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OFFICIAL REPORT
(HANSARD)

Thursday, January 30, 2003

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Thursday, January 30, 2003

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

● (1005)

[*English*]

ORDER IN COUNCIL APPOINTMENTS

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I am pleased to table, in both official languages, a number of Order in Council appointments made recently by the government.

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[*Translation*]

REPORT OF THE AIR TRAVEL COMPLAINTS COMMISSIONER

Mr. Marcel Proulx (Parliamentary Secretary to the Minister of Transport, Lib.): Mr. Speaker, pursuant to Standing Order 32(2), I have the honour to table in both official languages, the report of the Air Travel Complaints Commissioner for January to June 2002.

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[*English*]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, pursuant to Standing Order 36(8) I have the honour to table, in both official languages, the government's response to 35 petitions.

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INTERPARLIAMENTARY DELEGATIONS

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, it is my duty and honour to table a report on the visit by Canadian parliamentarians belonging to the Canada-Europe Parliamentary Association who visited, in the last week of November, both the Parliament of the European Union and the Parliament of Denmark for the purpose of reinforcing and expanding converging interests between Canada and those two parliaments.

COMMITTEES OF THE HOUSE

PUBLIC ACCOUNTS

Mr. John Williams (St. Albert, Canadian Alliance): Mr. Speaker, I have the honour to present, in both official languages, the ninth report of the Standing Committee on Public Accounts and a study of a government response to the 21st report of the public accounts committee on the Human Rights Commission and the Canadian Human Rights Tribunal of February 9, 1999.

Pursuant to Standing Order 109 of the House of Commons the committee requests the government to table a comprehensive response to these two reports.

* * *

[*Translation*]

PETITIONS

INUIT COMMUNITY OF NUNAVIK

Mr. Guy St-Julien (Abitibi—Baie-James—Nunavik, Lib.): Mr. Speaker, I have a petition signed by petitioners in the four northern Nunavik municipalities of Puvirnituq, Kuujjuaq, Quaqtaq and Kangiqsujuaq drawing to the attention of the House the following:

> Whereas the federal government, through one of its departments, ordered the killing of Inuit sled dogs from 1950 to 1969 in New Quebec, that is Nunavik;
>
> Whereas the federal government adopted a policy in support of this killing;
>
> Whereas the federal government did not hold public consultations with the Inuit communities of New Quebec, that is Nunavik.
>
> Whereas the killing of these dogs has had a tragic social, economic and cultural impact on the Inuit in Nunavik—

The petitioners are asking for a public inquiry into the federal policy of sled dog killing that was implemented in Nunavik.

● (1010)

[*English*]

STEM CELL RESEARCH

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I am pleased to present a petition on behalf of a number of Canadians, including from my own riding of Mississauga South, who believe that life begins at conception. They would like to draw to the attention of the House that Canadians do support ethical stem cell research, which has already shown encouraging potential to provide cures and therapies for the illnesses of Canadians.

They would also like to point out that non-embryonic stem cells, also known as adult stem cells, have significant research progress without the immune rejection or ethical problems associated with embryonic stem cells.

The petitioners call upon Parliament to focus its legislative support on adult stem cell research to find the cures and therapies necessary to treat the illnesses and diseases of suffering Canadians.

CANADIAN EMERGENCY PREPAREDNESS COLLEGE

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, Canadian Alliance): Mr. Speaker, on behalf of Canadian citizens living in Arnprior, Braeside, Burnstown, Kinburn, Ottawa and Fitzroy Harbour, I am requesting that Parliament recognize that the Canadian Emergency Preparedness College is essential to training Canadians for emergency situations and that the facilities should stay in Arnprior, and that the government should upgrade the facilities in order to provide the necessary training to Canadian first responders.

RIGHTS OF THE CHILD

Mr. Larry Spencer (Regina—Lumsden—Lake Centre, Canadian Alliance): Mr. Speaker, I have two petitions to table today.

The first one calls upon Parliament to modify legislation to ensure both parents are actively involved with their children after divorce through specifically defined shared parenting and modified support guidelines. The petitioners ask that the taxation system be changed to ensure that child support payments are used only for the children of divorce and not tax in the hands of any party. Interestingly enough these petitioners are primarily all from Ontario.

CHILD PORNOGRAPHY

Mr. Larry Spencer (Regina—Lumsden—Lake Centre, Canadian Alliance): Mr. Speaker, my second petition is primarily from constituents in my riding of Regina—Lumsden—Lake Centre. It calls upon Parliament to protect our children by taking all necessary steps to ensure that all materials which promote or glorify pedophilia or sado-masochistic activities involving children are outlawed.

* * *

QUESTIONS ON THE ORDER PAPER

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

The Acting Speaker (Mr. Bélair): Is that agreed?

Some hon. members: Agreed.

* * *

POINTS OF ORDER

ASSISTED HUMAN REPRODUCTION ACT—SPEAKER'S RULING

The Acting Speaker (Mr. Bélair): Before we begin orders of the day I have a statement arising out of the business of yesterday.

When the House last considered the report stage of Bill C-13, an act respecting assisted human reproduction, the Chair was in the midst of putting the question on the motions in Group No. 4. In response to points of order raised at that time, the Chair undertook to review the blues and to report back to the House when the bill was next considered. I am now in a position to do so.

[*Translation*]

I want to first deal with the point of order raised by the hon. member for Bas-Richelieu—Nicolet—Bécancour arguing that members must be in their seats if they are to be counted when rising to demand a recorded division on a question. I refer hon. members first to the text of Standing Order 45(1) which reads as follows:

> Upon a division, the yeas and nays shall not be entered in the *Journals* unless demanded by five members.

Elaborating on this rule, Marleau and Montpetit states at page 483, footnote 241:

> When a question arose as to whether or not members rising to request a recorded division were required to do so from their assigned places in the House, the Deputy Speaker stated that the rule does not impose such a requirement. *Debates*, June 23, 1992, p.12686)

Thus, there is no irregularity in members not having been in their place when they rose to demand a recorded division on any motion.

● (1015)

[*English*]

Now, to the results of the review of the blues. As the tape and the transcript clearly indicate, the question was duly put on the amendment to Motion No. 52, Motion No. 53 and Motion No. 55.

Then, an error occurred: the question was not put on Motion No. 61. Instead, the Chair went on to put the question on Motions Nos. 64 and 71. Members will recall that there seemed to be widespread confusion as to what motion was being voted upon. This confusion may have been caused by the error made when the Chair inadvertently skipped Motion No. 61.

Accordingly, in fairness to all hon. members and in an abundance of caution when we resume consideration of Bill C-13, we will recommence the voting at Motion No. 61 and then follow sequentially through the other motions in Group No. 4, namely Motions Nos. 64, 71, 72, 74, 75 and 77.

Mr. Paul Szabo: Mr. Speaker, I rise on a point of order. I want to thank the Chair for taking the time to do the job properly. I know it was a very difficult time for the table and for the Chair with all of the confusion, and noise in the House at the time. It is very understandable. I believe, and I think other members will acknowledge, that the wisdom of the Chair is quite appropriate in this matter and we look forward to resuming our business on Bill C-13.

GOVERNMENT ORDERS

[*English*]

FIRST NATIONS FISCAL AND STATISTICAL MANAGEMENT ACT

Hon. Anne McLellan (for the Minister of Indian Affairs and Northern Development) moved that Bill C-19, an act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other acts, be read the second time and referred to a committee.

Hon. Stephen Owen (Secretary of State (Western Economic Diversification) (Indian Affairs and Northern Development), Lib.): Mr. Speaker, I rise to address the House on second reading of Bill C-19, the first nations statistical and management act. I am pleased to be bringing such an important bill before the House at this time.

The proposed legislation is first nations initiated. Its development has been first nations led and the institutions it would create would be first nations controlled. At the same time, Bill C-19 is fully consistent with the government's Speech from the Throne commitments.

I believe hon. members on both sides of the House would agree we all want to improve the quality of life in first nations communities. Some progress has been made over the past 20 years, but we need to do much more and we need to do it now.

This drives all of the decisions and actions of the Department of Indian Affairs and Northern Development. The status quo is not acceptable.

Whether we are talking about education, or economic development, about land claims, or governance, about housing, or social programs, we believe that improving the quality of life for first nations people must be a guiding principle for all that we do.

This principle is supported by the Prime Minister and hon. members on this side of the House. Aboriginal issues are at the forefront of our policy agenda, and we are committed to real and concrete change.

The fact of the matter is that the government is proposing fundamental changes in the relationship between Canada and first nations, changes that would help level the playing field for first nations governments and encourage investment in first nations communities.

We believe that in the long term addressing the concerns of first nations is not just a matter of money, but of greater control by first nations people over their own lives and their own communities.

Bill C-19 fits well with this approach. We have taken a number of steps over the past year to begin removing barriers to first nations economic progress, self-reliance and self-government so that first nations can play their full part in the life of this country.

For example, we have opened up the First Nations Land Management Act, designed so that first nations could opt out of the land management sections of the Indian Act. We are taking steps to make that possible for a larger number of first nations across the country.

First nations want greater freedom to manage their lands, natural resources and revenues in ways that work best for them. We agree that this is an important and necessary step toward self-government.

First nations need to be able to control their lands to attract investment, break the cycle of poverty, create hope and build better lives in stronger communities.

In addition, the government reinstated the proposed specific claims resolution act in the House in October. The current process for resolving specific claims tends to be adversarial, time consuming, costly and seen to favour government.

We need to replace it with one that is more efficient and more fair. Toward this end, the proposed specific claims resolution act would establish a new independent claims centre that would have two components, a commission to facilitate negotiations and a tribunal to resolve disputes. This would help us to avoid litigation, resolve claims and historic grievances more quickly, and remove an enormous barrier to economic development.

Also, in October the government reinstated the proposed first nations governance act, which would enable first nations to access the fundamental governance tools needed to pursue economic development and create healthy communities.

By restoring first nations decision-making authority and encouraging the development of first nations designed governance codes, the first nations governance act would shorten the distance to our ultimate goal and the goal of first nations, self government.

By strengthening the accountability of first nations governments it would improve conditions for economic and social development.

These three initiatives are building blocks for our new relationship with first nations people. The fourth pillar of Canada's strategy to work with first nations toward self-government and economic self-sufficiency is the legislation before us today, Bill C-19.

Under the Indian Act first nations communities were denied the powers that other governments in Canada take for granted, powers that help to build businesses, roads, water systems and communities. This bill would restore those powers.

Rather than wait for government, first nations leaders took it upon themselves to address these gaps in fiscal powers and institutional support. They have devoted an enormous amount of time and energy to developing this initiative.

● (1020)

Many months ago they turned to our government for support in establishing their legal foundation. This is particularly important as first nations seek to attract investors and business development.

This is the purpose of Bill C-19. The government recognizes the merits and importance of the proposed first nations fiscal and statistical management act. We have worked with first nations to formalize their proposals and now we are fulfilling our part by introducing the legislation to support their implementation.

I would like to quickly review the key elements of this proposed legislation. Once hon. members examine the goals and objectives of Bill C-19, I am confident that first nations and the government will receive their full support.

As a first step, the real property taxation powers of first nations will be removed from section 83 of the Indian Act and the proposed first nations fiscal and statistical management act, Bill C-19, will define these powers in much more detail than does the Indian Act.

It also features provisions for property assessment, rate setting and budget based expenditure systems that continue first nations provincial property tax harmony while reconciling the interests of first nation governments and those of their taxpayers.

Bill C-19 also provides for the evolution of the existing Indian taxation advisory board into the first nations tax commission. This body will assume what is currently part of the minister's role in approving the growing number of real property tax bylaws being developed by first nations across Canada.

Under Bill C-19 local ratepayers would be assured of a much larger role in policy development and an improved system for hearing appeals and resolving disputes than is currently the case.

This proposed legislation will also clarify certain borrowing powers of first nations and create a first nations finance authority. Through the work of this institution, first nations, like other local governments in Canada, will have access to bond markets to raise long term private capital to finance the construction of roads, sewers, water and other types of infrastructure.

I am pleased to advise hon. members that this first nations finance authority was originally modelled on the municipal finance authority of British Columbia, which has for 30 years had experience and a triple-A credit rating. The proposal has been endorsed by major bond underwriters and credit raters and is expected to raise $120 million in private capital over its first five years of operation.

The third fiscal institution that will be created by Bill C-19 is the first nations financial management board. Its role will be to enhance the financial management capacity of first nations by establishing financial standards, promoting capacity development and ensuring that the rigorous systems and assessment services are in place necessary to maintain the confidence of markets.

We are confident that many first nations, particularly the 90 or so that already have taxation systems in place, will be quick to opt into the borrowing regime and other services. Others may take more time and still others may decline this opportunity outright as participation in this new initiative will be completely optional.

Finally, Bill C-19 would provide for the establishment of the first nations statistical institute to fill the gap in reliable data and well-targeted analysis on first nations populations, economic growth and other matters. Good quality information is needed to support first nations decision making both at the national and local level.

Toward this end the statistical institute will work with first nations, federal departments, Statistics Canada and provincial statistical agencies to help first nations meet their information needs while at the same time building the shared data required to support effective first nations-Canada development activities.

As the House can see, each of these institutions, the tax commission, the finance authority, the financial management board and the first nations statistical institute, has a unique, independent and professional role. Together these institutions will provide the right tools needed to foster a business friendly environment, investor confidence, economic growth and sound governance.

The proposed Bill C-19 will help bring participating first nations into the economic mainstream by giving them the practical tools already used by other governments. It will help to ensure that first nation real property tax, financing, financial management and statistical systems are harmonized with those of other governments. It will provide better representation and more certainty for on-reserve ratepayers and a better return to the community as a whole from the tax dollars raised.

In the longer term the institutions that will be created by Bill C-19 will become the backbone for a first nations public service. Certainly they will support the practical work that needs to be done and assist first nations with a new way of doing business.

● (1025)

As I noted at the outset, the proposed first nations fiscal and statistical management act is a first nations solution. It was developed through the national table on fiscal relations, a body established three years ago as a consultative forum between the Assembly of First Nations and the Government of Canada. Our government has worked closely with first nations leaders in drafting Bill C-19. We have also shared the proposed legislation with first nations communities across Canada over the past few months and their feedback has helped strengthen the bill.

I am confident Bill C-19 will have the support of many first nations leaders and communities in Canada. Likewise, provinces have expressed the view that it opens the door for more co-operative efforts at the local and regional levels. Key players in Canada's financial markets, like the Royal Bank of Canada, Dominion Bond Rating Service and Moody's Investor Service, have also provided valuable input on the structure and operation of these institutions.

The proposed legislation responds in part to the Speech from the Throne commitment to work with aboriginal people to strengthen their business expertise, administrative practices and infrastructure.

I want to conclude my remarks with this thought. Economic development is the road ahead. This is the path that must be travelled by first nations to improve their quality of life. Many first nations have begun this journey but have encountered obstacles. We can help them to remove them. In order to seize control of their own economic future, first nations do not need to have their hands held but they cannot succeed with their hands tied.

These initiatives in the area of fiscal management are aimed at untying those hands. I would ask hon. members to keep that in mind and I know that this will help them realize that Bill C-19 deserves their support.

● (1030)

Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance): Mr. Speaker, I thank the member for his comments. It is clear that all of us here share the goals of which the member has spoken. The goals of economic betterment for aboriginal people are clearly shared by all Canadians.

It has been my experience that even when people agree on a destination, they do not necessarily have to agree on the route to get to that destination. The problem of this suite of proposals under this legislation is that it reveals that the government is headed toward a destination on which we cannot agree.

Where it is headed is toward a Canada which has competing sovereign nations within it. Where it is headed is toward a nation that recognizes 100, or 200 or perhaps several hundred separate sovereign nations within it. Because it is headed in that direction and because it is headed down the route that takes it there, we have to take exception to that, even though we share the goals of which the member has spoken, very strongly in fact.

We would propose an alternate route. This is what I wish to speak a bit about today. We will be proposing a number of amendments to the legislation which we hope will cause the legislation to work effectively without dividing us as people in the country.

This suite of financial institutions will of course not be a panacea for the problems that affect aboriginal communities and aboriginal people across Canada. It really only affects about a dozen first nation communities across Canada. It is only in those dozen or so where the resource base is significant enough and strong enough that own source revenues are available to warrant the ability to borrow, to tax, et cetera.

It would be a wonderful thing to have all first nations communities in Canada able to lever their own resource base effectively and take on the responsibility of building their own infrastructure. However, that is not the reality for perhaps 600 of the first nations communities.

Let us not be misled here. This is not about bettering all aboriginal people. The broad general statements the member made in his comments of course are worthy goals. However the legislation does very little, if anything, to actually achieve those goals for the vast majority of aboriginal Canadians. It profoundly impacts perhaps very few. It is significant in the fact that it ignores the circumstance for most.

The Canadian Alliance has advanced and will continue to advance alternative proposals which will take us on the correct path to building a nation together, by addressing issues of inequality that are fundamental to the economic problems that aboriginal communities and individuals face and by addressing the inequalities of economic freedoms and rights that are a reality under the Indian Act and other pieces of legislation that exist today, which are archaic and perhaps one would describe them as relics of failed experiments of the past. Those should be discarded.

The equality for aboriginal people can best be achieved on a foundation of equal economic freedoms, equal rights and equal protection of those rights. We have and will continue to advance clear proposals which will restore those rights which aboriginal Canadians should enjoy to the equivalent level of all other Canadians. We will advance proposals to guarantee equal human rights as well. We will advance proposals to give equal commercial freedoms to aboriginal Canadians. These do not exist today. These differential rights create and perpetrate a myth and this legislation perpetrates the same myth that it is possible to have separate but equal institutions.

