion but I believe it is shared by many Canadians.

I will finish because I have said enough about the issue. However I will move a motion. I move:

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

“the amendment numbered 2 made by the Senate to Bill C-15A, An act to amend the Criminal Code and to amend other acts, be now read a second time and concurred in; and

That a message be sent to the Senate to acquaint Their Honours that this House disagrees with the amendment numbered 1(b) because the amendment applies the artistic merit defence to the new offences introduced by this act which could impact negatively in child pornography cases and this House disagrees with the amendment numbered 1(a) made by the Senate to Bill C-15A, An act to amend the Criminal Code and to amend other acts, because the amendment could exempt offenders from criminal liability even in cases where they knowingly transmit or make available child pornography.”

• (1215)

**The Acting Speaker (Mr. Bélaire):** The Chair will take the motion into deliberation and the Speaker will make a decision later today.

**Mr. Richard Harris:** Mr. Speaker, could you clarify what you mean by taking it into consideration? Are you saying you will determine whether the motion is appropriate?

**The Acting Speaker (Mr. Bélaire):** Yes.

**Mr. Dick Proctor (Palliser, NDP):** Mr. Speaker, we are debating amendments to an act to amend the criminal code, specifically Bill C-15A, and that the House support amendments numbered 1(b) and 2 that were made recently by the Senate, but the Minister of Justice has indicated that the government disagrees with Amendment No. 1 (a) because;

the amendment could exempt offenders from criminal liability even in cases where they knowingly transmit or make available child pornography.

Amendment No. 1(a) is designed to ensure that Internet service providers are not found liable for illegal acts under the legislation. This would mean that account providers would not be responsible for illegal content posted on websites owned by their account holders and made possible by the Internet service provider's equipment as well as not being held liable for illegal content received in an e-mail address or accessed through an account which they have provided.

The amendment is unnecessary. There are currently protections in the legislation for Internet service providers in terms of intentionally spreading and accessing child pornography. Further, Internet service providers have not given any alternatives to the situation that currently exists. Harmful content on the Internet is a growing

problem and there must be some way that Internet service providers can ensure that web pages provided by them are not used to distribute child pornography.

Child pornography is extremely and especially valuable to pedophiles. Testifying in the Sharpe case, Dr. Peter Collins defined pedophilia in these terms: “the erotic attraction or the sexual attraction to pre-pubescent children”. Similarly:

The widespread availability of computers and the Internet has resulted in new ways of creating images, and has facilitated the storage, reproduction and distribution of child pornography.

Detective Waters, who also testified in the case, “likened this increased distribution to a tidal wave”. As stated in the annual report of the Criminal Intelligence Service Canada on organized crime in Canada for the year 2000:

The distribution of child pornography is growing proportionately with the continuing expansion of Internet use. Chat rooms available throughout the Internet global community further facilitate and compound this problem. The use of the Internet has helped pornographers to present and promote their point of view.

The R v Sharpe report stated:

Criminalizing the possession of child pornography may reduce the market for child pornography and decrease the exploitative use of children in its production.

Last week, thanks to the member for Pickering—Ajax—Uxbridge, 37 members of parliament had an opportunity to hear from prosecutors and Dr. Collins on this very important topic. We heard that pedophiles can and do download thousands of erotic images; 25,000 to 30,000 images are not unusual in a case. As the House was told last week, there were 400,000 in one case.

The feeling of the prosecutors is that not all images should need to be presented at court, but only a representative sample, because now it is tying up police and prosecutions to deal with the cases, to deal with the hundreds and tens of thousands of images. As a result they are not able to arrest other known child pornographers because their resources are stretched too thin. We certainly agree with the government's rationale and we will not be supporting the Senate amendment there.

Very quickly, Amendment No. 1(c) deals with the issue of the wrongfully convicted. As the legislation is currently written, without the Senate amendment the Minister of Justice may delegate someone, anyone for that matter, to investigate a case in which an individual may have been wrongfully convicted. The Senate amendment states that the individual so delegated must have certain broad, legal qualifications. We support the amendment. It is a housekeeping amendment and the NDP caucus gives it the good housekeeping seal of approval.

*Government Orders*

•(1220)

I would like to turn, however, in the time I have left, to Amendment No. 1(b), which provides for an exclusion similar to that envisioned by the B.C. supreme court in dealing with the judgment in the case of Robin Sharpe. This would ensure that the possession of materials of artistic, scientific and educational merit would not be criminalized under this legislation. Though the idea of artistic merit can be problematic, as we have seen recently, this exclusion may be necessary to ensure the constitutionality of the legislation and that the offence of accessing child pornography over the Internet is congruent with other child pornography offences. The amendment would ensure that the legislation has that exclusion written in, that materials created or possessed for these purposes would not result in criminal sanctions.

The question of artistic merit has raised a good deal of concern and that is what the debate has focused on here. I would like to read into the record letters that I have received from constituents in Palliser.

Hazel Raine wrote on the Sharpe decision and stated:

The ruling by Justice Duncan Shaw...that the violent graphic stories of child sexual abuse produced by John Robin Sharpe have sufficient "artistic merit" for Canadian society is an insult to Canadians. Our children are precious and we want them protected by every means possible from pedophilic material. There should be an immediate appeal of this ruling.

She asks me as the representative here to "take whatever steps are necessary".

In a similar letter with a similar tone, Sheryl Van Wert, also from Moose Jaw, stated:

This ruling implies that we value artistic expression over the protection of Canada's children—our future. As a Canadian citizen hoping to one day be a parent, I ask that you carefully consider your part of the decision to be made regarding this ruling. Please protect our future generations from those who would destroy their innocence and safety.

We do have two very clearly different points of view on this. There is a notion, as these letters indicate, that the defence of artistic merit makes it a simple walk in the park for pedophiles to hide behind a claim of legitimacy. That is a major concern. On the other hand, there is the concern, from people who do not have child pornography as a primary concern, that we would be limiting freedom of expression and freedom of speech.

I will read an excerpt from a play written some time ago by the poet laureate in the New Democratic Party caucus, the member for Dartmouth. The play is entitled *All Fall Down*. There is a soliloquy by one of the people in the play, Connors, who works with sexually abused children and in this excerpt contemplates the working of the human mind. Connors states:

How do you protect yourself from the images flying around out there. How do you protect yourself from the images in your own head. A man bounces his daughter on his lap, sits on the bed and watches his wife undress, thinks about winter tires, the teller with the big hooters at the bank, how he'd like to reach out and stroke them, his daughter's musical giggles, the bruise on his wife's leg, how soft the little girl's cheeks are. He wonders if she was fifteen years older and not his daughter—but that's gone in an instant and he remembers his own mother's scent, her shining hair, sitting on her lap, feeling like the only special one in the world, and suddenly, he despises his wife, wants to strangle her, but just for an instant, maybe wants to end his own life too, all those gaping nights, weeks, years ahead, all those dark unexplored holes behind, and then that's gone too. Thoughts fly by like hummingbirds. Some of them could land you in jail but if you keep them in your head, they're harmless there—

In the matter of the Sharpe case and the supreme court decision, Chief Justice McLachlin, writing for the majority, indicated that "any objectively established artistic value, however small, suffices to support the defence". While the ruling added that "what may reasonably be viewed as art is admittedly a difficult question—one that philosophers have pondered through the ages", it concluded that it is necessary to maintain a society in which "artists, so long as they are producing art, should not fear prosecution" under a child pornography law.

•(1225)

The supreme court's attempt to strike a balance between preserving freedom of expression and protecting children from dangerous pornography has drawn fire across the board. Rose Dyson, representing Canadians Concerned about Violence in Entertainment, stated that the "artistic merit defence" is in fact "a gaping loophole" that would make it easy for the most vile pedophile to hide behind claims that he is producing literature.

While civil libertarians applauded Mr. Sharpe's acquittal on all charges related to his fictional works, their main argument is that only photos or other material depicting "actual children" should ever be subject to prosecution. According to John Dixon, President of the B.C. Civil Liberties Association:

Writings ought to be freely distributable among adults no matter what fantastic or imagined content.

A 1999 paper written by the Canadian Civil Liberties Association stated:

Artistic taste is largely in the eye of the beholder. How could a blunt instrument like the criminal law define the distinction between serious efforts and those which are not? What possible justification is there to criminalize any fictionalized depictions?

The CCLA warned that the "overbreadth" of the law "appears capable of imperiling legitimate art" while striving to stamp out the pornographic fantasies of a few "disordered souls".

On the other hand, Carleton University journalism Professor Klaus Pohle, who has criticized similar legislation in which hate propaganda and obscenity are left open to broad interpretation by the courts, said that building a law on a "fuzzy" definition is a recipe for disaster. He stated:

Anybody can stand up and say there is artistic merit in anything. What you're doing here is putting on trial the definition of artistic merit.

In fact, English Professor Paul Delaney of Simon Fraser University testified at trial that Mr. Sharpe's writing skills were negligible and insisted that even if some of his work showed a shred of artistic merit:

...we do not allow speeding drivers to avoid punishment by appeal to the 'esthetics' of an intense, thrill-seeking experience.

Mr. Justice Duncan Shaw sided with those who indeed viewed Mr. Sharpe's work as literature. Judge Shaw stated:

Mr. Sharpe's portrayals of people, events, scenes and ideas are reasonably well written. He uses parody and allegory, not expertly, but he does use them...His plots show some imagination and are sometimes fairly complex.

On the other hand, in the 6 to 3 verdict at the supreme court, those in the minority, Justices L'Heureux-Dubé, Gonthier and Bastarache, saw this case very differently. I would like to quote from their observations in their dissenting minority report. They stated:

*Government Orders*

Child pornography, as defined by s. 163.1(1) of the *Criminal Code*, is inherently harmful to children and to society...Child pornography is harmful whether it involves real children in its production or whether it is a product of the imagination. Section 163.1 was enacted to protect children, one of the most vulnerable groups in society. It is based on clear evidence of direct harm caused by child pornography, as well as Parliament's reasoned apprehension that child pornography also causes attitudinal harm.

In their report, those three justices went on to state that:

The inclusion of written material in the offence of possession of child pornography does not amount to thought control. The legislation seeks to prohibit material that Parliament believed was harmful. The inclusion of written material which advocates and counsels the commission of offences against children is consistent with this aim, since, by its very nature, it is harmful, regardless of its authorship. Evidence suggests that the cognitive distortions of paedophiles are reinforced by such material and that written pornography fuels the sexual fantasies of paedophiles and could incite them to offend.

...the benefits of the legislation far outweigh any deleterious effects on the right to freedom of expression and the interests of privacy...[it] helps to prevent the harm to children which results from the production of child pornography; deters the use of child pornography in the grooming of children; curbs the collection of child pornography by paedophiles; and helps to ensure that an effective law enforcement scheme can be implemented.

● (1230)

In sum, the legislation benefits society as a whole as it sends a clear message that deters the development of antisocial attitudes. The law does not trench significantly on speech possessing social value since there is a very tenuous connection between the possession of child pornography and the right to free expression. At most, the law has a detrimental cost to those who find base fulfilment in the possession of child pornography. The privacy of those who possess child pornography is protected by the right against unreasonable search and seizure as guaranteed by s. 8 of the Charter. The law intrudes into the private sphere because doing so is necessary to achieve its salutary objectives. The privacy interest restricted by the law is closely related to the specific harmful effects of child pornography. Moreover, the provision's beneficial effects in protecting the privacy interests of children are proportional to the detrimental effects on the privacy of those who possess child pornography.

They end the section this way:

It goes without saying that child pornography which sexually exploits children in its production is harmful. Moreover, we have seen that the harms of child pornography extend far beyond direct, physical exploitation. It is harmful whether it involves real children in its production or whether it is a product of the imagination.

The dissenting supreme court justices wrote:

In either case, child pornography fosters and communicates the same harmful, dehumanizing and degrading message.

At the meeting of MPs last week we heard from police and prosecutors who stated that the dehumanizing and degrading message extends to the written text where short stories apparently give vivid examples of every imaginable sexual act, including rape and bondage. It was pointed out that if someone advocates genocide or promotes hatred in Canada, artistic merit is not a defence. We then have to ask why artistic merit should be a legal defence when it comes to child pornography.

There is no artistic merit defence inherently required for child pornography as, for example, no artistic merit defence applies to uttering threats to cause death or falsely yelling fire in a theatre or a host of other offences. In those circumstances, parliament has rightly concluded that the risk of public harm inherent in the expression outweighs any attendant public benefit derived from the artistic merit of the expression itself.

This is an extremely important issue. Very good arguments can be made on both sides but I think it is critically important that we have a rapid re-examination of the question of artistic merit, either by parliament itself and if not by parliament then certainly by the

Standing Committee on Justice and Human Rights. The committee should be looking at this very carefully so we can have legislation that can and will create a more comprehensive and thoughtful legislation dealing with child pornography. The failure to act will continue to place children at substantial risk.

In closing, I will read what Dr. Peter Collins said last week to the 37 members of parliament who gathered in the reading room for a discussion. Quoting from the Talmud, Dr. Collins said:

If you save one life, it is as if you've saved the world.

● (1235)

**The Deputy Speaker:** Before resuming debate, I am prepared to share with the House a ruling on an earlier amendment made by the member for Prince George—Bulkeley Valley. Resuming debate on the amendment.

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Mr. Speaker, on behalf of the Progressive Conservative Party I am pleased to take part in this important debate. I want to commend my friend from Palliser for his remarks, which I think were very apt and timely.

The debate deals with an issue that has plagued Canadians particularly in recent days and months in the aftermath of what is now known as the Sharpe decision coming out of the British Columbia court of appeal, which in essence creates an exemption for types of child pornography on the basis that they might in some fashion have artistic merit.

I think that on its merits that decision has left Canadians with a great sense of ill ease and abhorrence for child pornography, which is so detrimental to the development of a child and exploits children in a way that has long term and lasting effects on their development.

This decision, if nothing else, has exposed some of the shortcomings in our criminal justice in the way in which we deal with child pornography. Bill C-15A and the amendments which form the subject of this debate touch directly on some of these issues. Yet one could argue that the wording of the amendment that is before us dealing with artistic merit reinforces the Sharpe decision, which is the very reason that we have seen such passionate speeches against the use of the words artistic merit in describing anything that deals with child pornography and has such a detrimental effect.

I can indicate at the outset that the amendment, which proliferates or continues this use of artistic merit to describe either written, photographic or computer generated images giving them some value as artistic merit, must be brought back, as referred to by my friend from Manitoba, to either the justice committee or the House itself. The justice department should make a very indepth effort into defining, within strict parameters, what artistic merit might encompass, perhaps excluding anything to do with child pornography.

Not unlike other pieces of legislation that we have seen come before the House, there were flaws in this bill. Bill C-15A in its origin was an omnibus package that required splitting. It required taking portions of it out and putting it in another bill. There have been ongoing changes and attempts to reconfigure the legislation as it now appears before us.

*Government Orders*

The government has agreed with a number of the recommended changes from the other Chamber and yet has not agreed with the one which deals with the elimination of the threat of prosecution for Internet service providers and cable companies. That amendment to the legislation is one which is somewhat difficult for many to understand. What it says in essence is that we cannot hold culpable or criminally responsible the Internet provider for the mere transmission of what would be deemed offensive pornographic material.

It follows previous precedent cases involving telephone companies or even the postal service. A supreme court ruling in *The Electric Dispatch Company of Toronto v The Bell Telephone Company of Canada*, which goes back over 100 years, found that the notion of transmission encompassing the person sending the message and the person receiving it but not the intermediary providing the technical wherewithal for the communication. This was referenced by Pierre Claude Nolin in the other place. One could say that this same argument would apply to the Internet service providers.

If all that companies do that are only acting as intermediaries between two or more persons is provide the means for storing or transmitting digital data for a third party, they might be innocently caught up in the transmission of smut or any offensive material. In this context one would expect there would be the recognition on the part of a trier of fact that the person who transmitted the child pornography without knowledge would not be held liable. However, where the issue is so serious and detrimental to the development of a child and to the spinoff effect there has to again be ironclad wording, very precise and clear language used in reference to that.

● (1240)

An amendment has been moved that essentially would negate the amendment brought forward by the Senate and would send it back for further study, which is perhaps what should happen. It appears that the issue, in the first instance, did not receive the attention it needed.

As we have seen with other bills, the Senate in its wisdom did good work but, because of the broad implications of this, we should take the time to ensure we have it right. For that reason, we in the Progressive Conservative Party feel that we cannot support the Senate amendment with the new and expanding forms of communication over the Internet. It is absolutely pivotal and critical that the legislation be precise and clear. It is meant to update the old sections which were aimed at the same sort of nefarious activity: the spreading of pornographic material that exploits children.

A number of Internet service providers that testified before the justice committee, providers such as AOL Canada, strongly supported the government's effort to limit the existence of child pornography and the proliferation online, and to capture the wrongdoers.

I think it is fair to say that within the industry there is a clear recognition and an acknowledgment that they must co-operate and do everything they can to monitor the service they provide and co-operate with law enforcement in preserving and, in many cases, turning over evidence to the police and to the law enforcement community.

I do not feel the bill captures the necessary tightness to ensure that both Internet service providers and this omnipresent, ever valuable effort to protect children is properly balanced. The possibility of liability attached to the stakeholders who participate in the blocking or the removal of material is still in the current wording and yet by virtue of this amendment we feel there is still some jeopardy that could exist for children.

I would suggest that most Internet service providers are being extremely diligent in their efforts to self-police their systems yet there is concern that by virtue of the wording of the legislation they could get caught in the net or the crackdown on individuals who bring pornography online.

Let us be clear, there is no property in good ideas and no political hay to be made on this issue. There is a very real intent and a very real spirit of co-operation on all sides of the House to ensure that we get this right for the protection of our most vulnerable, our most valued citizens, our children.

The Progressive Conservative Party of Canada, in that vein, acknowledges the spirit and intent of the legislation. My colleague made reference of Rose Dyson, a very distinguished Canadian who has taken upon herself the role of championing the protection of children and Canadians generally from images and acts of sexual violence and violence.

In our last election platform my party brought forward a national strategy to combat child pornography and child abuse. The package included references to Internet safety education for children as well as measures to ensure adequate training for police involved in the tracking of pornography. Extraordinary efforts are underway today throughout the land on behalf of municipalities, provinces and the RCMP to address this ever expanding and very harmful issue that takes place within many communities.

The legislation today deals with a number of elements for protecting society. It also has references to protecting and expanding the sentence range for those who stalk individuals or disarm a police officer.

● (1245)

There is also a very important amendment which touches upon the subject matter of the wrongfully convicted and those who have an opportunity then to bring forward their case when new evidence comes to light or when there has been a miscarriage of justice.

On a number of occasions we have seen instances where new science, such as the use of DNA particularly, has exonerated individuals who were convicted. There is one case that I would suggest has long been a festering sore on the Canadian justice system. That is the case involving Steven Truscott. A book has been written quite recently by a very renowned author, Julian Sher, entitled *Until You are Dead*, which references the sentence which was handed down to Mr. Truscott as a 14 year old upon being convicted of a murder.

*Government Orders*

There is a 690 application that has been brought forward on his behalf by a well-known lawyer and defender of the wrongfully accused, James Lockyer. This is before the justice minister as it currently stands. However this new legislation will not impact on that. We implore the justice minister to act with haste, with prudence and with diligence to ensure that the miscarriage of justice is corrected in the very near future.

The way this legislation currently reads, there are concerns particularly given the creation of this loophole that comes from the Sharpe decision that many members have already enunciated. There are a number of ways in which we can improve the child protection measures within the criminal code but many of those efforts and amendments will be in vain if police are not given the support and the necessary tools and resources to address the issue.

There is very much a fiduciary duty on not only the law enforcement community but also on members of parliament, members of the defence bar and members of children's aid to do everything within their means to respond to the issues of child pornography and images and to the written word being used to disparage and degrade children within communities.

The legislation is a step and a move in the right direction. It is very much aimed at expanding the current efforts that are available and the current elements of the criminal code which reference child pornography. Yet the act itself is something that is not directly addressed in such a way that would allow for the eradication of such and allow for police officers to go to the lengths needed to direct all of their attention and resources to the issue itself.

Much of this issue is one of common sense. In terms of clarifying, the amendment of the legislation itself should put greater emphasis on the protection of children. The bill, as it is brought forward, groups a number of criminal code amendments in one and this suggests to me that the proper emphasis is not there. This legislation aimed at child pornography should be standalone, particularly underscored by the decision in Sharpe. I would suggest that there is now an opportunity on the part of the Minister of Justice and the legion of lawyers that he has in his department to pick up this issue and come back with legislation that defines narrowly and strictly when artistic merit might be brought into play as a defence for using and proliferating child pornography.

There is also an important timeline to keep in mind. The clock is running with respect to the appeal itself in British Columbia. That time period expires this week. We are yet to hear a public commitment from the Minister of Justice to put pressure on the attorney general of British Columbia to clearly state that not only will the Government of Canada be pushing for this appeal to be taken but will also join in that appeal as an intervener. As has happened in the past, this should clearly happen and should happen immediately. It is surprising and disheartening I think for most Canadians to know that the government has responded in a very lackadaisical way.

• (1250)

Individuals who are convicted of the heinous crime of pornography against children should be punished and should definitely receive the full extent of the law. There has to be a

higher element of deterrent and public example of those who engage in this sort of activity.

The other day there was a private member's bill which looked directly at increasing the sentence for those convicted under sections 152, 153 and 151 of the criminal code. The Progressive Conservative Party certainly agrees and supports the intent of those bills, but recognizes, as most Canadians would recognize, the need for very clear definitions when dealing with the law.

Amendments that are put forward at any time are meant to strip away some of the confusion. My grandfather used to speak about how confusing the law could be. He said "If you are putting a new roof on your house, you do not put the shingles on top. You have to strip some of the old shingles away". That metaphor is very true of how we draft and craft law in this place.

It seems that far too often we are piling legislation on top of legislation, instead of in some instances removing some of the provisions that simply muddy the waters. Particularly when it deals with issues so fundamental, so clear I think in the minds of Canadians, we certainly should draft legislation that mirrors that and reflects the same clarity of thought and clarity of purpose.

The bill as it stands currently, which deals with the numerous issues I have talked about including the miscarriage of justice, is still in my view somewhat unclear. The one amendment which we support wholeheartedly deals with the miscarriages of justice and calls upon the minister to put certain criteria in place for those who would be involved in the panel and the review of those miscarriages. They have some basic understanding of the criminal justice system and the system itself, be they retired judges, lawyers, defence or crown lawyers in good standing with their provincial bar, or they have had some experience that would lend credibility and a greater understanding to the hearing process. This we see as a very good step toward ensuring that there is no further miscarriage of justice when that panel undertakes its review of the evidence itself.

Again I very much associate myself with the remarks made by previous members that legislation which is clear and which responds to this gaping hole left by the Sharpe decision is necessary. There were old sections in place that dealt with this nefarious activity, but because of changes in technology, changes in the way in which we can communicate images and the written word, this is a modernization attempt. It is an attempt by legislators, by parliament, to respond. Certainly the spreading of pornographic material of children, exploiting children, is perhaps that issue which is most offensive and which most binds Canadians together against some common enemy or some purpose in which we can all agree that there has to be more.

What on earth could be more fundamental than that issue and more fundamental to the role of parliamentarians to respond? Certainly heightened awareness itself is not enough. Families recognize that their children have to be protected. They recognize that the world has changed, that there are in fact greater dangers afoot around every corner. This type of legislation with which we have been charged, to improve and examine, gives us that opportunity.

*Government Orders*

Two of the three amendments come up short in terms of reaching that standard of clarity and standard of purpose. The average Canadian would expect more and we cannot shy away from it. We should take every opportunity to get it right on an issue such as this.

The transmitting and the making available of this type of material, whether it be to sell or exploit, should be a criminal offence. There should be an effort made to ensure that no person is wrongfully convicted. There is some irony that we find elements of the wrongfully convicted in this very same bill. It is certainly something that undermines the justice system further when a person is wrongfully convicted.

● (1255)

I will close on that note. The Progressive Conservative Party will be supporting the legislation generally, but not the amendments which we feel work contrary to the express purpose of this legislation.

**Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance):** Mr. Speaker, I expect everyone knows the reason why today the flags on Parliament Hill and across Canada are flying at half mast. It is a very sobering thought that young men gave their lives and spilt their blood on foreign soil.

May I suggest that because of the inaction of the government two or three years ago, lives of precious young children have been lost in every province of Canada. Parliament did not use the notwithstanding clause to strike down the original decision in British Columbia.

How many thousands of children have been brought into a life of abuse and many of them are now 10, 12 and 15 years old. They will never live a normal life. Because of the protection given under artistic merit, we are quite prepared to let this crime go on.

The hon. member for Palliser quoted from some of the letters he received. The most touching was listening to the phone calls and the callers describe the abuse, which was enough to bring tears to anyone's eyes, all because of some judgment that under freedom of expression and artistic merit allowed this evil to continue in our society.

I was engaged in education. I was in administration long before we had support staff. I know what it is like to counsel someone who has been abused by a pedophile. I know what it is like to have to deal with people who have been subjected to incest. Yet we, as parliamentarians, are afraid to do what is right to protect these people in case we might infringe on somebody's civil liberties.

This action of pornography has no defence. Abraham Lincoln said that many people defended alcohol and liquor, but it had no defence.

I want the House to think of a particular act in the history of this country that has brought more disgust from Canadians from coast to coast than allowing the sexual exploitation to go on. There has been none. If we could take a quick poll, we would be well into the nineties about the decision that came down.

The House of Commons is a supreme court. The House of Commons should act. The House of Commons is more important than any other act or any other court. We should never have allowed this to get rolling in the first place. We should never have allowed

Canada to be called the pornography capital of the world, but it happened.

I am pleased by the remarks of the member for Palliser and the House leader for the Conservatives. I see from where they are coming. Hopefully we and those on the other side of the House will have the courage to say that not only are we going to cut down on pornography but we are also going to eradicate pornography. What is wrong with that? Nothing at all.

If people put Xs beside members' names, although we have those who do not even bother to vote any more, then members should show them the worth of parliament. We should show them we have the intestinal fortitude and the morality to do something about this, and now.

● (1300)

What has happened is the biggest insult that was ever hurled at Canadians. Can we think of any other time in our history when Canadians of all ages got a slap in the face, an insult like they did with this decision? Talk about demoralizing, this did it. Talk about degrading, this was it. Talk about pure unadulterated filth, and somebody says there is some artistic merit to it.

I have eight grandchildren, four of whom are at university. At one time my daughters were little girls. If anything would have been perpetrated upon them and that insidious filth had been put before them, and a government and a court upheld that action would have been inhuman and not becoming to Canadians.

Let us get with it on both sides of the House. Let us tell Canadians that nothing of any good can come out of this unless we as parliament act. We can no longer leave it to the courts. We will have to take this decision ourselves. Let us stand up as Canadians and say we are not going to feed this kind of crap any more.

What possible good can come out of this recent decision? The answer is absolutely nothing. While our flags are at half mast, we as parliament must act now to cut the feet right out from under these people in our society who are sick. We owe everything to our children and our families. That is my function here on earth. My function is not to destroy the minds of young people. My function is not to degrade my society. My function is to uphold society.

I want to end my speech with a poem:

We are all blind until we see  
That in the human plan;  
Nothing is worth the making  
That does not build the man.

Why build these cities glorious  
If man unbuilds goes.  
In vain we build the world  
Unless the builder also grows.

Let us move together and eradicate this disease in Canada. Let us do it now.

*Government Orders*

• (1305)

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Mr. Speaker, I want to commend my friend and colleague from Souris—Moose Mountain for a very passionate and I believe heartfelt expression of how many Canadians feel. It is certainly empowering and invigorating for members of parliament to see such a straight from the heart expression of the abhorrence Canadians feel for this issue.

I took from within his remarks the desire of the member to see more done. I would ask him whether he would support, and I am sure he would, a national child protection strategy. It would look specifically at expanding other areas of the criminal code to put our efforts toward protecting children, to give the police and the judiciary greater ability to respond in a firm fashion.

I am talking about in some instances giving the judges the ability to bar or destroy certain evidence that was used and introduced in the courts. We could allow judges to have mandatory minimum sentences apply in some instances where child pornography was present. We could allow for the taking of DNA samples, as we have in certain instances in the criminal code that deal with issues, I would suggest, far less damaging and far less detrimental than the issue of child pornography. We could allow for the rules of disclosure to be amended. This would empower the police in some instances to produce a sample of the offensive material rather than the reams and reams of documents and thousands of pages of information.

As we have seen in other instances, we could allow the courts to put creative sentences in place that would bar these offenders, pedophiles and those who engage in this activity, from any contact with children. Sadly, many of these offences that occur are perpetrated by individuals known to the children, in fact, individuals who are in a position of trust. Current provisions in the criminal code bar individuals from attending schoolyards or swimming pools, but nothing bars their interaction with children in a dwelling house, which is where most of these offences take place.

Surely there is more we could do, a national strategy that touches on just a few of those issues and others that time restricts me from mentioning. Would the hon. member certainly like to see that effort undertaken by this place to gain greater relevance and greater importance in parliamentarians' efforts to eradicate child pornography?

• (1310)

**Mr. Roy Bailey:** Mr. Speaker, while my hon. colleague was outline some of the events and things we could do, I was thinking of the wartime speech of Sir Winston Churchill who said "give us the tools and we will finish the job". My hon. colleague listed a number of tools that are at our disposal. We can expand on them and we can finish the job. What is lacking is the will to do it.

We must go out to our schools and work through our churches and social services. It must become a priority across Canada. My hon. colleague mentioned the DA, disclosures and other things. Those are the tools. Let us get them into the act and let us go to work. We can and will with determination outlaw and ban totally this evil of evils, pornography.

**Mr. Richard Harris (Prince George—Bulkley Valley, Canadian Alliance):** Mr. Speaker, as my colleague from Souris—Moose

Mountain pointed out, Canada appears to have acquired the title of the most lenient country in the free world when it comes to the possession, transmission and sale of child pornography. The numbers are astounding. When we look at the numbers we see a remarkable increase over the last five years. During that last five years, and since 1993, the Liberal government has been in power, unfortunately.

My friend said that if we are going to fight this effectively we must have the will to fight it. The question to ask of the government is whether it has the will to go up against the judiciary and some of its insidious decisions and against the legal community. Some lawyers appear to take great delight in finding loopholes in the law or within the criminal code with regard to something as horrible as child pornography.

Does the government have the right to target, and target effectively, people who are doing whatever they can to allow it to go on rather than, as I spoke of earlier in my presentation, just taking a shotgun approach to it? There are targets within the people who are trying to proliferate child pornography.

Does my colleague really think that the government has the will to go after some of the court decisions and some of the people who are involved in this?

**Mr. Roy Bailey:** Mr. Speaker, I do not know the will of everyone on that side of the House but I do have many friends on that side and I do know they have the same desire and the same will that I have.

I remember one time in the provincial legislature being reminded by the premier that we were the highest court in the province and that we would overrule and we would make those decisions. That applies here as well. This House is the highest court in the land. With the use of the notwithstanding clause we become the highest court.

We do not want any more wishy-washy lukewarm procedures on that side of the House. We want to come out fighting and to stay fighting.

Do not worry about affecting anyone else but the young people. Do not worry about ruining anyone's lives except those of the young people. Do not worry about making people suffer except the young people. Let us think about that. Everything else will take a back seat and second place. Let us get the show on the road. We can do it if we want to.

• (1315)

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

**Some hon. members:** Question.

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

**Some hon. members:** Agreed.

**Some hon. members:** No.

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

**Some hon. members:** Yea.

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

*Government Orders*

**Some hon. members:** Nay.

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

*And more than five members having risen:*

**The Deputy Speaker:** Accordingly the vote on the amendment is deferred until the end of government orders tomorrow, Tuesday, April 23.

\* \* \*

**CRIMINAL CODE**

The House resumed from April 11 consideration of the motion that Bill C-15B, an act to amend the criminal code (cruelty to animals and firearms) and the Firearms Act, be read the third time and passed, and of the amendment and of the amendment to the amendment.

**Mr. Gary Lunn (Saanich—Gulf Islands, Canadian Alliance):** Mr. Speaker, I am pleased to rise to take part in the debate on Bill C-15B. The bill deals with cruelty to animals and the firearms amendments.

We in the Canadian Alliance in no way condone intentional acts of cruelty toward animals. We support increased penalties. However concerns have been raised that Bill C-15B would make it possible for the courts to interpret some offences in a different light. Concerns have been raised by farmers, hunters and other agricultural producers who depend on animals for their livelihoods that moving the animal cruelty provisions from property offences to a separate section would elevate the status of animals in the eyes of the courts. It is arguable that this is not the intent of the legislation but these concerns have been raised.

I support the firearms section of Bill C-15B although I am opposed to the firearms registry. The section would remove long firearms such as BB guns and pellet guns which are required to be registered under our present firearms legislation. This exemplifies what an unmitigated disaster Bill C-68 has been. The government originally said the legislation would cost tens of millions of dollars. The firearms registry has cost Canadians some half a billion dollars. It has had no impact at all on reducing crime. It is a tax on law abiding citizens.

Bill C-15B is another example of the government completely missing the boat. The government is bringing forward amendments because it realizes how ridiculous it is that BB guns need to be registered. The whole firearms registry is fraught with problems. The government will have to come back and amend the legislation over and over again. Instead of trying to tinker with the bill after spending hundreds of millions of dollars, the best thing the government could have done was repeal the entire long gun registry. I understand why the government is bringing forward the amendments. I only wish it had repealed the entire legislation with respect to the gun registry.

● (1320)

**Mr. Richard Harris (Prince George—Bulkley Valley, Canadian Alliance):** Mr. Speaker, in speaking to Bill C-15B I will focus primarily on the issue of farmers in Canada and how they could be affected by the application of the bill in its present form.

The bill's implications for farmers are quite significant. As we all know, farmers constantly face challenges in trying to carve their living out of a land filled with both domestic and wild animals. Farmers are influenced daily by weather, commodity prices, transportation costs and mismanagement of federal agricultural policies. Most farmers would add certain animal rights groups to the adversaries they face on a daily basis.

Some groups target livestock producers whom they label as cruel, inhumane and even barbaric. People for the Ethical Treatment of Animals, PETA, has launched an anti-dairy campaign targeting schoolchildren. It tell children dairy farmers are evil because of the so-called cruelty they inflict on their cows. This animal rights wacko group essentially tells kids if they drink milk they are playing a part in the torture of dairy cattle. That is the most outlandish line of thinking I could possibly imagine, yet it is only one of the things PETA advocates.

Bill C-15B which we are debating would change the way the criminal code deals with animal abuse. We in our party agree with the vast majority of Canadians who say we need harsher penalties for those who deliberately abuse and are cruel toward animals. Unfortunately, because of the way Bill C-15B is currently worded many ranchers, farmers, hunters and medical researchers may be subject to harassment, prosecutions and convictions for abuse even though they are properly caring for their animals.

The wording of Bill C-15B would give groups like PETA free licence to bring court proceedings against farmers, hunters and medical researchers who are not treating animals in a cruel or abusive nature. However because members of PETA believe they are, the wording of the bill may encourage them to bring charges. They could do so not because there was substance to the charges but because this is the way such animal cruelty groups think about things. PETA is the same group that tells school kids if they drink milk they are contributing to the torture of dairy cows because dairy farmers are cruel to their cows. We can see the connection between absurdity and the possible harassment some people in our society may go through because of this group.

● (1325)

Animal welfare groups such as the International Fund for Animal Welfare and the Ontario Society for the Prevention of Cruelty to Animals claim they have no intention of using Bill C-15B to harass farmers and researchers. However because of the past actions of groups such as PETA and the Animal Alliance of Canada we have a hard time believing their partners in the animal rights movement would follow that position.

I will read a statement by Liz White, a lawyer for the Animal Alliance of Canada, who foretold what might come if Bill C-15B passes in its current form. She gave a veiled hint of the group's intentions by stating:



*Government Orders*

My worry is that people think this is the means to the end, but this is just the beginning. It doesn't matter what the legislation says if no one uses it, if no one takes it to court, if nobody tests it. The onus is on humane societies and other groups on the front lines to push this legislation to the limit, to test the parameters of this law and have the courage and the conviction to lay charges.

The intent to use Bill C-15B as a tool to restrict the use of animals in research and agriculture seems clear. Animal rights groups would jump all over farmers, medical researchers, hunters and anyone else whom they felt pet an animal the wrong way.

The Canadian Alliance is demanding two major changes to Bill C-15B to prevent frivolous and downright stupid charges from being laid. First, the bill's definition of animal must be amended. The current definition reads "a vertebrate, other than a human being, and any other animal that has the capacity to feel pain". The definition is too broad. It could easily interfere with the ability of farmers to eliminate pests and the ability of researchers to find cures for diseases. This could get pretty serious in light of what some animal rights groups are saying.

Second, the Canadian Alliance is calling for Bill C-15B to protect people who legitimately use animals from costly and frivolous prosecutions. The criminal code currently provides protection from harassing prosecutions. However because Bill C-15B would move animal cruelty out of the property offences of the criminal code the current protection would be effectively removed.

The justice minister has the ability to introduce legislation to strengthen and modernize the current cruelty to animal provisions of the criminal code without threatening people who legitimately use animals. However he has rejected that. It seems he has fallen for the line of the animal rights groups. He has refused to be explicit in Bill C-15B and ensure the courts would not be able to interpret it in a way parliament did not intend.

We are concerned. The Liberals are counting on Bill C-15 to reach much further than they publicly state. There may be a hidden agenda behind the bill. The government has refused to protect farmers who legitimately use animals for the production of dairy and other agricultural products and researchers who legitimately use animals in trying to find cures for diseases. The wording of Bill C-15B would leave such people wide open to harassment by animal rights groups.

● (1330)

**Mr. Gerald Keddy (South Shore, PC):** Mr. Speaker, it is with some regret and trepidation that I rise to speak to Bill C-15B, the cruelty to animals legislation. I am sure all members agree that this legislation is seriously needed.

It has been 100 years since the legislation was updated. It is an issue of great importance to the country and an issue that needs to be dealt with by the Parliament of Canada. As I said, I rise with some regret and trepidation because as a member of parliament, a farmer and hunter, I cannot support the legislation. It needs to be improved and modernized.

What we have before us is the complete dereliction of duty by members of the Liberal government. This is a complete denial on their part of grappling with a difficult issue and coming out with an evenhanded and balanced approach to complex problems. This is not what has happened here.

I have no idea how rural members of the Liberal government, the agriculture critics, and the committee members will vote. Actually I have an idea how they will vote, but I do not know where they stand on this issue. I do not know why we have not heard more from the government side on this issue.

Bill C-15B is a bad piece of legislation. Anyone who has taken a moment's time to read it, who has a rudimentary understanding of rural issues, animal husbandry and cruelty toward animals legislation, and anyone who has the barest opinion on this subject cannot support the legislation. There is no way I can envision support for the legislation.

I received a letter from Doug Bacon, president of the Nova Scotia Federation of Agriculture. He writes:

The Nova Scotia Federation of Agriculture and its members have been following the progress of the cruelty to animals section of Bill C-15B with close attention. Since a key component of the agricultural industry relies on animals, this proposed legislation has the potential to seriously impact our livelihoods.

We are supportive of many aspects of the legislation, including tougher penalties for animal abuse, and while the previous Minister of Justice was very compelling and her amendments helpful, we are not convinced...

This is from people the legislation is directed toward. The legislation is not directed toward some university student who throws a cat out a window albeit that would be a horrific offence. The legislation is not directed toward pet owners who neglect, abuse and torture pets every day in Canada. The legislation is directed toward people who are legitimate animal owners.

I do not know what category animals would be included once the bill is passed. However I do know in what category they would not be included. They would not be put in the property section of the legislation. What are they then? The government thinks they are kids. They are not kids and are not about to be kids. It is time for the government to wake up and smell the roses. It is time for the government to look at the legislation for what it is.

● (1335)

The letter continues:

Bill C-15B must be amended to ensure legitimate animal practices will not be frivolously targeted. We need your support to ensure:

1. Animal cruelty provisions are put back in Part XI of the Criminal Code. Animals are property and such classification does not impede or prevent appropriate animal care practices;

2. If animal cruelty provisions stay in Part V.1, it must be amended to read, Cruelty to Animals: Private and Public Property.

*Government Orders*

If pet owners want to think that their animals are somehow public property or somehow different than agricultural or domestic animals, so be it. A provision should be put into the bill to accommodate those people. I happen to disagree with that, but animals should not be put under the provision of being property for farmers because that is a huge mistake which will do nothing but generate millions of dollars worth of lawsuits that are just waiting to happen.

The last amendment reads:

3. The definition of animal be amended as per the testimony of the Criminal Lawyers Association before the Standing Committee.

Mr. Bacon goes on to say:

These changes will not weaken the law but will serve to clearly establish in law the intention to protect the rights of animal users—an intention that has already been communicated by the minister. We are not asking for special treatment under the law, we are only asking for a law that will respect standard animal practices.

The bill was originally introduced in the House of Commons on December 1, 1999, as Bill C-17 and died on the order paper with the call of the election in October 2000. It is currently before parliament as Bill C-15B. It was studied by the justice committee and received testimony from numerous legal experts and representatives from both animal rights groups and organizations representing hunters, anglers, trappers, farmers and other stakeholders.

When re-introducing the bill, the Minister of Justice heeded the concerns of the opposition parties and stakeholders and made amendments from the previous Bill C-17 to provide clarification to the cruelty to animal provisions, encompassing those who willfully, recklessly or without regard to the consequence of their acts, cause unnecessary pain, suffering or injury to an animal. Despite these improvements further amendments were needed before the Progressive Conservative Party could support these provisions dealing with crimes against animals.

It is not because this is not an important issue. It is not because this issue needs to be dealt with. It is because this is a bad piece of legislation. Certainly it is not the job of parliamentarians to leave the decision on what constitutes cruelty up to the courts. If we were to leave every decision that needs to be made in this country up to the courts, we would live to rue that day. We would regret it, it is quite simple. We cannot, as representatives of Canadians and protectors of animal rights, take farm animals out from under the property act. That would be a huge mistake.

It is a mistake that this parliament and other parliaments and Canadians would pay for. It would be impossible to guarantee the safekeeping of every animal owned, and I say owned because they are property, by every farmer in Canada. Without question, the bill needs to come before parliament but it desperately needs to be amended. It needs to be improved upon. We need to put it back in the realm of a bill that when we leave the House after it is passed, because the government will pass it, we can say it is a good piece of legislation and we did the right thing.

I expect there will be many Liberal members of parliament who, if they vote for the bill, will hang their heads in shame after they have done it.

• (1340)

**Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance):** Mr. Speaker, since I spoke earlier on a different section of the

bill I have had a lot of entertainment come my way. It is not all sadness in here. I boarded the plane yesterday to fly back and I always get on at a small airport where everyone knows me. One of the security officers said, "Check that man for gophers". Everybody knew that one.

There is a lot of humour coming from the phone calls and the letters that I have received. I want to share some of that with the House because it shows that people living between the Red River and the Rockies do not understand the problem. One kind lady phoned me and asked what those gophers eat. I told her they eat grass and they love crops. I said they really like chickpeas. She said that was the answer. All we had to do was sew chickpeas around each field and herd all of the gophers over there. I thought to herd gophers would be like trying to herd a bunch of cats. Herding gophers gives the House some idea as to what people know about the events that are taking place.

The most interesting comment came from an e-mail from a chap in Vancouver. He said those gophers do the people out there a lot of good as they loosen and aerate the soil. I said, "Are you kidding me?" He was dead serious about it.

When I was driving to the airport I heard that somebody at the University of Manitoba said that these pesky critters do a lot of good. Someone said that they eat mice. That may be true, I do not know. I will tell the House that I rode hundreds of miles on horseback with a horseback view of gophers and mice out in the grass and I have yet to see a gopher eat a mouse. I rode miles and miles around fields on a tractor. I have watched gulls and different things pick up mice but I have never seen a gopher eat a mouse. I have pulled those old wooden granaries with a tractor and underneath were mice and gophers living in good friendship with one another. After arriving this morning I decided to phone people who are older than I am and I could not find anyone who could ever remember seeing a gopher eating a mouse.

Everyone agrees that people who do things like my hon. colleague talked about, such as dropping a cat out of a window and so on, should be punished. The problem with the bill is who is it that would determine what is wilful and reckless. Who would determine that?

*Government Orders*

On the weekend we had a trade show. I had walked around for a while and a former student of mine related an incident. The raccoons have moved into our area. I guess I should have known but I was not aware that they could entice a dog down to a pond or a dugout and could drown the dog. They do that by attacking and turning the dog over so that it cannot swim. The raccoon is a beautiful swimmer. I asked what he did. He said that he was not too far for a shot and let one go. He got one raccoon and the dog freed himself and then he got the other one. Was that a wilful and reckless act? Someone will have to determine whether it was or not? Someone will have to determine if a man trying to save his dog should be charged with a wilful or reckless act. I am not stretching the point here. I am not taking something totally out of context.

We talk of any animal having the capacity to feel pain.

● (1345)

Alberta is the only province in Canada that brags that it is rat free. How does it keep itself rat free? It uses a poison. That poison causes the animal to literally bleed to death internally. Are we going to take away the most effective poison we have ever had? That is a good question.

A call came in from a lady who had a 4-H goat problem. She was at the 4-H day at the fair in Armstrong, B.C., where she was giving a demonstration of trimming the goats' hooves. When I was a boy I used to like to watch the farriers trimming the horses' hooves. Every once in a while they would get too close and they would draw blood. That is what happened this day. The lady was showing them how to trim the hooves. The goat moved a bit and she got a little into the meat and drew blood. She was just swarmed by people saying "Look at that. Trimming the hooves is cruelty to animals".

This wide open bill has gone too far. I would like to quote what has been said in the House by members opposite:

—what is lawful today in the course of legitimate activities would be lawful when the bill receives royal assent.

I would like to believe that, I really would, but if that is the case let us not be saying "read my lips". We must put those words into the bill. Every agricultural organization, from the Canadian Federation of Agriculture right down the line, would drop their defence. That is what they want to hear but it is not in the bill.

I ask this question: who decides what act constitutes cruelty? Many people have seen horse pulls. Some would say that is cruel. Some say that the rodeo activity of roping a calf is cruel. Some say bulldogging is cruel. Who will make those decisions? Is it going to be written in the bill or is a lobby group going to decide?

I want to close with these words that I hope will be forever ingrained in the members who vote for the bill. Criminal laws in the hands of special interest groups, to destroy legitimate farming and related food production, is the entire fear of the industry. Let me repeat that if members are going to allow the whims of the animal rights groups to decide the penalties and decide what is cruel, members are putting in jeopardy the entire industry, from ranching to furs and everything else.

It must be put in the bill. It must be put in the bill that those things which are legitimate and used in animal husbandry now will not be

changed with the bill. If it is put in the bill, the entire agricultural industry will support it.

● (1350)

**Mr. Vic Toews (Provencher, Canadian Alliance):** Mr. Speaker, it is my honour to speak on the subamendment brought forward by the member for Selkirk—Interlake and seconded by the member for Medicine Hat. I think the amendment is realistic. It is a good amendment. There are substantial issues that need to be discussed in the course of bringing this back to the committee, but I think in fairness there needs to be some time limit on this issue.

Every day new issues arise in respect of the bill which warrant the committee looking at this offence. One of the matters that was just raised with me, and I think it is a very significant issue, is the issue of rights of private citizens in respect of initiating prosecutions. As we know, through Bill C-15A there will be a new system. This new system will set up a screening mechanism before a judge. A judge will determine whether the offence in fact should be brought forward to the court.

It has been said by members opposite that the whole nature of the hearing that takes place is that it will be just a summary hearing. It will be a complainant going before a judge to show the evidence. As members know, that kind of arrangement would violate not only our charter of rights but even our basic rules governing natural and fundamental justice. We cannot go into a hearing and say to a judge that we believe there is sufficient evidence in order for this matter to go to hearing. It is the same way that a preliminary hearing used to take place or still does. An information is sworn. The matter is brought before a judge. A judge, on hearing from both the prosecutor and the defence, if the defence wants to submit evidence although there is no requirement for it to do so, will make that determination.

What we have now is a brand new preliminary hearing process that will complicate this proceeding. Those who say that this proceeding will now act as an effective screen to prevent people from having to go to court do not understand the nature of this process, nor do they understand the determination of radical animal rights groups to prosecute individuals.

We must remember, with all respect, that these groups do not have to worry about whether or not there is a conviction. A farmer in my riding, a hunter and a fisherman and others involved in these businesses are under a lot of stress. I think is simply unfair for them to have to face a criminal prosecution.

*S. O. 31*

The other interesting point that now has been drawn to my attention is that we want to make sure that criminal cruelty is treated very severely in respect of animals. I think everyone agrees with that. The Canadian Alliance does not, nor do any of the other opposition parties, I believe, have an objection to the increase in penalties. What we saw the other day in Toronto was quite a surprising decision. I do not know if anyone has had an opportunity to review that decision, but we had a judge commenting on the skinning and otherwise mutilating of a cat over a period of time. He indicated that this was not the worst way in which a cat could die. I am just wondering if that judge could tell the House, in further written reasons perhaps, what he thinks is the worst way a cat could die. I think this shows part of the problem. The problem is not that we do not want stiffer penalties for genuine acts of cruelty, but that the courts today are not imposing the sentences that are already available. In this case the court could have imposed a sentence of two and a half years. Essentially it was time served, and I believe it was house arrest.

• (1355)

What we are going through here is an exercise in futility if the courts themselves do not recognize the seriousness of this offence. If the government wants to get serious about penalties and genuine cruelty penalties, it must put in minimum sentences. However, all that is happening here is that this is just a political statement designed to placate the animal rights organizations, to say, look, we are increasing the penalties, we are taking this more seriously. Everyone involved in the courts knows that is simply a fiction. It will not happen. We have seen it in the case of impaired driving. We have seen it over and over again. Unless there are minimum sentences imposed, the courts do not respond to increases in penalties. It is as simple as that.

The more troubling thing, even more troubling than this decision that came out of Toronto from the judge who felt that being skinned was not the worst way for a cat to die, is what happens now when we create not just a summary conviction offence but a hybrid offence. Is this in fact an indictable offence, then, such that now a private citizen perhaps can arrest a person for walking a dog wearing a choke collar? Can the private citizen saying that this looks like cruel and unusual punishment for the dog, that there is no legal justification for using a choke collar? If the person is placed under arrest, what are the consequences?

I see that my time has almost expired. I will leave it at that for now.

**The Deputy Speaker:** The hon. member will have approximately three minutes remaining upon the resumption of this debate.

---

## STATEMENTS BY MEMBERS

[English]

### NATIONAL VOLUNTEER WEEK

**Mr. John Godfrey (Don Valley West, Lib.):** Mr. Speaker, this is National Volunteer Week. This is a special time set aside in April each year to honour the people who donate their time and energy to their fellow citizens.

In our constituencies and across Canada, much of our quality of life depends upon the commitment and service of volunteers. They are people of all ages helping their fellow citizens. Each individual volunteer makes a difference in Canadian lives. The importance of volunteers cannot be overstated.

Now more than ever, Canadians feel a need to strengthen their sense of community. Volunteering demonstrates the importance we place on communities, sharing and mutual responsibility, core Canadian values.

Experience matters. That is the theme for National Volunteer Week 2002, highlighting volunteering as a way to gain and give the benefits of experience. National Volunteer Week will conclude with the worldwide celebration of global youth service days from April 26 to 28.

\* \* \*

### ORGAN DONATION AWARENESS WEEK

**Mr. Rob Merrifield (Yellowhead, Canadian Alliance):** Mr. Speaker, it is Organ Donation Awareness Week, a time to reflect once again on the gift of life and how we can share that gift with others.

Four thousand Canadians are on waiting lists for organs and tissues, each one with their own hopes, dreams and fears. Many will die unless Canadians do their part and sign their organ donation cards. One donor with healthy organs can save the lives of nine people.

The need for organs and tissues is expected to increase manyfold over the next two decades. The supply will not keep up unless Canadians rally to the cause. All of us should do our part, if only because we never know when we could need a transplant. The lives saved by increasing the number of organ and tissue donors in Canada could be our own.

I would ask members to wear a green ribbon, attend the celebration on the Hill on Wednesday afternoon and, most important, sign up for the gift of life.

\* \* \*

• (1400)

[Translation]

### INFRASTRUCTURE

**Mr. Marcel Proulx (Hull—Aylmer, Lib.):** Mr. Speaker, last Friday the Secretary of State responsible for Economic Development Canada announced financial assistance in excess of \$1.6 million from the Government of Canada for urban infrastructure projects in the new city of Gatineau.

This assistance will make it possible to carry out phase one of the revitalization of the Connor Building, which has been vacant since 1995. It will be converted to a multisport and cultural centre for the Hull sector of Gatineau.

This project will greatly improve local, even regional, recreation infrastructures, because there is no building in the Outaouais region at the present time where soccer can be played year-round.

After the renovations, the Connor building will be able to accommodate numerous competitions, on the regional, provincial and Canadian levels, international as well. As well, a number of educational institutions will be able to use the building facilities for school and extracurricular activities. It will also be able to accommodate major events, such as the Salon du livre de l'Outaouais.

This is one more practical example of our government in action to enhance the quality of life of Canadians.

\* \* \*

[English]

### THE ENVIRONMENT

**Ms. Paddy Torsney (Burlington, Lib.):** Mr. Speaker, today is Earth Day, a day when all Canadians can take up the challenge to reduce their impact on the environment. Each of us can take a look today, and during this week, at our own personal actions, perform a little audit and make some positive changes. The sum total of all of our human activities combined will have a major impact on our environment.

In the last few decades many of us have at one time or another reduced our waste and reduced the energy we consume as gas prices rose. In the last few years we have thought more about our influence on the quality of the air we breathe and the water we so desperately need for sustenance.

We are the ones who can make a difference. We must all make some effort by continuing to reduce, reuse and recycle, use composters, walk, ride and turn off the tap while we brush our teeth.

Many Earth Day events have taken place across the country over this past weekend. In Burlington some 250 people picked up litter and made a difference in their own local environment. Let us think globally, act locally and we can all get there.

\* \* \*

### SKILLS CANADA

**M. Larry Bagnell (Yukon, Lib.):** Mr. Speaker, on April 12 I had the pleasure of attending the annual Skills Canada Yukon competition in Whitehorse. Young people of Yukon gathered to demonstrate their skills in competitions related to careers in trades and technologies. Trades and technologies are instrumental for the future of our nation.

Skills Canada, a non-profit volunteer organization, is fulfilling a critical role in promoting career choices for young Canadians whose skills and talents will be so important to our workforce and economy. To the hon. Minister of Human Resources Development and the department I offer my congratulations and enthusiastic support for the sponsorship of Skills Canada.

I extend my best wishes to all the provincial and territorial teams who will be joining team Yukon for the annual Canadian skills competition in Vancouver on May 30.

S. O. 31

### THE ENVIRONMENT

**Mr. Gary Lunn (Saanich—Gulf Islands, Canadian Alliance):** Mr. Speaker, today is international Earth Day. How is our government responding?

The Liberal government's response to environmental issues is to pursue photo ops that ultimately do nothing. Our Prime Minister sent negotiators to Kyoto to beat the Americans. They were not there to get a workable deal. They were there only to one-up Uncle Sam. The environment and the economy were both secondary.

Kyoto's effect on the environment and on the economy is unknown. The minister's own estimates have gone from \$5 billion to \$15 billion. Industry suggests the number is likely \$60 billion. The Canadian Alliance is committed to preserving our natural environment and a healthy economy. We can achieve both.

According to the OECD the most prosperous countries have the highest degree of environmental sustainability. Our government needs to stop pursuing cameras and start pursuing solutions.

\* \* \*

● (1405)

### BILLY GREEN

**Mr. Tony Valeri (Stoney Creek, Lib.):** Mr. Speaker, recent polls, studies and articles have illustrated the lack of historical knowledge in Canada. It has been disappointing.

I would like to share with the House the remarkable story of Billy Green, an unknown to some but an important hero from our past. At the age of 19 Green played a crucial and central role in the battle of Stoney Creek during the War of 1812. After coming across a camp of American troops in June of 1813 he ran many miles to inform the British at Burlington Heights. Green then led the British ambush, routing the Americans and forcing their retreat.

I believe that it is the role of the national government to support the promotion of Canadian history. Sadly, obstacles still remain in the way. It is time for the national government to fund the production of stories like Billy Green's. It is time to embrace our unknown past.

\* \* \*

[Translation]

### EARTH DAY

**Ms. Diane Bourgeois (Terrebonne—Blainville, BQ):** Mr. Speaker, today is the 32nd Earth Day. Celebrated by 500 million people every year, this year Earth Day is placed under the sign of water in keeping with the United Nations, which declared 2003 International Year of Freshwater.

It is believed that by 2025, two thirds of humanity will be in a situation of moderate or severe water scarcity.

The Bloc Québécois' youth forum held a conference on sustainable development entitled "Cap sur l'avenir" two weeks ago, which was a great success. There were some wonderful ideas, and a number of possibilities for solutions were discussed. The Bloc Québécois is committed to translating it all into real solutions.

*S. O. 31*

As Antoine de Saint-Exupéry said, “We have not inherited the world from our parents, we have borrowed it from our children”.

\* \* \*

[*English*]

#### MARION CUNNINGHAM

**Mr. Mauril Bélanger (Ottawa—Vanier, Lib.):** Mr. Speaker, it is with great pleasure that I rise today to belatedly congratulate a constituent of Ottawa—Vanier who recently celebrated her 100th birthday.

Marion Cunningham was born on April 10, 1902, in Ottawa where she spent her entire life. She grew up on what is now known as Laurier Avenue and moved a few times within Sandy Hill. She attended the Ottawa Ladies College in the Glebe. She raised five children, Ed, Claire, Corinne, Bill and Diane, and has 10 grandchildren and 13 great grandchildren. She has been a long-time member of St. Joseph's Parish.