Civil rights leaders across the world have fought against that mistaken belief. I will recount, on August 28, 1963, a quarter of a million people gathered between the Washington Monument and the Lincoln Memorial in the United States capital to demonstrate peacefully on behalf of the civil rights struggle. The high point of that day was when Rev. Martin Luther King, Jr., in his now famous speech, called upon Americans to work with faith that change would come and that some day all would be judged not by the colour of their skin but by the content of their character. His soaring refrain of "I have a dream" still inspires not only the American conscience but the conscience of peoples around the world. His perseverance and his eloquence were rewarded.

The suite of separate institutions comes to this place not as a response to the frustrations of Canada's aboriginal people. It comes to us as a consequence of a desire to assert the power of cultural differences that have been suppressed throughout much of Canada's history.

● (1035)

The question that should concern all of us is whether the legislation actually assists Canada's aboriginal people and Canadians as a whole, to quote King, "raising from the dark and desolate valley of segregation", or whether it is heading down the wrong path, a path away from unity, a path away from strength, a path away from the end of racial injustice, and a path away from the solid rock of brotherhood.

Like King, we have a dream and we believe most Canadian's share that dream, that despite the mistakes and the wrongdoings of the past, we can overcome the divisive militancy of the present as much as it is a natural response to the wrongdoings of the past and move beyond that and recognize that our freedoms are inextricably bound to the freedoms of all Canadians.

I dream of a time, just as King did, when aboriginal children, boys and girls, can join together with non-aboriginal children and walk together as brothers and sisters. I have a dream that can happen.

In taking the risk today in speaking against these well-sounding, well-meaning proposals by the government, I speak not out of fear. I speak in spite of the fear that my words will be misunderstood. I have little doubt, as Kipling said, "that my words will be taken by knaves to make a trap for fools". Nonetheless, I speak them.

I have toured aboriginal communities, as have my colleagues. I have toured and visited reserve communities extensively. I have visited dozens of communities in the past year since being named the chief critic of this portfolio. I can tell the House that in many respects I know that aboriginal and non-aboriginal Canadians do live in separate worlds, and that is a tragedy. However there is growing overlap and if we nourish our commonalties then perhaps that can be a source of strength for us.

This area of aboriginal policy is considered by many to be dangerous territory. The number one piece of advice I have received since my appointment has been to be careful, which means be afraid, but I will not be afraid because it is not wise to have fear be one's master at any time. The fear of dealing with these issues, the temptation to avoid debates, the tension and sometimes bitter exchanges in this emotional policy area should be resisted at all costs. The fear of talking about the problems facing aboriginal people and our relationships is the most dangerous decision of all because it increases the likelihood of continued failure if it does not guarantee it.

We must not be afraid to disagree. We must not be afraid to agree either. We must avoid cynicism, although it is hard. We see a government that has been taking an approach to aboriginal policy that could be best described as ad hoc. It is loaded with contradictions. On the one hand, colonial, and on the other hand, fighting for separate sovereign status.

The proposal for a first nations governance act was brought to the House. It was the result of a continuation of the old style, top down, pre-ordained colonialistic approach of the past. It was full of good intentions and advanced in spite of its almost universal opposition among Canada's aboriginal people. Contrast that piece of legislation, which proposes to put a top down solution on all aboriginal communities and governments, to this piece of legislation, which places separate aboriginal ownership of four new fiscal institutions in the hands of aboriginal people. The purpose of one, to provide training, accounting and financial management; another to secure debt; another to establish taxation policy; and yet another to set up a separate statistical institution. Each of these proposals would give more control to aboriginal people to shape their social economic future, and that is a worthwhile goal and a goal we share.

However it is hard not to be cynical. We have followed a model in this country, up until recent years, for perhaps three decades, that was a miserable failure. If one can summarize the government's plan, it seems to be advancing that model to aboriginal people for duplication and replication. It is encouraging aboriginal communities to tax, borrow, account for and keep statistical records of their operations and aspects of their lives.

Taxing and borrowing has led to numerous, well-documented problems in this country. Passing on that power to aboriginal communities certainly has the potential for additional perverse outcomes. We have seen that in Manitoba and Saskatchewan, for example, where half our bands are under co-management or under third party management.

The challenges are very real and should not be made light of, yet the government does not seem to recognize those challenges.

● (1040)

Canada's Indian people remain at the negative extremes of all our social, economic and health indicators. They have the lowest per capita income, the highest rates of unemployment, the shortest life expectancy and a suicide rate among the young people that is six times the national average.

What aboriginal people want for their children is not hard to understand. They want a better standard of living, a better quality of life and equality of opportunity equal to other Canadians, yet this legislation, like other government legislation, fails to address the aboriginal people's reality and their goals.

We have and we will continue to advance proposals that we feel will be far more effective in empowering aboriginal Canadians. We believe that because our members have been so much in contact with aboriginal people, we have been listening and chronicling the real experiences of aboriginal Canadians, that we are very much in touch with the priorities of aboriginal Canadians.

A recent survey done by the government supports that. The government's own Department of Indian Affairs identified the major priorities of aboriginal people through an eco-survey which was released last year. The question was: Thinking about the issues facing Canada today, which one would you say the Government of Canada should focus on most? The answers were health care, education, social services, unemployment, the environment and so on.

Aboriginal self-government and aboriginal sovereignty struggles did not make the top 10. That does not surprise me because the members of aboriginal communities with whom I have spoken, on and off reserve, do not rank separate sovereign nationhood as a high priority. It is a low priority for them. The government's own study showed that, yet this suite of financial institutions plays to the agenda of a separate sovereign nationhood for aboriginal people. This concerns us.

The reality is that when aboriginal Canadians and leaders of aboriginal communities, whether on or off reserve, call for more resources for things like water infrastructure, educational programs or treaty resolutions, the government responds, as the minister did in committee just the other day when he said that there were very limited resources and that we should accept the fiscal realities of the modern age. That is quite true, but that being said, why then would we spend additional resources on these institutional structures when we could be addressing the real priorities of aboriginal Canadians? Why not build on the foundations of shared institutions, institutions we have created, that have capabilities, that we have invested in and have asked taxpayers to support, some for decades? Why not build on that foundation? Why start anew with separate, race based institutions?

Our concerns are clear. The Liberal government has failed to address the waste, the overlap and the duplication within its own bureaucracy. Just recently we saw a mammoth growth in the number of government employees being hired, most of them, 80%-plus, employed in the capital region. The government has focused here, not on the communities and not on where they would be in close contact with the people receiving the services.

The government again has shown its inability to deal with the overlap and waste that exists within its own departments. Certainly that is true with the 13 departments that deliver services of various kinds to aboriginal Canadians.

We are concerned that this bureaucratic waste diminishes and erodes the effects of tax dollars that should be allocated to aboriginal people in an effective way. We do not wish to support legislation which, if enacted, would further result in an expensive erosion of such resources or would result in a potential devolution of a government's obligations to other agencies without the assurance of long term commitments.

Duplication and a lack of long term commitments will guarantee that the hardships of Canada's aboriginal people, not only are not addressed by the legislation but could potentially be made worse.

We have a real opportunity, a rare circumstance, where choices can be made and choices must be made. The Canadian Alliance is concerned that if we simply drift into the future we will simply achieve the same results that we had in the past. Those results were the results of inertia.

We agree with the remark of the previous speaker that the status quo is not acceptable, but neither are ad hoc policies all over the map. That is not what Canada's aboriginal people deserve and not what Canadian taxpayers deserve. A directionless path risks repeating the failures of the past.

● (1045)

In the past, aboriginal peoples were marginalized. Now many aboriginal people are speaking out, and that is good. The real task is to better define interrelationships between Canada's aboriginal and non-aboriginal people, but to never lose sight of the fact that we are in this together, that we must foster a sense of commonality and a shared political community while at the same time respecting and recognizing that differences do exist. If we only focus on our differences, we will simply create indifferent strangers and these strangers will be indifferent to one another's well-being. That indifference is not something from which aboriginal people will benefit in the long term.

We need to recognize two fundamental requirements for aboriginal policy. First, we need to be sensitive to the fact that aboriginal people's history has set them apart and has, I believe, created different degrees of consciousness toward the Canadian national identity. Some degree of self-governing power is essential in order to recognize that reality, but we need to recognize that aboriginal people's future does not lie outside of Canada.

As much as some, both within the government and within the leadership of the aboriginal community, increasingly seem to be pushing the agenda that aboriginal people want out, that stands in stark contrast to those who have fought for equality, civil rights and civil liberties around the world. Martin Luther King's struggle was to get American Negro people in; not out, but in.

Nonetheless, it is important to remember, in spite of that multi-advocacy, that the future of aboriginal peoples lies within the Canadian state and that total independence and separate sovereign nationhood is not a realistic goal.

Therefore the right policies have to include some concept of our shared citizenship. Creating a third order of aboriginal government does not itself deal with our shared citizenship. The task is to encourage an understanding that we are not divided entities, that some can be aboriginal and Canadian at the same time. The old approach was assimilation, and that was wrong. The new approach is parallelism, and that is equally wrong. Both approaches will fail.

The assimilationist paradigm focused on a standardized citizen but it had no sympathy for any positive recognition of aboriginal people. Differences were to be overcome. We were homogenous. Policies, such as Indian reserves and Indian residential schools, were designed to keep aboriginal people outside until they could be assimilated. We know today that those policies were horribly counterproductive.

However the emerging paradigm, which the government at times seems to embrace, is called parallelism. It shows some sensitivity to aboriginal people but it pays little attention to what we share, to what holds us together and to what prevents us from being strangers.

By establishing separate institutions, the government seems to be respectful and compassionate, but what it is doing is it establishing parallel, duplicitous bureaucracies which perpetuate our differences.

It creates an image of a railway track in my mind. When I was a boy I stood on the railway track that ran through our farm and I imagined that down in the distance those lines came together at some point, but they did not. The ties were not ties to bind, they were ties to keep those rails distant and apart. If we embrace this model I think we fail to recognize what is the best hope for aboriginal Canadians.

Perhaps the image of compassion is one the government would like to project but there is nothing compassionate about separation. If we cannot accept it for Quebec as a sovereign nation, why would we expect that Canadians would accept the model of 600-plus separate sovereign Indian nations?

The danger in parallelism is that it has very little to offer Canadians of non-aboriginal descent and very little to offer the growing urban aboriginal population. Parallelism does not address the reality of the fact that we intermingle, that we are together and that we are interdependent. Parallelism makes us separate. Such is less the case today than it has ever been since the formation of this country.

● (1050)

The advocates for parallelism are biased toward strong recognition of aboriginal difference. In fact they are promoters of aboriginal difference. They are not trying to break in to Canadian society; they are trying to break out. This rhetoric has dangers because the strategic requirements for breaking out are the reverse of the requirements for breaking in, for becoming a Canadian citizen with equal rights and equal responsibilities. If we want those equal rights we can do what Martin Luther King did and talk about common goals and common membership, and shared institutions, not separate ones.

The words of the bill would argue that these four institutions simply provide services available to other non-aboriginal communities, that surely, municipalities tax and provincial governments borrow, that there are accounting and financial management training facilities available for non-aboriginal governments and we of course have Statistics Canada, so therefore it should follow that these same services should be available to aboriginal governments. But of course the price we pay when we set up separate aboriginal institutions is that we emphasize the very differences that were at the heart of the concerns that anti-segregationists such as Martin Luther King fought against. The danger of establishing separate institutions is simply that we perpetuate our separateness.

Neither the assimilationist paradigm nor the parallelism paradigm is capable of handling difference and similarity simultaneously, and that is the problem. Neither of them is an adequate recipe for a future order, an order that must recognize and respect differences but also be able to recognize and reinforce similarities.

The assimilationists say to aboriginal people that they can become full members of Canadian society only if they stop being aboriginal. The parallelism advocates say to non-aboriginal Canadians that they cannot expect to share a sense of citizenship with aboriginal people, that they are different from aboriginal people, that they are not travelling together. Both are wrong. We can no longer deny our differences, but if that is all we have and if we are unable or unwilling to try to transcend those differences we have no reason or basis to reconstruct a common country. There is the confusion, because the reality is that there are many values that are shared by non-aboriginal society and aboriginal society.

The reality is that the differences between our values are declining and that there is more commonalty in our value systems now than there ever has been. There is probably more plurality among aboriginal cultures than there is between aboriginal cultures and non-aboriginal cultures, in fact. In a 1992 study the overall out-marriage rate for status Indians was 34%. For off reserve status Indians this figure was over 60%.

These marriage rates suggest a pretty high level of cultural exchange between Canadian non-aboriginal and aboriginal people and they certainly weaken the assertion that it is impossible, that there is an impossible cultural degree of difference between us for us to overcome. In a way it is ironic that many years ago, when aboriginal and non-aboriginal differences were arguably considerably higher, there was more of a call to come together for commonalty of purpose than there is today when those differences are small.

The clear preference among most aboriginal communities I have visited and among members of those communities I have spoken with is that they want to develop as aboriginal people but they want to at the same time integrate with and work within the larger Canadian society. The question we have to ask ourselves is this: Is the bill going to assist us in that larger task?

Our challenge is to strike a balance, a balance between the sensitivity we all feel for aboriginal differences but the equal concern we have for the cohesion of a greater Canadian community. If we mistakenly believe that by setting aboriginal people apart, whether it is by establishing separate institutions that duplicate the work already being done by national institutions or through some other method, if we believe that by doing this we are accomplishing something positive in the sense that we are supporting and recognizing aboriginal people, we do risk a perverse outcome. We may find that such initiatives will be counterproductive if they are not accompanied by or do not lead to a sense of Canadian solidarity based on shared and equally valued citizenship. We are not there yet, but that is where we need to be.

● (1055)

The legislation would establish a tax commission to formalize taxation policy for aboriginal bands, but let us not portray this as a panacea for all that ails aboriginal communities. Very few bands have tax regimes in place and most of them are designed to tax non-band members. Very few bands have escaped from the reality of dependency on transfer support from the federal government. The reality of ongoing partnerships with other levels of government will continue to be, to varying degrees, the reality for the vast majority of Canada's aboriginal communities.

Let us not ignore also the reality of smallness. Approximately a third of Canada's 600-plus first nations communities have populations of 100 or less, with 80% having less than 2,000. To set up bureaucracies and bureaucratic structures that compete with one another, battling bureaucracies, as is proposed under the government's other legislation, the first nations governance act, for example, is totally ineffective and totally cost ineffective as well.

The bill does not address the needs of the vast majority of Canada's first nations communities. Our proposal will address the needs of those aboriginal citizens in the communities and off reserve.

We do not want to see increased borrowing ability used as a means by the federal government to in any way escape its responsibilities to aboriginal communities in terms of infrastructure investment on reserves. In particular, the Canadian Alliance is concerned about water quality and water and sewer services in aboriginal communities. We need to fully understand what the consequences are of the federal government's future obligations should this legislation go forward and should bands make the decision, as a few may be able to do, to issue bonds and to borrow for the benefit of their own investment and their own infrastructure.

Certainly the vast majority of aboriginal leaders I have had the privilege of meeting have a full understanding and desire not only to be accountable but to be seen as being accountable. Yet is true that accounting skills and methods vary, and so the financial management board has the potential to assist, if properly structured, in facing the challenge of more accurate, consistent and transparent documentation of first nations expenditures practice. However, each of these institutions has within it, if not properly structured, the danger of duplication, waste and overlap, so we will be advancing amendments to ensure that accountable practices in each of these institutions maximize the benefits to aboriginal people while at the same time achieving effective use of all taxpayer dollars. This is in the best interests of all Canadians.

It is the scattered use of taxpayer dollars that causes us to ask the question, why a separate first nations statistical institute? The backgrounder and business plan summary for the statistical institute talks about producing first nations friendly statistics and promoting a first nations agenda, which raises a question not only about the reliability of such agenda based statistical evidence but also about the degree to which it could possibly influence anyone.

Certainly Canadians now pay over $600 million a year for Statistics Canada. Can we not work together as Canadians to achieve our shared goals within a cooperative institution of that magnitude, with that degree of corporate memory, with that degree of respect around the world for its capabilities? Can we not possibly work together to use the services of that statistical service for the benefit of both aboriginal and non-aboriginal Canadians? Certainly the Royal Commission on Aboriginal Peoples suggested that it was possible. That was the recommendation it made.

On one hand, I can understand the frustration of aboriginal people who, for example, when the Assembly of First Nations raised its concerns about the first nations governance act, saw the minister cut its funding by 53%. I can understand them being frustrated. The Minister of Indian and Northern Affairs clearly was not pleased with first nations opposition to the imposition of his wrong-headed first nations governance act, so I can understand that there might be a natural desire to see separate first nations institutions established to make sure that such control is in the hands of someone other than the minister. However, at the same time these agencies will all be funded by the taxpayers of Canada, so therefore it would seem to me that the accountability mechanisms would still have to be in place.

We have to make sure on behalf of all Canadians that we manage resources that have a cost benefit. If that benefit is not there, then that expense is unjustified. So I ask the question, then, could these funds not be better used in addressing the high priority problems of aboriginal Canadians in health care, in water quality, in advancing education and in resolving more treaties and outstanding claims? Perhaps we could provide more resources to those genuinely in need rather than establishing more bureaucracies to compete with other bureaucracies to compete with other bureaucracies. Funding battling bureaucracies is not helping the situation for aboriginal people who live in poverty in our country.

● (1100)

We are concerned that though we understand aboriginal people once inhabited this land in relative isolation, they and we now coexist in a complex system with people who have come here from all over the world. As tempting as it might be to try to simplify that system, to set up parallel institutional models that perpetuate the separation between people who increasingly share common goals and common aspirations, it is a bad road to follow. What we need to do instead is follow the road that links us. Perhaps we can find that link better by making our existing institutions function more effectively than we can by hiving off separate ones under aboriginal control.