Her career was spent in the federal public service, during which time she worked as an administrative officer within the Indian and northern affairs department. She also worked at the time as a secretary to the deputy minister. She retired in Canada's centennial year 1967 and 35 years later we celebrate another centennial, hers.

It is my great pleasure to belatedly wish Mrs. Cunningham a very happy 100th birthday.

\* \* \*

#### FIREFIGHTERS

**Mr. Andy Burton (Skeena, Canadian Alliance):** Mr. Speaker, I am pleased to rise today in the House of Commons to offer my most sincere appreciation to the firefighters in my riding of Skeena.

Last week the city of Terrace and district of Kitimat honoured those firefighters who have faithfully served their communities for many years. We all owe firefighters a great debt of gratitude and it is only in light of the events following September 11 that many have come to truly appreciate the full scope of what their jobs encompass.

As with most smaller towns and cities, many firefighters in my riding are employed at other full time occupations and are called upon to put their own safety aside to respond to life threatening fires and accidents.

It is with extreme pleasure that I acknowledge those individuals honoured with the award for longstanding service, for their dedication, strength, courage and professionalism as they serve and protect the public with honour and pride. On behalf of the residents of the riding of Skeena I offer them our thanks.

\* \* \*

#### ARMENIA

**Mr. Sarkis Assadourian (Brampton Centre, Lib.):** Mr. Speaker, in an article in *The Globe and Mail* on April 18, the Turkish government has threatened legal action against the producers of world renowned Canadian film director Atom Egoyan's film *Ararat* if the film asserts that Turkey was guilty of genocide against the Armenians that commenced on April 24, 1915.

The House has dedicated the week of April 20 to April 27 of each year as the week of remembrance of the inhumanity of people toward one another, in honour of the victims of the Armenian genocide as well as all other victims of crimes against humanity.

I call upon all members to join me in condemning any attempt by any government to control the freedom of artistic expression of a Canadian artist in general, and more specifically in this case relating to the historical facts of the first genocide of the 20th century.

\* \* \*

• (1410)

#### THE ENVIRONMENT

**Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP):** Mr. Speaker, it gives me great pleasure to rise today on Earth Day to congratulate to all those people who dedicate their lives to the protection of our environment. I think of people like Monty Hummel of the World Wildlife Fund, David Suzuki of the David Suzuki Foundation, and Elizabeth May of the Sierra Club of Canada.

I am sure if those three people were sitting here right now they would advise the government of three things it can do right now to protect our environment: first, stop clear-cutting our forests; second, stop dragging the life out of our oceans; and third, clean up the Sydney tar ponds now. I would like to add my own on behalf of the New Democratic Party, ratify the Kyoto protocol and sign the law of the sea.

I wish to congratulate the hon. member for Windsor—St. Clair who has done yeoman's work on the environmental file. If it were not for people like him and the New Democratic Party our planet would be in even worse shape.

I congratulate all those people who celebrate Earth Day. Let us keep up the great work.

\* \* \*

[*Translation*]

#### SUMMIT OF THE AMERICAS

**Mr. Yves Rocheleau (Trois-Rivières, BQ):** Mr. Speaker, one year ago today, the Summit of the Americas ended in Quebec City, and I was present there myself. Save the adoption of the inter-American democratic charter by the Organization of American States, the real situation of democracy has deteriorated since that time, both here and elsewhere.

First, the Government of Canada has yet to ratify any of the regional treaties on human rights after 12 years at the OAS. Domestically, legislation passed since the tragic events of September 11 demonstrates to what extent Canada's reputation on democratic rights is overrated.

When it comes to the negotiation process, the Liberal government has done nothing, in contrast to the Government of Quebec, which has introduced a bill that will give parliamentarians the opportunity to debate and vote on any FTAA agreement.

If Canada is keen about the integration of the Americas, then democratic, social, cultural and environmental concerns will have to become the focus of the negotiation process again, putting the economy back in its rightful and important place: at the service of the people of the Americas.

\* \* \*

[English]

#### FOREIGN AFFAIRS

**Mr. Peter Adams (Peterborough, Lib.):** Mr. Speaker, for a year a group has held a Friday vigil outside my riding office in opposition to the sanctions against Iraq. Since September 11 this has not been a popular public stance but those concerned have persisted in good weather and bad.

With the events of September, the deterioration of conditions in the Middle East, and the U.S. position on Iraq the cause of this group seems even less hopeful than it was when they began. Yet this should not be the case.

Saddam Hussein has not been weakened by the sanctions. The weakest of those in his power, including children, suffer most from the sanctions. Surely this means the sanctions are encouraging future terrorists at the very base of the population pyramid. Poverty and ignorance breed violence. A reasonable standard of life and education breeds peace.

Whatever we do to Saddam Hussein let us start feeding and educating the children of Iraq. They in turn will help us against the Saddam Hussein's of the future and the terrorists of the future.

\* \* \*

#### THE ENVIRONMENT

**Mr. Gerald Keddy (South Shore, PC):** Mr. Speaker, today school children across Canada and around the world will be taking part in Earth Day activities: planting trees, learning about hazardous waste, water pollution, pollution emissions and how to reduce, reuse and recycle to minimize our impact on the environment.

Those are just some of the issues school children will be learning about as part of Earth Day activities. Six million Canadians will join 500 million people worldwide celebrating Earth Day.

The Progressive Conservative Party has always been recognized for its environmental stance, particularly as a result of its efforts at the Rio summit. However those efforts have been allowed to lapse by the current government. The Liberal government has turned its back on the environment having failed to pass a single piece of environmental legislation.

Earth Day reminds us all that we are stewards of this planet. I encourage all Canadians to take part in protecting their environment.

\* \* \*

#### ORGAN DONOR AWARENESS

**Mr. Janko Peric (Cambridge, Lib.):** Mr. Speaker, this week has been designated National Organ and Tissue Donation Awareness Week. Today 4,000 Canadians are on waiting lists for organs and tissues. Many will die unless we take the time to sign our donation cards and inform our families.

#### Oral Questions

One donor can save the lives of nine people, while tissues from one donor can help up to 40 people improve the quality of their life. Ninety per cent of Canadians support the idea of organ and tissue donation, yet less than half have signed up to be donors. At the same time, the need for organs and tissues continues to rise.

I encourage all Canadians to discuss this important issue with their loved ones and to sign their donor cards.

\* \* \*

●(1415)

#### VAISAKHI

**Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance):** Mr. Speaker, this weekend in Toronto and across Canada Sikh communities gathered to celebrate the annual harvest festival of *Vaisakhi*, the first solar day of the Sikh new year.

*Vaisakhi* is a special day for the Sikh faith. On this day each year more than 400,000 Sikhs in Canada join 20 million followers around the world in celebration and recommitment to a path of spiritual disciplines that embody the remembrance of God, truthful living, hard work, equality of all mankind, compassionate service, hope and renewal. A free community kitchen can be found at every Sikh temple which serves meals to people of all faiths, following their basic principles of service, humility and equality.

The Canadian Alliance joins with all Canadians in commending Canadian Sikhs as they add to our diverse Canadian culture the values that make them strong, and we wish them a happy and very prosperous new year.

---

## ORAL QUESTION PERIOD

[English]

#### GOVERNMENT OF CANADA

**Mr. John Reynolds (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, the majority of Canadians now believe that the federal government is corrupt. Let us talk about corruption.

Ministers are raising money secretly for leadership campaigns, the government is buying luxury jets and as long as the government is unaccountable it will be perceived to be corrupt.

Will the Prime Minister take one small step toward ending this perception of corruption by finally delivering on his promise to appoint an independent ethics and integrity counsellor who reports directly to parliament?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, the ethics counsellor appears four or five times a year in front of a committee to report on lobbyists to the committee and to the House of Commons.

When he advises the Prime Minister on the responsibilities of the Prime Minister he has to talk to the Prime Minister. However on the other matters he can do that through the committee of the House and he has done it many times.

*Oral Questions*

The reality is that since this government has been in operation, almost nine years, not one minister has been obliged to resign because of corruption.

**Mr. John Reynolds (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, the status quo is unacceptable. Change is needed. The Prime Minister has the wrong priorities. He will not even take the smallest steps to make his government more accountable to the hardworking taxpayers who are looking at the kinds of rules he has.

We now have the perception that the finance minister may have been selling tax dodges, and I say may, in order to raise money for his leadership slush fund.

Has the Prime Minister taken any action to put rules in place to ensure that these ministers are not compromising their cabinet roles as they scramble to replace him?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, on Saturday, the Leader of the Opposition was very happy that we had a Challenger to take him to Trenton. I invited him and he went on the plane. He had no scruples using the plane to go to pay tribute to the soldiers there. I would like to give the facts and stop that hypocrisy.

I said, yes, that there will be guidelines. People have the right to organize, like the opposition parties, if there is a leadership campaign. There eventually will be a leadership campaign. I do not think that I will be here for another 30 years, so some day some of these kids who are around me can hope to take over from me.

**Mr. John Reynolds (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, I was proud to go in the Challenger jet on Saturday to honour those brave Canadians. However that has nothing to do with corruption in government.

In my party, members in the shadow cabinet had to step down to run for the leadership. We would be quite prepared if the Prime Minister brings in rules to declare all the moneys that are donated.

Seventy-one per cent of the Canadian public has a perception that government is corrupt. When will the Prime Minister bring in the rules so we can show Canadians that we are all above board in what we are doing in the House?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, there is no leadership race at this time. I know the other party had a race a few weeks ago and it has not given the names and the amount of money that has been collected. It dares to tell us to do something that it does not do itself.

There will be rules when there is a leadership campaign. I have said that in the House of Commons and I have said that in caucus, but in due course, and probably quite soon.

**Mr. James Rajotte (Edmonton Southwest, Canadian Alliance):** Mr. Speaker, through an access to information request we have learned that in June 2001 the ethics counsellor asked that a draft letter be prepared to be sent out to ministers to advise them on how to conduct fundraising for their leadership campaigns.

Could the Prime Minister tell Canadians if ministers who are raising money for their leadership campaigns were informed of these

draft guidelines? If they were not notified, why have these guidelines not been enforced?

• (1420)

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, I received a letter from the ethics counsellor last week and I want to see him because I think they need to be improved. When the regulations are ready, I will make them public. He was not there last week so I could not meet him.

I intend to meet him, and to discuss that with a few people. I hope that we will have rules ready to table in the House before the end of May.

**Mr. James Rajotte (Edmonton Southwest, Canadian Alliance):** Mr. Speaker, these access to information documents state that in June 2001 a draft paper had been written by the ethics counsellor on the leadership campaign issue. Yet the final guidelines were delivered by the ethics counsellor to the Prime Minister on April 12. These guidelines had been ready for nearly a year.

Why did the Prime Minister allow almost a full year to pass before receiving these guidelines and why did he not make the draft guidelines public last year?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, the member just said that the letter was sent to me on April 12 of this year. Therefore, I could not act on them before I received them. I received them last week and I will act before the end of next month.

\* \* \*

[Translation]

#### KYOTO PROTOCOL

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, in 1997, Quebec and the provinces all agreed that the increase in greenhouse gas emissions had to stop. There was full agreement that Canada should take action.

Unfortunately, Canada has not yet gotten past the talking stage. In fact, while Canadian emissions have increased by 20%, the government is caving in to pressure from certain lobbies and certain ministers, and backtracking on Kyoto.

Will the Prime Minister admit that by refusing to use these consultations to examine ways of reducing greenhouse gas emissions, the government is leaving itself a way out of ratifying the Kyoto protocol?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, we have been saying for many months now that we wanted to consult the provinces and those with an interest in this issue. It is very important that we have co-ordination with the provinces so that an environmental protection plan can be implemented by Canadians. The matter is not closed.

Only this morning, just a few hours ago, I discussed this problem with Japan's Prime Minister, who is planning to ratify the accord. They too have certain problems. We are hoping that eventually, here in Canada and internationally, we will find common ground and that the accord can be signed by as many countries as possible, including Canada.



*Oral Questions*

**Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ):** Mr. Speaker, we have nothing against consultations, but they must not be used as an excuse for not taking action. If we are to implement Kyoto as quickly as possible, the consultations must focus on a tangible proposal.

Yes or no, will the Prime Minister tell us whether, with a view to consultations, the government has submitted a clear proposal to implement Kyoto and, if so, what that proposal is?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, the Minister of the Environment and the Minister of Energy are working on this right now. They will, I hope, be in a position to put forward tangible proposals to the ministers of the provinces and territories in the coming weeks.

**Mr. Michel Gauthier (Roberval, BQ):** Mr. Speaker, unfortunately the federal government is using the consultations with Quebec and the provinces as an excuse to delay ratification of the Kyoto protocol. But when international negotiations were taking place, everyone in Canada agreed with the principle that we must not increase greenhouse gas emissions.

Does the government's lack of leadership and its inability to make a clear proposal to the provinces not leave a lot of room for some lobbies that are using certain ministers to get the government to back off on the ratification of this accord?

**Hon. David Anderson (Minister of the Environment, Lib.):** Mr. Speaker, I can assure the hon. member that the federal government's position is clear and that it is supported by all the ministers of the Government of Canada.

We will have consultations with the provinces, the territories, the industries that are affected and the general public. Following that, we will have a plan to ensure that no region of the country has to support an undue burden. We will then be in a position to make a decision on ratification of the protocol.

**Mr. Michel Gauthier (Roberval, BQ):** Mr. Speaker, the Minister of the Environment should realize that while the government is backing off regarding the Kyoto protocol, or, at best, is standing still, according to observers, between 1990 and the year 2000—this is recent, and the period during which this government was in office—greenhouse gas emissions in Canada increased by 20%.

Does the government realize that this is the situation in which it is putting everyone right now?

• (1425)

**Hon. David Anderson (Minister of the Environment, Lib.):** Mr. Speaker, the hon. member is right. There has been an increase in greenhouse gas emissions since 1997. However, he should also know that the first period under the Kyoto protocol only begins in 2008. We have a few years to put in place the plan to which the Prime Minister referred a few minutes ago.

\* \* \*

[English]

**TRADE**

**Mr. Dick Proctor (Palliser, NDP):** Mr. Speaker, the Minister of Finance apparently told the U.S. treasury secretary that there are some very serious problems in the Canada-America trade relations.

He referenced hit and run duties on softwood lumber and a tax on the Canadian Wheat Board, both of which he said were politically motivated.

Americans need Canada's approval for the northern natural gas pipeline route. So far our government has been falling all over itself to co-operate. Did the finance minister indicate that this pipeline approval process would be slow walked should the U.S. continue to harass our lumber and grain exports?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, I covered a wide range of areas with the U.S. secretary of the treasury who, in his previous life as a business person, has an extensive understanding of Canada. The point that I made very clearly is that this government will make all of its decisions in Canada's interest.

**Mr. Dick Proctor (Palliser, NDP):** Mr. Speaker, the Americans who claim to be free traders are rolling out the biggest farm subsidy in history. Our government ministers here on this side cluck their tongues and say that our pockets simply are not as deep. Our federal government surpluses are running at a record high, a much higher rate than was anticipated after September 11.

Farm leaders are asking for \$1.2 billion to counteract the effect of these subsidies. Will the finance minister warm his cold, cold heart and agree immediately to provide the \$1.2 billion that is so desperately required?

**Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.):** Mr. Speaker, the hon. member accompanied me to Washington a couple of weeks ago. I was pleased to have him there to send the message to American politicians and industry on the effects of their subsidies.

As I said in the House on Friday, this government has shown consistently and effectively that we look at every way we possibly can to seek out resources and use them as best we can to assist Canadian farmers.

\* \* \*

**NATIONAL DEFENCE**

**Mr. Bill Casey (Cumberland—Colchester, PC):** Mr. Speaker, with respect to the Canadian fatalities in Afghanistan, the terms of reference for the board of inquiry limits testimony to only those Canadians involved. It will not include either the American pilot or his commanding officers, who really have all the answers.

If we are good enough to be partners in the conflict, why are we not good enough to have them testify as to how our soldiers were killed? Will the minister request that the Americans testify at the Canadian board of inquiry?

**Hon. Art Eggleton (Minister of National Defence, Lib.):** Mr. Speaker, the board of inquiry has been given all the terms of reference, very extensive terms of reference, to do an effective job in finding the information necessary.

The United States has indicated full co-operation. It will also have a board. We will have very substantial involvement in that board as well. I believe we will get the information that is necessary to find out what happened and to try to do something to reduce the risks of it happening again.

*Oral Questions*

**Mr. Bill Casey (Cumberland—Colchester, PC):** Mr. Speaker, the minister says that they believe they will get the information, but that is not good enough. The Americans themselves have identified the main question as to whether the pilot had permission to drop the bomb or not. The Canadian board of inquiry will not have direct access to anyone who can answer that most important question.

Again, will the minister request that the pilot and superiors testify at the Canadian board of inquiry?

**Hon. Art Eggleton (Minister of National Defence, Lib.):** Mr. Speaker, the board of inquiry will work it out and it will work it out with its American counterparts.

Mr. Rumsfeld, the secretary of defense, just said within the last hour that there would be full co-operation on all these matters. I do not anticipate that we will have any difficulty getting the information that is necessary to determine what happened and what steps can be taken to reduce the risks in future.

\* \* \*

**KYOTO PROTOCOL**

**Mr. Bob Mills (Red Deer, Canadian Alliance):** Mr. Speaker, the Minister of the Environment promised to make consultation on Kyoto equal and fair, and yet the Sierra Club of Canada boasts on its website that it is “working behind the scenes with (government) officials trying to produce a real economic forecast”. It also says that it has been asked to contribute to the design of the consultation process and is advising on media relations and which experts will be allowed to speak.

Why are these groups getting such preferential treatment?

● (1430)

**Hon. David Anderson (Minister of the Environment, Lib.):** Mr. Speaker, the system is wide open. Anyone can come forward with proposals on how these discussions could take place and how these consultations should proceed. I am not responsible, as a minister of the crown, for the website of the Sierra Club of Canada.

**Mr. Bob Mills (Red Deer, Canadian Alliance):** Mr. Speaker, the real question is has his department lost control of this whole process? The Minister of the Environment has always said that it is important to consult on Kyoto.

How can he now pretend that consultation is fair and impartial when a special interest group has been asked to help design the process? It seems like the whole deck is stacked.

**Hon. David Anderson (Minister of the Environment, Lib.):** Mr. Speaker, the hon. member should tell that to the Albertans who I have met over the last few weeks and the last few days.

The fact is we have consultations with a large number of people. This is a matter that affects the whole country, not just a particular region or not just a particular sector. I simply want to have the best consultations we can so that we come up with a genuine Canadian consensus as to what we should do and how we should proceed.

[*Translation*]

**Ms. Pauline Picard (Drummond, BQ):** Mr. Speaker, according to the Minister of the Environment, the government is continuing its consultations leading up to ratification of the Kyoto protocol. The main issue to be settled is whether the distribution of Canadian

efforts in compliance with the protocol will be geographical or sectorial.

Since the government is in consultation with the provinces with a view to applying Kyoto, can the minister tell us the basis of these consultations? On a territorial or sectorial basis? What is his position?

**Hon. David Anderson (Minister of the Environment, Lib.):** Mr. Speaker, we have held a number of consultations with the provinces on this matter of territorial vs sectoral approach.

Since September, I have held three meetings with the provincial and territorial ministers of energy and the environment. Another is scheduled for next month.

We have often discussed the best approach to achieving the goal we are pursuing with the Kyoto protocol. I am awaiting information from the provinces and territories. There is nothing very complicated about this.

**Ms. Pauline Picard (Drummond, BQ):** Mr. Speaker, how can the federal government explain that other countries, for instance the countries of the European Union, have made far more progress than we have in implementing the Kyoto protocol, although a number of different countries were involved? Do we in Canada not have a real lack of political leadership and will?

**Hon. David Anderson (Minister of the Environment, Lib.):** Mr. Speaker, the situation with the European Union is far different from ours in Canada.

We know, for example, that the United States withdrew from the Kyoto protocol a year ago. We had access to the details of their plan only this past February.

The Europeans do not have the same trade links as we in Canada do with the U.S. The Canadian and European situations are totally different.

\* \* \*

[*English*]

**NATIONAL DEFENCE**

**Mr. Gerry Ritz (Battlefords—Lloydminster, Canadian Alliance):** Mr. Speaker, we see today that 69% of Canadians do not buy the excuses made by the Liberal jet setters over there. No one questions that the Challenger 604 is a better aircraft, after all it is 19 years newer, has better technology and we are pre-buying \$8 million worth of spare parts. That goes a long way toward warranty claims.

What Canadians really want to know is who over there ordered the immediate replacement of the Challengers instead of the heavy lift aircraft and Sea King replacements our armed forces really need?

**Hon. Art Eggleton (Minister of National Defence, Lib.):** Mr. Speaker, this does not in any way detract from any of these other projects.

The Sea King project is moving ahead. There will be an announcement as to the replacement for the Sea Kings before the year is out. Meanwhile, the Sea Kings which have been given upgrades are doing terrific service in the Arabian gulf.

*Oral Questions*

The Challengers are replacements for two older Challengers. They are not luxury Challengers. They will have a longer range and will be more fuel efficient. They do make sense and they have been purchased for those reasons.

• (1435)

**Mr. Gerry Ritz (Battlefords—Lloydminster, Canadian Alliance):** Mr. Speaker, according to the contract breakdown the minister tabled on Friday, the two new jets are budgeted for almost \$10 million in special military instrumentation. According to DND's own reports, the existing Challengers have been kept up to date with this hardware.

Would Canadian taxpayers not be better served by transferring the existing instrumentation, or does the Liberal government intend to shelve it beside the \$174 million satellite system it never used?

**Hon. Art Eggleton (Minister of National Defence, Lib.):** Mr. Speaker, all of this equipment is equipment that is not available in any other way. It needs to be installed to bring the Challengers up to the same level as the other ones we have in the inventory.

\* \* \*

[Translation]

**HIGHWAY INFRASTRUCTURE**

**Ms. Jocelyne Girard-Bujold (Jonquière, BQ):** Mr. Speaker, on Saturday, a Saguenay—Lac-Saint-Jean paper, *Le Quotidien*, published an article by Denis Bouchard, in which he stated “The federal government wanted Quebec to commit to covering half of the costs for making highway 175 into a four lane highway, and it did. It also wanted Quebec to undertake environmental impact studies, and it did. Now the province is asking Ottawa to respect the promise that it made ten times, not once”.

What is the Minister of Transport waiting for to make good on the federal government commitment and announce its financial support as soon as possible, as promised during the election campaign?

**Hon. David Collenette (Minister of Transport, Lib.):** Mr. Speaker, we have not signed the agreement with the province of Quebec on highways. The highway in the member's riding and in that of my colleague, the parliamentary secretary, who has done much for the interests of Quebecers in the House, is a priority for the government of Quebec and also for us.

**Ms. Jocelyne Girard-Bujold (Jonquière, BQ):** Mr. Speaker, we know that the member for Chicoutimi—Le Fjord has not done a thing since the last election. The time for making excuses and ducking the issue is over. The people of the Saguenay—Lac-Saint-Jean want Ottawa to live up to the promises made by the ministers and by the member for Chicoutimi—Le Fjord before the election.

When will the Minister of Transport make good on his promise and announce the federal government's contribution to the project? All we are waiting on is him.

**Hon. David Collenette (Minister of Transport, Lib.):** Mr. Speaker, I must inform the hon. member that she made no comment on this highway before my colleague, the parliamentary secretary's speech. He is the one who raised this issue in the House of Commons.

[English]

**GOVERNMENT PROCUREMENT**

**Mr. John Duncan (Vancouver Island North, Canadian Alliance):** Mr. Speaker, Canada is a nation with a small population. Therefore it has a vested interest in international rules based trade.

Under NAFTA, government procurement over \$37,500 requires a request for tenders, unless the government invokes an exception. The government did not have to break the rules to get the two Challengers as cabinet jets. They would probably have won in a fair and open competition.

Why did the government sacrifice our international moral authority for cushy cabinet convenience?

**Hon. Don Boudria (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, rules were not broken.

The hon. member will know of course that there is only one company that makes Canadian jets. There is only one company that makes Challenger jets. There are only four jets. We certainly were not going to have five different kinds of them. We ordered the Canadian supply. It was permitted. It is world class technology. We are proud of the workers who make this excellent product.

**Mr. John Duncan (Vancouver Island North, Canadian Alliance):** Mr. Speaker, these things may be true but public works cannot go around breaking the rules of procurement. Canada cannot argue that it does not like unilateral actions that break international treaties by other governments and then damage its own reputation by doing the same thing.

The government bent the rules on Cipro and on the Challengers. Which cabinet member authorized this exception to the rule?

**Hon. Don Boudria (Minister of Public Works and Government Services, Lib.):** Mr. Speaker, the rule was not broken. It is not a matter of getting an exception to the rule if it is not broken. An exception was not necessary. In fact, this contract is exempt both under WTO and under NAFTA.

\* \* \*

• (1440)

**AGE OF CONSENT**

**Mrs. Judi Longfield (Whitby—Ajax, Lib.):** Mr. Speaker, since the recent court decisions relating to child pornography there has been much discussion about the age of consent for sexual activity. Can the Parliamentary Secretary to the Minister of Justice and Attorney General of Canada clarify what the actual age of consent is in Canada?

**Mr. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.):** Mr. Speaker, on age of consent there is a common misunderstanding of the criminal law treatment of this issue.

*Oral Questions*

Since 1890 the age of consent for most purposes has been set at 14. The age is 18 however where the relationship is exploitive, such as in the case of prostitution, child pornography, or where there is an existing relationship of trust or authority. Any non-consensual sexual activity regardless of age is sexual assault. However, there is concern that the motion tomorrow by the opposition may in effect reduce the age of consent from 18 to 16 and we are against that.

\* \* \*

**TAXATION**

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, I cannot deduct my traffic tickets from my income tax yet a recent court ruling says that businesses can deduct fines, penalties and levies as a legitimate business expense. I find this outrageous.

Will the Minister of National Revenue agree that it undermines the deterrent value of a fine if a company can write it off as a tax deduction? Will she agree to have her department study this issue and bring forward amendments to the act so that fines and penalties that are imposed by law on a company are not allowed as legitimate tax deductions? Will she make that commitment today?

**Hon. Elinor Caplan (Minister of National Revenue, Lib.):** Mr. Speaker, I am aware of the recent supreme court ruling. I want to assure the member and others who are interested in the subject that we are reviewing the matter at this time. It is an important issue that should be looked at.

\* \* \*

**HOUSING**

**Ms. Libby Davies (Vancouver East, NDP):** Mr. Speaker, Canadian families are still waiting to benefit from the housing agreement that was signed with the provinces and the territories last year. In B.C. the provincial Liberals are diverting desperately needed housing dollars into seniors care. In Ontario they are trying to get away with group homes and care facilities while ruling out affordable housing by definition. It is a far cry from what was supposedly agreed to.

The Deputy Prime Minister has this important file. Why is he not insisting on affordable clear outcomes for affordable not for profit housing instead of letting the provinces off the hook while lining the pockets of developers? Why is this agreement—

**The Speaker:** The hon. Deputy Prime Minister.

**Hon. John Manley (Deputy Prime Minister and Minister of Infrastructure and Crown Corporations, Lib.):** Mr. Speaker, first of all, the federal government is very proud to have committed an additional \$680 million to public housing to provide an opportunity for low income Canadians in every part of Canada to have access to affordable quality housing.

We continue to negotiate an agreement with the province of Ontario. The member should be assured of the fact that it is our intention to ensure as best we can that we have a significant increase in the number of units that are available in the province of Ontario.

**ETHICS**

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Mr. Speaker, a poll released today confirms what Canadians have been saying for a long time: 69% of Canadians feel the little guy from Shawinigan has become the big enchilada from Ottawa.

The government continually puts its own interests and politics ahead of the interests of Canadians. When will the Prime Minister and his government make integrity and accountability a priority?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, coming from that corner of the House, I am surprised to get a question like that.

This government has been in office for nine years. None of the cabinet ministers has been forced to resign because of this problem but we saw more than half a dozen in the few years that the Tories were in power.

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Mr. Speaker, the government has given us: broken promises; red book reversals; GST and free trade; the ethics counsellor; the Somalia shutdown; APEC; homeless friends; the rewarding of friends; the strangling of protestors and parliament; patronage; nepotism; Gagliano; Liberal fundraising scandals; contract cancellations; Pearson airport; helicopters; waste; AG ignored; billion dollar boondoggles; jazzy jets; convicted Liberal fundraisers; shady Shawinigan golf course deals; BDC interference; disdain for ethics, due process and accountability. Why?

**Right Hon. Jean Chrétien (Prime Minister, Lib.):** Mr. Speaker, I guess I have just heard a leadership candidate. I would like to know if he has started to collect money. I say to the person who is sitting just in front of him, watch your back.

\* \* \*

●(1445)

**CORRECTIONAL SERVICE CANADA**

**Mr. Kevin Sorenson (Crowfoot, Canadian Alliance):** Mr. Speaker, in direct contradiction to the solicitor general's response a week ago, reportedly dozens of inmates, not just one as he has stated, received incentive pay from CorCan, some up to \$700 per week.