We cannot thwart self-government aspirations, nor would we, but at the same time we must expect aboriginal people to invest in common enterprises only if we do and, reciprocally, the willingness of non-aboriginal majorities to provide the assistance, financial or otherwise, that self-government will be requiring. If we do not build such an environment where non-aboriginal Canadians feel they are in a genuine partnership, a shared relationship with aboriginal Canadians, how can self-government be anything more than form? And form more than substance is not the goal that aboriginal Canadians have for their own self-government structures.

We cannot think of one another as strangers. The practical task that we have is to enhance the compatibility between aboriginal nationhood and Canadian citizenship. That is the dream of the Canadian Alliance and I believe that is the dream of Canada's aboriginal people and most Canadians. Therefore I move the following amendment:

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

Bill C-19, An Act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Acts, be not now read a second time but that the Order be discharged, the Bill withdrawn and the subject matter thereof referred to the Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources.

The Acting Speaker (Mr. Bélair): I declare the amendment receivable.

● (1105)

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I am pleased to add the point of view of the New Democratic Party regarding Bill C-19.

I begin by saying that we really cannot address Bill C-19 in isolation. It forms part of a suite of bills that have been introduced lately to amend the Indian Act and which are now being dealt with by the Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources. They are Bill C-6, Bill C-7 and now Bill C-19, all of which really are interrelated and form a package to address certain problems with the Indian Act which, in the minister's opinion, have priority.

I should point out that this opinion is not shared by the leadership of the aboriginal community, by the Assembly of First Nations and by the legitimately elected leadership of first nations in this country. In fact in garnering support for this package of reforms to the Indian Act, the minister has had to go to extraordinary measures, some would say heavy-handed and even bullying measures, to try to solicit support. This has been done by either punishing those who would not co-operate with the amendments, who felt that they were not the priorities that needed to be dealt with and by rewarding those who were willing to participate in consultations and development of the bills, even though many of them have expressed reservations about the misguided prioritization of the minister. We have really seen financial and political retribution used as an instrument by the government to try to sell this reform package to the Indian Act.

I would also like to preface my remarks by saying it was galling for me to listen to the previous speaker from the Canadian Alliance citing Martin Luther King in a very romantic and grandiose style. In my opinion, the Canadian Alliance and the former Reform Party lost their right to quote Martin Luther King when they hired the Heritage Front to be their security at their conventions, et cetera. They certainly have no moral authority on this subject to quote the Reverend Martin Luther King.

I sat in this House while the Canadian Alliance launched a campaign to stop the Nisga'a people from achieving self-governance. It was a comprehensive and longstanding, vicious, bitter campaign to try to withhold that first nation from achieving independence.

They also lost the moral authority when they sent one of their staffers, Greg Hollingsworth, to British Columbia to establish the organization Foundation for Individual Rights and Equality. It sounds like a reasonable organization except it is the anti-Indian movement of British Columbia. The movement has been pulled together by citizens groups who are vehemently opposed to any form of self-governance for aboriginal people. It is a racist organization. It is an anti-Indian organization. Unfortunately, that poison has spread to Ontario now in an equally vile organization called On FIRE.

Mr. Ken Epp: Mr. Speaker, I rise on a point of order. Since the things the member is saying are not true, they malign other members of Parliament. That is against the rules of Parliament and I would ask the Chair to caution the member.

The Acting Speaker (Mr. Bélair): Allow me to say that the hon. member for Winnipeg Centre did not attack any individual member of the Alliance personally, but was referring to organizations that may or may not have worked for the Alliance.

I agree with the member for Elk Island to a certain extent and would also like the hon. member for Winnipeg Centre to be cautious, to say the least.

Mr. Pat Martin: Mr. Speaker, the Foundation for Individual Rights was established in B.C. by Greg Hollingsworth, the staff representative of the member from Okanagan who left his job on the Hill to go to British Columbia to set up this racist organization. It is well known to have links with the Heritage Front. It can be seen from FIRE's website that it has a direct link to the Heritage Front which no one can argue is the racist, white supremacist neo-Nazi organization in this country.There are direct links, so I am not making any comment on the Canadian Alliance party directly or the member of Parliament who used to employ Greg Hollingsworth. I am simply pointing out that there is a connection that one cannot deny.

More specifically, we can look to comments from previous critics on aboriginal affairs from the Reform Party. I do remember the famous quote by a former member of Parliament, the Reform Party critic for aboriginal affairs, who said that living on an Indian reserve was like living on a south sea island and being supported by one's rich uncle. That is a statement from the *Hansard* of this place. I only point it out to say what a contrast it is for me to hear the current critic for aboriginal affairs trying to sell the Canadian Alliance as being committed to the best interests of the aboriginal people when the track record of that party is so shameful on this subject.

The current member for Athabasca made the comment that just because we did not have the defeat of aboriginal people in Indian wars in this country like they did in the United States does not mean that they are not vanquished people. Otherwise, as he mentioned, why would they be living on those God forsaken reserves if they were not vanquished to those reserves.

It is that Eurocentric mindset that has become associated with the Canadian Alliance. When we dig a little deeper into the speech that we just heard from the current aboriginal affairs critic, the member from Portage—La Prairie, we can see that he really is opposed to the idea of self-governance. He really is opposed to moving forward with the true moves that might lead to the self-determination. He is more committed to the assimilation model that we saw either in the 1969 white paper, which really spawned a generation of activism among aboriginal people, or this current suite of legislation.

I think that they will really be able to embrace what we believe is the underlying tone of this current suite of legislation, which is to see through to its final end the initiative that was in the 1969 white paper. The current minister seems so committed to ramming it through, even though he is meeting stiff opposition at every turn with the legitimately elected leadership of the Assembly of First Nations right across the country.

The standing committee on aboriginal affairs is currently listening to witnesses coming before it on Bill C-7, the first nations governance act. We cannot talk about Bill C-19 in isolation because it certainly constitutes a key and integral part of the suite of bills that constitutes a package which, as I say, is meeting strong resistance across the country.

One of the problems, other than the top down imposition of this legislation that is being cited by the leadership of the assembly and one of the underlying apprehensions that the leadership has is that it leads to the municipalization of first nations. It contemplates a third level of government that is comparable to the incorporation of a municipality.

There was a witness before the standing committee yesterday who is an authority on this subject and has researched examples in the United States where this led to great difficulties. A first nations community incorporated essentially as a municipality would then of course have the power to borrow money on the open market because it would then be identified as a legal entity.

That sounds all very well and good except for, let us say, if a community borrowed $10 million to build a sewage and water treatment plant and somehow defaulted on the loan. The equity it used for that loan may have been its own land base. The fear is the gradual erosion and deterioration of the historic land base of the aboriginal communities and the inherent risk in that measure.

● (1110)

This is one of the things that has been cited as a major concern regarding not just Bill C-19, the institutions we are dealing with today, but again the entire package.

Two days ago we also heard Matthew Coon Come, the national chief of the Assembly of First Nations, comment on Bill C-7 but he did not limit his remarks to Bill C-7. He spoke very broadly again of the inherent risks of this general package. He pointed out a number of the concerns regarding specifically the first nations fiscal and statistical management act. In the form of questions and answers, I would like to deal with some of the questions that have been dealt with at the national assemblies of the Assembly of First Nations when this subject has come up.

There are some misconceptions that they would like addressed and made clear in the House. I am glad the minister is here to hear them.

Some people would ask whether the proposed fiscal institutions act already has been approved by the chiefs of the Assembly of First Nations. To listen to some people speak, one would think that were true, but the answer is no.

What the chiefs originally approved and what they are interested in talking about is the development of new fiscal arrangements with Canada, nation to nation negotiations between first nations and the Government of Canada. Unfortunately we are further away from that than we ever have been before. The heavy-handed tactics of the current minister of aboriginal affairs have so alienated, so offended and so upset the leadership that I would say that relations have been set back 50 years in terms of true negotiations on a nation to nation basis that they contemplate.

The chiefs' committee that was formed, the Implementation Committee on the Protection of Treaty and Inherent Rights, and which concentrated on this issue, made it very clear that they needed to deal with this in a detailed way and with the fullness of time, so it was not approved. In fact the contents of the bill were not known by them until August 2002. When dealing with sweeping reform to a complex act like the Indian Act, that is not a great deal of time.

I attended the Halifax assembly of the Assembly of First Nations in 2001 where there was a misconception that there was broad interest and acceptance of this fiscal institutions bill. The support for the bill was not established at that convention. It was put off until the Ottawa assembly on November 20, 2002. I have the resolution from that assembly here and I will enter it into the record at a later moment.

Here is one of the key concerns, one of the common themes, throughout the three pieces of legislation that constitute this suite of bills. Does the proposed bill guarantee first nations that it will not diminish or change treaties, aboriginal rights or the federal government's fiduciary responsibilities? That is a key and paramount question. The fact is no, there is no guarantee in this package because there is no non-derogation clause.

Those of us who have been dealing with legislation as it pertains to aboriginal people in recent years know that every piece of legislation dealing with aboriginal people must contain, and there was agreement on both sides that there would be present, a non-derogation clause to assure the parties that nothing in the bill would diminish or derogate existing rights. The very absence of a non-derogation clause in this bill, in Bill C-7 and in Bill C-6 leads us to believe that there is a strategy here, a systematic effort to diminish and erode established current treaty rights or the federal government's fiduciary responsibility.

● (1115)

Adding to and fueling that fear of the absence of a non-derogation clause was the fact that the First Nations Land Management Act that passed in the last Parliament was the first time we noticed this trend. There was an attempt on the part of government to alter the wording in the non-derogation clause. It was not bold enough to eliminate it altogether because that would be seen as a flash point and people would notice what was going on. However it did attempt to alter it. We raised it in the debate at that time. After years of consistent, common language in a non-derogation clause, why was the government seeking to alter the language? We choose our language very carefully in legislation. There had to be some motivation or reason why the government would seek to alter it. That was the first hint.

We now learn that the Standing Committee on Aboriginal Affairs in the Senate is dealing with an omnibus bill that will delete completely the non-derogation clause from all pieces of legislation as it pertains to aboriginal people and instead assume that such a non-derogation intent is deemed to be a part of every bill.

Why would we take that positive, proactive step to diminish the very clause that gives comfort to those people on whose behalf we are passing legislation?

I have proposed language here that would not only satisfy those who are concerned about a non-derogation clause. It actually enhances the existing non-derogation clause. I would be happy to read that into the record at a later time.

How can we blame people for being apprehensive or suspicious of the motivation of government when it takes the active step to delete the non-derogation clause?

This is a question that I have addressed. Some people assume that the fiscal institutions act stands separate and alone from the minister's governance act. I have made it clear that none of these bills can be dealt with in isolation. They are integrally linked as a package and they are not the package with which aboriginal people want to be dealt.

I should perhaps back up for a moment and make it abundantly clear that I do not think there is a political party in the House of Commons that believes the status quo is acceptable and believes the Indian Act should not be substantially amended with the goal of ultimately eliminating it. We have heard the minister himself indicate that the ultimate goal is the elimination of the Indian Act because it is an evil document. It is a document that has been responsible for 130 years of social tragedy. It is incumbent on all of us to do everything we can to find an alternative way of relating to first nations people and allowing them their self-determination and self-governance.

None of the issues dealt with in the first nations governance suite of legislation deals with the fundamental problems, the urgent, pressing social problems facing aboriginal people today. When there was a round of consultation to supposedly get input from aboriginal people, those people who showed up at those meetings did not show up to talk about accounting practices or whether their audits were directed to this person or that person. They showed up to talk about health care, housing, clean water on their reserves and education. They wanted to talk about basic needs, which are so lacking in these communities. Instead, the minister in his wisdom, decided to address administrative details and tinkering with a flawed Indian Act instead of going at issues of substance that would have meaningful impact on the lives of aboriginal people.

I link it to the Canadian Alliance. I link the whole package with which we are dealing and its skewed priorities to the fact that for two years straight the Canadian Alliance launched a campaign to try to link together isolated incidents of financial problems on certain aboriginal reserves into a common theme that aboriginal communities were corrupt, or incompetent or both, and it tried to sell this package. I had to sit as a member in the House of Commons and listen day after day as Alliance members scoured the countryside until they found some misuse of funds or some band council that failed to submit its audit on time. They would stand up as if this was outrageous, that all aboriginal communities were corrupt, that we had to do something to clean up this terrible thing and that we were flushing billions of dollars down the drain and wasting it on aboriginal people who were squandering it and misspending their money. It was not based on fact.

● (1120)

As a member of the Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources we get the facts. We know that 96% of all first nations communities, of which there are 633 first nations, submit their audits on time, keep their bookkeeping in accordance with the Indian Act, post those audits so that all band members can see them and have no problem whatsoever at managing their funds.

This is the first time we have opened the Indian Act for 50 years. Why are we dealing with issues of financial accountability and how people elect their officers when those are not the priorities with which aboriginal people want dealt? Because we have been sold a bill of goods and the public has been pulled around and led by the nose by this campaign on the part of the Canadian Alliance to try to convince people that aboriginal people are unaccountable or not transparent in their financial dealings. ay, It simply is not true and is not based on fact.

We are disappointed to be standing here. When the minister presented this to the standing committee on Monday, I made it clear to the him that as the member of Parliament for Winnipeg Centre, with the highest aboriginal off reserve population in the country, many of them concentrated in my core area riding, that there was nothing that would make me more pleased, in what short time I have as a member of Parliament, than to deal with meaningful amendments to this fundamental evil that we knew as the Indian Act. I would love to enthusiastically support amendments to the Indian Act. It would be very satisfying for me on a personal level and on a professional level because I owe it to the people that I represent.

Unfortunately, we are not being given the opportunity to address meaningful amendments. We will be tinkering with a flawed document. This is not a step toward social justice. This is administrative tinkering and administrative details that are not based on fact.

When people went to the consultations across the country, they did not show up to complain about how they elected their band council. They did not show up to complain about their accounting practices or their auditing practices. They came out to express the desperation and the desperate, abject poverty under which they lived and they wanted a meaningful change to their lives. I am disappointed to have to use this speech to address bills that I do not think are of great consequence.

There are misunderstandings about this bill, the financial institutions act. Some people think that the fiscal institutions act will be optional. In fact, the proposed bill does not state that it will be optional, that first nations communities can opt in or out. Neither is there any protection for a first nation against being forced into the act.

The other bills that are a part of this suite have these default positions. People can choose to change the way officers are elected and the way bookkeeping records are kept. If people do not choose to do so in compliance with the standards that are set out, these standards will be foisted upon people, imposed upon their communities. It is not much of a choice. We can say it is optional but if they do not opt to do it in two years, it is imposed upon them anyway. I do not know who would understand that as being truly optional.

The fiscal institutions act could, for example, be made a condition of a funding arrangement that a deduction would be made if a first nation did not acquire its own source of revenues through taxation under the proposed bill. In other words, if a band has the ability and the opportunity to impose its own taxation regime within its community and it chooses not to for whatever reason or fails to implement it, there could be deductions dollar for dollar in the revenue streams in the current fiscal relationship from the federal government to the community. This is certainly one of the reservations that has been raised.

I should also point out, and the previous speaker did mention quite rightly, that many first nations communities are 100 or 150 people. They are already over-audited and over-bureaucratized. This will be a further level of bureaucracy, a further level of financial expertise that, without a lot of training and resources allocated to them, a lot of first nations communities would find it really difficult to avail themselves of these new fiscal institutions. When the Auditor General came before our standing committee just the other day, she made the point quite rightly that, if anything, first nations communities are over-audited.

● (1125)

A first nations community has to file approximately 168 forms per year to keep the revenue stream coming from the four or five different federal agencies that provide funding to a community. The Auditor General recommended streamlining these things so as not to put such an onerous task on first nations communities. There is so much room for error in there. No wonder the Canadian Alliance could find cases where papers were not filed on time or people were in arrears filing their documentation. Over three official documents have to be filled out correctly and submitted every week to add up to 168 per year. With the new provisions of Bill C-7, the first nations governance act, there will be more accounting and it will become more onerous.

The Auditor General of Canada commented that first nations communities were over-audited as it was. The real problem lied with the lack of accountability of those who accumulated the data and did nothing meaningful with it. They were supposed to jump through hoops every week and submit these forms into this vortex that was the bureaucracy of INAC and DIAND. Those were her observations and her criticism, and we share that view.

A common question that is asked of people dealing with this fiscal institutions act is whether first nations will be able to handle their own revenues as an inherent right even if they do not opt in to any of these institutions. No. By our understanding, if the proposed bill becomes law, it will mean that Parliament intends the inherent right of self-government not to include the collection and management of first nations revenue.

Is this not an infringement or a derogation of the status that aboriginal people enjoy today? Perhaps that is why the government had to eliminate the non-derogation clause. Perhaps that is why the government and its advisers felt that, in all good conscience, they would have to eliminate it or they would be subject to a challenge even if a non-derogation clause was part of the preamble of the legislation and then they made this fundamental change to take the inherent right away from them. Even if it is one minor detail of an inherent right, it is the diminishment of an inherent treaty right.

When the national implementation committee on the protection of treaty inherent rights, a standing committee of the Assembly of First Nations, dealt with this, to its credit and with its reduced staff and resources, it identified this as a serious concern.

I referred earlier to the heavy-handed punitive retribution that comes down from the minister to any organization that will not fall into line with his view of the priorities and amendments to the Indian Act. The Assembly of First Nations has suffered the worst. The minister cut its funding by 50% because it would not play ball and would not hop on the bandwagon with this legislation. At the very time it was facing the most complex and detailed amendments to the Indian Act in 50 years, the minister cut its funding by 50%. This forced the assembly to lay off 70 to 80 researchers and staff who were authorities on this subject. This is like sending a person to court and denying them legal counsel.