I therefore ask the solicitor general, exactly how many convicts have received incentive pay and how much?

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, as I indicated to my hon. colleague previously, this action was inappropriate. Correctional Service Canada has indicated to me that it will not happen again.

**Mr. Kevin Sorenson (Crowfoot, Canadian Alliance):** Mr. Speaker, the solicitor general obviously did not hear the question. The question was how many inmates received the incentive pay and how much?

*Oral Questions*

While individuals like Candice Bridgman and her two infant children are home grieving the murder of her husband, his killer, Dennis Smysnuik, is apparently making thousands of dollars from CorCan. Quite obviously the government does not believe that crime does not pay.

How can the solicitor general justify convicts, particularly killers like Smysnuik, making more money than many hardworking honest Canadians, let alone making any money at all?

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, that is quite a wild statement from my hon. colleague.

I have indicated a number of times that what happened was inappropriate. My hon. colleague is also well aware I am going before the standing committee on Thursday. This question would be appropriately answered at that time.

\* \* \*

[Translation]

**SOFTWOOD LUMBER**

**Mr. Pierre Paquette (Joliette, BQ):** Mr. Speaker, while the Americans are imposing a 29% tariff on Canadian softwood lumber, the Minister for International Trade contends that it is still too early to implement assistance programs to help our lumber sector, as requested by labour and industry.

The minister's position is surprising, considering that a number of sawmills may have to shut down and that thousands of jobs have already been lost following the American decision.

How does the Prime Minister explain the comments made by the Minister for International Trade?

[English]

**Mr. Pat O'Brien (Parliamentary Secretary to the Minister for International Trade, Lib.):** Mr. Speaker, it is very clear the government does not want to take precipitous action in this regard. It is consulting very widely with the industry. It is consulting with all the provinces. It keeps an open mind. All options are open.

It may be that existing programs will not be sufficient and that further action will have to be taken. The last thing we would want to do is make a wrong mistake quickly.

[Translation]

**Mr. Pierre Paquette (Joliette, BQ):** Mr. Speaker, the issues change, but the government's inaction remains the same, whether on the softwood lumber issue or the Kyoto protocol. This government never takes action.

The minister claims that the situation in which some softwood lumber producers are finding themselves could be the result of bad business decisions on their part and that, consequently, it would not be up to the government to correct these mistakes.

Will the Prime Minister recognize that the Minister for International Trade is once again evading his responsibilities by blaming the industry for a situation that it did not create?

[English]

**Mr. Pat O'Brien (Parliamentary Secretary to the Minister for International Trade, Lib.):** Mr. Speaker, I think the hon. member ought to consult with industry in his home province. It has just written to the Prime Minister saying that for its part it wants to assure him and the responsible minister, the Minister for International Trade, of its continued and unrelenting support. Industry Quebec understands that the government is doing its job very well.

\* \* \*

**CORRECTIONAL SERVICE CANADA**

**Mr. Vic Toews (Provencher, Canadian Alliance):** Mr. Speaker, under Canada's statutory release program a prisoner must be released after serving only two-thirds of his sentence if the prisoner is not a risk to public safety. However, it has been shown that at least 42% of all statutory releases last year resulted in repeat offences.

Why does the solicitor general continue to place prisoners back into society before it is safe to do so? Why is it that Canadians are always in second place?

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, I think the hon. member, as a former attorney general, is well aware of why stat release is in place. The fact is a person is released with conditions on the release. If not, the person will be released into society with no conditions, scot-free.

What the government wants to do is have control on the offender and make sure the offender is integrated back into society as safely as possible.

**Mr. Vic Toews (Provencher, Canadian Alliance):** Mr. Speaker, we know there is no control in prisons but that does not mean we can turn them loose in the streets.

At the Frontenac Institution, figures show that historically 66% of escapes from that prison have been drug related. Drugs are an issue in most of the escapes there.

If rehabilitation is such an issue for the solicitor general, could he explain why there are only two prisoners there who receive methadone treatment and why there is no detoxification program for those who need it? If he cares about rehabilitation in prisons why does he not do something about it?

● (1450)

**Hon. Lawrence MacAulay (Solicitor General of Canada, Lib.):** Mr. Speaker, I think it is a bit unfair for my hon. colleague to indicate that I have no concern about addiction in penal institutions. In fact, if there is anything that I have emphasized since I became solicitor general it is addictions of human beings.

The fact of the matter is that we are having an international conference in Charlottetown at the end of this month. If we want the brightest minds in the world to look at problems and come up with solutions, that is in fact what the government will do and will continue to do.

*Oral Questions***TRADE**

**Mr. Walt Lastewka (St. Catharines, Lib.):** Mr. Speaker, my question is for the Secretary of State for Central and Eastern Europe and Middle East.

Canada has always enjoyed an excellent trade relationship with the United Arab Emirates, especially Dubai. My own riding of St. Catharines in the last year signed contracts for many goods and services. However I would like to know if the present situation in the Middle East has adversely affected our trade relationship and, if so, what is he doing to overcome this and increase trade with the UAE?

**Hon. Gar Knutson (Secretary of State (Central and Eastern Europe and Middle East), Lib.):** Mr. Speaker, having just returned from the region, I learned that while the Israel-Palestine conflict is a major preoccupation throughout the Arab world, countries on the Arabian peninsula are determined to expand trade and commercial links with Canada.

More specifically, my visit highlighted opportunities for Canada in health care, tourism, housing and education which can augment major investments made to date in the oil and gas sectors.

I applaud my colleague for his personal efforts to exploit these opportunities on behalf of his riding.

\* \* \*

**AIRPORT SECURITY**

**Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance):** Mr. Speaker, Canadians are being charged \$24 supposedly for air security but many airports in British Columbia are charging an extra \$5 for air security, which makes it a \$29 charge for air security. The airports say that it is because the government does not give them a dime for air security. The government collects the \$24 tax and it goes into general revenue.

Local airports are not getting the money and have to finance air security on their own with a \$5 charge. Smithers Airport charges \$5 for air security on top of the \$24. Why is this happening?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, I can assure the hon. member that 100% of the revenue that is received for air security is going back into air security. It will be invested in air security at our airports across the country.

**Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance):** Mr. Speaker, the local airport authorities tell us a different story. It may be a different view for the finance minister in an air conditioned building in Ottawa but on the ground at Smithers Airport an extra \$5 is being charged for security because the government is not giving Smithers the money that it is taking in for security.

Now that the government has implemented this new tax and is not giving it back, what will it do with the \$24 revenue? Will it finance more leadership campaigns or will it finally give it to air security? Which will it be?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, it is very clear. The Minister of Transport and I have both said that 100% of the money being raised for air security will be invested in air security, the bulk of it in airports across the country. In fact it has not been received, speaking on my behalf and on behalf of the

Minister of Transport, I am sure we will look into the matter. One hundred per cent of the money for air security goes to air security.

\* \* \*

[*Translation*]

**AIRLINE INDUSTRY**

**Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ):** Mr. Speaker, Air Canada's way of doing things with regional air transport is becoming increasingly obvious. When there is successful competition, Air Canada kills it. After creating Jazz and Tango, Air Canada is now launching Zip to compete directly with WestJet, a regional company from western Canada.

Does the Minister of Transport realize that, using competition as an excuse, Air Canada is killing that competition and that by letting this situation drag on, he is already accepting the fact that the regions will be at the mercy of a single airline carrier?

**Hon. David Collenette (Minister of Transport, Lib.):** Mr. Speaker, the hon. member is justifiably concerned. This is why we have proposed amendments to the Competition Act. There are currently 23 such amendments being reviewed by the Senate.

I hope that this legislation will create a context that will promote air transport by various airlines, particularly in the regions.

\* \* \*

[*English*]

**THE ENVIRONMENT**

**Mr. Alan Tonks (York South—Weston, Lib.):** Mr. Speaker, as has been pointed out earlier, while the government is engaged in public consultations on a new agricultural policy, there are growing signs that greenhouse gases from farming affect our environment and increase the rate of climate change.

Would the Minister of the Environment please tell the House what the government is doing to help farmers reduce greenhouse gas emissions?

● (1455)

**Hon. David Anderson (Minister of the Environment, Lib.):** Mr. Speaker, the involvement of the agricultural and forestry sectors in the so-called carbon sinks has been a very important part of Canadian policy. We were successful in negotiating this at the international level and we have it now firmly embedded in the Kyoto agreement.

We are now working with the agricultural organizations as well as with the provinces and others to make sure that full advantage is taken of this so that Canadian farmers can find what we trust will be another income stream related to their good farming practices which allow them to reduce greenhouse gases.

*Oral Questions***HEALTH CANADA**

**Mr. Rob Merrifield (Yellowhead, Canadian Alliance):** Mr. Speaker, lead tainted raisins raised eyebrows at Health Canada but, while the U.S. banned it and Great Britain put out a public alert, Health Canada was silent. Tainted raisins remained on the market. The public did not know and children's health was put at risk.

Lead exposure is linked to impairments in IQ, attention, memory and social behaviour. Why did Health Canada not warn Canadians about the danger when other countries did?

**Hon. Anne McLellan (Minister of Health, Lib.):** Mr. Speaker, let me be absolutely clear that when it is determined that there is an unacceptable risk, action is taken. In this particular situation, a risk assessment was undertaken and it was determined that there was no immediate health risk.

Let me reassure the House that in 1995 risk levels were established and since that time no raisins have entered this country that do not meet those standards.

\* \* \*

[Translation]

**FISHERIES**

**Mr. Jean-Yves Roy (Matapédia—Matane, BQ):** Mr. Speaker, as the Fisheries Resource Conservation Council wrote in its recommendations to the Minister of Fisheries and Oceans, "Predation by seals is now the dominant source of exploitation on groundfish in the Gulf".

Will the Minister of Fisheries and Oceans tell us why he is hesitating to bow to the inevitable and announce an increase in the seal quota?

**Hon. Robert Thibault (Minister of Fisheries and Oceans, Lib.):** Mr. Speaker, first of all, I would like to thank the Fisheries Resource Conservation Council and the panel on seal management for the serious work they have done and the recommendations they have made. Both have advised me that the growing seal population could present problems.

I have asked officials in my department to do a study of the seal population and to talk with the provinces and industry to determine just how much quotas could be increased in the long term in order to satisfy all these requirements.

\* \* \*

[English]

**GOVERNMENT CONTRACTS**

**Mr. Pat Martin (Winnipeg Centre, NDP):** Mr. Speaker, Arthur Andersen Inc. has been fired by Ford Motor Company, FedEx and the U.S. government but incredibly it is still good enough for the Bank of Canada. In fact it has been appointed by the federal cabinet on a recommendation by the finance minister until the year 2005.

In light of what we now know about Andersen and its involvement in the Enron scandal, will the government follow suit with dozens of other corporate and government clients and dismiss Arthur Andersen Inc. from any Government of Canada contracts?

**Hon. Paul Martin (Minister of Finance, Lib.):** Mr. Speaker, there have been discussions between officials of the Department of

Finance and the Bank of Canada on this matter. There is no intention to change auditors at this time.

\* \* \*

**CANADA CUSTOMS AND REVENUE AGENCY**

**Mr. Loyola Hearn (St. John's West, PC):** Mr. Speaker, the Canada Customs and Revenue Agency recently issued a request for a proposal for the procurement of office supplies for all of its locations across the country. In short, CCRA is seeking to establish a procurement agreement with a single supplier. This practically eliminates small, local businesses in local communities around the country and guarantees business to those with U.S. parent companies.

How can the minister justify this in light of the fact that the department decentralized in the first place to assist the local economy?

**Hon. Elinor Caplan (Minister of National Revenue, Lib.):** Mr. Speaker, I am aware of the issue the member raises. The CCRA is exploring options to ensure that purchasing is done in the most cost effective way, which will be of assistance to not only our offices but also to taxpayers.

This issue is under review because we want to ensure that the bidding is fair and that everyone has an opportunity to supply the agency.

\* \* \*

**RESEARCH AND DEVELOPMENT**

**Mr. Brent St. Denis (Algoma—Manitoulin, Lib.):** Mr. Speaker, the issues facing government are becoming increasingly more complex. They often impact greatly on our society and economy. The public relies on government to use science and technology to ensure the health, safety and well-being of Canadians.

Could the Secretary of State for Science, Research and Development advise what the government is doing to ensure that Canada is able to keep pace with the rapid rate of technological change and the advancement of science and technology?

● (1500)

**Hon. Maurizio Bevilacqua (Secretary of State (Science, Research and Development), Lib.):** Mr. Speaker, science and technology advice plays a key role in the government decision making process. As a matter of fact Canada is one of only two countries in the world that has a government wide policy on science and technology advice.

The framework builds on the work done by the Council of Science and Technology advisers and is currently being implemented across the federal government. In adopting this framework, our country continues to capitalize on the great opportunities generated by advances in science and technology.

**The Speaker:** I have a question of privilege by the hon. the government House leader.

*Privilege***PRIVILEGE**

MEMBER FOR ESQUIMALT—JUAN DE FUCA

**Hon. Ralph Goodale (Leader of the Government in the House of Commons, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.):** Mr. Speaker, the House will recall that on Wednesday of last week there was a deeply troubling incident in the House which involved the unparliamentary misuse of the mace.

I signaled at that time my intention to pursue this serious and premeditated affront to the order and decorum of the House. We as members I believe cannot simply ignore it. We cannot pretend it did not happen. We have a duty to respond. Indeed, many members of parliament on all sides of the House have made this point to me over the past few days. If we at every turn do not defend the dignity of parliament, we embark upon a very slippery slope. Accordingly, nothing could justify the unparliamentary behaviour of last Wednesday.

Mr. Speaker, if you find that there is in fact here a *prima facie* case of privilege, I would be prepared to move an appropriate motion.

**Mr. John Reynolds (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, on page 122 of Marleau and Montpetit it states:

A complaint on a matter of privilege must satisfy two conditions before it can be accorded precedence over the Orders of the Day. First, the Speaker must be convinced that a *prima facie* case of breach of privilege has been made and, second, the matter must be raised at the earliest opportunity.

I would argue that it fails on both counts. The mace is the symbol of the House's authority. The member for Esquimalt—Juan de Fuca hoisted it above his head in a moment of anger and frustration. What the member did was clearly wrong but he apologized immediately to the House and I and others accepted his apology.

I am not indifferent to what other members on that side have done. The Minister of Health when she was minister of justice was taken before the privileges committee and found guilty of contempt of the House. She apologized and we all accepted it. I could talk about a number of other issues just like that.

The 21st edition of *Erskine May* states on page 140:

Where the Member accused has made a proper apology for his offence the incriminating motion has usually been withdrawn....

On the issue of timing, this incident took place last Wednesday. There were plenty of opportunities for the government House leader to raise this and he did not.

Since the member apologized, I do not believe that we should be wasting the time of the House focusing on the incident itself. However it does give us the opportunity to discuss the reasons that may have led to the member acting in the way he did. Those of us who know the member will agree, and I know most members on that side would agree, that hoisting the mace above the head was certainly out of character for the member for Esquimalt—Juan de Fuca. The frustration with how this institute operates is increasing day to day. If anything, the minister's motion may give some of us the opportunity to blow off a little steam. It may be a long steam.

**The Speaker:** I am reluctant to get into a lengthy argument in this case at this time anyway.

[*Translation*]

In my opinion, what took place in the House was contrary to the standing orders.

● (1505)

[*English*]

In my opinion it is a situation where I believe the minister should be allowed to put his motion. I believe there has been a *prima facie* breach of the privileges of the House. The minister sought to raise the matter on Thursday morning and got my approval to delay it because of the events that had transpired on Wednesday night, so it was not raised at the earliest opportunity, but I indicated there would be no prejudice in respect of time because of the delay on Thursday morning.

Accordingly, in my view the motion is one that could now be brought before the House and I invite the minister to move his motion.

**Hon. Ralph Goodale (Leader of the Government in the House of Commons, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.):** Mr. Speaker, I move:

That the member for Esquimalt—Juan de Fuca be suspended from the service of the House until such time as he appears at the bar of the House to apologize, in a manner found to be satisfactory by the Speaker, for his actions in disregard of the authority of the Chair and in contempt of the House.

**Mr. John Reynolds (Leader of the Opposition, Canadian Alliance):** Mr. Speaker, procedural authorities contend that the Mace itself enjoys absolutely no procedural significance whatsoever. It is not required for the House to sit, and our rights and privileges do not depend upon it. The Mace is a symbol of the House's authority.

What we do depend on, in a concrete way, is a fair Speaker to interpret the rules of procedure and to protect the rights of members.

You, Mr. Speaker, have done an excellent job since your election and I am certain that when the member for Esquimalt—Juan de Fuca waived the Mace in front of your chair his anger and frustration were not directed at you personally or at the authority of your office. I am certain that the member has the utmost respect for the office you hold and for you personally. Your job is a difficult one. We need to support our Speaker if this place is to function at all.

As you know, Mr. Speaker, the first Speaker for which we have a record was Simon de Montfort, who apparently presided over the so-called mad parliament that met at Oxford on June 11, 1258. The mad parliament was not a popular assembly. Simon de Montfort's famous parliament of 1265 introduced the principle of popular representation for the first time and set itself against the tyranny of the court. It owes its derogatory title to those whose abuses it sought to check.

If the Liberal government does not change its ways, Mr. Speaker, I am afraid you may end up presiding over the maddest parliament ever.

In the introduction of Jeffrey Simpson's book, *The Friendly Dictatorship*, he points out that:

Canadian parliamentary democracy, as it has evolved, places more power in the hands of the prime minister than does any other democracy, far more than the U.S. president wields, but more, too, than what political leaders exercise in other parliamentary regimes.



*Privilege*

Those seeking a check or balance against this most unbridled Prime Minister are just frustrated by the actions of the government and the Prime Minister.

Last Wednesday may serve as a wake up call. We must get serious about reforming this institution and we can start by eliminating the only obstacle that stands in our way, this Liberal government. The anger displayed by the member for Esquimalt—Juan de Fuca was directed at the government and the tactics it used against freedom and democracy and, in this case, the interference with private members' business.

To put this in context, I have a few facts on private members' business. Two hundred and thirty-five bills have been introduced by MPs from all political parties. None have made it past third reading. Only two House private members' bills have made it to a vote at second reading, less than 1%. The two bills that did make it into committee stage in the 36th parliament were killed in committee by the Liberal majority on those committees. Liberals can avoid voting on controversial issues by not deeming them votable, and when they do, they move motions to withdraw them or kill them at committee.

With respect to Senate private members' bills, the government has demonstrated that it has more respect for the unelected Senate. The only three bills that have received royal assent have come from the Senate. They are: Bill S-10, parliamentary poet laureate, Bill S-14, Sir John A. Macdonald and Wilfrid Laurier Day, and Bill S-22, the national horse of Canada. There were 481 motions introduced and only 5 have been adopted, just over 1%. We have had over 150 hours of debate in the House during this parliament for consideration of private members' business, \$45 million worth of House time used to no avail.

The procedure and House affairs committee had until April 2, 2002, to come to some sort of arrangement to make all items votable. It decided in December 2001 that it could not do anything about it. The committee motion that ended the study and quashed the hopes of the backbench was moved by the Prime Minister's parliamentary secretary.

Let me remind the House that private members' business is about members of the House being able to vote both their personal and their constituents' wishes. As my colleague from Esquimalt—Juan de Fuca said "The Prime Minister's Office violated the greatest right we have. It took away our right to vote".

● (1510)

I would be interested in hearing what the Liberal member for Mississauga East might have to say on this topic. In the last parliament, her bill regarding consecutive sentencing was attacked viciously by her own colleagues. They moved a motion similar to the one moved against the member for Esquimalt—Juan de Fuca, but thanks to free votes, the amendment was defeated. I will talk more about free votes in a moment, but first I will finish this story.

The bill sponsored by the member for Mississauga East survived the first attack and was sent to committee. At committee her colleagues deleted every single clause in the bill and reported back a blank piece of paper to the House. Once again, thanks to free votes and the efforts of the opposition, the clauses were restored. The bill was attacked repeatedly again, but finally made it to the Senate. The

Liberals in the Senate were more successful than those in this House and the bill was unfortunately killed.

That is what is causing great frustration in the House, not only on this side but also on the Liberal side. That is why members of all parties have come to my colleague and said that what he did was wrong, and we all agree with that, but his frustration is understood by members from all sides of the House.

The Liberal motion waged against the bill sponsored by the member for Esquimalt—Juan de Fuca was successful because it was a whipped vote. Traditionally, private members' votes are free votes. The tradition of the Mace is important, but is not the tradition of free votes just as important? There is a Biblical comparison to this type of behaviour and it is found in Luke 11:39:42:

Then the Lord said to him, "Now then, you Pharisees clean the outside of the cup and dish, but instead you are full of greed and wickedness. You foolish people! Did not the one who made the outside make the inside also? But give what is inside the dish to the poor, and everything will be clean for you. Woe to you Pharisees, because you give God a tenth of your mint, rue and all other kinds of garden herbs but you neglect...You should have practised the latter without leaving the former undone".

In that context, I am puzzled today to see the government so focused on this issue. Normally it does not give a damn about defending the rights and traditions of this institution. Its disrespect for parliament, its members and the people who elected us is well documented.

I will return to the issue of free votes. If the vote on the motion to derail the member's bill were actually a free vote then we in the opposition would have fewer reasons to be upset. Allowing members to vote more freely would reduce some of the frustration and anxiety in this Chamber.

Do you remember, Mr. Speaker, that when my party put forward a supply motion that would have required the government to compensate hepatitis C victims the Prime Minister ordered a whipped vote and some Liberal members were actually crying when forced to vote down the motion?

Do you remember, Mr. Speaker, how embarrassed Liberal members were, and in particular the Minister of Finance who was instrumental in penning the first red book, when Liberal members had to vote against a supply motion to implement a Liberal red book promise? The promise to appoint an independent ethics counsellor who reports directly to parliament was a good idea, but the Prime Minister ordered his members to vote it down because he was never serious about that promise.

Here is another example. My party put forth a motion in the 36th parliament to "axe, scrap, abolish" the GST. The axe, scrap and abolish part of the motion was in quotations because those words were uttered by the Prime Minister and other members of the Liberal caucus during the election. Once again, Liberals had to vote down their own words.

**An hon. member:** They didn't even choke on them.

**Mr. John Reynolds:** As an hon. member just said, they didn't even choke on them.

*Privilege*

Why do Liberal members put up with being forced to vote against policies they believe in? In April 1998, Preston Manning told a story to the House to explain why, and I think the story is worth telling again.

Once upon a time there was a king named Jean I, who presided over a castle surrounded by a moat with a drawbridge. The inhabitants of this castle were divided into two classes: lords and ladies who occupied the front benches of the royal throne and the peasants who occupied the backbenches. One day a group of peasants, or backbenchers as they were called, went out to toil in the fields. As they crossed the moat and started down the road they passed a cave from which emerged a great dragon breathing fire and smoke. The fire consumed 50 of the backbenchers and set the rest scurrying back to the castle.

● (1515)

**Mr. David Pratt:** Mr. Speaker, I rise on a point of order. We are all interested in hearing the hon. member's comments. However I fail to see how his fairy tales could possibly be of interest to the House given the question before us.

**The Speaker:** Order, please. The hon. Leader of the Opposition is tying his stories in with a point he is seeking to make in his speech. I am prepared to hear him out.

**Mr. John Reynolds:** Mr. Speaker, I guess the Liberals get so many fairy tales at caucus it is a little tough to listen to them here.

As I was saying, the fire consumed 50 of the backbenchers and sent the rest scurrying back into the castle. When King Jean was told of the terrible tragedy he resolved to investigate it himself. To help he took along two of his most trusted knights: Lady Marlene, the keeper of the royal whip; and Lord Goodriavere who had just risen to high rank through faithful service to King Jean.

As they surveyed the scene of the tragedy and saw 50 fried backbenchers they observed three things. First, they said it was too bad. Second, they saw the dragon lying dead from overexertion. Third, they noticed the dragon's fire had ignited a seam of coal in the cave from which smoke continued to billow.

Lady Marlene who is a straightforward woman said the obvious: "The dragon is dead. This is good news. Let us go and tell it to the backbenchers". However Lord Goodriavere said not so fast. Turning to King Jean he said "I see an opportunity here to maintain and increase our control over the peasants. Let us imply, indirectly of course, that the fiery dragon still lives. We can point to the smoke belching from the cave as evidence of this. Let us tell the backbenchers that henceforth they can only go out of the castle with royal permission and under the supervision of myself and Lady Marlene, for the safety and protection of themselves and the castle of course".

King Jean thought this was a splendid idea. Thus the myth of the fiery dragon was established to coerce and control the backbenchers of the kingdom.

Like the dragon in the story, it is a myth that a government must resign if a government bill or motion is defeated or if an opposition motion or amendment is passed. The myth is used to coerce government members, especially backbenchers, to vote for government bills and motions with which they and their constituents

disagree and vote against opposition motions and amendments with which they substantially agree.

We saw this when Liberal members were forced to vote down compensation for hepatitis C victims. We saw it when they were forced to vote down their own policy to scrap the GST. We saw it when they appointed an ethics counsellor who reports directly to parliament. We saw it last Wednesday when the Liberals forced the withdrawal of a private member's bill instead of giving the House an opportunity to vote on it.

In determining the guilt of the hon. member for Esquimalt—Juan de Fuca it is important to compare his actions to other inappropriate acts. In other words, does his behaviour live up to the standards we have established and does he deserve the punishment mentioned in the government's motion?

Let us look back at the election that first brought the government to power. No motion was tabled criticizing the members who told the public they would scrap the GST and then decided to keep it. No one on that side of the House tabled a motion to admonish the Prime Minister for flip-flopping on free trade. Nothing was done about the broken promise to restore faith in good government.

That is why today in the papers we see a poll that says 71% of Canadians think government is corrupt. Ministers caught in a jam about the truth refused to resign and were never pressured by the Prime Minister to do so. How about ministers or so-called leadership candidates accepting payments from undisclosed interests to finance their undeclared leadership races? How about my favourite issue: closure and time allocation? It has been implemented 75 times. That is a higher number than under any other government in the history of this great nation. It leads to frustration.

Mr. Speaker, you had strong words to describe the abuse of time allocation and closure when you were in opposition. On February 19, 1993 you said:

What we have here is an absolute scandal in terms of the government's unwillingness to listen to the representatives of the people in the House. Never before have we had a government so reluctant to engage in public discussion on the bills brought before this House...I suggest that the government's approach to legislating is frankly a disgrace. It cuts back the time the House is available to sit and then it applies closure to cut off the debate.

If I did not know it I would have thought the Chair was talking about the present government. He would have to work a lot harder because the list of the present government is long compared to the Tory government of the past.

Mr. Speaker, I have one more quote from you. It is a good example of how closure frustrated even a patient man such as yourself. On April 23, 1993 you said of the use of closure:

I suggest this is not the way to run Parliament. This is an abuse of the process of the House.

● (1520)

Mr. Speaker, I agree with you. When a government abuses the process as it did with the private member's bill for the hon. member for Esquimalt—Juan de Fuca it results in frustration. It is no way to run a parliament.

I will go over a couple more examples. As hon. members will recall, there was to be an independent judicial inquiry into the Somalia affair. The minister of defence shut it down. Then the Prime Minister decided it would be best if he did not testify before the APEC inquiry. There was also a certain phone call to the president of the Business Development Bank of Canada. I am sure the Chair would agree these actions are better suited for a motion of contempt than the actions of the hon. member for Esquimalt—Juan de Fuca.

My party has raised many questions of privilege of the House on important matters that attacked the authority and dignity of the House but no action was taken. Not one Liberal stood to support this institution. I will cite a few examples.

Do hon. members remember when the Minister for International Trade sent out a press release on March 30, 1998 entitled “Marchi Meets with Chinese Leaders in Beijing and Announces Canada-China Interparliamentary Group?” At the time there was no Canada-China interparliamentary group. The minister gave the impression the association existed when parliament had not approved it. That is a fine example of the respect the Liberal government gives to parliament.

Let us not forget the naming of the head of the Canada Millennium Scholarship Foundation by the government before there was legislation to set up the foundation. Did the government think this dismissive view of the legislative process was an affront to parliament? No, it defended its actions.

I could supply the House with many more examples. However I will now turn to cases that involved the conduct of hon. members and cases found to be *prima facie*. In this parliament alone we have had three questions of privilege involving ministers. The Chair found all three to be *prima facie*. As a result they were referred to the Standing Committee on Procedure and House Affairs.

Let us examine the three cases. First, the present Minister of Health when she was minister of justice leaked the contents of Bill C-15 to the media before it was tabled in the House. She was found to be in contempt by the Standing Committee on Procedure and House Affairs but the committee declined to recommend a punishment. It instead gave her a warning. The committee suggested if it ever happened again it would not be so generous. Let us compare this to the current case. They are both affronts to parliament but the Liberal minister received no punishment. She was told not to do it again. She received a mere slap on the wrist.

Second, the same minister was up on the same charge for leaking the contents of Bill C-36. The committee concluded she could not be responsible because it could not find the guilty party who leaked the bill. That is so much for ministerial responsibility. The minister got away twice without punishment.

Third, the minister of defence made misleading statements in the House. This is normally considered a grave matter. What was the outcome of the question of privilege? The Standing Committee on Procedure and House Affairs essentially whitewashed the whole affair. The minister got off without having to receive any punishment whatsoever.

Let us go back to the 35th parliament. We had a case where a Bloc member, Mr. Jacob, wrote a letter to Quebecers in the military

### *Privilege*

suggesting they defect and join a separate Quebec army in the event the referendum result turned out to be a yes. Do hon. members remember that? A Reform member, Mr. Hart, rose in the House and charged Mr. Jacob with sedition. The Standing Committee on Procedure and House Affairs considered the matter. The Liberal majority, afraid to upset anyone in a post-referendum atmosphere, concluded that contempt had not occurred and no punishment was deserved.

Let us imagine that. In the U.S. the member would have been sent to prison and put on death row. In Canada we get more upset over someone grabbing the Mace. At least the hon. member for Esquimalt—Juan de Fuca has apologized. Mr. Jacob never apologized to the House for his conduct.

Let us look an identical case which occurred in the 34th parliament. In a similar moment of frustration Ian Waddell grabbed the Mace as the Sergeant-at-Arms was carrying it out of the House. The next day the government House leader moved a motion requiring Mr. Waddell to appear before the bar of the House to be admonished by the Chair. If that was the punishment for touching the Mace in the 34th parliament why is the government House leader in this parliament recommending a more severe punishment?

**Mr. Geoff Regan:** That is what he said.

**Mr. John Reynolds:** No, it is not what he said.

**Mr. Geoff Regan:** He was brought to the bar.

**Mr. John Reynolds:** Mr. Waddell was never brought to the bar to apologize. He was brought to be admonished, not to apologize. A very different statement.

• (1525)

It is interesting that Mr. Waddell was from British Columbia as is my hon. colleague. That should outline to members on the other side the frustration members from western Canada have with the House. They have to go to such lengths because of frustration at the way they are treated in the House.

**Mr. Gary Lunn:** No respect.

**Mr. John Reynolds:** There is no respect for western Canadians or their ideas. That is why frustration builds and these things happen.

In the last parliament a number of MPs criticized the Speaker and their criticism was reported in the media. The issue was with regard to the small Canadian flags the Speaker ordered off the desks of the members. As members may recall, the hon. member for Elk Island led the charge. He insisted he be allowed to keep his flag on his desk after the Speaker ruled the flag to be a prop. The matter was referred to the Standing Committee on Procedure and House Affairs. The members accused of contempt apologized, the committee accepted their apologies and no punishment was doled out.

*Privilege*

The hon. member for Esquimalt—Juan de Fuca has already apologized for his conduct but for some reason the government is refusing to call off the dogs. It is pursuing the matter in an unprecedented way. It is difficult to find cases where a member has been punished unless we consider the Louis Riel case. Riel was expelled from the House twice because the House believed him to be an outlaw and a felon. I do not think the hon. member for Esquimalt—Juan de Fuca is an outlaw.

How about the Fred Rose case of 1946? He was convicted and sentenced to six years in prison for conspiring to commit various offences under the Official Secrets Act. Since he was in jail and could not participate in the proceedings of the House, the House vacated his seat. The crime of the hon. member for Esquimalt—Juan de Fuca hardly stacks to those of Mr. Rose.

However the hon. member for Esquimalt—Juan de Fuca does serve time. In the summer and other times he volunteers in hospitals and helps the poor and underprivileged for no pay. This gives us an understanding of how out of character what he did last week was. He only did so because of the frustration he has experienced in the House at the actions of the government across the way.

I will sum up. Punishment is not necessary when ministers mislead parliament, when they leak the contents of bills before they are tabled in the House, or even when a member attempts to get the military to defect. These acts are not worthy of punishment by the Liberal government. Yet it thinks grabbing the Mace deserves a penalty. I will let the public judge the government and its House leader on that one.

Let us visit other behaviours the government considers acceptable in comparison to what the hon. member for Esquimalt—Juan de Fuca did. No one on that side of the House, except maybe the Prime Minister, felt insulted when the chief government whip attacked our democratic traditions by forcing her members and threatening opposition members on the finance committee to vote for a chairman no one wanted.

What about how the Minister of the Environment respected the work of the environment committee on Bill C-5? The bill was changed all around. The committee worked together, got it done and it came back to the House a totally different bill.

Do members remember when we raised the issue of Mr. Gagliano having told the House he did not interfere with the operation of crown corporations when he in fact interfered with the awarding of contracts at Canada Lands when he was minister? Members on that side of the House could care less about that. Ethical behaviour by ministers means absolutely nothing to them.

It is a tradition of the House that members give truthful information to parliament. Does the government care about that? Obviously it does not. In case members do not believe me, I direct the House to a report of the procedure and house affairs committee dealing with the misleading statements of the Minister of National Defence.

As members will recall, the hon. member for Vancouver Centre when she was minister announced that crosses were burning on the lawns of Prince George. Did we entertain a motion like the one we are entertaining today? Does anyone think the people of Prince

George are more insulted by what the hon. member for Esquimalt—Juan de Fuca did with the Mace than what the member for Vancouver Centre did in the House? I doubt it very much.

What about when the hon. member for Thornhill accused the hon. member for New Westminster—Coquitlam—Burnaby of treason? That might be considered a disrespectful comment levelled at a member of parliament. The same member called members of my party things I could not even mention in the House because they are so out of line they are unparliamentary.

Did the government House leader draft a motion of contempt to condemn the hon. member for Scarborough Southwest who told a veteran he would not receive any help because he did not vote Liberal? We never saw a motion on that one, yet it was one of the largest affronts to parliament I have ever seen. There was never a motion on the issue. We accepted his apology and let it alone.

Should we have called government members before the bar to explain why they tried to suppress the auditor general's report before the last election, why they threatened the information commissioner's staff, or why they threatened the fire chief and Deputy Chief of Defence Staff? If we did I missed it.

• (1530)

Do members think that the soldiers in Afghanistan care more about the mace or do they care more about having the proper uniforms and safer helicopters?

Do members think the unemployed softwood lumber workers worry about this issue or do they want to resolve a trade dispute?

My party has a motion on the order paper for tomorrow that calls on the government to introduce legislation to protect children from sexual predators. We should be discussing how to protect our children and punish predators, not considering a motion to punish one of our members who in a moment of anger hoisted the Mace above his head.

The member for Esquimalt—Juan de Fuca was wrong. He apologized. The issue should be closed.

I suggest that the government's preoccupation with the symbolism of the Mace should best be referred to the followers of Freud. Perhaps they can offer a better explanation as to why the government members are so excited over there today.

I would like to move an amendment to this motion. I move:

That the motion be amended by replacing all the words after "That" with the following:

"the actions of the member for Esquimalt—Juan de Fuca are found to be in disregard of the authority of the Chair and a contempt of the House and in keeping with tradition, and since the member has made a proper apology, no further action is necessary.

**The Speaker:** Resuming debate on the amendment.

*Privilege*

[*Translation*]

**Mr. Michel Gauthier (Roberval, BQ):** Mr. Speaker, my speech will be far shorter than that of the leader of the Canadian Alliance. The motion we have before us is quite simple. From listening to the Leader of the Opposition, I got the impression that the motion was a condemnation of the hon. member for Esquimaux—Juan de Fuca, one excluding him from parliament, banishing him forever, who knows. But no, the government's motion strikes me as reasonable.

The motion calls for a member to apologize for having laid hands on a symbol which represents the very authority of the Speaker. This strikes me as the minimum. I would, however, like to take a few moments to offer my party's view on this.

We in the Bloc Québécois are not particularly enamored of the institution of the Canadian parliament, but it seems to us that it must be respected, as all of the world's parliaments must be respected. I have already said in this House, and repeat it now for those who did not hear me, that where there is no longer respect for parliament, differences can only be settled by conflict.

I would simply like to remind my distinguished colleagues that the Mace is not that metal object we see at the end of the table. That is not what is at issue. The Mace is the symbol of the Speaker's authority. To come up to the mace and take hold of it is tantamount to announcing to the House, and to the person who directs us, "I no longer recognize your authority as Speaker". Moreover, when the House goes into the committee of the whole, the first thing that happens is that the Mace is removed and placed under the Table.

There may be some people listening to us who will wonder, "What point is there to an attachment to such symbols?" When difficult situations arise, when there is a crisis, our behaviour is guided by symbols and traditions, over and above wisdom, over and above political impulse.

I therefore do not believe that this act was appropriate under the circumstances. I do not believe it can have done anything positive for the cause of the Canadian Alliance that someone took it into his head to pick up the Mace and then return it to its place. In our opinion, this denotes disrespect for an institution that merits respect.

It is true that the government often takes the standing orders too far, tabling motion after motion in order to hold up the work of the House. It is true that committee chairs take full advantage of their authority to prevent certain questions from being asked or certain things from being done. But it is then up to us to amend the standing orders or to bring it to the attention of the public, explaining that the government, or sometimes the opposition, is using the standing orders to prevent the exercise of democracy.

Not that long ago, when the government House leader was the member for Glengarry—Prescott—Russell, we reviewed the standing orders of the House together. I myself have done quite a bit of work on this. I had changes made which I wanted to see and which improved parliamentary democracy, but I do not recall the Canadian Alliance, or any other party, saying that the standing order invoked by the government House leader was a bad one. Overuse at a particular point in time should not be a reason for abolishing not the standing order, but this authority, or violating the fundamental rules of parliament. That does not strike me as a good idea.

● (1535)

That having been said, I do not want the member in question to be considered as having committed a crime against a person. We must simply understand that his emotions at the time caused him to take a regrettable action.

What he did was unacceptable, in my opinion, because if this were what happened whenever a parliamentarian got excited or felt that his privilege was being violated or that the government had done the wrong thing, we would be constantly grabbing the mace, or whatever, or throwing things. I do not know what sort of impression people would have of parliament if we behaved like that.

If one does not agree with what is going on here, if one feels that the government has gone too far or that the Chair's rulings are unacceptable, one can leave the House—which the Alliance has done—or even meet with those involved to express one's dissatisfaction.

But if every time the person speaking to you was not happy with the government's decisions, they had to pick up the mace, I think I would ask to have my desk moved a little closer, because that is how things would work. But that would be ridiculous. Imagine if we behaved like that, showing our displeasure in the most outlandish ways whenever we were not happy.

Personally, I do not appreciate this kind of excess. I believe that we have other parliamentary means, including or abstention. I believe that a verbal demonstration of discontent, within the limits of the acceptable, is sufficient. But please let us control our excesses and our impulses to express ourselves in every imaginable way, otherwise we will not have a parliament, we will have a free-for-all.

The act that the member committed was not so serious an act that he should be punished forever. However, from our perspective, the member did commit an error in judgment that should not have happened.

Furthermore, the government is merely asking the member to appear at the bar of the House and make an official apology, since the act was an official one. It is official, it happened in front of everyone, so the member must apologize in a very official manner.

As far as I am concerned, the government motion seems perfectly reasonable. The member should be as well. And, if he is a distinguished parliamentarian—which I believe him to be—he should do as I would do if I were in his shoes. I would appear and say, "yes, Mr. Speaker, let us put an end to this. Let us not waste time. I reacted in an exaggerated manner, I overstepped my rights. I recognize this. It was done out of impulse. I apologize and I ask my peers to excuse me".

The government is reasonable in its request. Our colleague should be reasonable in his reaction. He stands to gain nothing in personal prestige, nor in terms of his legacy. Nor has he anything to gain from trying to shirk his responsibilities. I believe that the situation is being resolved in the right manner and, personally, it is for this reason that I will support the motion as moved by the government.

*Privilege*

• (1540)

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** Mr. Speaker, I would like to continue in the same vein as my colleague for Roberval. With respect to the situation of our colleague, the hon. member for Esquimalt—Juan de Fuca, the motion calls for him

—to be suspended from the service of the House until such time as he appears at the bar of the House to apologize in a manner found to be satisfactory by the Speaker for his actions in disregard for the authority of the Chair and in contempt of the House.

In one way I am pleased to speak to this matter, but in another I feel regret. Those of us in opposition sometimes become frustrated. I would even venture to say that even government backbenchers sometimes become frustrated as well.

In this case, a private member's bill was involved. I have the greatest respect for anything that involves an individual member. When a motion or bill originates with a private member, this must hold some meaning in the House of Commons, just as the Mace holds some meaning in the House of Commons, in my opinion. It represents the authority of the Speaker.

When the government acts as it has been acting, for example by amending a motion or a bill that has originated with a private member, this does lead to frustration. This is regrettable, but I do not think it should justify the action taken by our colleague from the Canadian Alliance. This is no reason to lay hold of the Mace and raise it before the Speaker.

There have been occasions when I have been frustrated—I think it has just happened on one or two occasions since I have been an MP—but it did not make me act in ways that I might regret, or that would require me to apologize. When one does act in such a way, one must face up to the consequences. It is therefore desirable for the hon. member of the Canadian Alliance to apologize on his own without being forced to do so.

There is one way the problem can be solved. If a member is not happy with the way a private member's motion or bill is handled in the House, the matter can be raised in the Standing Committee on Procedure and House Affairs, in order to try to find a solution the members of the House of Commons will find satisfactory.

An amendment to the government motion has been introduced.

[*English*]

The amendment reads:

—“the actions of the member for Esquimalt—Juan de Fuca are found to be in disregard of the authority of the Chair and a contempt of the House and in keeping with tradition, and since the member has made a proper apology, no further action is necessary”.

• (1545)

[*Translation*]

That is not the tradition, since the Speaker already has authority. The following was taken from the *House of Commons Procedure and Practice*:

On October 30, 1991, furious after missing a vote, Ian Waddell (Port Moody—Coquitlam) attempted to take hold of the Mace as it was carried out of the Chamber at the end of the sitting.

He did not even touch the Mace. He attempted to grab it. I read on:

This act was found to be an attempt at filibuster, and was viewed as a challenge to the power of the Chair to adjourn the sitting. After having found it to be a prima facie case of contempt, the House adopted an order finding Mr. Waddell guilty of contempt and calling him to the bar to receive a reprimand from the Chair. (*Debates*, October 30, 1991, p. 4269-4270; October 31, 1991, p. 4271-4285 and 4309-4310). As a member, he could have been reprimanded in his place, which would have been customary.

That would be the tradition to which the Canadian Alliance referred. I continue:

But in this case, the motion adopted by the House specified that the member had to appear at the bar.

I believe that in this case, this is the only respectable thing to do, that the member appear at the bar and make an honourable apology. Then, I believe that everything would be in order again.

[*English*]

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Mr. Speaker, it is with some regret that I rise to take part in this debate. I think we have gone far afield now from what should have taken place with respect to the dealing of this matter within the House.

Certainly the Mace is of undeniable procedural significance to which members who spoke previously have referred. What took place last Wednesday was I think properly deemed to be contempt of the House and something that brought the Chamber into disrepute.

I want to stay away from a lot of the partisan diatribe that we heard from the leader of the official opposition and House leader, and I hasten to add, a former speaker of the British Columbia House of assembly. Yet he referenced the previous Progressive Conservative government of which at one time he was a member before he began his legendary political bed-hopping.

He made reference of course and castigated the government with respect to some of its actions and contempt. That is a strong word but appropriate word with respect to what took place that provoked the member for Esquimalt—Juan de Fuca to the action that he undertook. Yet the previous speaker from the Alliance in this Janus faced justification of the action, really distracted from the issue at hand.

Of course the oldest trick in the book is to accuse the accuser. He compounds the contempt when he starts naming the cause as just and justifying the end. As all members know, we break oath with this place when we bring disrepute to the Chamber.

We could all easily reference some of the reversal positions of his own party and the public promises that were made to bring a new level of decorum to this place. We know about the denial of the pensions, the denial of the perks of office, the Stormoway that none of them were going to live in, including the hon. member who gave his remarks in the House, not going to take the chauffeur driven limousines, going to bring a new decorum, having Mexican hat dances outside the Senate, painting jalopies with Canadian flags and circling the parliamentary precincts and throwing flags on the floor of the House of Commons, all of that. The members of that party do not like to talk about that any more because that is part of their ancient history, the reformed reformers. Yet it is all there.

*Privilege*

I hasten to add that some of their own members were outside of caucus for remarks seen as unbecoming. They asked to come back but were asked to give a very contrite and public apology, and yet the same standard should not apply. The same standard should be glossed over now. When one of their own members is accused, there should be no contrition.

I would not want anyone to take from my remarks that I condone or support the government's action in killing the private member's bill which is the subject of this. It was not the proper action, yet this was not a legitimate form of protest.

• (1550)

**Mr. Darrel Stinson:** Mr. Speaker, I rise on a point of order. While I listened to the hon. member, he said that we threw a flag on the floor. That is totally false. It was the red book and it deserved to be thrown on the floor.

**The Deputy Speaker:** Respectfully to the hon. member for Okanagan—Shuswap, that is not a point of order. It is a matter of debate and the debate is going to continue. However I sincerely trust that this debate now will be conducted in the finest parliamentary tradition of which we are all capable. The hon. member for Pictou—Antigonish—Guysborough.

**Mr. Peter MacKay:** Mr. Speaker, I suppose next the hon. member is going to challenge me to step outside in the truest parliamentary performance.

Back to the issue at hand—

**Mr. Richard Harris:** Mr. Speaker, I rise on a point of order. I agree with you. I trust that this debate can be held in a civil manner which is conducive to the respect the House deserves. Certainly that last comment by the member for Pictou—Antigonish—Guysborough was not. He should withdraw it with an apology.

**The Deputy Speaker:** I have not heard anything that I would deem unparliamentary. It is not a point of order. However, I am a very patient man and I will urge the House once again to rise to the occasion on this question of privilege so that we might resume this debate.

**Mr. Peter MacKay:** Mr. Speaker, the issue before the House and before parliament is: how do we treat gross disorderly conduct within this Chamber?

When the member for Esquimalt—Juan de Fuca took it upon himself to become overly familiar with the Mace he crossed the line. This is not to confuse the cause with the contempt. There is simply no doubt that there was a prima facie case which exists to warrant the exception of the motion to deal with this matter. It is a particularly serious matter, one that has happened on rare occasions throughout the entire history of this parliament. In this House and in other parliaments this has consistently been treated as gross and disorderly conduct and contempt when a member seizes the Mace.

It strikes at every member and at important symbols not only of the House but of the country. His party made much of the arrival of a new level of decorum with respect when it first arrived at this institution, yet his actions betray that public commitment. It is the equivalent of stomping on a flag, or grabbing the gavel from a judge in a court that is in session or grabbing a badge from a police officer in the course of his or her duties.

I refer the Chair, as others may have, to the Waddell case of October 31, 1991, which was initially raised at page 4271 of *Hansard*. The House will doubtlessly have before it the entire case which climaxed with Mr. Waddell's subsequent summons to the bar. I would suggest that this was a prudent and proper way to proceed and a precedent for the Chair to consider. The House could descend into one-upmanship and chaos if this type of behaviour is tolerated unabated.

I will be the first to acknowledge that there was a very timely and sincere apology from the member for Esquimalt—Juan de Fuca. I personally, along with other members, urged him to do so and was present in the House when he made that apology. Yet given the seriousness of this occasion and given the fact that there were few members present, that it would be more appropriate if the member again made such an apology.

I am also concerned, as I think others may be, that there have been numerous statements made outside this place such as letters to the editor. There have been references to the fact that this was very much a premeditated issue, one that was planned and one that was part of a strategy.

There is another precedent. That would be the case of the Heseltine affair which took place in the United Kingdom in which a member who was subsequently deemed or dubbed Tarzan by the media seized the Mace and in some reports was seen to be swinging it over his head.

A more accurate account is found in the BBC report. That report may offer an alternative for the House of Commons. I am quoting from that brief report. It states:

Michael Heseltine famously seized the mace after a particularly heated debate (in the House of Commons) in 1976.

The evening of 27 May proved to be a particularly eventful one for the House of Commons. The government was attempting to steer its Aircraft and Shipbuilding Industries Bill through the Commons.

The Bill was hotly contested, with Michael Heseltine leading the Conservative opposition. The vote on the amendment had been tied and was lost on the Speaker's vote. The vote on the main government motion—which would have expected also to be tied—was in fact carried by the Labour Government.

At this, some of the Welsh Labour MPs began to sing "The Red Flag". Heseltine, infuriated by the traditional Labour Party anthem, grabbed the mace and held it over his head.

He was restrained by Jim Prior, replaced the mace and left the Chamber. The Speaker suspended the sitting until the following day.

The next morning Michael Heseltine apologised unreservedly for his behaviour.

I underline the word unreservedly. A genuine apology, a genuine contrition would save the House and taxpayers a lot of bother and expense that would result from proceedings in a committee. Therefore, the member for Esquimalt—Juan de Fuca should not portray himself as a martyr here. He made what I would consider to be a timely and sincere apology. I see nothing that would prevent him from doing so again.

However we have often heard very miserable statements of apology that simply do not ring true or carry sufficient remorse for the occasion. What he has said since in his own defence of his actions and in his editorial comments I am afraid diminish that previous apology.

*Privilege*

• (1555)

The member for Esquimalt—Juan de Fuca is an intelligent, learned and capable member of the House and a member that has contributed greatly in the past. He knows there is a boundary between legitimate protest against the actions of one party and the commission of a contempt against the entire House.

I do not doubt for a moment his emotion and anger, but I would suggest his actions were deliberate and planned. The boundary to which that anger was portrayed in the House was crossed. There appears to be a level of premeditation to which I referred. Walking out of the House is one thing but getting up and grabbing the Mace is certainly another.

I would urge him to purge his contempt and let us return our attention to the iniquitous government opposite. That is our job. It is not a time for righteous indignation but a time for humility and apology.

The member should know that his actions have attacked the entire House of Commons, the membership of the House and those who elect us, the crown and the Speaker of the House. In that we cannot and categorically do not support him.

There is a level of respect that should be upheld. It is not a disproportionate punishment which is being suggested by this motion for him to come before the bar and apologize to members present. Therefore, for the reasons stated, we support the motion as drafted, not as amended.

• (1600)

**Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.):** Mr. Speaker, if the member for Esquimalt—Juan de Fuca felt a sense of injury on that day he grabbed the Mace, I, the member for Ancaster—Dundas—Flamborough—Aldershot, felt a far greater sense of injury and I did not take the Mace. For I too lost a bill but I lost a bill that day entirely, whereas the member for Esquimalt—Juan de Fuca at least had his bill referred to committee.

When I lost my bill, just scarce hours before the demonstration put on by the member for Esquimalt—Juan de Fuca, I sought unanimous consent in the House and that side, the Canadian Alliance, Mr. Speaker—

**Mr. Keith Martin:** Mr. Speaker, I rise on a point of order. The hon. member is actually incorrect. The bill did not go to the justice committee at all and that is part of the problem. The bill was supposed to go and was blocked—

**The Deputy Speaker:** Respectfully again, that is not a point of order. It is a matter of debate as to what the facts might be, agreeably or otherwise. Members will have an opportunity as time becomes available on the floor.

**Mr. John Bryden:** Mr. Speaker, *Hansard* will show that I made no mistake in my remarks. I will get back to where the member's bill went a little later in my speech.

Mr. Speaker, if I can continue, I had a bill before the House scarce hours before the member for Esquimalt—Juan de Fuca's bill that would have changed the oath of citizenship to reflect the values of the charter of rights and freedoms, of rights and liberties. When I

rose to seek unanimous consent, it was jeered down by the Canadian Alliance.

Let me give you some background, Mr. Speaker. There is no doubt there is a problem with private members' business. The system is dysfunctional. There is no doubt about that at all. In my particular case, my piece of legislation I had worked on for seven years in order to change the oath of citizenship to reflect the values of Canadians. Finally in the lottery system, Mr. Speaker—

**Mr. Vic Toews:** Mr. Speaker, I rise on a point of order. The allegation was made that members of the Canadian Alliance jeered down a bill. The member should specify exactly who did that because it reflects on me as a member and the order of the House.

**The Deputy Speaker:** Again, the Chair will not decipher what is or is not but will hear the debate. At the appropriate time members will rise from either side of the House and will have an opportunity to give their version of the facts as they see them.

**Mr. John Bryden:** Mr. Speaker, it is an old ploy. When opposition MPs do not want to hear the truth, they interrupt the speech in order to throw off the speaker. Well, I will carry on and if the member is concerned about the jeering down, all he has to do is listen to the tape. I tape the House of Commons debates and very clearly at the point I made my remarks I was interrupted and one can hear the cat calls. Later on I could identify individuals but that does not help us.

Let us go back to the problem of private members' business because it is dysfunctional. It is not just the opposition that feels that there is something wrong and something has to be corrected.

Let me give the House an idea of what happened to my bill. My bill, which I had worked on for seven years, was finally drawn in the lottery. It is a lottery system and only chance determines whether a member's bill is drawn and is brought forward. One can wait for years, as I did, for my bill to be drawn. Then it goes before the committee on private members' business.

One of the difficulties, one of the bits of misleading information that has been going out on this issue is the suggestion that the committee on private members' business which determines the votability or non-votability of a private member's bill or motion is dominated by the Liberals. Well it is not. It is dominated by the opposition. There are only two Liberals on that committee and there are four opposition members.

When I came before the committee to see whether or not my bill could be deemed votable, that means whether it would have full debate, whether it would go through the process, whether it would be considered by my colleagues and even had a chance of becoming law, I knew it was doomed. The fact of it is that no Liberal bills are getting through the private members' committee as votable items. Since this parliament started, there have been 16 bills and motions that have gone through private members' committee and only two Liberal ones have been deemed votable, 14 have been opposition.



*Privilege*

I knew I was doomed, my bill was not going to go anywhere. It was all the worse because I did things in my proposal to change the oath of citizenship. I proposed things that might be contentious among some members. I suggested for example that Canadians are a people united by the five principles of the charter. There are some members of some parties in this House who would find that very difficult to accept.

The way the committee on private members' business is structured, it only takes one person to defeat a bill in terms of its votability. It also works in secret, so all I can be certain of is that when I appeared before the committee and appealed to it to make my bill votable, the two Liberal members of the committee would have supported making my bill votable, but it was not. I do not know what the final debate was but we know it was opposition members who made it non-votable.

Well this is a terrible disappointment. Members work very hard and long on something like this and even if it fails in the end, they would like to at least have debate. In my case I was faced with only one hour of debate. When a member's bill is not made votable, it comes before the House, people speak for one hour on it, the member gets to speak 20 minutes, and then it dies. It goes, it disappears.

On that particular Wednesday we are referring to, because it was the 20th anniversary of the charter of rights and freedoms, I thought it would be appropriate to rise in the House and seek unanimous consent to make my bill votable. My bill basically would change the oath of citizenship to say that Canadians are a people united by equality of opportunity, freedom of speech, democracy, the rule of law and respect for human rights. I felt it was very appropriate at that time to say such a thing. I rose to seek unanimous consent and as I said, most of the Canadian Alliance was in the House, for good reason as it turns out for their purposes, so my bill was shouted down.

I am sorry. They may not like that language but that is what happened on that occasion. It was a big disappointment and I sat down, but never in my wildest dreams would I have taken the action that the member for Esquimalt—Juan de Fuca took only a few hours later. In his case his bill had been made votable.

●(1605)

In his case his bill had been made votable. All that was happening to his bill was there was a motion on the floor to instead of putting it through the process that takes it to the justice committee, it was being referred to an existing committee that was already looking into the question of drugs and the use of drugs. Remember that my bill was about the oath of citizenship. The member for Esquimalt—Juan de Fuca's bill was about decriminalizing the simple possession of marijuana.

Members can imagine my feelings when I saw all the Canadian Alliance in the House ready for this thing. There was a government motion here and when it went through, the member for Esquimalt—Juan de Fuca got up from his place and he was in my line of vision. Canadians should know that it was not just a matter of touching the Mace. It was a matter of picking it up and holding it over his head and saying "Canada is no longer a democracy".

I was ashamed because no matter what, if I cannot advance in the House in terms of what I want and what I want for Canadians, I will still always respect the House. Members cannot turn their backs on democracy by doing what happened with the member for Esquimalt—Juan de Fuca.

I have to say that I do support the government's motion. I cannot accept that the member for Esquimalt—Juan de Fuca was so overwhelmed by emotion that he had to do this thing. I was overwhelmed by emotion and I did not feel any urge to do that whatsoever.

We get caught in this place sometimes in our own rhetoric. I think the Speaker should be aware that the member for Esquimalt—Juan de Fuca and other members of the opposition held a press conference the day before. I happened to catch it on the parliamentary channel. They discussed the fact that private members' business was not working properly and the opposition members were having difficulty. They talked about the member for Esquimalt—Juan de Fuca's bill and the fact that there was a motion before the House that might derail it into another channel.

To those of us who are used to politics, it did appear that there was some sort of concerted effort, some concerted thought that day, before the member for Esquimalt—Juan de Fuca stood in the House and came over and grabbed the Mace.