This one bill alone is a thick document. It is an overwhelming amount of legalese. At the very time first nations need to defend themselves or at least represent themselves adequately in the face of this bombardment of legislation, the minister has undermined its ability to do so substantially by cutting its budget and forcing it to reduce its staff by 70 people. It is to the credit of the Assembly of First Nations that it can still do its research to defend the interests of the people it represents.

Can a first nation opt into one institution and not another within the fiscal institutions act? The answer again is no. The proposed institutions are interlocking. Each one functions in conjunction with the others. For instance, the statistics institute collects data about a first nation for the use of the other institutes.

● (1130)

A first nation cannot borrow money from the finance authority without the consent of the tax commission and a certificate of good management from the management board. In other words, it is a whole package deal. It is all or nothing, so first nation communities could not avail themselves of one of these, set up a board and establish one and not the other because they cannot operate in an independent way.

It makes us wonder how a small first nation community could do this. We are not dealing with municipalities in the Eurocentric western sense. We are dealing with a small village of 100 people or dealing with a place, as in the case of Buffalo Point, where there are 12 residents who live on the reserve and another 100 who live off the reserve, and only have their input by virtue of the Corbiere decision to be able to participate. How does the new fiscal institutions act benefit them in any way? Where would they get the administrative capacity to establish and operate these complex legal institutions?

It is mind boggling to me and it certainly must be to the many people to whom this is happening. I say "to whom this is happening" because it is being imposed in a top down manner. It is the House of Commons of Canada that will change the way aboriginal people live, not the input of aboriginal people who are deciding how they should establish and conduct their own affairs.

It begs the question then, with all these new institutions in place, will at least a first nation be free to pass bylaws and laws of its own choice? The answer again is, no. A first nation would not be able to pass certain kinds of laws and bylaws without obtaining the approval of the proposed tax commission. Band councils would see their authority diminished and relegated to the establishment of some of these new commissions.

I should also point out that it has been a recurring theme throughout this whole suite of legislation, Bills C-6, C-7 and now C-19, that the discretionary authority of the minister, instead of being diminished, would actually be enhanced. It is a pattern, a theme, of which I have been taking note ever since I came to Ottawa five years ago. Virtually every piece of legislation we come across actually enhances the discretionary authority of the minister and diminishes the authority of the executive or of Parliament. We are critical of that.

It is not a realistic and legitimate step toward self-governance and independence. If anything, Parliament and DIND would still have an active role to play in all the real decision making. It is like the joke we used to hear in the lunchrooms of warehouses and workplaces. We might get to decide what colour to paint the lunchroom, but the boss will still decide the speed of the assembly line. That is a good analogy here.

With the new institutions in place, will the first nations be able to pass bylaws regarding licences and other locally raised revenues without getting approval? In other words, as it is hoped that we would be passing over more control over natural resources et cetera to first nations communities, would they then, in a hypothetical situation, be able to pass bylaws regarding licences without getting the approval of the new commissions?

No, first nations laws regarding the collection and expenditure of revenue, especially where non-Indians may be involved—an American tourist who may want to fish on a lake in a community—would not be able to make that choice without the approval of the proposed tax commission whose members are not elected by the band council. The members of the tax commission would be appointed by the minister or by Indian Affairs, but essentially by the minister.

This opens the door for a whole raft of jobs. There would be a board, a commissioner and a bureaucracy set up. It is the germination of a civil servant, I suppose. It adds a whole level of bureaucracy. There are people who want more red tape, I suppose, and may see a personal benefit to being one of those commissioners or members of the board of directors, but ultimately it would choke and strangle the legitimate intentions of the first nations community and the elected band council. The commission, in a case like this, would have to have the power to ensure that the rights of non-Indians were protected.

● (1135)

This is established within the acts. In making its rulings, the commission would have to take into consideration the well-being of the non-Indian over whom it would have taxation rights. The commission would also ensure that first nations tax laws are in harmony with those of surrounding municipalities. In other words, what kind of independence is that if the newly established tax commission is in charge and has the authority to dictate tax policy within the first nation? It cannot exceed or go beyond what exists in the surrounding municipalities. Is that not harmonization? It is the very assimilation in practice, if not in name, to which first nations pointed and found so abhorrent in the white paper of 1969.

We keep coming back to this. It almost seems like the government, or at least the Prime Minister, left one job undone in 1969 with the catastrophic failure of the white paper on Indian affairs and it wants to finish that job now in the twilight of this career, and the current Minister of Indian Affairs and Northern Development has been charged with the responsibility to see that through.

I pointed out earlier that the white paper of 1969 was met with such derision and opposition that it spawned a whole generation of aboriginal people to rise up and protest. It spawned a generation of activism and that activism is still there today. The only difference is that there are a lot more people who are trained legally and who have been to university who can put up a genuine fight-back campaign now in the courts, if not in the streets by conventional activism.

It begs the question, if the newly formed tax commission has the right to generate revenue, can a first nation then do whatever it wishes with the revenue that it raises? Is it free to spend in accordance with its needs? The answer is no again.

Under the proposed legislation a first nation would be constrained by the proposed governance act, the twin sister, the other side of the coin and the proposed new institutions bill, to spend local revenues only on local infrastructure as approved by the tax commission whose members are appointed by the federal cabinet. What kind of independence is that?

First nations would be allowed to be the tax collectors, but would not be free to spend the taxation any way they want. Any other level of government would be furious. It would be taking to the streets objecting to this heavy-handed imposition, really the will, of the minister. It is a model of which I just cannot imagine anybody approving. First nations would not even be free to spend as they see fit the revenues without the approval of the tax commission, and the commission could veto any bylaw passed by a first nation. Let us remember who the commission is: 12 people hand chosen and appointed by the minister.

First nations would also be required to ask the tax commission for approval of their annual budgets and expenditures. They would be held to a higher standard than the federal government. They would be held to a higher standard than any level of government in the country because as we know, the federal government does not even operate on estimates and expenditures. It is only accountable to what it spent when the Auditor General has time to review the spending pattern of the previous year.

● (1140)

Some provincial governments, to their credit, operate by submitting estimates first, getting them approved and then having their expenditures reviewed. That is the standard to which the federal government would hold first nations. They would have to go before the commission to approve the budget or estimates first, and they would also have their expenditures reviewed and audited by the same tax commission who are appointed by the minister. It is a striking denial of the right of first nations to govern themselves.

It is the antithesis of self-government. It is instituting a Eurocentric colonial view of managing affairs for them because the legislation finds its origins in the premise of the argument established by the Canadian Alliance, that first nations cannot and should not be allowed to do it themselves, that they need the great white father to supervise them because they are incompetent or criminal in their activities, corrupt. That was the pattern being painted by the Canadian Alliance and unfortunately it was bought by the government.

I will close by saying that Bill C-19 cannot be dealt with in isolation. It must be viewed in the context of the whole package of first nations governance legislation that has been coming at aboriginal people like a whirlwind. It has been an overwhelming bombardment of changes to the way they live and do business, and it is all being done from here. It is not being done in cooperation and in conjunction with their needs and legitimate demands. It is being imposed on them. It is the same mistake; it is history repeating itself once again. And the government will not listen.

If the minister was sincere about garnering support, I would be willing to join him to make meaningful change if he would take one step back and start over. Let us move forward with meaningful amendments to the Indian Act, not this language we are dealing with today.

[*Translation*]

The Acting Speaker (Mr. Bélair): I would like to inform hon. members that starting with the next speaker, speeches will last 20 minutes, followed by a ten minute period for questions and comments. The Chair would appreciate it if you would let him know beforehand if you wish to share your time with a colleague.

● (1145)

[*English*]

Mr. Gerald Keddy (South Shore, PC): Mr. Speaker, a couple of points of view have been brought forward today and I am pleased to add another one to the mix.

It is a pleasure for me to stand and speak to Bill C-19 on behalf of the Progressive Conservative Party, as well as on behalf of our aboriginal affairs critic, the member for Dauphin—Swan River, who could not be here today to speak to this important legislation.

Several issues are at stake here. I think in general the Conservative Party agrees with the original purpose and premise of the bill but, like all legislation that the Liberals propose, one has to go beyond the apparent purpose and premise of any legislation to see exactly how it will unfold and exactly how it will affect the aboriginal community in this particular instance, or the individuals who will be most affected by any piece of the government's legislation.

The principle of giving more autonomy to first nations is a principle that the Progressive Conservative Party supports, and I would go so far to say that I believe it is a principle that most parties in the House support.

I guess the devil is in the detail, so to speak. The complications with this come when we look at exactly how the government is drawing this road map toward greater aboriginal self-government.

Like my colleague from Winnipeg Centre has mentioned, will we actually see greater aboriginal self-government or will we simply see more government bureaucracy, because more government bureaucracy does not mean greater aboriginal self-government. They are diametrically opposed to one another.

It is my understanding that adhesion to the new financial institutions would be optional. I listened closely to my colleague who said that there was no guarantee in the bill that this would be optional and that it may end up being mandatory down the road. That is certainly not my understanding of the legislation but it is an aspect that I will look at in great detail.

We agree with the approach that first nations communities have different needs and different goals. Federal legislation dealing with first nations needs to reflect the differences in the communities.

When one reads the précis of Bill C-19, it states that 83 first nations groups have passed similar laws and that they generate in excess of $40 million in property taxes every year, which allows those first nations to be more autonomous and self-sufficient and pursue projects for the general betterment and good health of all of their band members.

The purpose of the bill, if we believe the government, is to give more first nations that same power to raise taxes and issue bonds as other levels of government already have. The intent of the bill is to make first nations communities more financially independent and attractive to investors. Under these proposals, property tax money and resource revenues could be pooled and used to issue debentures and bonds to raise more capital to, for example, pay for new infrastructure projects, such as roads and water systems, the same process that any other level of government would use to raise its own funds.

● (1150)

Four separate institutions have been proposed. As I mentioned earlier, this is where we start to find that the devil is in the details. The first of the new institutions would be a first nations tax commission. The commission would consist of 10 commissioners appointed by cabinet, including a chief and a deputy chief commissioner, who would hold office for up to five years and may be removed by cabinet at any time for a direct cause. In this case the commissioners must include one taxpayer who uses reserve lands for commercial use, one taxpayer who uses it for residential use and one taxpayer who uses it for utility purposes, which should bring some level of democracy and direct involvement of the people, who are actually using the land, to the board.

The second board would be the first nations financial management board and it would have 15 members. The third board would be the first nations finance authority and it would have a five to eleven member board. The fourth would be the first nations statistical institute.

The fourth board bears closer perusal. The management of the board would be comprised of at least nine directors and no more than fifteen. The institute would provide statistical information on fiscal, social and economic conditions of first nations groups, members of other aboriginal groups and others who reside on the reserves. It would be given the power to collect, analyze and extract data related to a variety of areas, including health and welfare, agriculture, commercial and industrial activities, education, law enforcement, finance, language, culture, labour and employment, environment, fishing and population.

I do not think anything was missed there but I am sure there must be a couple of other areas that could be added at a later date.

It also has been mentioned in the House that the Auditor General, in her report on first nations, has already said that there are over 150 separate documents that must be compiled by first nations to stay in compliance with the federal overseers at this very time. I see this first nations statistical institute as one more part of an overly bloated bureaucracy. I question whether it is required because I suspect all that information is out there now. It is a matter of compiling the existing reports that have already been given.

It is well understood and well agreed upon that, to use a tired cliché, the status quo is not acceptable. Most of us would agree on that. Whether or not Bill C-19 is the answer for first nations fiscal and statistical management act, I do not know, quite frankly, if it is the answer. It is perhaps a step in the right direction but it is one that requires much more indepth study, much more participation by the aboriginal communities themselves and will need amendments at committee.

Although I am no longer the critic for aboriginal affairs, I was the PC critic for a number of years and I put forth many amendments, some of which were accepted by the government, but the majority of which were not. I have not seen, in any other department, the government being willing to take a serious look at amendments to any legislation it may have before the House. It would much rather pass legislation that does not fully deal with the situation in front of it, whether it is in Indian affairs or in any other department.

● (1155)

There is also concern that the establishment of the four new institutions would require a significant amount of money to establish and subsequently maintain. One estimate of the amount of money alone is $10 million annually. I suspect that $10 million must have a better home, whether it is clean water on reserves, better educational facilities, better training or more economic opportunities. I am certain that $10 million could be used by any of the reserves anywhere in Canada.

Some first nations groups have stated that they would rather see the money directly invested in infrastructure on reserve. That has been raised by the first nations communities themselves.

These measures could have a long term impact on bettering the lives of Canadians living in first nations communities but we feel that the government is doing little to address the short term problems. What are the short term problems? They are health, housing, clean water, education, and we could go on. It seems that we are, in one way at least, putting the cart in front of the horse.

There is one more item regarding this particular legislation that causes me great concern. Last summer on August 15, 2002, when Parliament was not in session, a draft version of this bill was put on the INAC website. It was presented as the first nations fiscal and statistical management act, even though there had been no such bill tabled in Parliament.

An hon. member: Where did that come from?

Mr. Gerald Keddy: Apparently the government was so secure in its knowledge that this bill would be passed simply by bringing it to the House without amendments that it could publish it for first nations and the Canadian public to look at, not as a proposed act but as an act, last summer, before Parliament, parliamentarians and critics for Indian Affairs and Northern Development had any opportunity at all to look at it.

This draft was not even a bill, much less the law of the land, but the fact that it was presented as such shows the little esteem that the government has for due process and the parliamentary regime that we are all sworn to uphold.

In closing, my final difficulty with the legislation is that once again, like many pieces of legislation that the government has passed in many departments, it enhances the power of the minister.

It is not much further down the road when ministers of the government will not need Parliament at all. They simply will be able to sit in an ivory tower somewhere, issue decrees and bypass Parliament entirely. If we continue to give the minister discretionary authority over everything then we will not have to get into that sticky, difficult job of actually governing the country or showing up for question period and answering questions that are important to Canadians.

We will continue to study the legislation. I do believe it is a step in the right direction, albeit a step that needs to be taken very carefully and with full discussion with the first nations communities across the country.

● (1200)

Mr. Ken Epp (Elk Island, Canadian Alliance): Mr. Speaker, I would like to commend the member for his thoughtful statements and also for filling in for his party's critic in this portfolio, who as we all know, is recuperating from a medical challenge. We certainly wish the member for Dauphin—Swan River well.

I have been interested in the native affairs portfolio for a number of years and the difficulties and the challenges which those individuals face. One of the areas I have identified in my talking with certain individuals is that they lack individual resources. In a way, it is comparable to the mayor of a town getting all the money that the individual citizens are entitled to and then doling it in the way that he feels.

One of the problems that we have heard listening to grassroots natives who live on reserves is that they do not get their money directly. They get it via the management, the band council and the chief on the reserve. It seems to me that it would be much better if the individuals were to have access to the money to which they are entitled directly rather than indirectly.

Could the member comment on that aspect of the situation?

Mr. Gerald Keddy: Mr. Speaker, I appreciate the member for Elk Island's comments about our colleague from Dauphin—Swan River. Certainly our colleague from Dauphin—Swan River has worked hard on this and other files. We do miss his presence in the House and certainly wish him a speedy recovery and a quick return to this place.

The aspect of management of funds is different in all first nations communities. There are some great examples and there are some terrible examples. They are no different from any other level of government anywhere in the country.

I would like to comment on another point that directly comes from the hon. member's question and which was mentioned in the House in the discussion on Bill C-19. That is the whole issue of first nations land management. I supported that legislation in the House. It was an important piece of legislation. It allowed first nations for the first time to be responsible for their own reserve land.

It is unbelievable to most Canadians, to most people living in a town, a city or a municipality in this country, that before first nations on reserve could cut their fuel wood, before they could open up a gravel pit, before they could put in a septic bed, before they could dig a well, they had to get permission from the federal government, the Department of Indian Affairs and Northern Development. There was no local authority they could go to. It was absolutely unbelievable.

It was my belief that first nations land management, even though it was not a perfect piece of legislation, certainly opened the door for more self-government. With more self-government comes more democracy, more economic opportunity, more affluence in the community and more ability for first nations to fend for themselves. Quite often with that rising opportunity comes more responsibility on behalf of the governance of first nations, including the chiefs and band councils who govern first nations.

● (1205)

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, I listened with great interest to the hon. member. He had to fill in for his party at the last moment but he has a history with this issue.

One of the important things about any change and working toward independence is the whole issue around financial management and the empowerment which is necessary to provide the means to move the communities in the direction they want to go.

I would like to hear the hon. member's opinion about the government's record with regard to financial management. We have recently seen gun control as an example. What gives the government the confidence to think that it could do a better job of financial management, given the issues like gun control that have happened in these halls?

Mr. Gerald Keddy: Mr. Speaker, I thank my colleague for that question. It is a fantastic example and one that is extremely pertinent to this very issue. I am going to make one little correction because the issue is not gun control; that is what the Liberal government wants to sell it as. The issue is long gun registration. The government wants to stand in this place and say it has done its job with gun control. It has done nothing with gun control. Gun control was looked after by Bill C-17. That was the bill that involved safe storage and safe handling and actually made safer streets in the country.

The government in its wisdom has done with that piece of legislation the same as it is doing with the Indian affairs legislation. It is smoke and mirrors. The government is saying, “Believe us. We will make our streets safer because gun control has worked”. Sure it has worked. Gun control is not a bad thing. Long gun registration has cost Canadians $1 billion which could have been spent on education, safer streets, better health care or a multitude of issues.

Whenever we have a bill from the government we must beware because the devil is in the details. Gun control sounded good but in reality gun control was nothing more than a ruse to take the public's mind off the important issues of the day. It had nothing to do with public safety.

We must beware that this bill has anything to do with fiscal management, that it is nothing more than a ruse and an opportunity to put more power in the hands of the minister and that he or she will decide what is best for Canadians, because obviously the government knows best. It is the government of the day and rather than deal with the difficult issues, it will just take credit for the good governance of past regimes and fail to deal with the issues of the day.