I note also that when I said my remarks and sought unanimous consent during routine proceedings, I was surprised to see all the members of the Canadian Alliance in the House. I do not want to cast aspersions, but maybe we should not be surprised that a formal protest was made, not only by the member for Esquimalt—Juan de Fuca, but most of the members of the Canadian Alliance walked out after his gesture.

There is no question we have to do something with private members' business. It is not good enough the way it is now. Opportunities for backbench MPs to advance legislation are almost nil, but it is not simply because of the government. It is because partisan politics has entered into private members' business. It is part of the problem in the committee for private members' business.

We have to find a way in which indeed none of us takes advantage of private members' business to advance a political party or to damage a political party. Every one of us here, when we have a bill to advance, it comes from our heart. I do not doubt the sincerity of the member for Esquimalt—Juan de Fuca about his attachment to his legislation and what he was trying to do. I only challenge the way he expressed his frustration.

This is something that has to be fixed. It is something that should be fixed by co-operation among the various House leaders. As I understand it the Standing Committee on Procedure and House Affairs is studying the issue right now. As far as I am concerned, the committee should come up with a solution where there is no partisanship at all. It should make every bill that is drawn votable and that would solve the problem right there.

*Privilege*

The bottom line when it comes down to the very end of it all is that we cannot advance private members' business, we cannot advance the rights of individual backbench MPs by showing any kind of disrespect for this institution. When we show disrespect for the symbols of this institution, we defeat ourselves and all Canadians.

• (1610)

**Mr. Keith Martin (Esquimalt—Juan de Fuca, Canadian Alliance):** Mr. Speaker, last Wednesday I lifted up the golden mace that sits in front of us. At that time I said that Canada was not a democracy. Lifting the mace was a coldly, premeditated act of civil disobedience but it was not an act of anger. It was done to illustrate a fundamental violation of the rights of every member of parliament and, by extension, every single citizen of this country.

Last Wednesday the government violated our right to vote. Our right to vote is the thin red line that separates our country from dictatorships and from fascism. Last Wednesday the government crossed that line.

The issue here is not about the substance of the bill but about democracy. It is about the right of every member of parliament in the opposition and in the government to do our jobs as advocates for the concerns of our constituents and the concerns of our nation. Last Wednesday the government violated that fundamental right.

At that time I had some choices. Do I stand back and allow the violation of the fundamental rights of every Canadian and every member of the House to go unheard? Do I allow the government ruling on an amendment to kill a votable private member's bill to go unnoticed and have it seep into the morass of *Hansard* and forgotten? Or, do I shine a bright spotlight on the nine years of violations that the government has engaged in to remove the fundamental democratic rights of every MP in the House and every Canadian and on how the government has turned our country into a dictatorship?

Many members of parliament from across party lines have worked hard and earnestly to offer the government umpteen suggestions for making our House a democracy, to fight for what is right, to do the right thing for our constituents and to have the ability to advocate for our country and for the citizens of our nation.

The government has been whittling away for nine years, in an obvious way and sometimes by sleight of hand, our ability to do our jobs as members of parliament. It has removed our rights, and enough is enough. It is time for us as members of parliament to have our voices heard. It is time for us to tell the government that we are not going to take it any more, that we are not going to tolerate the continued violation of our fundamental rights as Canadians and as members of parliament. It is time we stood up and said that the rights of our constituents will no longer be violated.

I violated the traditions of the House, and I apologize to you, Mr. Speaker, out of respect for you as an individual and out of respect for the office that you hold. However I do not regret lifting up the mace to draw attention to the violation of Canadian rights. I will explain to you what happened.

Four years ago, in response to the closure of courts in my province of British Columbia, I began working on a bill that would

decriminalize the simple possession of marijuana. My bill would not have legalized it, which is something I am opposed to. It would have decriminalized marijuana possession for the purpose of saving lives and money so our courts could become more efficient.

My bill was supported by many police groups, the Canadian Medical Association, church groups and others. It was made votable by members of the House. At second reading stage the government put an amendment forward to kill my bill.

• (1615)

The government knows full well that we have free vote in private members' business. It is the last bastion of democracy. It is the last place where we can offer solutions, fight for ideas and be innovative and yet the government slyly introduces an amendment saying that my bill will not be read any more, that it will not go on to committee and that the House will not vote on it in a fair fashion. The government whipped its members into passing an amendment to kill my votable private member's bill.

That was an utter violation of our democratic rights. It has driven a final stake through the heart of private members' business, the last bastion of democracy that exists in parliament.

This issue affects members from all party lines. The reason I took the course of action that I did was to show how bad private members' business has become. Out of the 239 private members' bills which have been introduced in the House, only five have been made votable and none from the government. Only two have made it as far as my bill did a little over a week ago. None have gone to committee stage.

As the member for Mississauga East knows, when a bill goes to committee stage the government votes away every word, letter and apostrophe from the bill that was passed in the House to kill that bill. It is an utter violation of that member's rights to put forth private members' business. The cost is \$45 million. Imagine what we could do with \$45 million? Imagine all the CT scanners, the MRI scanners and the nurses we could hire to treat the sick in this country instead of wasting it on the facade of democracy that this House has become.

The government likes to talk about committees where supposedly good work is done. Committees are nothing but a make work project for members of parliament. That is a tragedy because of the collective wisdom in the House. Every MP in the House has talent and skills that can benefit Canadians. Committees ought to be a place where that can happen. It happens in other countries. The problem with our committees is that they are used as make work projects to keep MPs busy and keep us stupid. They are controlled by the government. The parliamentary secretary, appointed by the Prime Minister's Office, will stand and whip the government members in line to do what the government wants, not what the MPs collectively want.

The government selects the chairperson of each committee. It does not allow the members of that committee to choose the best person among them. Is that not a violation of the rights of Canadians?

**Some hon. members:** Yes, it is.

**Mr. Keith Martin:** It certainly is.

*Privilege*

It is a myth to say that we have free votes in the House. Everybody knows that the votes are whipped but is it just or is it reasonable? The fact is that the government has decided that every single vote in the House is a vote of confidence in the government, an absolute abuse of that statute. Votes, other than on money bills, which go to the heart of a government's agenda that it ran on, are not issues of confidence at all. What is the government so afraid of that it has to ensure that its members are whipped like cows and forced to vote according to what the Prime Minister's Office wants and not what their people want? The Liberals are afraid of democracy.

Are debates in the House meaningful? No. They are meaningless because the government's agenda is like pabulum and the legislative initiatives that are brought to the House have no resemblance to the concerns of Canadians. Canadians want a job, good health care, education and safe streets. They want a democracy. They want their money spent properly and they want a clean environment. Do those issues come to the House? No, they do not.

Why are there no substantive bills in the House to deal with the myriad of issues that Canadians care about? Because the Liberals are riding at 49% in the polls they behave like amorphous opaque blobs of suet. They do it because they know they do not have to do anything. They have decided not to stand for anything.

This is a government run by the polls not by public interest. This is a government run for the Prime Minister's Office not for the people.

• (1620)

The government wants to put me on trial for hoisting the mace and violating a tradition of the House. Let this be a trial of the government on its mismanagement of the country, its mismanagement of the House and its violation of the basic rights of every Canadian.

Why is it that the government is not ensuring that we have a sustainable health care system? Why does it wait and let people suffer in silence or die while on waiting lists? Is that not a far greater crime than speaking about the bauble in front of us? Is it not a more egregious crime to allow the softwood lumber agreement to expire knowing full well that it will and not having a plan in place, throwing tens of thousands of people in my province of British Columbia out of a job and killing small communities?

Is it not a greater crime to allow our dollar to go from 73¢ to 63¢ and have the government say that it cannot do anything about it? Is that not a greater crime when that is a complete removal of the wealth of Canadians and it is killing jobs?

Is it not a greater crime to buy new Challenger jets when our military are using Sea King helicopters that are falling out of the sky, compromising the lives of our soldiers? Is it not a far greater crime to not have a coherent defence and foreign policy so our soldiers can do their jobs?

Is it not a greater crime that as our population ages nobody from that side is trying to ensure that we have a sustainable pension system for those on fixed incomes who will suffer in silence? They will endure lives of quiet suffering while the government fails to deal with the demographic challenges that will put pressure not only on our social programs but on the very economy that this country relies

on. The failure to deal with this most pressing issue in a timely fashion will ensure that our seniors will be hurt, our social programs will be unsustainable and our economy will be a poor shadow of what it could be. Those will be the consequences of the government's failure to deal with this.

Is it not a greater crime that the cabinet ministers are squeezed between the unholy alliance of senior bureaucrats appointed by the Prime Minister's Office and the Prime Minister's Office itself? I wonder if the public is aware that the senior bureaucrats are appointed by the Prime Minister so that none of the cabinet ministers can be innovative in their portfolios. They are forced to be mouthpieces of the Prime Minister's Office.

Many cabinet ministers have a lot of talent but they are inhibited and prevented from using those talents because if they try to innovate the Prime Minister's Office comes down on them like a tonne of bricks. They will get that fateful phone call telling them to shut their mouths and to not do anything more.

The backbench MPs from the government side are equally aggrieved by the Prime Minister's heavyhanded abusive violation of their rights. The Prime Minister's Office has turned this formerly democratic institution into its own private plaything. The Prime Minister's Office, which is made up of unelected, unaccountable, invisible minions of the Prime Minister, is using the country, the House and taxpayer money for its own benefit.

I hope the public understands that in the course of lifting the mace that all of us on this side and I hope on the other side will draw attention to the fact that we do not live in a democracy any more.

It costs the Canadian taxpayers a half a million dollars every year to send us to this institution. It is a great honour. Canadians have put their faith in us to advocate for them, to fight for their issues, to fight for what they want to do and to deal with the big problems that they are concerned about. Unfortunately, we cannot do our job and is that not—

**An hon. member:** That does not excuse you for your behaviour.

**Some hon. members:** Oh, oh.

• (1625)

**The Deputy Speaker:** Order, please. It would appear that a large number of you are quite anxious to participate but I would simply ask you to be a little more patient. I will be here and we will make the time available.

**Mr. Keith Martin:** Mr. Speaker, last week I disrupted the House. Last week I violated the traditions of the House, for which I immediately stood to apologize to you personally, out of respect not only for your office but for you as an individual whom I respect.

However I would argue, and indeed Canadians across the country know very well, that a far greater violation has taken place in this nation, the violation by the government of our basic democratic right to vote. The government, specifically the Prime Minister's Office, has tied the arms and hands of every member of parliament together, bound them so tightly that we are unable to do any constructive work for the public good. We have become voting machines, and the members on the other side should be equally aggrieved by this situation.

*Privilege*

This is an opportunity for every member in the House, from every political party including the government, to stand and say “we are not taking this anymore” and to take a stand for democracy, for our own consciences, for our constituents and for our country. If every member of parliament in the House does that, we will break the back of the control that the Prime Minister's Office has over the House and democratize parliament for all members of all political parties, so that one day this institution can truly be a democratic one where we can use our individual talents as MPs, and by God every member has that, to advocate and work for the Canadian public, for Canada and for the future.

If we do not stand for democracy then we become a victim of our circumstances. We become a part of the problem. We do not become a friend of democracy, we become its enemy and insidiously we become a friend of draconian, undemocratic, dictatorial, fascist behaviour that will make our country a mere shadow of what it can be.

I accuse the government of being undemocratic. I accuse the government of being a dictatorship. I accuse the government of being fascist.

• (1630)

**Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.):** Mr. Speaker, the member for Esquimalt—Juan de Fuca's mental confusion that led him to seize the Mace can be identified, or sourced, from one line in his speech, a single line in which he said that parliament was a facade of democracy. That is what he said. That illustrates the confusion that exists in the minds of so many members of the Canadian Alliance in attacking the government, which opposition members do. The opposition is not supposed to like the government, but in attacking the government they so often attack parliament. That is what is so wrong here.

I do not know about the member for Esquimalt—Juan de Fuca, but I believe this is the best parliament in the world. I believe Canada has the best democracy in the world. I am the first to criticize my government from this side. I do not agree with everything the government does, but we have the freedom in this House, in this place, to criticize the government, to work for change as in no other democracy and as in no other parliament in the world.

To attack parliament, when the member actually means government, and we will note in his remarks that it was the government that was punishing him for taking up the Mace, he again is confused. It was not the government that was offended by what he did. It was parliament. It was not the traditions of parliament that he offended. It was parliament itself that he violated. It was not just the government House leader who was outraged. I can guarantee that if the government House leader had not moved his point of privilege then I would have. If not me then it would have been someone in the opposition. We heard the opposition. The Bloc Quebecois and the members of the Conservative Party took the same position.

I really think that the member for Esquimalt—Juan de Fuca ought to get it straight. The government may be what he is angry at but parliament is not his problem.

**Mr. Keith Martin:** Mr. Speaker, the member from the other side should listen to his previous comments. He said that this is the greatest democracy in the world. In fact the member cited quite

eloquently that his private member's bill was destroyed. He demonstrated the fact that his private member's bill, which should have been votable and which should have had its fair hearing, was destroyed because this institution was not a democracy anymore.

The member drives home the point, albeit unwittingly, that I have been trying to make, that this is not about me or the opposition. It is about all members of parliament and in particular the members on the other side. Of the 239 private member's bills that have gone through, none from the government side have been votable. That is an egregious violation of their rights as it is for us.

What we have is a situation, and the member and all members should understand this, that this is about our democratic rights. This is about the democratic rights of our constituents, and this is about Canada. This is about being able to vote. This is about doing our job as an MP. It is the essence of the most pure and fundamental rights.

That is what this is about. This is a protest to draw attention to the fundamental violation of our rights. The essence of the bills are immaterial. What is very relevant and essential is the fact that the rights of members, the rights of every person in the House, have been violated for nine years. Those violations are becoming more extensive and more egregious.

The member also has a significant disconnect with the public. The public desperately wants to see this place democratized. We saw today in the headlines that 69% of the public sees this place as being corrupt. It is not corrupt. It is just not a democracy. It is a dictatorship.

• (1635)

**Mr. Dick Proctor (Palliser, NDP):** Mr. Speaker, may I say very sincerely and very sorrowfully to the member for Esquimalt—Juan de Fuca that I think his interventions this afternoon are not worthy of him. We have heard him in the House over many years and I think this is a departure.

It reminds me of the story of the couple who were watching their son in a parade where the wife turned to her husband and said, “Look, everybody is out of step but my son, John”. I think that is what has happening here.

I want to put on the record the matter of the Waddell case. This is an historic debate. This does not happen every day where we have a situation like this. It happened about 11 years ago. It involved a member, Ian Waddell of Vancouver—Kingsway. There are some qualitative differences between that case and the case before the House this afternoon. I want to put some of that on the record.

The case involving Ian Waddell was night sitting. The House leaders had departed this place and the deputies who were acting in their place decided to have a short bell and a snap vote. Ian Waddell and Jim Fulton, the member for Skeena, were housed in the Confederation Building watching proceedings on television. They rushed to the Chamber to vote. There was a quick bell and there was not an opportunity for them to vote on a very important matter, that of seniors' taxation.

*Privilege*

Mr. Waddell went to the Speaker of the day and asked him to return to the seat in order that they could have that vote. Surely, in that instance, Mr. Waddell's case was very strong. One of the fundamental rights of being a parliamentarian is having the ability to vote in this place. He was frustrated in that instance because the vote was taken away from him.

Mr. Waddell apologized. He was called before the bar. It was out of sheer frustration. It was not premeditated in his instance. The member for Esquimalt—Juan de Fuca has already told the House this afternoon that it was premeditated on his part.

I will simply close by saying that what we have heard today is unworthy of the member for Esquimalt—Juan de Fuca.

**Mr. Keith Martin:** Mr. Speaker, I am glad the hon. member made my point quite eloquently with the case of Mr. Waddell. Mr. Waddell's right to vote was violated. Last Wednesday the rights of not just one MP were violated, but the rights of every member of parliament were violated in that we could not vote. That is the problem. I am glad the member realizes that.

I will make another point. That member and many members of the House in this debate are out of step with the public. The public is our boss. The fact is this parliament has become the purview of the Prime Minister's office. Taxpayer money, the money the public gives to this House and to this institution, is being used by the Prime Minister's Office for its own gain.

I am making a plea. Oliver Cromwell in Great Britain asked for the removal of the mace. Oliver Cromwell said: "Take away that bauble, ye are no longer a parliament". He did that because at that time Great Britain did not have a parliament. There were no public servants. There were no people working for the public good. Members of parliament were operating for their own good.

We do not have an institution here where members of parliament are operating for their own benefit. We have a Prime Minister's Office that is operating this House like a dictatorship. That is the fundamental problem we have.

I make a plea to every member of parliament in the House to have the guts and the courage to stand up for democracy, to stand up for the rights of their constituents, to stand up for their own rights and to vote against the government's efforts to censure me, not because I did not do anything wrong, because I did. I picked up the Mace and it was premeditated.

All hon. members should vote for the amendment and against the government's proposal. In doing so every member of parliament will say to the Prime Minister's Office that we are not taking it any more, that we have had it with this lack of democracy, that we have had it with this dictatorship and that we will move forward and build this institution by Canadians, for Canadians forever.

• (1640)

**Hon. David Collenette (Minister of Transport, Lib.):** Mr. Speaker, I rise today with a heavy heart. I have been a member of the House for a long period of time, off and on over the last 28 years. I was here last Wednesday when the hon. member for Esquimalt—Juan de Fuca took the Mace. I was shocked. I felt violated as a member of parliament.

I think we have to try to bring some gravity to this debate. I am prompted to rise today by the insouciance of the Leader of the Opposition who stood in his place some hours or minutes ago and said his colleague was upset but he said he was sorry, so let us let it go.

I have great respect for the Leader of the Opposition. We have served in the House many years, going back to the early 1970s. He was a speaker of the legislature in British Columbia, as someone pointed out. I think he has done an admirable job as Leader of the Opposition while his party has gone through a very difficult period. I am very disappointed by his attitude in trying to justify the behaviour of the hon. member for Esquimalt—Juan de Fuca.

What gets me this afternoon is the indifference and self-indulgence we have seen displayed on the part of the hon. member for Esquimalt—Juan de Fuca. What is at issue here is not the grievance but the way in which he showed his displeasure.

We have all been aggrieved from time to time. We have all been upset. Politics is a difficult game. A former British prime minister in the 18th century called politics "the greasy pole". We are always trying to make our point, always trying to get to the top of the argument, but somehow we just never quite make it. It is frustrating, but no matter the frustrations of individual members, one thing we have to do is respect the basic traditions of this place.

The hon. member for Esquimalt—Juan de Fuca said this afternoon that referring the subject matter of his bill to committee transgressed the rights of all hon. members. Really? It did not transgress my rights. Who is the hon. member to speak for me?

Mr. Speaker, you or your associate were in the Chair. Did you rule the procedure out of order? No. It was the democratic will of the House that referred that bill to committee.

The hon. member may have been aggrieved, but if there was a breach of parliamentary decorum or of the rules, then it is for the Speaker to determine. It is not for the hon. member for Esquimalt—Juan de Fuca to stand in his place and be the guardian of parliamentary privilege and purity. That is not his role. He can express displeasure, but he cannot transgress the rights of all of us. That is what he did by picking up the Mace.

That Mace is symbolic. It is symbolic of all the privileges that we have as members. I will quote from Erskine May, nineteenth edition:

Parliamentary privilege is the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by members of each House individually, without which they could not discharge their functions, and which exceed those possessed by other bodies or individuals. Thus privilege, though part of the law of the land, is to a certain extent an exemption from the ordinary law.

We are talking about something that has come down from generations as an exemption from the law, something that each of us enjoys as members of parliament, privilege.

In Beauchesne's fourth edition, section 108.(1) states:

Anything which may be considered a contempt of court by a tribunal, is a breach of privilege if perpetrated against Parliament, such as wilful disobedience to, or open disrespect of the valid Rules, Orders or Process, or the dignity and authority of the House, whether by disorderly, contemptuous or insolent language, or behaviour, or other disturbing conduct, or by a mere failure to obey its Orders.

*Privilege*

•(1645)

The hon. member for Esquimalt—Juan de Fuca picked up the Mace. It has been stated this afternoon rather eloquently by the hon. member for Roberval about the Mace and its symbolism. Again, going back to Erskine May's nineteenth edition, on page 229 it states regarding the Speaker that:

As a symbol of his authority he is accompanied by the Royal Mace which is borne before him when entering and leaving the chamber and upon state occasions by the Serjeant at Arms attending the House of Commons, and is placed upon the table—

The chief characteristics attached to the office of Speaker of the House of Commons are authority and impartiality.

Mr. Speaker, that mace symbolizes you, and you are the servant of all of us because you have been democratically elected by all of us to arbitrate the day to day proceedings. It is not for me, Mr. Speaker, to question your judgment. In this case, you or your associate in the Chair found nothing wrong with the procedure. The hon. member did. The hon. member felt aggrieved and I understand that he was upset, but that gives him no recourse to insult the very basis of our parliamentary institutions, Mr. Speaker, which is the Mace representing you, the Speaker, representing all of us with our privileges. He does not have that right and he must apologize for his actions.

He could say he did apologize for his actions. On April 17 he rose in his place and said:

However I apologize to the House for touching the mace. I did so in the heat of the moment and to try to make the point that democracy was violated, four years of work was destroyed and people's lives were at stake. I did it to make a point. I should not have done it and I apologize to the House.

That is what he said on April 17, but today he rose in his place and said that his action was premeditated. Was he speaking from the heart and was he speaking of the truth on April 17 or was he speaking of the truth and from his heart today? I would submit that only by calling the hon. member to the bar of the House, before all members assembled, will he give us his true feelings on this matter and give an unreserved apology, because today he did not. He basically said earlier "I apologize", and then he went on to say he has no regrets.

There is a lot of doublespeak in politics. It is part of the game. It is part of the thrust and parry of politics, but when we are dealing with privilege, when we are dealing with the basic rights of members of parliament, when we are dealing with the basic symbols of democracy, we do not have the luxury of being on both sides.

The hon. member either apologizes unreservedly or he is saying that he has no regret for his actions. Which is it? I submit that only by calling him to the bar of the House will we get the true story.

•(1650)

**Mr. Keith Martin (Esquimalt—Juan de Fuca, Canadian Alliance):** Mr. Speaker, I thoroughly enjoyed the minister's comments and how off base the poor gentleman is in not understanding the basic fundamentals of what took place last Wednesday.

I would ask to clarify my position on the apology, for his edification and for the House. I apologized to the Speaker for violating the traditions of the House. Apologizing to you, Mr.

Speaker, and indeed to members of the House, is different from not regretting the act of actually picking up the Mace. The difference is that the hon. minister brought to light the fundamental reason why the Mace was picked up. The Mace was picked up because, as the hon. minister mentioned, the basic rights of MPs were violated.

I would ask the hon. minister, does he believe that the Mace represents the basis of parliament or does the minister believe that the right of MPs to vote is a far more important right and a far more important basis of this House?

**Hon. David Collenette:** Mr. Speaker, I think the hon. member just does not get it. I am not the accused here. He is the accused.

A few moments ago I talked about the parliamentary traditions, the symbolism of the Mace as symbolizing your authority, as representing all of us as duly elected, with parliamentary privilege going back a thousand years. If the hon. member does not understand those basic facts then we have an even more serious issue to deal with.

**Mr. Keith Martin:** Mr. Speaker, this is the time for questions and comments on the minister's speech and I have every right to ask questions. The minister should do the right thing and respond to the questions with answers instead of trying to deflect them, because this goes to the heart of the issue. I am again going to ask the hon. Minister of Transport a very simple question.

The minister mentioned within his speech that he held to his heart that the very basis of the House, the most important things in this House are the basic rights of members of parliament. The basic rights of members of parliament are what we have to uphold as members of parliament. I will ask the hon. minister once again: Does he believe that the Mace is the basis of parliament and that we should uphold the Mace, or does the minister believe that we should uphold a much more important democratic tradition and right of all of us, the right to vote? Which is it, the Mace or the vote?

**Hon. David Collenette:** Mr. Speaker, again the hon. member does not get it. There was a decision, a deliberation of the House, to refer the subject matter of a certain bill to committee. The hon. member was on the negative side of that vote. He objected. However, that happens all the time. The House divides on almost every issue. That is parliamentary democracy.

The fact is that the hon. member would have greater cause if he were to say that he was prevented from voting, as was said by my colleague from Winnipeg in the Waddell case, where Mr. Waddell alleged that he did not have time to vote. Even then, the Speaker at the time ruled that he had breached privilege and he was called before the bar of the House.

The hon. member had a chance to make his point. He had a chance to vote, as all of us did. The issue here, as I said earlier in my speech, is that we are talking about the self-indulgence of the hon. member. The issue here is that somehow he believes that just because he has worked hard for a cause or a particular bill, as many people have, he has an inherent right to impose that will on the majority. He does not. That is democracy. That is a fundamental principle of democracy.

*Privilege*

•(1655)

**The Deputy Speaker:** It is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Acadie—Bathurst, Société Radio-Canada; the hon. member for St. John's West, Fisheries.

Resuming debate on a question of privilege, the hon. member for South Shore.

**Mr. Gerald Keddy (South Shore, PC):** Mr. Speaker, there have been a number of points raised in the House today and I would like to add several more to that mix.

I listened closely to the debate and to a lot of points that I wish I did not have to listen to. However this is a serious matter. Unfortunately I was not present to attend the vote last week as I was in the Netherlands at an important international meeting on forest biodiversity. Everyone at that meeting, including ministers from the government, had the opportunity to speak. They had an opportunity to speak because there were clear rules at that meeting just the same as there are clear rules in the House.

I have heard a lot of discussion about the rights of parliamentarians, whether it is the right to vote or whether the Mace holds more rights than parliamentarians. Quite frankly the issue is that decorum is a right of parliament. There are a set of rules in this place. When the British parliament and many other parliaments around the world were originally set up the desks on the government side were separated from the opposition side by a space of two sword lengths so no damage could be done to members on either side of the House. We have rules so we do not settle events outside of here. Dueling no longer prevails. The reason we have rules is to prevent wars in this country.

Decorum is what this issue is about. The hon. member broke the rules and has certainly broken decorum. He did it in a manner that lost focus on the important issue he was trying to raise.

We are disgusted and appalled with the debate today. The debate is no longer about the government shutting down private members' business. The spotlight is acutely focused on the hon. member for Esquimalt—Juan de Fuca. That is a mistake. One cannot say one is sorry, but. There is no but when one says one is sorry. I am sorry stops at the y, one does not add to it.

This is a serious matter. The member picked up the Mace, apologized immediately, but then turned around the next day and said his act was premeditated. I am assuming his apology was not as contrite as it could have been because the act was premeditated. The member walked out of the House.

He cannot represent constituents and Canadians from out there. Too many parliamentarians think they can represent Canadians in the newspaper. Too many parliamentarians think they can represent their constituents by disagreeing with the Speaker and by refusing to apologize and then getting thrown out of the House.

As an aside to this debate I would like to make a contribution for the Chair's consideration. When members of parliament are asked to leave this Chamber, instead of going out in the hallway to a phalanx of reporters and immediately to a scrum, they be told to use the back

door. If members cannot stand up in this place, admit they have made a mistake, say sorry, leave the but off of it and move on, then they have to question why they are here.

There is a clearer reason why we have rules. I have heard a lot of discussion today. I have heard the words softwood lumber, medical technology and helicopters. It seems to me that at one time in the history of this place the Reform Party and other members of parliament voted against the helicopter procurement. I disagreed with that vote but I did not take away their right to vote that way.

•(1700)

I was in agreement with the private member's bill. Had I been here and had the opportunity to vote I would have supported the bill. It is my understanding all of the opposition parties did support the member, every one, yet the opposition parties are not all speaking in support of the actions on the Mace. This is a time when it is important to look clearly at the series of events that have occurred.

Clearly, the member broke the rules of the House. He apologized and now wants to debate the issue. I do not intend to debate the issue much longer. There is more important work that needs to be done.

Several times in the debate I heard about the dollars spent on parliamentary work and committees. There are a lot of dollars spent. It does cost money to run parliament. Democracy does not come cheap. Most democracies around the world have come at the expense of great bloodletting and major wars.

If the member wants to represent his constituents then my recommendation is to step outside the bar and apologize and put it behind us and move on. I have heard a lot about taxpayers' dollars. If the member is not willing to do that I would suggest that, until he does, he should forfeit his pay as a parliamentarian. That is what the dollars are being spent on.

We know as parliamentarians we live a dual life. We live the life of a federal representative in the Parliament of Canada and we live a life as a constituent representative. A member can do half of the job as a parliamentarian, but half of the job has to be done in this building.

My suggestion is we put this behind us. We all know that the hon. member for Esquimalt—Juan de Fuca is capable of doing good work in this place. This debate has been a sideline. It has been a mistake and it has led us away from the real issue of why the debate was even begun.

**Mr. Alex Shepherd (Durham, Lib.):** Madam Speaker, it is surprising that the hon. member for Esquimalt—Juan de Fuca wants to dig himself deeper in this today. I do not know if he needs an extra shovel or not. He is earning a lot of disrespect from members who held him in high esteem.

I believe the member must be guilty of somehow catching an old copy of *Mr. Smith Goes to Washington* because that is the way this is all playing out. It is a poor rerun.

*Routine Proceedings*

What incensed me, and I wonder if the hon. member for South Shore would comment, was that the hon. member for Esquimalt—Juan de Fuca went so far as to call Canada a Fascist country. We understand Fascism as Franco's Spain, Mussolini's Italy, and Hitler's Germany. How can an hon. member in all consciousness possibly compare our country with those Fascist regimes?

I have had private members' bills that actually went through second reading and then the House dissolved and I could not get them voted on again in the following parliament. I know the frustration that the hon. member feels. The reality is it is a democratic institution. We are sitting here and we have a majority government. A vast number of people in this country voted for the government. That is the ultimate democracy.

If the other parties were representative of all the people their numbers would not be so small. Their polling percentage would not be only 12%. The other parties are the minority group.

On the specific issue of his legislation, there are a number of people here that, guess what, do not buy into it, do not believe in the decriminalization of marijuana. Some of the people I saw voting against the legislation in fact were going the other way. They wanted the opportunity to defeat it here on the floor of the House.

A number of the Canadian Alliance members voted for the hon. member for Esquimalt—Juan de Fuca. Does that mean they were whipped as well? This whole thing is a ridiculous waste of our time. I wish the hon. member for Esquimalt—Juan de Fuca would sit down with himself and do a little bit of rethinking. Let us put the House back in order and get on with our obligations to the people of Canada.

• (1705)

**Mr. Gerald Keddy:** Madam Speaker, the hon. member for Durham asked for a comment on the remark about Fascism. I believe that was made in the heat of debate and I would hope that the hon. member for Esquimalt—Juan de Fuca was not serious about that comment. I honestly do not believe he was but I am not going to pretend to answer for him because that is not my job in the House.

The greater issue that the hon. member raised regarding private members' business is a frustrating issue. It is doubly frustrating when we have a majority government. The votes are whipped and we have a much more difficult job of bringing proposed legislation forth. We all understand that.

I agree with the point made that this debate is becoming more than a waste of time. This is taking the emphasis off what the motion was to begin with and putting the emphasis on the hon. member for Esquimalt—Juan de Fuca. Quite simply that is wrongheaded, so I am quite content to sit down and not debate this issue any longer.

**The Acting Speaker (Ms. Bakopanos):** Is the House ready for the question?

**Some hon. members:** Question.

**The Acting Speaker (Ms. Bakopanos):** The question is on the amendment. Is it the pleasure of the House to adopt the amendment?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Acting Speaker (Ms. Bakopanos):** All those in favour of the amendment will please say yea.

**Some hon. members:** Yea.

**The Acting Speaker (Ms. Bakopanos):** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Acting Speaker (Ms. Bakopanos):** In my opinion the nays have it.

*And more than five members having risen:*

**The Acting Speaker (Ms. Bakopanos):** Call in the members.

*And the bells having rung:*

• (1710)

**Ms. Marlene Catterall:** Madam Speaker, I believe you would find unanimous consent to defer the taking of the recorded division.

**The Acting Speaker (Ms. Bakopanos):** Is it agreed?

**Some hon. members:** Agreed.

---

## ROUTINE PROCEEDINGS

[English]

### YOUTH CRIMINAL JUSTICE ACT

**Mr. Gary Lunn (Saanich—Gulf Islands, Canadian Alliance)** moved for leave to introduce Bill C-444, an act to amend the Youth Criminal Justice Act.

He said: Madam Speaker, I am pleased to introduce a private member's bill to amend the Youth Criminal Justice Act. Property crime is one of the most invasive acts in our society. My bill would seek to balance the need to punish youth who commit these crimes with the understanding that many young offenders never reoffend if they get the help they need.

If passed my bill would do the following: first, impose mandatory curfews for all young offenders convicted of a break and enter or a home invasion, until the age of 18, for one year to a maximum of three years; second, impose mandatory jail terms for repeat offenders of these crimes with a minimum sentence of 30 years; and third, when a young offender breaches a probation, the parent or guardian would be responsible. That parent or guardian must report it to the authorities. If the parent or guardian were to fail to report a breach to the authorities, then they would be subject to a criminal offence.

My bill recognizes that without enforcement mechanisms many probation breaches go unreported. Without reporting, youth do not get the guidance they need. This bill would seek a fair balance between punishment and rehabilitation. I encourage all members to support it and to contact me with any questions or concerns.



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

\* \* \*

### CRIMINAL CODE

**Mr. Keith Martin (Esquimalt—Juan de Fuca, Canadian Alliance)** moved for leave to introduce Bill C-445, an act to amend the Criminal Code (protection of child before birth)

He said: Madam Speaker, fetal alcohol syndrome is one of the most devastating problems in our country today. Tens of thousands of children are born with this preventable problem. In fact fetal alcohol syndrome is the leading cause of preventable brain damage in children.

The bill seeks to prevent fetal alcohol syndrome by ensuring that a woman who is pregnant and who consumes harmful substances that are injurious to her fetus but refuses all forms of treatment can be put into a treatment facility against her wishes for the protection of herself and more important, for the protection of the fetus. This is only for a woman who has chosen to carry the fetus to term and clearly has nothing to do with the issue of abortion.

This law has its roots in the ability of physicians to put people who are injurious to themselves or others and cannot take care of themselves in a treatment facility against their wishes if necessary. The bill would give caregivers and medical personnel, specifically physicians, the ability to do that for the protection of the woman and to ensure that no more children are born with the devastating problem of fetal alcohol syndrome.

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

\* \* \*

• (1715)

### WILD ANIMAL AND PLANT PROTECTION AND REGULATION OF INTERNATIONAL AND INTERPROVINCIAL TRADE ACT

**Mr. Keith Martin (Esquimalt—Juan de Fuca, Canadian Alliance)** moved for leave to introduce Bill C-446, an act to amend the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act.

He said: Madam Speaker, Canada is known as a major trafficking conduit for endangered species from all over the world. In fact Canadians would be shocked to know that this situation exists. By allowing it to exist we become part of the problem in the decimation of endangered species from all over the world, such as Siberian tigers, Bengal tigers, Javan rhinos and a wide array of species.

The bill deals with the control of the international trade in wildlife. It calls for import and export permits to ensure that there are permits from the country authorizing the trade in these animals. It adds protection for wildlife in transit and ensures that proper care is available for them. It requires full records to be maintained by law, which goes to our obligations under CITES. It requires the mandatory marking of specimens to be imported and exported. It also requires that there be an organization within the Department of the Environment to ensure that our obligations under the Convention on International Trade in Endangered Species be fulfilled.

### Routine Proceedings

The bill would go a long way in ensuring that our obligations under CITES are respected. It would go a long way in ending the debacle in our country that allows us to continue to be part of the problem in the trafficking of endangered species.

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

\* \* \*

### INCOME TAX ACT

**Mr. Pat Martin (Winnipeg Centre, NDP)** moved for leave to introduce Bill 447, an act to amend the Income Tax Act

He said: Madam Speaker, the bill seeks to amend the Income Tax Act to disallow the fact that currently fines and levies on businesses are tax deductible.

The bill finds its origin in the supreme court ruling that allowed that fines, penalties and levies that businesses incur were tax deductible as long as the business received the fine in the operation of its business and in searching to make an income.

Most Canadians would agree that I do not think parliament ever intended to allow this particular situation. The penalty would undermine the detrimental value of the fine if it were allowed as a tax deduction. I cannot deduct my parking tickets from my income taxes. We do not believe that a business should be able to deduct any kind of a fine or penalty from its taxes either.

I hope that the bill finds broad support among members of the House.

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

**Mr. Peter Adams:** Madam Speaker, on a point of order, I would be grateful if you would seek unanimous consent to return to presenting reports from committees. I have a report which the other parties are aware of.

**The Acting Speaker (Ms. Bakopanos):** Is it agreed?

**Some hon. members:** Agreed.

\* \* \*

### COMMITTEES OF THE HOUSE

#### PROCEDURE AND HOUSE AFFAIRS

**Mr. Peter Adams (Peterborough, Lib.):** Madam Speaker, I have the honour to present the 52nd report of the Standing Committee on Procedure and House Affairs regarding the membership and the associate membership of some committees.

If the House gives its consent, I move concurrence at this time.

**The Acting Speaker (Ms. Bakopanos):** Is it agreed?

**Some hon. members:** Agreed.

*Government Orders*

(Motion agreed to)

\* \* \*

• (1720)

**PETITIONS**

## ABORIGINAL AFFAIRS

**Mr. Pat Martin (Winnipeg Centre, NDP):** Madam Speaker, I am proud to put forward a substantial petition signed by thousands of first nations citizens in the province of Manitoba.

These citizens reject the government's first nations governance initiative as put forward by the minister of Indian affairs. They suspect it to be nothing more than a thinly veiled attempt to diminish or even extinguish their treaty rights.

The petitioners point out further that the consultation process that is going on with the first nations governance initiative is nothing more than a sham. They do not believe it meets the legal test of what broad consultation should really be. They argue that they will submit more signatures of citizens than the minister actually managed to reach in his consultation process.

**Mr. Gary Lunn:** Madam Speaker, I rise on a point of order. When I spoke on my private member's bill, I apparently said for a maximum sentence of 30 years. I meant to say 30 days. I ask for consent to have that changed in the record.

**The Acting Speaker (Ms. Bakopanos):** That is fine.

\* \* \*

[Translation]

**QUESTIONS ON THE ORDER PAPER**

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

**The Acting Speaker (Ms. Bakopanos):** Is that agreed?

**Some hon. members:** Agreed.

**GOVERNMENT ORDERS**

[English]

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

The House resumed consideration of the motion that Bill C-15B, an act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act, be read the third time and passed; and of the amendment; and of the amendment to the amendment.

**Mr. Vic Toews (Provencher, Canadian Alliance):** Madam Speaker, the amendment deals with moving the bill back to committee and returning it by a specified date. This motion is required in order to give credence to the comments of the former minister of justice, that what is legitimate today will be lawful tomorrow under the bill.

A number of issues have been pointed out that have caused concern. First is the breadth of the offence and the elimination of

very specific defences under the act. I have heard people say time and again that the defences under section 8 are now applicable and the defences under section 429 are not needed. The point is that the defences under section 8 were always applicable. In respect of those specific property offences, section 429 set up certain specific defences. They were put there for a reason.

If we eliminate those defences in respect of animal offences, there is clearly a substantive change that has taken place. In order to ensure that does not occur, and as the former minister herself indicated some time ago that what is legitimate today will be lawful tomorrow, we need to specifically have those defences put into the new part where these offences are going.

The other point is that when someone is charged under a criminal code offence, there is an issue of clarity. The offence itself must be clear. If someone is going to be charged under the criminal code and the offence is not clear, it does the principles and administration of justice a disservice. This particular offence is not clear nor is it clear in respect of the defences that are applicable.

I want to reiterate that the Canadian Alliance supports the increased penalties for animal cruelty but we are certainly very concerned about creating criminal liability where no criminal liability exists. It has been a feature of the government to bring in legislation that minimizes the amount of mens rea required before there can be a conviction. Mens rea is the Latin term relating to guilty mind. In our parliamentary system and our justice system, mens rea is an essential element of every criminal offence. That needs to be clear.

The final point I will make is that people as prominent as Pierre Berton have indicated very strongly that the bill will impact negatively on our scientific research community. The progress we have made in health care has come at some expense and has involved the use of animals. We want to ensure that continues for the health of the people of Canada. We do not want the use of animals done in any cruel or inappropriate way. Health care professionals and scientific researchers need that assurance of protection under the law.

**The Acting Speaker (Ms. Bakopanos):** Before we resume debate, I want to make sure everyone understood that earlier the vote was deferred at the request of the government House leader. For the record, the vote is deferred until tomorrow evening after orders of the day.

• (1725)

[Translation]

**Mr. Robert Lanctôt (Châteauguay, BQ):** Madam Speaker, I rise today to provide the Bloc Québécois' position as regards the amendment to the amendment.

We believe that it is high time to take action on the matter of cruelty to animals, but this does not mean that we should act in haste.

It is true that cruelty to animals is a serious problem that deserves our attention. We are on the record as saying that these are horrible acts of violence committed wilfully, while animals cannot defend themselves, nor assert their rights.

*Government Orders*

The Bloc Québécois is opposed to Bill C-15B for two main reasons: because of the lack of protection for legitimate activities with animals, and also because it takes important powers away from the chief firearms officer.

That being said, we do support the amendment to the amendment to establish a deadline for an in-depth study into the provisions of Bill C-15B regarding means of defence. While we support the notion of a new section that would introduce an innovative concept by changing the notion of animals as property, we are opposed to the significant and negative impact this could have for all those who work legitimately as breeders, hunters and researchers.

The amendment is an important one, but it should not be made to the detriment of others. It is true that we no longer view animals in the same way that we used to. However, I would not want this innovation to change the lives of those who have worked for years in the livestock, scientific research or sport sectors.

So the amendment to the amendment sets a deadline by which the Standing Committee on Justice and Human Rights must report to the House further to its detailed consideration of clause 8 of Bill C-15B.

The Bloc Québécois is in favour of the amendment to the amendment because it means that there is a reasonable possibility that clause 8 of Bill C-15B will be reviewed in a careful and detailed manner. This clause defines the benchmarks for the protection of legitimate activities in the animal industry.

Bill C-15B raises strong controversy. One of the areas of controversy is the flagrant lack of protection for these legitimate activities in the animal industry. As we have already said, we cannot support Bill C-15B as now worded.

The specific defences provided for in section 429 of the criminal code, which now explicitly protect those who raise livestock, hunters, the animal industry and researchers, are not included in new part V.1 of the criminal code.

The primary purpose of this bill should have been to increase penalties for any reprehensible and violent activity. Furthermore, the term "cruelty" is clear to this effect. The penalty for a cruel offence should be serious enough to deter anyone contemplating it. But this is not the case with Bill C-15B, because it lumps all violent actions together, whether or not cruelty is involved. This is unacceptable.

In committee, we were told that it was not the government's intention to deny the legitimate activities of livestock raising, hunting and research the protection to which they are entitled. But protection is expressly provided for in section 429 of the criminal code, whereas it is not in clause 8 of the bill.

I therefore wonder why these protections in section 429 of the criminal code are not included in new part V.1 of the criminal code. It is simply not logical.

On numerous occasions in committee, we put forward many amendments to this effect. They were all rejected. It is therefore time to go back and take a specific look at the defences provided for, which should be provided for in clause 8.

We could ask ourselves what is really motivating the government right now. Why not include provisions which have been around for a long time?

The Bloc Québécois has introduced amendments to that effect, but they have all been rejected, as I have said. In our opinion, it is essential to protect animals, and this is a matter of some urgency. It is, however, important to take steps that are both appropriate and prudent if all stakeholders are to be satisfied. This is both possible and attainable.

• (1730)

As I have said, we favour the creation of a new part in the criminal code, to address the protection of animals. It would give them a new definition and a new legal value. We cannot, however, accept this being done without respecting the currently applicable mechanisms of protection, the means of defence listed in section 429.

To do so is tantamount to disrespecting the men and women who have been working in this field for many years. Not including a defence that is currently available is cause for concern.

Does this mean we can no longer count on our legislation? Does this mean that normal activities will soon become illegal? From what we can see, this will indeed be the case.

I wonder about the vision the government has chosen. If this means that our legitimate activities are going to be in a precarious position in future, I am concerned. I am both concerned and disappointed. It seems to me that today we possess all the tools necessary to create an approach that would punish true offenders while protecting farmers, hunters and researchers. From what I see, this approach is far from being as complete and all-encompassing as it could be.

I have already said, and I repeat, the fact that the defences found in subsection 429(2) of the criminal code are not included in the new part V.1 will have the effect of depriving those who legally kill or cause pain to animals of the protection they are currently afforded.

Section 429 of the criminal code sets out that legal justification or excuse and colour of right constitute specific protection to whomever takes part in a legitimate and legal activity. I believe that it is important to include these specific safeguards in part V.1 of the criminal code.

According to the former Minister of Justice, subsection 8(3) of the criminal code will be applied. This type of statement demonstrates incomplete and clearly inadequate intentions. According to officials from the Department of Justice, defences of legal justification or excuse are implied in section 8. This defies logic. It is impossible to shift from specific and explicit provisions to an implicit application without any problems.

For this reason, the Bloc Québécois insists that these specific defences, currently set out in the criminal code, absolutely must be repeated in the new part V.1 of the criminal code. Furthermore, we believe that sending this aspect of the bill back for study in committee is a good sign.

*Government Orders*

This review is long overdue. So why rush ahead without thinking now. All the ins and outs of the new provisions must be examined in order to ensure that the scope of Bill C-15B is logical. Care must also be taken to ensure that Bill C-15B really meets the needs of all parties.

We are therefore in favour of increased protection for animals, as well as the explicit inclusion of protection for legitimate animal industry, sport and research activities.

It is obvious to us that Bill C-15B, as now worded, will cause serious difficulties for hunters, medical and scientific researchers, and the entire animal industry. There must therefore be a completely democratic approach in committee, so that all aspects of cruelty to animals can be taken into consideration.

● (1735)

The facts associated with this phenomenon of intolerable violence should be re-evaluated. We must ensure that there can be no possible conflicting interpretations of the new provisions.

This is what is required of us in our role as parliamentarians. Asking the committee to report before the summer shows that we are being diligent as parliamentarians, because we feel that this scourge requires our serious and urgent attention.

I call on the government, on the Minister of Justice, and on his parliamentary secretary, to have a look at this motion and approve it so that we give serious consideration to the defences which I feel should be explicitly included, which take nothing away from the bill and which will protect all stakeholders in the animal industry.

[*English*]

**Mr. Dick Proctor (Palliser, NDP):** Madam Speaker, I intend to make a few brief remarks regarding the subamendment put forward by the hon. member for Selkirk—Interlake that says that the committee should report back to the House not later than June 21.

Bill C-15B has passed committee. The New Democratic Party caucus voted in favour of the legislation. We were supportive of government measures to modify sections of the criminal code dealing with cruelty to animals and sections of the Firearms Act making administration of the act and the gun registry system more responsive and easier to access.

Bill C-15B's cruelty to animals provisions would remove offences dealing with animal cruelty from the property crimes section of the criminal code and create a separate section. This is a conceptual shift our caucus has supported throughout the process. Rather than treating crimes against animals as crimes against property the bill would give animals their own status as creatures that can and do feel pain.

Concerns about the potential impact of Bill C-15B on rural and northern constituents were largely put to rest in going through the legislation. Amendments introduced by the former justice minister and supported by the NDP caucus addressed the concerns of farmers, fishers, hunters and trappers about being subject to frivolous prosecution or harassment. Under Bill C-15B they would have available to them many of the defences they possess under the existing code.

A number of animal welfare groups are concerned about the wording dealing with abandonment of animals. The government's recent amendments included the words wilful and reckless. According to the Society for the Prevention of Cruelty to Animals this would make abandonment charges difficult to prosecute.

Bill C-15B would impact neither normal industry practices nor the legitimate use of animal products in society. Under the bill police forces and societies for the prevention of cruelty to animals would be able to prosecute animal cruelty offences in a stronger fashion.

The gun control and registration portion of the bill deals with modifications to the Canadian gun registration system. The changes were introduced to make the system more accessible and responsive to the demands of users. There was significant opposition from various gun lobby groups on the grounds that there should be no gun registration system at all. However the User Group on Firearms, a consultative body of gun users formed by the government, seemed satisfied with the modifications and the improvements they would make to the system. On the other side, the Coalition for Gun Control did not oppose the amendments.

When the agriculture committee was in New Brunswick last month we had the opportunity to tour the gun registration centre in Miramichi. We were all very pleased to see the image of the hon. member for Selkirk—Interlake come up on the screen. We were pleased his application had been accepted and his permit had been mailed to him the day before. I am sure he is proudly showing it to all his friends in Selkirk—Interlake.

I will close by referring to a sad and disturbing matter adjudicated last week in a Toronto courtroom. Two young men drew what seemed like, as the *Globe and Mail* editorial reported, "extraordinarily light sentences for killing and mutilating a cat and videotaping the spectacle in the name of 'art'". Animal activists were outraged that one culprit received a 90-day jail term to be served on weekends and the other walked free in lieu of time already served. It was felt the sentencing judge could have been tougher. The two people convicted knew exactly what they were doing when they stole a healthy pet cat and inflicted unspeakable suffering by skinning it alive, dissecting it and gouging out one of its eyes.

● (1740)

Equally evident in court was that the two were in no way inhibited by the law as it currently stands. The law as it currently stands dates back 110 years. The maximum penalty for animal cruelty under the 110 year old act is six months.

Today's *Globe and Mail* editorial states:

Bill C-15B, which has received second reading by the House of Commons, would raise that maximum to five years. The new legislation would also permit a lifetime ban on pet ownership and increase the ceiling on fines to \$10,000.

*Government Orders*

These useful changes, long overdue, reflect a sea change in public attitudes toward animals over the past century. As well, there is ample evidence that cruelty to animals is not only commonplace but also a threshold to other, more serious aberrant behaviour.

But you would not know that from the resistance the bill has generated among some Canadian Alliance and Tory MPs. For them, the new legislation is a sinister assault on the rights of farmers, ranchers, hunters and other law-abiding folk who work with animals.

Wrong. Under the changes, animal cruelty will have its own section in the Criminal Code. And in case those critics have forgotten, for a crime to occur there has to be *intent*.

**Mr. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.):** Madam Speaker, a number of statements have been made by hon. members during the last week of debate. I am pleased to have an opportunity to come forward today and give clarification to the issues.

First, I will talk about the status of animals as property. One of the members indicated that animals are treated as property under the criminal code. The hon. member said moving the cruelty provisions out of the property section of the criminal code would confer elevated status or even rights on animals.

As a matter of constitutional law the provinces rather than the federal government are responsible for property and civil rights. There is nothing in Bill C-15B which would in any way affect legislation or common law rules regarding property, many of which have been developed by the provinces.

The ability of humans to own animals is well entrenched in our common law. There is nothing in Bill C-15B which would change the property status of animals. Moving the provisions from one part of the code and putting them in another would not change the status of animals. It is completely misleading to suggest the status of animals would be elevated.

It is extremely important to emphasize that the law states that society has an interest in protecting all animals, whether owned or not, from the infliction of unnecessary pain, suffering, injury or criminal neglect. This is not new. It has been in the criminal code since 1953. Cruelty provisions in one form or another have been in the code since 1892.

The important changes in Bill C-15B regarding animal cruelty are twofold. They would increase penalties. They would also reorganize the provisions to allow for both the mental and physical aspects of offences regarding intentional cruelty and criminal neglect.

Second, I will discuss the notion that Bill C-15B would hamper pest control and industry in general. There has been a great deal of discussion in the House today about this. It has been said that Bill C-15B would prevent farmers from poisoning or killing pests. The tests for liability under Bill C-15B would not be changed even though the provisions would be reorganized and updated. The provisions with regard to killing or poisoning animals without lawful excuse would remain. Lawful excuse would be retained because the killing of animals for food, pest control and so forth has long been recognized by common law and continues to be recognized by case law, statute, regulations, codes of conduct and so forth.

It is equally inaccurate to state that farmers would not be able to kill injured animals to end their suffering. The tests for liability under

Bill C-15B would not be changed. Bill C-15B would not make illegal any practice which currently meets the requirements of the law against unnecessary pain, suffering or criminal neglect.

Third, I will talk about the test for negligence. One member has stated that under Bill C-15B the test would be for civil negligence. This is not true. Subclause 182.3(2) specifically defines negligence as a standard of criminal negligence. It says the behaviour of the accused must constitute a marked departure from the standard of care of a reasonable person in similar circumstances. The Supreme Court of Canada has expressly stated that in any situation where the possibility of imprisonment exists a standard of criminal as opposed to civil negligence is a constitutional requirement.

Fourth, I will talk about people's alleged vulnerability to vexatious prosecutions. A number of members have complained that Bill C-15B would make industry more vulnerable to vexatious prosecutions by animal rights activists. At the same time they have complained that the proposed screening mechanism of Bill C-15A would expose those accused to the costs of hiring a lawyer.

• (1745)

We cannot have it both ways. The criminal code currently has a number of safety mechanisms which allow the prosecutor to intervene and if necessary, stay a prosecution which is commenced by a person other than a peace officer or a public officer.

Bill C-15A extends this protection to a much earlier stage in the process to a point in time before the potential accused is even charged. The process is not a preliminary hearing. It is a screening process where a judge or a designated justice must be satisfied that there is sufficient reason to proceed before the accused is even required to attend court.

This process forces the prosecutor to assess the strength of the case at the first opportunity and to recommend to the judge or justice that the matter proceed if and only if there is sufficient reason to do so. One important consideration that the prosecutor will consider in making his or her recommendation to the court is whether or not it is in the public interest to proceed, a very important point.

Next I would like to deal with the argument that has been brought forward concerning section 429 and its absence. The argument that the reason subsection 429(2) defences have not been argued in cruelty cases is that their very existence precludes the crown from prosecuting.

The Canadian Criminal Lawyers Association in its testimony before the committee confirmed that removing the cruelty provision from part XI of the criminal code would not diminish any defences available to accused persons. All defences in subsection 429(2) which could possibly be relevant to animal cruelty cases and available under subsection 429(2) are equally available under subsection 8(3) of the criminal code.

*Government Orders*

It is simply wrong to indicate that the existence of defences acts as a bar to prosecution. Case law has clearly confirmed that there is no onus on the crown to disprove all relevant defences as part of its case. Once the crown has proven all elements of the offence beyond a reasonable doubt, the accused bears an evidentiary burden to raise a doubt about one of the elements of the offence. If the accused does so, then the crown must disprove the defence beyond a reasonable doubt. That is very important.

The last issue I would like to deal with is the definition of animal. Under the current cruelty provisions, animal is not defined. At the present time the courts are free to interpret the word animal in accordance with its everyday meaning, resulting in an interpretation broad enough to include most, if not all, members of the animal kingdom and certainly including many invertebrates. A definition is included in this legislation for the sake of clarity.

From a scientific perspective, vertebrates are generally viewed as having sufficiently developed nervous systems to allow for sense and pain perception. They are therefore as a group all given the protection of the law. But some invertebrates have a developed nervous system and therefore also may have the capacity to feel pain.

It would be arbitrary to permanently and absolutely deny protection to some animals because they happen to be classified as invertebrates. Bill C-15B creates a mechanism that allows the crown to proceed in appropriate cases. The burden of proof which must be met by the crown is proof beyond a reasonable doubt.

• (1750)

There are three jurisdictions in Canada which have a definition of animal in their respective statutes which is broader than the definition found in Bill C-15B. To date there is no indication that the definition of animal used in these jurisdictions has resulted in inappropriate use of the legislation.

I am very pleased to have had this opportunity to correct some of the information that has been brought forward during the debate.

**Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC):** Madam Speaker, I am pleased to have an opportunity to correct some of the inaccuracies put forward by the parliamentary secretary who comes from a rural riding I might add. I was quite surprised actually at the adamant stance he has taken to protect his government's very interventionist legislation that will impact in a very negative way on many of the residents who are involved with the rearing and raising of animals.

In his legal definition he stated many of those legal maxims which I would describe as penetratingly obvious. He said that prosecutors would have the discretion to proceed with charges or not. Of course they would. He said that somehow colour of right excuses and defences do not have to be disproved by the crown. That is very obvious. The reality is that by taking animals out of the property section it removes the defence that is explicitly stated in the current provisions of the criminal code that stake out that lawful excuse of colour of right provided for those animal users and animal industry people, a specific defence that has been there and has been sacrosanct.

It is fair to characterize the government's position as once again driving a very firm wedge between rural and urban Canada. There is

what I would describe as a cultural difference that exists when it comes to dealing with animals in many instances.

It is the view of the Progressive Conservative Party that absolutely we need legislation to protect animals. By all means we have to update and modernize provisions of the criminal code in that regard. However it is an absolute sham to suggest that somehow it is necessary to go so far as to deem animals as no longer property. That definition of property goes a great distance to actually protect animals because who has a greater interest than those animal owners and industry people who rely on animals for their very livelihood, for their very existence?

I am surprised by the support that exists from members like the member for Malpeque and others on the government side who come from rural ridings. They must have a great sense of discomfort when it comes to the whip telling them that they will have to vote in favour of this legislation. We have seen that scenario play out time and time again.

The cruelty issues are ones which are extremely emotional, ones which invoke a very strong response from most if not all Canadians. The examples given where animals have been dragged behind vehicles, or barbecued, or skinned alive are offensive to everyone. There has been a very effective PR effort made by some interest groups and some government members to paint anyone who opposes this legislation as being in favour somehow of cruelty to animals. That is absolutely untrue and absolutely inflammatory and inconsistent with statements that have been made.

The people at justice department who drafted this legislation were very clever in putting forward their case in suggesting that somehow this will have no impact and this will just currently bump along with the way these prosecutions have taken place. There is nothing that cannot be achieved. There is no intent, no ability on the part of the police and the prosecution and the system of those that want to embrace and enhance animal protection that cannot be achieved by simply leaving these provisions plus these amendments within the current property sections of the criminal code.