Watch Canada's position in the world continue to be diminished. There is a reason that we are not at Camp David with Bush and Blair talking about the possibility of Canadian troops going to war. We are on the periphery of the international community. We will continue to be on the periphery. We have a diminished level of respect in the world. We are no longer a NATO ally that is listened to at the boardroom tables.

We are the country that goes to Kosovo and borrows bombs and communications equipment so we can talk to our allies. We are the country that sends troops to Afghanistan without fresh water, without food, without proper uniforms.

Anything the government does needs to be examined in minute detail. The long gun registry is a perfect example of the type of waste that is based on a good idea but is totally out of control under the hands of that regime. It is total mismanagement.

● (1210)

Mr. Mac Harb (Ottawa Centre, Lib.): Mr. Speaker, we are debating a very important subject. I want to indicate that on this side of the House we do not believe for a moment that we have to choose between addressing what is a social issue and what is being considered as an economic issue. When it comes to first nations, the government has consistently taken action on both fronts, if not in parallel but at a complementary time.

Bills C-7 and C-19 are not only priorities on which the government is moving ahead but also we have moved ahead in other areas such as housing, water and sewer infrastructure, economic development and education. An advisory panel has made a number of recommendations to improve education. Funding for economic development has increased from $25 million to $125 million over the past two years. This funding has leveraged in excess of $400 million in other forms of equity and debt financing and has translated into real change and made a real difference in the quality of life for our aboriginal people.

In addition this action is empowering and creates good governance which is considered the foundation of self-sufficiency and economic development for these communities.

Almost 75% of those who responded to a recent survey done by Ekos Research agreed that providing the tools for good governance will improve conditions for economic and social development.

Well-functioning communities are based on good governance structures that can respond to the needs and aspirations of their people.

This proposed legislation will encourage economic development, will foster self-sufficiency and will lead to improved living conditions in first nations communities.

These statements are not based on wishful thinking or unfettered optimism. The government has already shown concrete evidence of how the institution to be legislated through Bill C-19 will benefit first nations.

For example, as has been mentioned the experience of the Indian Taxation Advisory Board, or ITAB, which will evolve into the first nations tax commission under Bill C-19, has shown us what can be achieved when first nations have more direct involvement in their fiscal matters.

Since it was created back in 1989, ITAB has helped about 90 first nations enter the field of property taxation. A further 29 first nations tax systems are now in development. With the help from ITAB, first nations across Canada have raised a combined total of more than $200 million in tax revenues over the past 13 years.

These first nations have generated more than $40 million annually in revenues through their property tax regimes. First nations with the authority to tax have used this revenue to provide services, build infrastructure and create jobs and businesses in their communities.

For example, property taxes have generated the necessary annual revenues required by the Innu of Uashat Mak Mani-Utenam adjacent to the city of Sept-Îles, Quebec to support community initiatives and increase participation in the local economy. Also, major projects that have been supported since taxation have been implemented and these projects include the building of a Sobey's supermarket and a Unitotal hardware store in the on reserve shopping centre development.

● (1215)

The tax system of the Squamish Nation has contributed to the construction of two gymnasiums used for education and social and recreational purposes, which serve as an integral part of the community in service to residents. Squamish also demonstrates the competitive nature of first nation taxation, with tax rates comparable to those in North Vancouver.

Also, Westbank First Nation taxpayers benefit from tax revenue through the first nation's implementation of new projects such as a new water system, purchasing private lands for parks and recreation purposes, paving and maintaining band roads, and building a new gymnasium and recreation centre. Besides other major projects, Westbank First Nation has the opportunity to invest in the community and to establish capital reserve funds for future projects.

We can see that these first nations, along with others that have implemented a property tax system on reserve, are in fact providing improved services to residents and building a stable and sustainable local economy for their communities. The First Nations Finance Authority, which would be legislated under Bill C-19, has in fact grown out of a need for long term public debt financing for first nations governments in order for them to provide affordable infrastructure in their communities.

The First Nations Finance Authority was established back in 1995 and was modelled on the very successful Municipal Finance Authority of British Columbia. As my colleagues on both sides of the House have heard, the primary goal of the First Nations Finance Authority is in fact to improve access to affordable capital by pooling the borrowing requirements of first nations. By pooling their borrowing requirements, many first nations will gain access to more affordable capital which they in turn can use to improve their infrastructure to build roads, water and sewer systems and so on. The rigorous standards, lower interest rates and institutional support will ensure that first nations operate within their debt carrying capacity. This access to capital will work to the long term benefit of the community as a whole.

Some 50 first nations are also taking advantage of the deposit taking services offered by the First Nations Finance Authority, which currently operates, by the way, two very competitive investment pools worth approximately close to $10 million. These first nations are getting higher returns on their investments than would be possible if they were investing on their own.

The first nations financial management board would be supported by the capacity development activities of yet another existing institution, the Aboriginal Financial Officers Association of Canada. The Aboriginal Financial Officers Association of Canada is a national professional association that is committed to excellence in financial management for aboriginal people. It provides training, certification and professional development services to individuals who work in or aspire to financial management positions with first nations organizations. Its third annual conference recently attracted more than 600 delegates to discuss ways and means to strengthen financial management. That event was well supported by important sponsors.

As my colleagues on both sides of the House can appreciate, these services are strengthening the financial management capacity of aboriginal organizations in Canada.

● (1220)

For example, AFOAC has already certified some 200 individuals in its certified aboriginal financial managers program. This program was developed in collaboration with the Certified General Accountants Association of Canada and is gaining recognition as a professional designation within Canada's financial community.

As we can see, we have good reason to be optimistic about Bill C-19. This proposed legislation will enable first nations to build on the success of several existing institutions. Bill C-19 will confirm first nations jurisdiction over their finances and will provide new tools for the successful exercise of that jurisdiction. This legislation deserves the support of both sides of the House and particularly that of my colleagues on the opposition side.

Mr. Gurmant Grewal (Surrey Central, Canadian Alliance): Mr. Speaker, I am pleased to rise on behalf of the constituents of Surrey Central to debate Bill C-19, the first nations fiscal and statistical management act.

Canada is one of the richest countries in the world, yet our aboriginal people live in third world conditions. The plight of first nations is a painful embarrassment to Canada. As members might know, the life expectancy of registered Indians is seven to eight years shorter than the national average. Suicide rates are twice the national average. Aboriginal peoples have an average income that is 75% less than the national average in Canada. Unemployment rates are 10 times the national average.

School dropout rates are higher and educational attainment is lower than that of any other ethnic group in Canada. First nation reserves are rife with violence, physical and sexual abuse and suicide. Unhealthy living conditions and overcrowded housing with inefficient heating and inadequate water supplies are all too often a fact of life. First nations peoples are caught in a cycle of dependency and poverty. This vicious cycle has been going on for decades.

The federal government annually spends some $7 billion on aboriginal peoples, yet their living conditions fail to improve. There is something wrong. It must be addressed. The conditions in which our first nations live and the conditions that surround their life cycle are completely unacceptable.

The Minister of Indian Affairs and Northern Development claims that Bill C-19 will provide the tools for economic development and for improving the quality of life on reserves. It is wishful thinking that Bill C-19 will do such a thing. I do not think Bill C-19 is strong enough to address the needs or hopes of aboriginals; it will not improve the lifestyle of natives on reserves.

The first nations fiscal and statistical management act would create four new institutions: the first nations finance authority; the first nations tax commission; the first nations financial management board; and the first nations statistical institute. Let us quickly look at each of these institutions in turn.

First, this first nations finance authority would allow first nations to establish a self-directed financial authority capable of issuing bonds and providing low interest, long term debt financing for capital projects by collectively guaranteeing the creditworthiness of participating members. Bands will collectively guarantee each other's creditworthiness, making loans available to bands for infrastructure and capital projects.

This first nations finance authority is not forecast to break even until 2010. How much the government would spend in operating this bureaucracy is absolutely unknown. We do not have any idea of how much it is going to cost. Bonds would receive an investment grade ranking, not because credit agents have faith in the self-generated earnings of bands but because they have faith in continued government transfers.

● (1225)

Before they can become borrowing participants, bands must meet specific financial criteria. I can guarantee that only a few will qualify. The bill would not offer any help to the vast majority of bands. It seems the finance authority is the government's attempt to avoid funding aboriginal infrastructure.

The first nations tax commission would grant bands approval to enact property tax systems on reserves. Currently the minister has the authority to approve tax bylaws. The commission would be comprised of six first nations commissioners, three non-native commissioners and a head commissioner. I am sure there is room for the government's patronage appointments there.

The initial capital costs and subsequent operating budgets of the first nations tax commission have not been disclosed. We do not have any idea of the cost. In light of recent revelations of gross overspending by the government, whether it is the gun registry or other things, hon. members will excuse me if I am reluctant to support any legislation without a full cost analysis.

The first nations financial management board would provide professional advice to those first nations that have entered the first nations finance authority borrowing pool. It would provide training and services related to policy development for all first nations. We have not been told how much it would cost to set up and operate this board.

The first nations statistical institute would provide statistical data and analysis of the social, economic and environmental condition of first nations. In the first three years of operation the first nations statistical institute is budgeted to cost over $13 million. However, taxpayers are already paying close to $600 million per year for the same services provided by Statistics Canada. Why the duplication? Why create another board or institute that would duplicate the services provided by a taxpayer funded statistical institute, or Statistics Canada? The institute I am talking about would duplicate work already done by Indian and Northern Affairs Canada and Statistics Canada. If first nations require better data, then let us provide it through existing agencies.

By creating this statistical agency, the Liberals would once again be creating separate, race based institutions that would fail to provide relief to community members who need it most. I emphasize race based institutions.

We have been seeing on a continuous basis the false initiatives coming from this weak, arrogant Liberal government. These initiatives follow the tradition of being race based, whether we talk about policies on fisheries, taxation, natural resources, the environment or even justice. When will the government understand the concept of equality for all Canadians? Let us not create different tiers of Canadians. Let us treat all Canadians equally. This is the time we must do that.

The first nations fiscal and statistical management act is asking first nations to tax their members and lease their reserves to meet the desperate socioeconomic needs of their communities. In effect the Minister of Indian Affairs and Northern Development is forcing band councils to administer their own poverty.

Bill C-19 would mean that buildings and land could be subject to property tax if a first nation decides to go ahead and participate in the first nations finance authority. I very much doubt that the system would work. However, how it would work remains to be seen because on most reserves the first nation owns all the major buildings such as band offices, schools and band halls. In many cases there may not be much property that qualifies as taxable. When a first nation owns all the property, including the houses, it does not create much of a tax base, so this argument is not sound. The argument does not stand by itself because of the sheer volume of the revenue it will generate.

● (1230)

Let us remember that the vast majority of first nations have small populations. Of the 600 first nations that receive funding from Indian Affairs, 70% have less than 1,000 members and 45% have less than 500 members. We are talking about a population base that would not be sustainable to generate that revenue. We agree that a lot of communities have a crucial need for infrastructure such as communities living on reserves where there is no or dismal infrastructure development. Reserve communities have a crucial need for infrastructure money.

Poor facilities contribute to poor living conditions and are holding back development. Without proper roads and services reserve communities are passed over for economic projects. They cannot compete with surrounding communities where tremendous development has taken place, but next door on the reserve there is no development taking place, at least economic development.

In the north first nations reserves exist side by side with towns and villages and yet the economic development takes place off the reserve and not on it.

I will give an example from my own constituency. In Surrey Central the only access to Barnston Island Reserve is by ferry. The government is imposing a levy on the ferry service. Because it is an island there is no other way of communication. There are a few families who live on the island. Many of them are in the vegetable and farming business. Employees who work there must go from the mainland to the island. Even the different trucks and other vehicles going there carrying supplies for the reserve must use the ferry service, but the government is now imposing a levy on the ferry service. The residents are very upset and rightly so because they are being discriminated against. While other communities have roads and bridges this island only has a ferry that has been running for many years. Why are my constituents living on the island discriminated against? The government must review again the imposition of this levy.

Last year Indian Affairs spent over $900 million for on reserve infrastructure such as roads, schools, water and sanitation systems. Infrastructure costs are only going to increase. Money must be spent to bring conditions on reserves up to standard. Meanwhile, there are future needs that must be met if the first nations are going to become economically self-sufficient and sustainable communities.

The population of aboriginal people in Canada is growing at a more rapid pace than that of the non-aboriginal Canadian population. Indian Affairs projects that the existing Indian population would exceed 790,000 by 2008. How are our first nations going to meet the needs of their growing population if they start with such a limited tax base? Can we expect them to have enough infrastructure development by the revenue they would raise, which is in doubt, and then be able to reinvest into the communities and have the infrastructure development take place?

First nations are beginning a 100-yard dash a mile behind the starting blocks. We do not expect them to accomplish this without reasonable conditions that could be brought into the legislation. First nations must have the ability to raise their own revenue if they are to become independent, set their own priorities, and meet the needs of the people. They need to break away from their dependence upon government funding, that vicious cycle of dependency.

● (1235)

However, before that can happen the groundwork must be in place so that economic growth would occur. Providing that groundwork is the responsibility of the weak, arrogant Liberal government. The millions of dollars this act proposes to spend on four new institutions that I described would service but a few first nations. The money would be better spent providing clean water, sewers, housing, and better education and health care.

The act authorizes first nations communities to tax, borrow and gather data at the expense of priorities like health, education and social services. How do we expect the standard of living to improve? How do we expect that the violence, unemployment rates, health services and other evils would be eliminated? It would provide limited benefits to a small number of first nations communities at a substantial cost to Canadian taxpayers.

A majority of first nations have already rejected Bill C-19. The hon. member for Portage—Lisgar, who is the lead critic for the official opposition, has done tremendous work on this issue. I am sure that the House will be listening to his advice. I support the hon. member's amendment to withdraw the bill and refer the subject matter to the Standing Committee on Aboriginal Affairs, Northern Development and Natural Resources.

To conclude, I move, seconded by the member for Portage—Lisgar:

That the amendment be amended by adding the following:

"and that the Committee report back to the House no later than June 13, 2003".

● (1240)

The Deputy Speaker: The Chair is satisfied that the subamendment moved by the member for Surrey Central and seconded by the member for Elk Island is receivable and in order.

Mr. Ken Epp: Mr. Speaker, I rise on a point of order. I think the motion was seconded by the member for Portage—Lisgar. I would really be quite content to second it but I think that was what the member stated.

The Deputy Speaker: I understand the intervention from the hon. member for Elk Island, but as a general practice we try to avoid situations where the mover of an amendment is actually also included or involved in the subamendment on the same matter. For that reason the Chair took the liberty, respectfully, to select another member in the Chamber from the same party who I know is equally concerned and interested in the subject matter, because no other member spends more time in the House than possibly the Chair occupants and the hon. member for Elk Island.

We will now proceed to questions and comments.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I thank the member from the Canadian Alliance who just shared his views with us on this bill. I would like to ask the hon. member for his views on one aspect of the bill, or actually something lacking from the bill.

Many of the first nations leaders to whom I have spoken about this particular bill have stated that one of their real reservations is that there is nothing in the bill which would act as a non-derogation clause. It is standard in pieces of legislation dealing with aboriginal people and the Indian Act to include a clause that would state clearly that nothing in the legislation is intended to affect, alter or diminish any existing rights that may be enjoyed by aboriginal people.

We note the absence of any reference to a non-derogation clause in the bill. It may in fact be deliberate because in the absence of such a clause further interpretation by the courts may interpret this as meaning that it was not the intent of Parliament to ensure that nothing in the act would diminish any existing rights.

Would the hon. member support an amendment calling for the introduction of a clause stating that "for greater certainty, nothing in this act shall be construed so as to abrogate or derogate from any existing treaty rights of aboriginal people of Canada under section 35 of the Constitution".

Mr. Gurmant Grewal: Mr. Speaker, first, thank you very much for correcting my seconding the amendment. I did not realize that the previous amendment was moved by the hon. member for Portage—Lisgar.

Before I answer the question, I would like to comment on what he said during his participation in the debate. He tried to imply that the Canadian Alliance was racist, or covered us with that blanket statement, and that comes from time to time from our political opponents for political reasons.

However let me make it absolutely clear. This is the only party in the House which strongly believes in the equality of all Canadians. It is the Liberal government whose policies, from time to time, have been based on race, whether it is discriminatory head tax on immigrants or fisheries based on race. In one code the first nations people are given lesser sentences simply because of the origin of race. The system as such is based on the policies from this weak government. However the Canadian Alliance believes in equality. I am very proud to be associated with it and to follow up on the issues of equality.

Coming back to the question, this is thoughtful thinking from the hon. member and I appreciate the concern he has brought forward. Whether the missing clause will have serious effects is debatable. I would urge the hon. member to make that amendment and then we will review it. Since I have not seen the amendment yet, I cannot comment on it.

● (1245)

Mr. Ken Epp (Elk Island, Canadian Alliance): Mr. Speaker, I heard most of the member's speech. Unfortunately, I was detained elsewhere for a short time. He has a number of very good ideas. Would he be willing to comment further on the whole idea of equality for natives?

There is a balance to be reached here. They are claiming, probably rightfully so, certain aboriginal rights. We ought to work together with them very strenuously to ensure land claims and things like that are settled in a timely manner and in a fair way.

However, in my view there is also a background of disadvantage to them because of the fact that they are held down by various aspects of the Indian Act and we ought to set them free. We ought to allow them to compete with other Canadians on an equal basis in business, in other areas and in professions.

When I was an instructor at the Northern Alberta Institute of Technology, from time to time I had students from some of the reserves in Alberta. I always felt that they should have had better access to education when they were younger. Some had a lot of catching up to do and I think that we bear a collective responsibility for that. Equality of opportunity is very important and I would like the member to further enlarge on that aspect.

Mr. Gurmant Grewal: Mr. Speaker, it is a very important issue and also a pitiable situation in which our first nations people find themselves. Their living conditions are third world country conditions.

If we look into the overall situation, whether we are talk about the life expectancy, or lifestyle, or income, or suicide rates, or educational level or health care facilities available to them, first nations communities have been ignored for so long that the lack of development which has taken place has caused them to have lesser opportunities available to them to compete in Canada.

We have ignored human rights and property rights issues for too long. I agree with the hon. member that they do not have equal opportunities to compete for success in life. We need to provide them with those opportunities. How can we provide them? Let us look at how governments have treated them over the last 100 years.

In the last 25 years or so, almost a quarter of a century, government has been in the process of negotiating treaties. What has happened? The government has a very tough position in dealing with the treaties. The first nations communities have been negotiating and relying on consultants and lawyers. The federal government is funnelling lots of money but moving at a very slow pace. For 25 years or so, government has accomplished very little.

I am sure the minister has created an institution which helps only the lawyers and consultants. Hundreds of lawyers are working on the treaties on both sides. Why can we not have a straightforward and reasonable approach to providing facilities and opportunities for the first nations that have been suffering for so long?

Funnelling lots of money without accountability is a serious issue. The money does not reach the grassroots first nations people. It does not reach those people who are suffering. It is consumed only at the high or top level. This cycle of continuous dependency and vicious cycle must stop. We must look forward to providing reasonable opportunities for first nations, treat them as equal Canadians, give them equal responsibilities and equal rights. That is the way to go rather than create institutions, bureaucracy, lawyers and consultants.

● (1250)

Mr. Pat Martin: Mr. Speaker, I would like to point out one of the fundamental differences between the Alliance and the NDP in this issue. It is our point of view it is a bastardization of justice to treat unequal people equally. It seems to be a theme that keeps coming up from the Alliance. A former leader of the NDP once said, in dealing with this issue, "It is every man for himself said the elephant as he was dancing with the chickens". That really says it for us.

I will ask a specific question about Bill C-19 and perhaps get a straight answer from the hon. member. Does he really believe that the interruption of these institutions will advance the goal of self-government when in fact the boards of directors of these institutions will be appointed by the minister and any taxation or spending must be at the direction and control of these new institutions which are appointed by the minister?

Mr. Gurmant Grewal: Mr. Speaker, I do not know if the chicken is dancing with the elephant or the dinosaur, but we definitely need to look at this issue more seriously. This is not an issue with which we want to play politics. It is serious and sensitive.

Talking about institutions, they can be sustainable only if they are viable institutions or if they have a base on which they can stand. If the population base is small, the revenue from the property owned by first nations will be small. How will those institutions stand?

To be reasonable, the government has to have a plan which stands on a factual basis rather than a hypothetical situation. Creating a window dressing but not accomplishing anything will not work in this case.

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, Canadian Alliance): Mr. Speaker, for the sake of all of us, and for our listening audience, I want to do a quick review of what the first nations fiscal and statistical management act is all about.

The act creates four institutions: the first nations financial authority; the first nations financial management board; the first nations statistical institute; and the first nations tax commission.

The finance authority, known as FNFA, would issue bonds and provide low interest, long term debt financing for capital projects by collectively guaranteeing the credit worthiness of participating members. The majority of first nations bands will not be able to meet the FNFA membership criteria. For those few bands who qualify to be participants, they must use FNFA financing, even if a more competitive rate were available.

It is also noteworthy that the FNFA is not actually expected to break even until the year 2010. There is no indication to this point as to how much it will cost to set it up and operate it. That is always a concern to members of all parties and especially to those on the opposition side when we have seen the billion dollar boondoggles and a gun registry with escalating costs. Therefore, when these bills come up with no dollar figures in terms of what is required to fund it, we obviously have concerns.

It is likely that members who participate in the FNFA will not be eligible for funding from INAC or infrastructure programs. That is a bit of a concern obviously. The financial management board would provide financial services to first nations and also issue certificates to members that qualify to participate in the FNFA.

Although the priority of the first nations financial management board would be to develop and provide services to first nations and to issue these certificates, its real priority would be that of developing financial management standards to support a comprehensive system of accountability. The FMB, the financial management board, has failed to provide its operating budget estimate. Again, we are left in the dark on the costs.

At present, the Department of Indian Affairs provides professional financial services to band councils. With implementation of the FMB, those services will no longer be required and therefore INAC should save some expenditures by way of that.

The first nations statistical institute would gather and analyze data specific to first nations communities. In the very first three years alone, the FNSI is expected to cost some $13 million. It simply duplicates the services that are already provided by Statistics Canada. Too much of this goes on within government bureaucracy. They overlap and compete in claims in terms of information provided and so on. We do not think that is a good thing in this case either.

The Canadian Alliance does not support allocating resources that create a separate race based institution and we think there is some duplicity in creating this institution.

By creating the FNSI for gathering of statistics, the government is diverting resources that could address some of the other urgent priority needs of first nations populations across the country. There are health and educational needs. In fact, we were in committee this morning and heard how bands were taking resources and diverting them into other areas, away from education. Maybe that is because of the limited resources, at least that would be the explanation of some. We know education is foundational and basic. It is the biggest and most important priority in terms of the development of capacity within first nations communities. Therefore we are not okay with the diversion of funds off into other areas by way of creation of this duplicating body called the FNSI.

The act also proposes to create a taxation oversight body, known as the first nations tax commission, that would grant bands approval to enact property tax systems on reserves.

● (1255)

The FNTC would replace what is currently known as the Indian Tax Advisory Board which has been in operation since 1989. The FNTC would be comprised of six first nations commissioners, three non-native commissioners and a head commissioner. As it is with the FMB and the FNFA, again there is no indication as to what the costs will be for this body or how it will be funded. It concerns us that for three of the bodies thus far there has been no indication of the costs or how they will be funded.

The cost of the first nations tax commission should be maintained by its members. The Canadian Alliance supports efforts that will sustain the economic viability of first nations through the generation of own source revenue. We want to see more of that. Surely, when people generate more of their own revenues, greater accountability sets in and greater answerability is required.

The bill under discussion today would provide limited benefits to a small number of first nations communities at what we think will be a rather substantial cost because a lot of detail has not been provided to us. Our only surmise is that this will be a rather costly kind of proposition.

The bill would authorize first nations communities to tax, borrow and gather data at the expense of other priorities. I know firsthand from reserves in my province and in my constituency that those priorities are health, education and social services.

It is fair to say that infrastructure conditions on reserves are really deplorable. First nations leaders and grassroots members will agree with that. It is wonderful to see that there are exceptions but, regrettably, some reserves have third world conditions which must be addressed as part of INACs approach to economic development.

Supporters of the bill defend, in particular, the first nations finance authority bond issuing scheme by comparing it to the province of British Columbia's successful financial administration act which allows municipalities to collectively guarantee one another's credit worthiness. That would be done among bands, so to speak.

However there is a crucial difference, in that cities can guarantee their bonds with hard collateral assets, whereas section 89 of the Indian Act prohibits bands from leveraging their hard assets as collateral. It is banned, forbidden, verboten. There is a problem with this. It is not a fair comparison at all. It is not analogous to B.C.'s successful financial administration act.

Bonds would receive an investment grade ranking, not because credit agencies have faith in the self-generated earnings of Indian bands, but rather because they have faith in the continued transfers from the government. That is a somewhat depressing thought. We believe that bands should, over a course of time, be able to generate enough earnings on their own.

In order to become borrowing participants in the first nations finance authority, bands would need to meet certain financial criteria. Very few bands across the country are able to fulfill those requirements. The ones that can will already be in a competitive financial position. Bill C-19 does not really help the vast majority of bands in Canada.

The first nations statistical institute would duplicate the work already done by INAC and Stats Canada. Taxpayers should not be expected to fund yet a third set of conflicting and competing data. The primary object of creating FNSI was to provide the necessary data to help formulate first nations community policies. However, rather than creating an entirely new and duplicitous agency, the same objective could be achieved by increasing the accessibility, the accuracy and the transparency of some of the existing data being provided by the other body.

By creating this agency, the Liberals would be once again creating separate race based institutions that fail to provide relief to community members who need it most. For these and other reasons stated today, we cannot be supportive of the legislation. We do not think it is the way to go at this time.

● (1300)

Mr. Ken Epp (Elk Island, Canadian Alliance): Mr. Speaker, I am interested in the bill and in the impact it would have. One of the things it tries to address is the fact that our native citizens are generally unwilling to participate in the Canadian scene when it comes to things like the Income Tax Act or tax collection. They quite regularly boycott attempts during elections to be enumerated and things like that. I understand that even with Statistics Canada they resent the Canadian government going on the reserves to collect data on them.

Some of the measures in the bill, presumably, try to address those issues and to bring those particular agencies a little closer to the people that they are purporting to work with.

I have two questions for the member on that topic: first, does the member have any insight into why this resistance is there; and, second, does he believe that the measures in the bill will address and correct those problems?

Mr. Maurice Vellacott: Mr. Speaker, I have spoken to individuals who have been involved in some of this gathering and gleaning of information over the course of the last couple of years, and one individual in particular, with whom I have had direct conversations, is of first nations origin. Apparently he received a little better reception because he was a first nations person collecting and gathering the data. However, even then there was some reluctance. He indicated to me that his job was not made real easy as he went into some of these situations.

I confess to the member that I do not know the answer to this. One of the answers might be to have more of their own people involved in capturing this information. There may be less suspicion and less reserve on the part of the people who are in the position of providing the information.

I think part of it is the sense of a people apart, an alienation, and wondering if in fact the information will be used against them instead of for them. I think those are the things that make people reluctant to be involved in the process.

I think through economic initiatives and various other things, in terms of their own governing, their own capacity and so on, we can encourage them over time to feel more a part of the full stream of Canadian society, which is what I desire and what I think many in the Canadian Alliance desire. They want native people to do well, to prosper, to succeed, to be full-fledged Canadian citizens and to enjoy all the benefits of this great country.

● (1305)

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 amendment to the amendment. Is it the pleasure of the House to adopt the amendment to the amendment?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

The Acting Speaker (Mr. Bélair): In my opinion the nays 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 government whip, the recorded division is deferred until Monday after government orders.

Ms. Marlene Catterall: Mr. Speaker, I think if you would ask you would find consent in the House to further defer the vote until Tuesday, February 4 at the end of question period.

The Acting Speaker (Mr. Bélair): Is there unanimous consent to further defer the vote to Tuesday after question period?

Some hon. members: Agreed.

GOVERNMENT ORDERS

● (1310)

[*English*]

ASSISTED HUMAN REPRODUCTION ACT

The House resumed from January 29 consideration of Bill C-13, an act respecting assisted human reproduction, as reported (with amendments) from the committee, and of the motions in Group No. 4.

The Acting Speaker (Mr. Bélair): Pursuant to the statement of the Chair made earlier today, when the House resumes consideration of Bill C-13 we will recommence the voting on the motions in Group No. 4, starting with Motion No. 61 and then following sequentially through the other motions in Group No. 4, namely, Motions Nos. 64, 71, 72, 74. 75 and 77.

The question is on Motion No. 61. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

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

(Motion No. 61 agreed to)

The Acting Speaker (Mr. Bélair): The next question is on Motion No. 64. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

Mr. Paul Szabo: Mr. Speaker, I rise on a point of order. You called for the yeas and nays but did not announce who had it. I think that is the signal which would say to members that five members should rise. The Chair just said it was carried. The members heard yeas and nays. I believe the Chair has to say the yeas have it.

The Acting Speaker (Mr. Bélair): I am absolutely sure that I said the yeas have it.

An hon. member: No, Mr. Speaker, you said carried.

The Acting Speaker (Mr. Bélair): To ensure that it is clear, Motion No. 64 has been carried.

(Motion No. 64 agreed to)

The Acting Speaker (Mr. Bélair): The next question is on Motion No. 71. 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 will please say yea.

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Bélair): The recorded division on the motion stands deferred.

The next question is on Motion No. 72. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Bélair): The recorded division on the motion stands deferred.

● (1315)

[*Translation*]

The next question is on Motion No. 74. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Bélair): The recorded division on the motion stands deferred.

[*English*]

The next question is on Motion No. 75. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Bélair): The recorded division on the motion stands deferred.

The next question is on Motion No. 77. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Bélair): The recorded division on the motion stands deferred.

We are now moving to Group No. 5.

Mr. Paul Szabo (Mississauga South, Lib.) moved:

Motion No. 6

That Bill C-13, in Clause 3, be amended by replacing line 31 on page 2 with the following:

"with the applicable law governing consent and that conforms to the provisions of the Human Pluripotent Stem Cell Research Guidelines released by the Canadian Institutes of Health Research in March, 2002, as detailed in the Regulations."

Motion No. 80

That Bill C-13, in Clause 40, be amended by replacing line 5 on page 21 with the following:

"proposed research and the Agency has, in accordance with the regulations, received approval from a research ethics board and a peer review."

Motion No. 81

That Bill C-13, in Clause 40, be amended by adding after line 5 on page 21 the following:

"(2.1) No person may use an in vitro embryo that was in existence before the coming into force of this Act for the purpose of research unless it conforms to the criteria set out in the Human Pluripotent Stem Cell Research Guidelines released by the Canadian Institutes of Health Research in March, 2002, as specified in the Regulations."

Motion No. 82

That Bill C-13, in Clause 40, be amended by adding after line 5 on page 21 the following:

"(2.1) A person who wishes to undertake research involving stem cells from in vitro embryos must provide the Agency with the reasons why embryonic stems cells are to be used instead of stem cells from other sources."

Motion No. 83

That Bill C-13, in Clause 40, be amended by adding after line 8 on page 21 the following:

"(3.1) The Agency shall not issue a licence under subsection (1) for embryonic stem cell research if there are an insufficient number of in vitro embryos available for that research."

Motion No. 85

That Bill C-13, in Clause 40, be amended by replacing line 14 on page 21 with the following:

"licensee or any other individual who is qualified to be a licensee under this"

Motion No. 86

That Bill C-13, in Clause 40, be amended by adding after line 21 on page 21 the following:

"(5.1) Every licence involving deriving stem cell lines from in vitro embryos must include, in the prescribed form, the obligation on the licensee to provide the Agency with samples of the resulting stem cell lines."

Motion No. 88

That Bill C-13 be amended by adding after line 27 on page 21 the following new clause:

"40.1 The Agency shall establish, for in vitro fertilization procedures, limits regarding, but not limited to, the following:

(a) the amount of all drug dosages that may be administered;

(b) the number of

(i) ova that may be harvested,

(ii) ova that may be fertilized,

(iii) in vitro embryos that may be implanted at any one time, and

(iv) embryos that may be cryogenically stored for reproductive purposes; and

(c) the length of time that an embryo may be stored."

Motion No. 89

That Bill C-13, in Clause 42, be amended by replacing line 31 on page 21 with the following:

"42. The Agency shall, in accordance with"

Motion No. 90

That Bill C-13, in Clause 42, be amended

(a) by replacing line 31 on page 21 with the following:

"42. (1) The Agency shall, in accordance with"

(b) by adding after line 38 on page 21 the following:

"(2) The amendment, renewal, suspension or revocation under subsection (1) or section 41 may be appealed."

● (1320)

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, I rise today to provide some clarification on one of the motions seen earlier in our discussions, and that is in relation to conflict of interest. I was not able to be in the House before, and I want to take the opportunity to put on the record clarification in relation to this matter.

Let me say first that I do want to address a misunderstanding that may have arisen about the conflict of interest provisions in Bill C-13. There have been suggestions that removing subclause 26(8) would mean that the bill would not contain any conflict of interest provisions. Members have suggested that if this section were removed, directors of fertility clinics and scientists whose research work involves work on human embryos would not be able to be board members. Let me be clear: This is not true.

Bill C-13 now contains two conflict of interest provisions, subclause 26(8), which this motion would remove, and subclause 26 (9). Subclause 26(9) sets solid conflict of interest requirements for all prospective and serving members of the board. No board member or applicant could hold a licence, be an applicant for a licence or be a director, officer, shareholder or partner of a licensee or applicant for a licence. These requirements are stringent and, I submit, appropriate. Board members will be addressing a number of profound and challenging issues. Canadians must be satisfied that they are doing their work free from conflicting interests. Subclause 26(9) provides that assurance.

Let me lay out for my hon. colleagues why the conflict of interest provisions in subclause 26(8) do not serve the interests of this House or of Canadians. Subclause 26(8) simply goes too far in excluding potential board members, far beyond genuine conflict of interest concerns. Its wording is imprecise and the ramifications of this imprecision likely go far beyond what members of the standing committee intended. If subclause 26(8) remains as it now stands, it will exclude from board membership whole classes of people from most backgrounds and disciplines. This would include ethicists, university professors, doctors, nurses, counsellors and their spouses, whether or not they personally have anything to do with assisted human reproduction.

Subclause 26(8) states that no board member

> shall, directly or indirectly, as owner, shareholder, director, officer, partner or otherwise, have any pecuniary or proprietary interest in any business which operates in industries whose products or services are used in the reproductive technologies regulated or controlled by this Act.

The breadth of exclusions implied by subclause 26(8) has no precedents in federal legislation. It does not apply only to those with an interest in businesses that deal with licensees. Rather, it would apply to anyone with an interest in any business that operates in industries whose products or services are used by licensees.

Let us consider the types of products and services that an IV clinic might utilize. There are all the obvious basics: water, electricity, office furniture and office supplies. There are all the maintenance services for these items: electricians, plumbers and IT support. Try to find a doctor's office that does not use phones, Canada Post and courier services. Then there is the whole gamut of professional services: ethicists, accountants, lawyers and science advisers. There are suppliers of scientific and medical equipment. If any one IV clinic uses IT support services, subclause 26(8) would ban from serving on the board anyone who had any interest in any business whatsoever that provided IT support services. The whole industry is excluded because one business provides services. Is that truly what we want? Is that truly in the interests of Canadians?