This unprecedented step to designate animals as somehow outside that property section opens up the proverbial can of worms that puts in danger hunters, farmers, scientists, individuals who very much rely on and work with animals in their day to day existence. I would suggest it is aimed specifically at farmers who engage in some practices such as branding or castration.

We have to be very honest. We cannot be pristine and somehow removed from the fact that animals are a source of food and therefore have to be slaughtered on occasion. There are religious acts that involve the sacrifice of animals. I would be quick to add that scientific research often does impinge upon the rights of an animal. However, let us be very pragmatic about this, it is done for the greater good.

•(1755)

I say this without a bit of sarcasm; we are at the top of the food chain. Scientists engage in activities to find new methods and new cures for human conditions. They engage in certain acts of genetic experimentation done to address some of the horrible illnesses that are out there. Some priority must be given to those very legitimate and lawful acts.

The proprietary aspects of animal use have been very important throughout the debate. We have heard from a number of industry people as well as those on the other side who in a very strident way have made their case. The important section which currently permits acts to be done with legal justification, legal excuse or with colour of right should remain, and should remain in that property section.

We share the concerns that have been expressed by Canadians involving the lax sentences that are sometimes handed down. Again I state for emphasis those objectives of increasing the sentences of expanding the availability that judges have to mete out sentences that are more in line with public abhorrence of violence toward animals and toward people. There is a clear nexus, as other members have said, between individuals who exhibit aggression toward animals and later go on to exhibit that same type of aggression toward human beings. There is no denying that fact.

If we are to send a message of deterrence and public protection, we have to have a higher range of sentencing. That can be achieved and it is achieved by portions of the bill, but it flaws the entire process I would suggest. We see this time and time again. This is perhaps why the former minister of justice called her own department the world's worst law firm because it does not get it right. It does not seem to take into account the interests of rural Canadians who each and every day rely on working with animals.

Let us not beat around the bush about what will happen if a crown prosecution or a private prosecution is commenced against an individual who legitimately has been engaged in activities that might be deemed as cruel to animals, such as branding. That person will be up against a system which may take months and may cost hundreds if not thousands of dollars to go through. That type of delay and interference with a person's livelihood could very well result in bankruptcy, in ruined reputation and in loss of reputation in the community.

Let us not pretend for a minute that our justice system is working well. There have been strikes at legal aid. Cases have been thrown out of court because of delays. There is a huge backlog of cases already in the justice system. This could very well result in a further exaggeration of some of the miscarriages of justice that often occur.

There is a real troubled sense for many members of parliament, particularly those from rural Canada, who are faced with voting for this bill and simply swallowing what I would deem to be a poisoned element of it, plugging their noses in doing so, or standing up and putting these legitimate concerns forward. That is what I, on behalf of the Progressive Conservative Party, on behalf of a rural riding, am attempting to do.

There are legitimate worthwhile elements of the bill we would love to support. However, we heard from a number of the groups that came before the committee, such as the Canadian Federation of

### *Government Orders*

Agriculture and rural representatives from across the country who said that this bill will put them between the proverbial rock and a hard place. It will impinge upon their ability to carry out what were previously deemed as normal and lawful activities.

It is with great regret that I express on behalf of our party that we cannot support this legislation in its current form. We would very much love to see the opportunity that the amendment would provide, to bring the matter back to a committee. We could hear again from the stakeholders and particularly from those members of the agricultural sector who described the impact of this legislation as being extremely detrimental.

•(1800)

That is what we should do. We should take the time to get it right. Time and time again we see the government cutting off debate and shutting down legitimate concerns. That is why I would encourage members of the House to support this amendment and have the opportunity to bring the legislation back for study at the justice committee.

•(1805)

**The Acting Speaker (Ms. Bakopanos):** Is the House ready for the question?

**Some hon. members:** Question.

**The Acting Speaker (Ms. Bakopanos):** The question is on the subamendment. Is it the pleasure of the House to adopt the subamendment?

**Some hon. members:** Agreed.

**Some hon. members:** No.

**The Acting Speaker (Ms. Bakopanos):** All those in favour of the subamendment will please say yea.

**Some hon. members:** Yea.

**The Acting Speaker (Ms. Bakopanos):** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Acting Speaker (Ms. Bakopanos):** In my opinion the nays have it.

*And more than five members having risen:*

**The Acting Speaker (Ms. Bakopanos):** Call in the members.

**Mr. Dale Johnston:** Madam Speaker, I rise on a point of order. I believe you would find unanimous consent that the vote on the subamendment be deferred until the end of government orders tomorrow.

**The Acting Speaker (Ms. Bakopanos):** Is it agreed?

**Some hon. members:** Agreed.

**Mr. Joe Jordan:** Madam Speaker, I rise on a point of order. I would ask that you seek unanimous consent to see the clock at 6.30 p.m. so we can proceed to the late show.

**The Acting Speaker (Ms. Bakopanos):** Is it agreed?

*Adjournment Debate*

**Some hon. members:** Agreed.

---

## ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

### FISHERIES

[*English*]

**Mr. Loyola Hearn (St. John's West, PC):** Madam Speaker, again it is no surprise that the issue is the overfishing on the nose and tail of the Grand Banks and the Flemish cap. Unfortunately it will not matter what I say at this stage because the parliamentary secretary will stand and read a prepared text. Whatever avenue I take, I will get the same answer, which is unfortunate.

As times change and the more information we get on this issue, not only the hon. House but people across the country are starting to realize that there is a province called Newfoundland and Labrador. One of the major industries in that province is the fishery. Over the last 10 years, the province has been practically devastated because of abuses to that very resource that has kept the province alive since John Cabot rediscovered it in 1497.

Blatant abuses regularly occur on the nose and tail of the Grand Banks and on the Flemish cap. For those who do not know what I am talking about when I talk about the nose and tail and the Flemish cap, off the coast of Newfoundland and Labrador we have a continental shelf. When the limit was increased to 200 miles, unfortunately some of the continental shelf extended beyond that 200 mile limit.

We have two projections referred to as the nose and the tail of the Grand Bank area, right in the heart of the most lucrative fishing grounds in the world. Slightly outside of that area there is a shelf known as the Flemish cap, also a prolific fishing area. It used to be a great cod fishing area and in recent years has become a tremendous fishing ground for shrimp. Shrimp did not exist there some years ago. However some people think that because of increased activity in the north, the shrimp has been driven by way of ocean currents to the Flemish cap.

Blatant abuses are taking place and we are doing very little about it. We are letting NAFO, the regulatory body, the North Atlantic Fisheries Organization, administer the area. It is not doing a good job. We pay 50% of the cost of NAFO. We are the main beneficiaries of the resource but apparently we have absolutely no say. NAFO has no teeth.

When we found some vessels to be erring in their ways, we could not do a thing with them. We had to send them home hoping the ownership countries would administer some form of punishment. Sometimes they do, sometimes they do not.

Our own surveillance, which was the issue I used, is very slight. We have one patrol vessel. We have great aerial surveillance with provincial airlines, which are state of the art, but they only cover certain areas at certain times. It is on the fishing grounds that we need actual on the ground surveillance where we can board vessels and issue citations. We do not know what is happening because the Department of Fisheries and Oceans will not release that kind of information. We do know that one boat is sometimes in the area and that that is the only protection we have.

● (1810)

**Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Madam Speaker, I want to begin by thanking my hon. colleague from St. John's West for raising this important question. This issue of foreign overfishing is certainly of concern in particular to Atlantic Canadians, but to all Canadians generally. I know the hon. member is interested in what the government's position and response are, so let me provide him with the answer in terms of what that position is.

Canada is increasingly concerned by the current level of non-compliance in the fisheries being conducted by foreign vessels in the NAFO regulatory area. At the most recent NAFO meeting in Helsingor, Denmark, Canada presented detailed information showing an increasing trend of non-compliance by vessels of some NAFO member countries. This information was based on a detailed assessment, conducted by Department Fisheries and Oceans staff, of reports provided by observers deployed on board the foreign fishing vessels.

In addition to the observer reports, Canada has continued to maintain an extensive monitoring program in the NAFO regulatory area, including aerial surveillance, at-sea boardings and inspections conducted by the Canadian fisheries officers in their role as NAFO inspectors. This monitoring activity requires a significant financial commitment on the part of the Canadian government but I am sure my colleague would agree that the information gathered is invaluable in assessing the nature and extent of the non-compliance problem.

The Department of Fisheries and Oceans aerial surveillance program is delivered through a contract between DFO and Provincial Airlines Limited, or PAL, of St. John's, Newfoundland. This is a worldclass fisheries aerial surveillance program using state of the art technologies for tracking, monitoring and recording the activities of foreign fishing vessels.

The members of the Standing Committee on Fisheries and Oceans recently had the opportunity to visit the Provincial Airlines facility in Halifax. I understand that the members were very impressed with the capabilities of the aircraft and the overall effectiveness of the aerial surveillance program. I am pleased to say that additional funding has recently been provided by the government to allow for increased utilization of PAL aircraft on both coasts.

Canadian aerial surveillance along with the mandatory NAFO requirement for satellite tracking of fishing vessels allows Canada to closely monitor the number of foreign fishing vessels operating in the NAFO regulatory area, as well as the movements and fishing activities of those vessels.



In addition to air surveillance and satellite tracking, there is a mandatory requirement for independent observer coverage on vessels from NAFO member countries while fishing in the regulatory area. The reports provided by these observers provide invaluable information regarding the level of compliance with the NAFO rules and conservation measures. Canadian officials have been and will continue to review and analyze these reports very carefully to identify trends and non-compliance issues that need to be addressed.

Patrol vessel coverage is another key element of our overall NAFO surveillance and enforcement program. One large offshore vessel, the *Leonard J. Cowley*, is currently dedicated to NAFO patrols. Canadian fishery officers, acting in their role as NAFO inspectors, conduct boardings and inspections of foreign fishing vessels to verify compliance. The information provided by observer reports and aerial surveillance allows us to conduct these inspections in a cost effective and strategic manner.

As members can see, the government is taking efforts in this regard. It remains a concern, and the Department of Fisheries and Oceans will continue to pursue these efforts.

• (1815)

**Mr. Loyola Hearn:** Madam Speaker, I do not want to be argumentative because this issue is above and beyond partisan politics, but when the hon. member talked about Canada presenting information at NAFO, yes, we did and it thumbed its nose at us. It rejected the recommendations made by Canada.

He talked about observer reports. The observers are placed on the boat by the country of ownership. They report to their own countries. We get copies of the reports, late most of the time, when they are filed if at all. Two of the abuses are late filings and no reports being filed. Those are serious matters. They are not independent observers. They are dependent on the country for which they fish.

The surveillance part is right on in relation to aerial surveillance but it only covers part of the fishing ground. There is absolutely no surveillance in the northern sector of the waters. Yes, there are some good things happening but we are only scratching the surface. We have to build on it.

In relation to citations and boardings, we do not know if any occur because fisheries will not release the information to anybody. What is so secretive? If we are doing a good job, we should tell people but we have to build on—

**The Acting Speaker (Ms. Bakopanos):** The hon. Parliamentary Secretary to the Leader of the Government in the House of Commons.

**Mr. Geoff Regan:** Madam Speaker, I appreciate the points that the hon. member has made and I would like to conclude with a few more points on this issue.

Canadian officials have been reviewing and will continue to review this issue and to review and analyze the reports that have been done by observers on vessels. I mentioned the fact that there are concerns about this process. It is important the government engage with its NAFO counterparts in trying to strengthen measures. I do not know if the member is actually advocating that there should be unilateral action of some sort taken. If so, perhaps he could be

clearer about that than he was this evening. I did not hear him say that, but I am not exactly clear on what it is he has in mind that the government should do. I think it is very important. If he is going to complain about what the government is not doing, he should make it clear what he thinks the government should do.

In addition to the *Leonard J. Cowley*, other Canadian Coast Guard vessels are sometimes utilized for NAFO patrols. DFO has an agreement with the Department of National Defence as well, whereby naval vessels conduct—

**The Acting Speaker (Ms. Bakopanos):** The hon. member for Acadie—Bathurst.

[*Translation*]

SOCIÉTÉ RADIO-CANADA

**Mr. Yvon Godin (Acadie—Bathurst, NDP):** Madam Speaker, I am pleased to speak on the issue of the Radio-Canada lockout, however, I am not pleased that it has occurred.

Unfortunately, on March 25 Radio-Canada chose to lock out its employees, thereby depriving the people of Quebec and the east, the region of Moncton and my region, of the voice of Radio-Canada, our English and French radio and television.

What is all the more unfortunate in all this is that after having asked the Minister of Canadian Heritage to appeal to the crown corporation to allow its employees to return to work, she answered with the following:

Mr. Speaker, the lockout has lasted two weeks, and I know that the francophone audience is really missing its programming.

I encourage both parties to resume productive negotiations immediately.

One of the two parties was at the negotiating table ready to negotiate. Yet Radio-Canada decided that, if its employees opened their mouths and spoke out, in other words if they took advantage of their right of free expression as Canadians, it would leave the table and terminate any negotiations.

A week or two ago, we saw this here in parliament. Quebec and New Brunswick employees of Radio-Canada came here to demonstrate, to tell their government they wanted to get back to work. Yet Radio-Canada chose to withdraw from the negotiating table. This shows disrespect for Canadian democracy.

According to the Canadian Charter of Rights and Freedoms, people in this country have the right to freedom of expression. They must not be submitted to a dictatorship such as Radio-Canada is imposing upon them, as it blackmails them by saying “If you make use of democracy, we are going to withdraw from the negotiating table; we will end the negotiations”.

When the government is asked to intervene, its answer is “No, of course not. They are negotiating, let us leave them alone”.

Yet, when Canada Post workers were only talking about the possibility of going out on strike, parliament enacted legislation to ensure that, should these workers go on strike, they would be forced back to work. These were workers too.

*Adjournment Debate*

In this case however, Radio-Canada being a crown corporation—a government agency—the government is unwilling to tell this employer, Radio-Canada, that it must get back to the table at least until the negotiations are over. It is punishing them because it is saving money at the moment by giving us listeners and viewers in Quebec and the Maritimes, recorded music or programming from elsewhere. That is what Radio-Canada is doing. Making money at the expense of its employees.

I would like to know from the parliamentary secretary, or the government spokesperson, how he could defend Radio-Canada this evening. If he could defend it, and thus gain respect here in the House and across Canada, how would he go about doing so, when Radio-Canada has refused to negotiate just because some people came here to Ottawa to speak with their elected representatives?

This is unacceptable. I would like to see how my colleague on the other side of the House can defend Radio-Canada, which belongs to the taxpayers of this country.

• (1820)

**Mr. Geoff Regan:** Madam Speaker, I wish to thank the member for Acadie—Bathurst for his question. I am pleased to reply on behalf of the Minister of Canadian Heritage.

[*English*]

As members will fully realize, Société Radio-Canada is an autonomous organization that is responsible for its own administration, its own operations and its own daily activities. That means, then, that it and it alone is responsible for negotiating collective agreements with its employees. The Government of Canada cannot and will not interfere. Radio-Canada and le Syndicat des Communications de Radio-Canada are currently at the negotiating table, working in good faith. We are hopeful that the parties will be able to reach a new collective agreement very soon.

Until that agreement is reached, I realize that many Canadians are very sorely missing the service they have come to expect from Radio-Canada. The Canadian Broadcasting Corporation is something that is very near and dear to the hearts of millions of Canadians who rely on it for news and information, not to mention entertainment and sports. Because we are in the hockey playoffs, some Canadians are perhaps keenly feeling the effects of this labour dispute, without question.

The CBC is perhaps the strongest single force for culture in the country, the most powerful connector of Canadians from coast to coast. It is indeed the voice of our country and it thus plays a unique and valuable role.

We do hope that Radio-Canada and le Syndicat des Communications de Radio-Canada reach a mutually beneficial agreement very quickly so that Canadians all across the country can once again turn to this very crucial institution which is so much a part of their daily lives.

The CBC has been serving Canadians since 1936. It is a crown corporation governed by the 1991 Broadcasting Act and is subject to the regulations of the Canadian Radio-television and Telecommunications Commission. CBC is also subject to all federal labour laws, including the Canada Labour Code, the Employment Equity Act, the

Canadian Human Rights Act and so on. It meets all its obligations, and it must meet all its obligations as a federal employer.

Its services include: four national radio networks, CBC Radio One and CBC Radio Two in English and La Radio de Radio-Canada and La Chaîne culturelle FM in French, which broadcast information and general interest programs as well as classical music and cultural programs; two main television networks, CBC Television and Radio-Canada Télé; and two self-supporting specialty cable television services, CBC Newsworld in English and Le Réseau de l'information in French, which broadcast news and information programs 24 hours a day, 7 days a week.

As Canada's largest cultural institution, CBC touches the lives of Canadians on a daily basis. As Canada's national public broadcaster, CBC provides services in English, French and eight aboriginal languages and is accountable to all Canadians.

CBC has instituted a set of strategic directions to ensure that it is and is perceived to be a well managed company, operating in the best interests of its shareholders, the Canadian public. CBC makes these efforts in order to ensure distinctive programming of the highest quality across all its services in French and English across Canada. It also aims to generate cashflow to reinvest in its core business programming by leveraging its non-broadcasting assets and operating more efficiently.

It is indeed the voice of our country.

• (1825)

[*Translation*]

**Mr. Yvon Godin:** Madam Speaker, I like the way the member defended Radio-Canada for the good service it has provided to Canadians.

My colleague across the way is perhaps unaware that only 51% of Radio-Canada's employees from Quebec to the Atlantic provinces are full time, as opposed to 71% from Ontario to British Columbia, and in the Northwest Territories. They all report to the same president. So why is there such a difference?

If the government cannot have a say in this matter, I would have preferred that the member not defend Radio-Canada. But that is what he did, rather than saying “No, go back to the bargaining table and negotiate a collective agreement in good faith for all Canadians”.

**Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.):** Madam Speaker, as I said, I am anxious to see an agreement reached between Radio-Canada and its employees and I am glad to see that they are negotiating. I believe that they are now at the bargaining table and I hope that they will soon reach an agreement. I am confident that they will do so.

*Adjournment Debate*

**The Acting Speaker (Ms. Bakopanos):** The motion to adjourn the House is now deemed to have been adopted. (The House adjourned at 6.28 p.m.)

[*English*]

Accordingly, the House stands adjourned until tomorrow at 10 a. m. pursuant to Standing Order 24(1).

---



# CONTENTS

Monday, April 22, 2002

<b>Business of the House</b>			
The Acting Speaker (Mr. Bélair).....	10625		
<b>PRIVATE MEMBERS' BUSINESS</b>			
<b>National Horse of Canada Act</b>			
Bill S-22. Report Stage .....	10625		
Mr. Calder.....	10625		
Motion for concurrence .....	10625		
(Motion agreed to) .....	10625		
Third reading .....	10625		
Mr. Reid .....	10626		
Mr. Stoffer.....	10627		
Mr. Bryden .....	10627		
Mr. Keddy .....	10628		
Mr. Lincoln.....	10628		
Mr. Harris .....	10629		
Division on motion deferred.....	10629		
<b>Suspension of Sitting</b>			
(The sitting of the House was suspended at 11.45 a.m.) ..	10629		
<b>Sitting Resumed</b>			
The House resumed at 12 noon.....	10629		
<b>GOVERNMENT ORDERS</b>			
<b>Criminal Law Amendment Act, 2001</b>			
Bill C-15A. Second reading of and concurrence in Senate amendments .....	10629		
Mr. Lunn .....	10629		
Mr. Harris .....	10630		
Amendment.....	10631		
Mr. Proctor .....	10631		
Mr. MacKay.....	10633		
Mr. Bailey .....	10636		
Mr. MacKay.....	10637		
Mr. Harris .....	10637		
Division on amendment deferred.....	10638		
<b>Criminal Code</b>			
Bill C-15B. Third reading .....	10638		
Mr. Lunn .....	10638		
Mr. Harris .....	10638		
Mr. Keddy .....	10639		
Mr. Bailey .....	10640		
Mr. Toews.....	10641		
<b>STATEMENTS BY MEMBERS</b>			
<b>National Volunteer Week</b>			
Mr. Godfrey .....	10642		
<b>Organ Donation Awareness Week</b>			
Mr. Merrifield .....	10642		
<b>Infrastructure</b>			
Mr. Proulx.....	10642		
<b>The Environment</b>			
Ms. Torsney.....	10643		
<b>Skills Canada</b>			
Mr. Bagnell.....	10643		
<b>The Environment</b>			
Mr. Lunn .....	10643		
<b>Billy Green</b>			
Mr. Valeri.....	10643		
<b>Earth Day</b>			
Ms. Bourgeois.....	10643		
<b>Marion Cunningham</b>			
Mr. Bélanger .....	10644		
<b>Firefighters</b>			
Mr. Burton.....	10644		
<b>Armenia</b>			
Mr. Assadourian.....	10644		
<b>The Environment</b>			
Mr. Stoffer.....	10644		
<b>Summit of the Americas</b>			
Mr. Rocheleau.....	10644		
<b>Foreign Affairs</b>			
Mr. Adams .....	10645		
<b>The Environment</b>			
Mr. Keddy.....	10645		
<b>Organ Donor Awareness</b>			
Mr. Peric.....	10645		
<b>Vaisakhi</b>			
Mr. Moore.....	10645		
<b>ORAL QUESTION PERIOD</b>			
<b>Government of Canada</b>			
Mr. Reynolds.....	10645		
Mr. Chrétien.....	10645		
Mr. Reynolds.....	10646		
Mr. Chrétien.....	10646		
Mr. Reynolds.....	10646		
Mr. Chrétien.....	10646		
Mr. Rajotte .....	10646		
Mr. Chrétien.....	10646		
Mr. Rajotte .....	10646		
Mr. Chrétien.....	10646		
<b>Kyoto Protocol</b>			
Mr. Duceppe.....	10646		
Mr. Chrétien.....	10646		
Mr. Duceppe.....	10647		
Mr. Chrétien.....	10647		
Mr. Gauthier.....	10647		

Mr. Anderson (Victoria) .....	10647	Mr. MacAulay .....	10650
Mr. Gauthier .....	10647	Mr. Sorenson .....	10650
Mr. Anderson (Victoria) .....	10647	Mr. MacAulay .....	10651
<b>Trade</b>		<b>Softwood Lumber</b>	
Mr. Proctor .....	10647	Mr. Paquette .....	10651
Mr. Martin (LaSalle—Émard) .....	10647	Mr. O'Brien (London—Fanshawe) .....	10651
Mr. Proctor .....	10647	Mr. Paquette .....	10651
Mr. Vanclief .....	10647	Mr. O'Brien (London—Fanshawe) .....	10651
<b>National Defence</b>		<b>Correctional Service Canada</b>	
Mr. Casey .....	10647	Mr. Toews .....	10651
Mr. Eggleton .....	10647	Mr. MacAulay .....	10651
Mr. Casey .....	10648	Mr. Toews .....	10651
Mr. Eggleton .....	10648	Mr. MacAulay .....	10651
<b>Kyoto Protocol</b>		<b>Trade</b>	
Mr. Mills (Red Deer) .....	10648	Mr. Lastewka .....	10652
Mr. Anderson (Victoria) .....	10648	Mr. Knutson (Elgin—Middlesex—London) .....	10652
Mr. Mills (Red Deer) .....	10648	<b>Airport Security</b>	
Mr. Anderson (Victoria) .....	10648	Mr. Moore .....	10652
Ms. Picard .....	10648	Mr. Martin (LaSalle—Émard) .....	10652
Mr. Anderson (Victoria) .....	10648	Mr. Moore .....	10652
Ms. Picard .....	10648	Mr. Martin (LaSalle—Émard) .....	10652
Mr. Anderson (Victoria) .....	10648	<b>Airline Industry</b>	
<b>National Defence</b>		Mr. Laframboise .....	10652
Mr. Ritz .....	10648	Mr. Collenette .....	10652
Mr. Eggleton .....	10648	<b>The Environment</b>	
Mr. Ritz .....	10649	Mr. Tonks .....	10652
Mr. Eggleton .....	10649	Mr. Anderson (Victoria) .....	10652
<b>Highway Infrastructure</b>		<b>Health Canada</b>	
Ms. Girard-Bujold .....	10649	Mr. Merrifield .....	10653
Mr. Collenette .....	10649	Ms. McLellan .....	10653
Ms. Girard-Bujold .....	10649	<b>Fisheries</b>	
Mr. Collenette .....	10649	Mr. Roy .....	10653
<b>Government Procurement</b>		Mr. Thibault .....	10653
Mr. Duncan .....	10649	<b>Government Contracts</b>	
Mr. Boudria .....	10649	Mr. Martin (Winnipeg Centre) .....	10653
Mr. Duncan .....	10649	Mr. Martin (LaSalle—Émard) .....	10653
Mr. Boudria .....	10649	<b>Canada Customs and Revenue Agency</b>	
<b>Age of Consent</b>		Mr. Hearn .....	10653
Mrs. Longfield .....	10649	Ms. Caplan .....	10653
Mr. Macklin .....	10649	<b>Research and Development</b>	
<b>Taxation</b>		Mr. St. Denis .....	10653
Mr. Martin (Winnipeg Centre) .....	10650	Mr. Bevilacqua (Vaughan—King—Aurora) .....	10653
Ms. Caplan .....	10650	<b>Privilege</b>	
<b>Housing</b>		<b>Member for Esquimalt—Juan de Fuca</b>	
Ms. Davies .....	10650	Mr. Goodale .....	10654
Mr. Manley .....	10650	Mr. Reynolds .....	10654
<b>Ethics</b>		Mr. Goodale .....	10654
Mr. MacKay .....	10650	Motion .....	10654
Mr. Chrétien .....	10650	Mr. Reynolds .....	10654
Mr. MacKay .....	10650	Amendment .....	10658
Mr. Chrétien .....	10650	Mr. Gauthier .....	10659
<b>Correctional Service Canada</b>		Mr. Godin .....	10660
Mr. Sorenson .....	10650	Mr. MacKay .....	10660

Mr. Bryden .....	10662
Mr. Martin (Esquimalt—Juan de Fuca) .....	10664
Mr. Bryden .....	10666
Mr. Proctor .....	10666
Mr. Collette .....	10667
Mr. Martin (Esquimalt—Juan de Fuca) .....	10668
Mr. Keddy .....	10669
Mr. Shepherd .....	10669
Division on amendment deferred .....	10670

**ROUTINE PROCEEDINGS**

**Youth Criminal Justice Act**

Mr. Lunn .....	10670
Bill C-444. Introduction and first reading .....	10670
(Motions deemed adopted, bill read the first time and printed) .....	10671

**Criminal Code**

Mr. Martin (Esquimalt—Juan de Fuca) .....	10671
Bill C-445. Introduction and first reading .....	10671
(Motions deemed adopted, bill read the first time and printed) .....	10671

**Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act**

Mr. Martin (Esquimalt—Juan de Fuca) .....	10671
Bill C-446. Introduction and first reading .....	10671
(Motions deemed adopted, bill read the first time and printed) .....	10671

**Income Tax Act**

Mr. Martin (Winnipeg Centre) .....	10671
Bill 447. Introduction and first reading .....	10671
(Motions deemed adopted, bill read the first time and printed) .....	10671

**Committees of the House**

**Procedure and House Affairs**

Mr. Adams .....	10671
Motion for concurrence .....	10671
(Motion agreed to) .....	10672

**Petitions**

**Aboriginal Affairs**

Mr. Martin (Winnipeg Centre) .....	10672
------------------------------------	-------

**Questions on the Order Paper**

Mr. Regan .....	10672
-----------------	-------

**GOVERNMENT ORDERS**

**An act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act**

Bill C-15B. Third reading .....	10672
Mr. Toews .....	10672
Mr. Lanctôt .....	10672
Mr. Proctor .....	10674
Mr. Macklin .....	10675
Mr. MacKay .....	10676
Division on amendment to the amendment deferred .....	10677

**ADJOURNMENT PROCEEDINGS**

**Fisheries**

Mr. Hearn .....	10678
Mr. Regan .....	10678

**Société Radio-Canada**

Mr. Godin .....	10679
Mr. Regan .....	10680
Mr. Regan .....	10680

**MAIL  POSTE**

Canada Post Corporation / Société canadienne des postes

Postage paid

Port payé

**Lettermail**

**Poste-lettre**

**1782711  
Ottawa**

*If undelivered, return COVER ONLY to:*

Communication Canada - Publishing  
Ottawa, Ontario K1A 0S9

*En cas de non-livraison,*

*retourner cette COUVERTURE SEULEMENT à :*

Communication Canada - Édition  
Ottawa (Ontario) K1A 0S9

**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>**

---

**The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.**

**Additional copies may be obtained from Communication Canada - Canadian Government Publishing, Ottawa, Ontario K1A 0S9**

**Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.**

**On peut obtenir des copies supplémentaires en écrivant à : Communication Canada - Édition, Ottawa (Ontario) K1A 0S9**

**On peut obtenir la version française de cette publication en écrivant à : Communication Canada - Édition  
Ottawa (Ontario) K1A 0S9**