● (1325)

It has been suggested that retired judges would be ideal candidates for this board. This is a worthwhile suggestion, but let us look at how subclause 26(8) might apply. Many retired judges undertake activities such as mediation or are called upon to provide advice to charities, government commissions or companies. Any retired judge who has done this, however small his or her honorarium, would be excluded from board membership because retired judges are lawyers, and lawyers work in an industry whose services are used by licensees. Also, any retired judges whose spouses are nurses, academics or employees of any other business might be caught in the enormous net of subclause 26(8) and they would also be excluded.

Members have also suggested that retired university professors would make valuable board members. Again this is a perfectly reasonable suggestion, but universities provide services and perhaps products to licensees, such as ethical advice, scientific support and so forth, and likely at least one university professor somewhere in Canada will be a licence holder, so any professor drawing a salary from a university or any retired professor drawing a pension from one would be excluded from serving on the board because they work or worked at an institution in an industry whose products and services are used by licensees.

The wording of subclause 26(8) is imprecise and too broad. Its application is potentially so broad that it would be very difficult to find anyone who could sit on the board. That is surely not what the standing committee intended, because of course the standing committee very eloquently spoke about the importance of this board to Canadians and to the safety of Canadians.

In contrast, subclause 26(9) is very clear. It would allow for no confusion about who could and could not be eligible for board membership, and who could and could not be appointed. That is how to have a transparent and accountable board that is free from any conflict of interest, and that is how to best serve the interests of all Canadians and all those who turn to fertility clinics in this country.

● (1330)

Mr. Rob Merrifield (Yellowhead, Canadian Alliance): Mr. Speaker, it is indeed my pleasure to speak on this group of amendments. I would like to follow up on some of the comments the minister made, because obviously we are looking for the right legislation that will guide the agency in the future. The agency is perhaps the most important piece of the bill, because it will be deciding on how far we will go as a nation, on the ethics of the nation, and on what we will allow our scientists to do research on and when we will say hold it, that is going too far. In essence it will be drawing the line in the sand between what we see as being appropriate and not appropriate.

Excitement was caused because of remarks and some of the amendments with regard to the agency and who would sit on the agency. This becomes a very important issue. The minister thinks it is too broad. The minister thinks that if we put in this amendment it would be so broad that it would eliminate anyone, even a plumber or an electrician who might work in one of the facilities. That is truly not the intent and it was not the intent of the committee. It all comes down to how it is applied. That is true with so much that happens in this country in law: it is how the law is applied.

If only the minister would take the committee's recommendations and understand that our concern was that the agency has to be above reproach. It has to capture the confidence of the nation if it is going to deal with these ethical issues. If it is going to do that, then we must have in place some limits as to who sits on the board. We must we make sure that they are appropriate people and there is no conflict of interest of any kind. An appropriate position, if the minister feels that this is too broad, would be to amend it to make it somewhat narrower but not to open it wide, and I would suggest that this is where we are at right now.

I have 10 minutes and there are a lot of amendments, but I want to talk about the agency a bit because it is very important. I have just mentioned the makeup of the agency, but because the makeup of the agency is quite important we also have to decide on what the agency is and is not going to allow.

Motions Nos. 88, 89 and 90 are about these differences, about what some of the limits should be and where the line should be drawn for the agency with regard to infertility clinics, such as how many eggs should be harvested.

We have the example that from a woman hyper-ovulated for in vitro fertilization there can be as many as 30 eggs. Should those 30 eggs all need to be fertilized to be able to impregnate? The intent is to impregnate the individual who has difficulty having a child, so how many times should this be allowed? Is it in the best interests of the individual? Do the people have all the information available when they undergo this procedure? It is a very costly procedure, costing $5,000 to $6,000 per procedure. Should there be limits on the number of eggs that are allowed to go into a womb at one particular time? Some witnesses said that two should be the limit. Others said that there are examples of up to seven at one time; hopefully one, two, three or four will catch and they will just abort the others. There should be some guidelines in that area.

The lines that are drawn become very important, so I think it is appropriate that there are amendments in these areas to give the agency some clear direction as to where it should go. As a society, we are crossing a line we have never crossed before. We are crossing a line to where we are taking not just material, not just cells, but human life, growing it in a Petri dish and destroying it in order to, hopefully, create cures down the road.

That brings me to the other subject, because I have spoken with some of these individuals who have great hope in these cures. I have spoken with them in my office in depth over the last two years as we have tried to discern this legislation and how we should proceed. Some of them were with the Parkinson's society, for example, and have great hope because of the media and a lot of the scientists saying that great cures can be found in this area. I would say that some are false hopes.

● (1335)

Yet we have seen actual cures in Parkinson's from adult stem cells, not embryonic stem cells, even in the last year. Our caution in this legislation is to pull back for three years on the embryonic side to allow for non-embryonic stem cell research. This would give scientists an opportunity to move a little further down this road. I do not say that because a Parkinson's patient or a leukemia patient was cured last year by non-embryonic cells from an umbilical cord. I say it because we had startling experiments last summer on bone marrow stem cells. It is suspected that bone marrow stem cells can be turned into any organ in the body.

That is the whole drive for the embryonic stem cell. The argument for going with the embryonic stem cell is that it is elastic. Its elasticity will allow it to grow any organ in the body. The problem is they cannot trigger it so the elasticity of it is also a problem because it can grow into anything, and it usually does. That has been the experiment in animals. Brains, hair and gut grow in the same cells and it creates a tumour rather than being triggered to grow into the appropriate organ.

There are two pluses in adult stem cells. First, there is no ethical dilemma in taking bone marrow stem cells. Second, then they can be injected back into the body and this require no anti-rejection drugs. There is a double positive outcome from using non-embryonic stem cells. Patients injected with embryonic stem cells will be on anti-rejection drugs for the rest of their lives. There is a tremendous opportunity on the embryonic side for the pharmaceutical industry because it would have to provide those anti-rejection drugs.

The only other way to get around that is to go to therapeutic cloning and the bill prohibits that. The whole idea of cloning is repulsive. There has been a lot of talk over the last while about the Raelian cult which supposedly has cloned up to three individuals. We have yet to hear whether that has been a media ploy or whether it has actually happened. It really does not matter. The point is we have no law to prohibit it so we encourage that this go forward. However we hope that all members will seriously look at some of the amendments to make this legislation the best in the world. Canadians deserve that.

The United Kingdom has worked under an agency and regulatory framework for the last decade. However it can be a very slippery slope when a nation gets to the point where it is prepared to destroy human life for research. The UK now has opened it up to therapeutic cloning where stem cells can be used solely for the purpose of research. Instead of putting leftover stem cells in a freezer, as this bill would deem necessary, they are created fresh because there is only about a 2% to 5% success rate in the thawing process or growing them in a Petrie dish, which this bill would allow for use in research.

If we pass the bill the way it is, three years from now, when it is reviewed, we will have scientists coming to us and telling us it is unethical that so many of these cells die in the process so they should be able to use them fresh. That is the very slippery slope we are on now. The next step will be reproductive cloning which will come right on its heels. Who knows where this will go? We have some examples from Great Britain over the last decade.

It is very important that we seriously and soberly look at the word necessary in this legislation. The legislation says that only if it is necessary will we get into embryonic stem cell research but we do not define “necessary”. It is a blank cheque.

At committee, I asked Dr. Bernstein, the president of the Canadian Institutes of Health Research, what he would see as being not necessary for research and could not he give me an example of that. He said that he did not know. That means it is all necessary. If it is all necessary then it is a blank cheque. We had better think seriously before we accept this legislation the way it is.

● (1340)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, all these motions are mine so I should address each one of them. I would like the member for Winnipeg North Centre to have the last slot before question period.

The first motion, Motion No. 6, seeks to amend the definition of consent so that the informed consent will detail all of the consent provisions as outlined in the Canadian Institutes of Health Research guidelines, and they are very exhaustive. Currently the bill just says informed consent or consent is as we generally understand in the laws of Canada. Consent, in regard to consent that I know what is going on and all the other details, is far more detailed. I ask members to please consider allowing these guidelines, or what constitutes consent, to be incorporated into the bill so that there is no question that those who want to donate gametes, or have treatments or have embryos used for research will know to what they are consenting.

The second motion is Motion No. 80. It deals with the concept of necessary, as mentioned by the previous speaker. The health committee decided it wanted to define necessary or to say that necessary would be that there was no other ethical alternative to using embryonic stem cells which would achieve the same research objective; in fact not to use embryonic stem cells unless it was the last resort.

Motion No. 80 is precisely what the CIHR guidelines say. I have suggested we put in that the informed consent should incorporate those guidelines and should also require the approval of a research ethics board, those who know that it is all about ethics and would give their approval. Second, there should be a scientific peer review so that people who are in science and in the business would give their blessing that this is useful, constructive research.

Motion No. 81 has to do with the issue of pre-existing embryos, which is very important. Today, Dr. Françoise Baylis, in a abstract article in the *Health Law Review*, says that there are approximately 500 embryos in Canada that are stored in infertility clinic banks cryogenically. Of those, only about 250 would be available for research. Of those 250, only half would survive the thawing process. In other words, only 125 would be alive after being thawed out. Of the 125, Dr. Baylis then goes on say that only about 9, in their experience, would actually be able to generate stem cell lines that would be identifiable. Of that nine, only about half, or five, would actually develop stem cell lines which would be of a quality that would be useful for research. In summary, only 5 of 500 embryos would be useful for scientific research. How outrageous that we would destroy 495 lives so that we could get 5 stem cell lines. That is absolutely outrageous.

The motion deals with pre-existing embryos. It says that those pre-existing embryos cannot be touched unless all of the informed consent provisions that are currently in the CIHR guidelines have been complied with. The bill is silent on the status of pre-existing embryos, embryos that exist before the bill comes into force. We need some guidelines on what happens to those human beings that presently exist but are frozen.

Motion No. 82 basically says that if researchers applies for an application to use embryos for research, they have to provide the reasons why they are choosing embryonic stem cells and not another source of stem cells. The onus is placed on the researcher. Presently the bill puts the onus on the agency somehow to determine that. It should not try to glean or guess what the researcher wants to do. The researcher should have the onus on demonstrating that they can only use embryonic stem cells not other stem cells.

Motion No. 83 deals with how many embryos are out there. Dr. Baylis has been hired to do a survey of the 24 infertility clinics in Canada to determine how many embryos are out there. Her work is being funded by the Canadian stem cell network and it is funded by the Government of Canada. Therefore we are doing a survey on how many embryos are out there.

● (1345)

Dr. Françoise Baylis believes that there are not enough embryos out there to sustain meaningful research. My motion says that if there is a conclusion that there are not enough embryos out there to do meaningful research, then no licences should be granted to do any research on any embryos. We need those for people to have children. We should not use them for research. No human being should be created or destroyed as part of an experiment.

Motion No. 84 says that there should be no licence without consent of the gamete providers or the embryo provider, unless it is in accordance with the CIHR guidelines. I would be happy to provide members with a copy of those guidelines.

Motion No. 85 says that if the applicants are not people, because a company or an agency could get an licence, they have to designate a person who would be responsible for responding or who would be accountable and to whom they could talk. My motion would say that a person still must be a person who would qualify to be a licensee in his or her own right. We cannot just have anybody getting a licence to play around with human embryos.

Motion No. 86 would let us establish a stem cell bank. It means that if any researchers produce stem cell lines, that a copy of these very replicative stem cell lines can be donated back, as a condition of licensing, to the agency. Should it patent its stem cell lines, the agency still has, not subject to patent, stem cell lines that it could share with other researchers so that it could continue the research and reduce the number of embryos that would have to be destroyed to get more stem cell lines.

Motion No. 88 basically establishes limits. This is a women's health issue for me. It has to establish limits on how many drugs can be given to women. Right now, Dr. Baylis, other doctors and medical professionals who came before the health committee said that we were already drugging women to the max. These drugs are like chemotherapy to women. It changes their bodies and makes them hyperovulate so that they make available many more eggs than just the one they normally would produce every month. Now they are harvesting as many as 25 eggs, when probably only 10 would be absolutely necessary for reproductive purposes for IVF, which means that implicitly they must be producing surplus embryos for research. The bill says that eggs cannot be produced for research, but it is happening anyway.

We need to prescribe limits on how many eggs can be harvested, how many eggs can be fertilized and how many eggs can be implanted. They are implanting, for example, five to seven embryos in a woman who wants IVF. If more than one gets implanted and takes, then they do a fetal reduction. They go in and kill that implanted embryo because the party only wants one child, not two. We are implanting too many embryos into women. We have to set limits. Right now the experts say that it probably only takes three or four, based upon the level of technology that they have right now. We should have limits. It is a women's health issue. It is a life issue. It is a moral and ethical issue.

Motion No. 89 basically changes a word from "may" to "shall". I do not believe that this should be optional. We either do something or not. Members might want to look at the issue. I believe it should be mandatory, that we shall do something.

Finally, Motion No. 90 adds a clause which basically says that certain decisions made by the agency may be appealed.

I believe I have kept within my time so that the hon. member for Winnipeg North Centre can have ample time to make her points. I thank the members for their interest and I ask for their support on the motions in this group.

● (1350)

Mr. Ken Epp: Mr. Speaker, I rise on a point of order. I believe the mover of all these motions referred to Motion No. 84, but if I am not mistaken, you did not call Motion No. 84. I would like to have a verification of that.

The Acting Speaker (Mr. Bélair): Order, please. The hon. member for Mississauga South was right in talking about Motion No. 84. Another mistake has been made. It was not included in the Group No. 5 motions that I read just before this debate started. I will do it now.

Mr. Paul Szabo (Mississauga South, Lib.) seconded by the member for Souris—Moose Mountain moved:

Motion No. 84

That Bill C-13, in Clause 40, be amended by adding after line 8 on page 21 the following:

"(3.2) The Agency shall not issue a licence under subsection (1) for embryonic stem cell research unless it has received the written consent of the original gamete providers and the embryo provider in accordance with the Human Pluripotent Stem Cell Research Guidelines released by the Canadian Institutes of Health Research in March, 2002, as specified in the regulations."

The Acting Speaker (Mr. Bélair): I thank the hon. member for Elk Island for pointing this out. To the hon. member for Mississauga South, Motion No. 84 is now included in Group No. 5.

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, I believe that Group No. 5 gives me the opportunity to comment on what constitutes the Bloc Quebecois' main concern regarding Bill C-13.

With the sense of responsibility that has always characterized our party, we will vote in favour of Bill C-13. We understand it is important to put this ambiguity to rest and end the legislative vacuum that made practices such as cloning possible, such as those that gave us a scare right before the holidays.

We cannot ignore the fact that Bill C-13 clearly interferes in an extremely important area of provincial jurisdiction, that being health, of course.

I would like to inform the House that the very likeable and engaging Minister Legault sent a letter to the Minister of Health. Incidentally, he is one of the best ministers ever to have held this portfolio. Minister Legault indicated that the creation of the Assisted Human Reproduction Agency of Canada, with an operating budget of $10 million, is a significant encroachment on provincial jurisdiction.

I tried to tell the minister and the parliamentary secretary that we could very easily have split the bill in two. The Bloc Quebecois would have been very happy to vote on this matter a few weeks, a few months or even a few years ago. The member for Drummond had introduced a bill on this matter as early as 1995.

We could have dealt with a bill consisting only of sections 5, 6, 7 and 8 on the 13 prohibited activities, including cloning. That could have been the crux of the bill. But, unfortunately, in keeping with the Romanow report, the government has decided to use health to do some nation building.

If the Assisted Human Reproduction Agency of Canada is established the day after the bill is passed, we will have identified 14 fundamental pieces of legislation for Quebec under which there would be very serious discrepancies.

This is true for the Civil Code. The Civil Code bans compensating a surrogate mother, even with receipts and for any reason. In Bill C-13, surrogate mothers could be compensated under certain conditions with, of course, supporting documents.

This is not consistent with Quebec civil law. The government is using its power under section 91(27) of the Criminal Code to intervene.

It is inconsistent with Quebec's Civil Code and also with its Bill 112, an act respecting health services and social services. If Bill C-13 were passed, all the conditions governing where assisted reproductive technology services can be provided will be subject to additional regulation, and have to be recognized by the national assembly under Bill 112.

Mr. Speaker, I sense your impatience. When you get impatient, we all get a bit jumpy. Therefore, I will stop here with the knowledge that you will recognize me later.

STATEMENTS BY MEMBERS

● (1355)

[*English*]

VOLUNTEERISM

Mr. John Harvard (Charleswood—St. James—Assiniboia, Lib.): Mr. Speaker, I would like to take this opportunity to congratulate one of my constituents, Mr. Bob Harvey, for his outstanding efforts on behalf of the Canadian Executive Service Organization.

Mr. Harvey is currently in Jelgava, Latvia, working with a government owned health insurance company to assist with the development of new health care legislation. Mr. Harvey has also been conducting seminars on health care issues and to emphasize the need for improvements to the Latvian health care system.

Bob Harvey, a dedicated hardworking volunteer, is typical of the Canadian Executive Service Organization. Volunteers such as Mr. Harvey are truly outstanding Canadians.

* * *

MARINE TECHNOLOGY COMPETITION

Ms. Val Meredith (South Surrey—White Rock—Langley, Canadian Alliance): Mr. Speaker, I would like to acknowledge the accomplishments of three teenage constituents of mine who placed third at a marine technology competition held at the Kennedy Space Centre last fall.

Sisters Beckie-Anne and Sarah Thain, and Virginia Davis have now qualified for a June competition at the Massachusetts Institute of Technology against high school and college teams from across the United States.

These three girls, who are only 14 and 15 years old, designed and built a remotely operated vehicle and at MIT will have to pilot their craft through a scale model of the *Titanic.* Such innovation is truly remarkable in people so young. It is an indication of the potential that Canadian youth possess.

In the House we often hear stories of the negative side of Canadian youth and it is truly a pleasure to acknowledge the positive efforts of these three young women.

I am sure all my colleagues will join me in wishing Beckie-Anne, Sarah and Virginia the best of luck in the MIT competition in June and in expressing our pride in their accomplishments thus far.

* * *

● (1400)

NATIONAL PARKS

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, like others, I was delighted that the Speech from the Throne committed to create 10 new national parks and five more marine conservation areas. It also committed to the expansion of three existing parks and an expansion of parks funding.

For a number of years I have been pressing for measures of this type. I have taken a particular interest in marine parks, as we Canadians are custodians of an undersea area equivalent to 50% of our huge land mass.

I rise now to commend the government and its commitments in the Speech from the Throne and to urge that they be fully funded in the budget. As Canadians we have a very special responsibility for a huge and diverse area. Let us live up to those responsibilities.

* * *

[*Translation*]

COMMUNITY ACCESS CENTRES

Mr. Yvon Charbonneau (Anjou—Rivière-des-Prairies, Lib.): Mr. Speaker, it is my pleasure to announce the opening of seven community access centres in the federal riding of Laurier—Sainte-Marie to the tune of $119,000.

The community access program, which has been in operation since 1995, has funded more than 8,800 community access centres in Canada.

This program, implemented in cooperation with community organizations, the private sector and provincial and municipal governments, provides thousands of Canadians with affordable Internet access in places such as schools, community centres and libraries.

This program is also part of the federal government's Youth Employment Strategy.

Our community partners are essential to the success of this program. They help us not only by identifying the needs of the community in terms of information technologies, but also by acquiring resources, expertise and the sponsorships needed to set up and operate the centres.

We applaud them for their commitment.

* * *

[*English*]

SUPER BOWL 2003

Mr. Roy Bailey (Souris—Moose Mountain, Canadian Alliance): Mr. Speaker, there were an estimated one billion TV viewers of Super Bowl 2003 which featured at least two touchdowns scored by Canadians. Canadian superstar Céline Dion scored her major touchdown before the actual game began with her beautiful rendition of *God Bless America.* The second major touchdown was scored by Shania Twain, the Canadian superstar who led the halftime show.

Despite the orchestrated rhetoric that has bellowed out from some politicians and some Canadian news sources continually criticizing the United States, the producers of the Super Bowl ignored the insults and chose the world's best for this world class event.

Our thanks to the producers of the Super Bowl who looked for and used the recognized world's best: Canadians.

S. O. 31

WORLD JUNIOR HOCKEY CHAMPIONSHIPS

Mr. Tony Tirabassi (Niagara Centre, Lib.): Mr. Speaker, I rise today to pay tribute to the young men who so admirably represented Canada in the World Junior Hockey Championships in Halifax and Sydney, Nova Scotia from December 26 to January 5. Under head coach Marc Habscheid, Team Canada became stronger and stronger throughout the tournament proving that they were the team to beat. Although they fell short of their own expectations of gold, the rest of Canada was cheering them as they won the silver medal with hard work, true grit and determination.

One of my constituents, left winger Daniel Paillé from the city of Welland, was a member of this truly successful team. I know that he will display his silver medal with great pride.

Please join me in congratulating the entire team on their outstanding performance.

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ANTONIA STIRPE

Ms. Judy Sgro (York West, Lib.): Mr. Speaker, I rise today to pay tribute to Mrs. Antonia Stirpe, a longtime resident of York West who recently passed away.

As a young woman, Antonia came to Canada from Italy. She was married to Emilio for 67 years. Together they raised four children, Elisa, Franco, Maria and Bruno. She lived to take pleasure in her 12 wonderful grandchildren and her 18 great grandchildren.

Antonia was a proud Canadian. Like so many immigrants, she loved her adopted country and raised her children with the same sense of loyalty, humility and pride.

A modest and hardworking woman, Antonia was beloved by all who met her. She was a lively member of the Italian community and always took part in the activities organized by the Italian-Canadian groups and her family.

Sadly, Antonia was stricken with Alzheimer's for the past 15 years.

She will be missed by her family, her friends and by all those who knew her. Please join me in conveying our deepest regrets.

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● (1405)

[*Translation*]

CANADA LABOUR CODE

Ms. Monique Guay (Laurentides, BQ): Mr. Speaker, by refusing to amend the Canada Labour Code to ban the use of scabs, the federal government continues to say no to civilized negotiations during labour disputes.

The Prime Minister says he is using the legislation in Quebec as a model to correct the weaknesses in the political party financing legislation; he should apply the same approach to the Canada Labour Code and include anti-scab measures, which have existed in Quebec for more than 25 years.

I would like to remind the Prime Minister that in 1990, when his party was in the opposition, he had supported the Bloc Quebecois initiative calling for the implementation of such a measure.

Anti-scab measures in the current labour market are not a luxury; they are a necessity that would encourage greater openness during labour disputes like the ones going on at Cargill, Vidéotron and Radio-Nord.

It is high time for this government to put words into action. Workers can count on my determination and the determination of the Bloc Quebecois to remind the government of this.

* * *

HEART DISEASE AWARENESS MONTH

Mr. Jeannot Castonguay (Madawaska—Restigouche, Lib.): Mr. Speaker, it is a pleasure for me to inform the House and Canadians that February is Heart Disease Awareness Month.

Heart disease, the leading cause of death in Canada, is responsible for 36% of all deaths in Canada, approximately 80,000 Canadians, each year. This is a terrible toll.

Health Canada is proud of its 15-year collaboration with the Canadian Heart Health Initiative, the Heart and Stroke Foundation, the Canadian Coalition for High Blood Pressure Prevention and Control, and numerous other organizations dedicated to encouraging healthy living for Canadians.

By eating right, keeping physically active and not smoking, we can control the major risk factors and prevent or slow down the onset of this disease.

By working together, we can reach our objective of eliminating this modern epidemic of heart disease and improve the quality of life of all Canadians.

* * *

[*English*]

DR. GARNET REYNOLDS

Mr. James Lunney (Nanaimo—Alberni, Canadian Alliance): Mr. Speaker, on January 28 British Columbia lost one of its finest citizens and a great Canadian. Dr. Garnet Reynolds served the community of Port Alberni for over 50 years.

First and foremost, he served his patients through his chiropractic practice, but he also served 12 years as city alderman, as chairman of the Harbour Commission, and had 30 years of perfect attendance at his Rotary Club. He was an active member of St. Alban's Anglican Church and a Sunday school teacher. An executive member of the Royal Canadian Legion, he was often MC of Remembrance Day services.

Dr. Reynolds served Canada in the King's Own Calgary Tank Regiment. He took part in the raid on Dieppe in 1942. He served as a tank commander in the Sicilian and Italian campaigns.

As one of the first graduates of the Canadian Memorial Chiropractic College in Toronto in 1950, Garnet became a leader in his profession. He served on the board of the CMCC as well as the B.C. and Canadian Chiropractic Associations.

Garnet and Mildred were blessed with sons Larry, Terry and Leslie, and daughter Rhonda.

Awarded Young Citizen of the Year in 1954, recipient of the Queen's Golden Jubilee Medal in 2002, a life of exemplary service, he was one extraordinary Canadian.

* * *

QUEEN'S JUBILEE MEDAL

Mr. Mac Harb (Ottawa Centre, Lib.): Mr. Speaker, I am pleased to rise to congratulate four recipients from Saskatoon of the Queen's Golden Jubilee Medal. The medal recognizes the achievements of individuals who have made an outstanding contribution to their community and to society as a whole. Four well known members of the Saskatoon business community were honoured for their achievements.

I wish to congratulate: Russel Marcoux, the CEO of the Yanke Group of companies; Betty-Ann Heggie, senior vice-president of corporate relations at Potash Corp. of Saskatchewan; Jack Brodsky, president of the Saskatoon Blades; and Kent Smith-Windsor, executive director of the Saskatoon Chamber of Commerce.

All of these individuals have contributed greatly to the Saskatoon community and to Canada, and I ask the House to join me in congratulating them today.

* * *

● (1410)

HEALTH

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, the first minister's meeting on health care is less than a week away and Canadians are already starting to see their hopes for public health care dashed.

The evidence-based, thoughtful and comprehensive Romanow report is being swamped by the rabid rhetoric that has been the trademark of previous federal-provincial meetings.

Canadians want the landmark Romanow package, their package, on the table. They want to see their leaders deliver a strategy for implementing Romanow so that we can get on with shortening waiting lists, adding home care and pharmacare, improving patient care coordination, and most importantly stopping the siphoning off of tax dollars to for profit investor owned services.

Public support for Romanow has been overwhelming. A Canadian Health Coalition petition has already collected nearly 40,000 signatures. Today, New Democrats call for constructive leadership from all sides and a concrete Romanow offer from the federal Liberals and the Government of Canada.

This is a time to strongly defend core Canadian values. It is the time for cooperation, not competition and power politics. The prescription is for Valium, not Viagra.

S. O. 31

[*Translation*]

QUEBEC GOVERNMENT INVESTMENTS

Ms. Jocelyne Girard-Bujold (Jonquière, BQ): Mr. Speaker, it is a great pleasure for me to highlight the announcement, made yesterday in the presence of Quebec's premier, Bernard Landry, of a new Alcan initiative for various projects that will create 420 jobs in Saguenay—Lac-Saint-Jean.

This good news represents a $60 million investment to build a potlining centre adjacent to Alcan's new smelter in Alma and the creation of 200 jobs.

Furthermore, the Dubuc Works has a $45 million contract to produce 14,000 metric tonnes of busbar for the Alouette smelter in Sept-Îles and will become a global leader in busbar production.

Finally, CGI Group's $170 million contract will maintain about 100 jobs and create another 60.

These announcements show the positive effects of various Quebec government policies to support the aluminum valley in Saguenay—Lac-Saint-Jean.

Quebec's premier, Mr. Landry, promised that he would visit us again soon, and we cannot wait.

* * *

[*English*]

ORGAN DONATIONS

Mr. Steve Mahoney (Mississauga West, Lib.): Mr. Speaker, my friend, Hector Clouthier, tells me that his former hockey coach, Bill Higginson, has had a liver transplant. Mr. Higginson has had an illustrious career in sports, journalism, politics and volunteerism.

Coach Higginson is alive today because, as he says, some caring, compassionate Canadian signed the Multiple Organ Retrieval and Exchange Program, right here, better known as MORE. The MORE program was set up in 1988 to allow for quick, fair allocation of donated tissues and organs. As a result, Bill will be here next month to see his first grandchild born.

Coach Higginson is right on when he encourages us all to sign a donor card by saying “do not take your organs to heaven, heaven knows we need them here”.

We thank Bill for those wise words and wish him a speedy and full recovery.

* * *

NATIONAL SECURITY

Mr. Rex Barnes (Gander—Grand Falls, PC): Mr. Speaker, in 1949 Canada attracted one of its greatest assets, a fact that seems to escape the Liberal government.

Whether it is the mismanagement of our fisheries, lost revenues from our oil or the erosion of our air transportation services, the government continually demonstrates its vision of Canada does not include my province of Newfoundland and Labrador.

I rise in this place today to remind the Minister of Transport that Canada's borders extend beyond Nova Scotia. The minister's plan to improve port security leaves out 17,000 kilometres of coastline found in Newfoundland and Labrador. This gross omission is not only insulting but leaves the entire country at risk.

The minister did not forget Newfoundland and Labrador when he diverted planes on September 11. The people of my province rose to the occasion, heeded the call and did Canada proud. This oversight represents a gap in North American security. How can the government be so shortsighted on such an important issue as the safety of Canadians?

I call on the Minister of Transport to include Newfoundland and Labrador in the new port security measures.

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QUEEN'S JUBILEE MEDAL

Mrs. Betty Hinton (Kamloops, Thompson and Highland Valleys, Canadian Alliance): Mr. Speaker, it gives me great pleasure today to announce the members of my riding association and constituency who were the recipients of the Queen's Golden Jubilee Medal presentations.

Among them were Erin Gammel, a youth swimmer; Cheryl Thomas, a community volunteer; Walter McKague, a community volunteer; Terry Shupe, a judge and patron of the arts; Linda Jules for her art leadership; Kevin Jardine; Allan Manual; Bridget Jensen; Marg Marshall; Mike Puhallo; Isabel Hopcott; Patricia Wallace; Daniel Boughton; Henk Groenevelt; Private Daniel Holley; Master Corporal Duane Russell; Corporal Jason Williams; Corporal Trevor Fehr; Corporal Erin Doyle; and Master Corporal Jeff Spence; all soldiers who served in Afghanistan on behalf of Canadians.

ORAL QUESTION PERIOD

● (1415)

[*English*]

IRAQ

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, today a group of European nations, including Italy, Poland, Hungary, Spain, Portugal, Denmark and the Czech Republic, has issued a declaration declaring support for the multilateral coalition of nations led by Australia, Britain and the United States pursuing the unconditional disarmament of Saddam Hussein. Their declaration states:

> We must remain united in insisting that his regime is disarmed. The solidarity, cohesion and determination of the international community are our best hope of achieving this peacefully. Our strength lies in unity.

Is the government now prepared to unequivocally join and support this coalition of nations?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, the government is unified on one position and that is that the United Nations is the final determinant as to whether or not action should be taken in Iraq. It was this party and this Prime Minister that led the way by supporting the UN, and subsequently Mr. Bush and the Americans followed that view.

I should think that the hon. Leader of the Opposition should be proud of the government's leadership on this issue.

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, no Canadian can be proud of a position he or she cannot even figure out.

Today's declaration from the European leaders also warns about the lack of resolve of certain UN Security Council members. It states:

> We cannot allow a dictator to systematically violate those Resolutions. If they are not complied with, the Security Council will lose its credibility and world peace will suffer as a result.

Does the government share these views and has it conveyed them on behalf of Canada to all wavering members of the Security Council?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, the terms and conditions of resolution 1441 are clear and the Government of Canada supports them. I do not know why the hon. Leader of the Opposition continues to take the position he does.

He should be standing with the government in this united position, supporting UN action, and letting the inspectors do their job rather than coming into the House and being so precipitous with his questions.

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, this party is never going to sit proudly on the fence like that party seems to.

British Prime Minister Tony Blair is scheduled to travel to the United States shortly to meet with President Bush. World leaders are meeting face to face to determine the most appropriate next steps for dealing with Saddam Hussein.

Is Prime Minister Blair stopping in to see the Prime Minister in Canada? Is our Prime Minister travelling to meet President Bush? Is Canada on the inside of any of these discussions?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, I think the Prime Minister has said a number of times that he has been in communication with world leaders, including President Bush and Mr. Blair. We do not need face to face contact to exchange our views. Mr. Bush and Mr. Blair know what Canada's position is and I believe they respect our position.

Mr. Stockwell Day (Okanagan—Coquihalla, Canadian Alliance): Mr. Speaker, I would like to share a direct quote with the House. It states:

> While some may see Saddam's lack of compliance as technical violations, anyone familiar with the destructive capability of these weapons would see these violations for what they are; material breaches of the so-called last chance United Nations resolution 1441.

These are not the words of George Bush or Tony Blair or the Leader of the Opposition. These are the words of the Prime Minister's own national defence committee chair.

Will the Prime Minister please tell us, and a simple yes or no will do, does he agree with his own defence committee chair that Saddam Hussein is in material breach of the United Nations resolution?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, when asked Tuesday about the issue of military deployment to the Persian Gulf, the Leader of the Opposition said, "You cross these bridges when you come to them". That was January 28 in a scrum outside of the House.

The same day the same member who posed the question, the former leader, the foreign affairs critic, issued a press release calling on the government to deploy Canadian Forces to the Persian Gulf. Does he agree with his leader?

● (1420)

[*Translation*]

Mr. Stockwell Day (Okanagan—Coquihalla, Canadian Alliance): We still do not have an answer, Mr. Speaker. The Prime Minister is isolated not only from his own caucus but also from the rest of the world.

Today, a huge multilateral coalition of nations announced its support for the coalition that includes Australia, Great Britain and the United States to disarm Saddam Hussein. This new coalition includes Spain, Italy, Portugal, Hungary, Poland, Denmark and the Czech Republic.

Why is the Prime Minister refusing to admit that his policy, which consists of waffling, isolating and embarrassing Canada on the—

The Deputy Speaker: The hon. Minister of Transport.

[*English*]

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, in preparing for question period, I noticed that the Leader of the Opposition, who in the House in question period poses as someone who is committed to some firm action, seems to change his mind from time to time, apparently. Last night, under questioning from my colleague, the Minister of Foreign Affairs, about whether he was committed to war, he said, "We will make our judgments on the facts at that time", after Secretary Powell and Hans Blix make their reports. Talk about consistency.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, yesterday, on behalf of the Bush administration, the U.S. Ambassador to Ottawa sent a clear message to the Canadian government: the Bush administration wants Canada to take part in a war against Iraq even if there is a veto in the Security Council. That is what he said yesterday.

I am asking the government what Canada will do. Will it say yes to the United States under these conditions, under these circumstances, or will it respect the United Nations?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, the hon. member knows very well that we are following the United Nations process. We support the resolution and the process led by Mr. Blix. That is the position of this government.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the government's position is far from clear. What I am asking is, if the veto power is exercised, will the government respect this veto power or will it override it to answer the call of the United States.

The public is worried and has the right to know the position of the government. It should assume its responsibilities and tell us it will stand by the United Nations and there will be a vote in this House. What will the government's position be?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, we are waiting for the end of the inspections process led by Mr. Blix. We are waiting for his report and then we will make a decision.

It is clear that we are following the United Nations process. We respect the international process and I hope that the Bloc Quebecois will support the leadership of our party and our government.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, my question is for the government House leader. Including the war of 1914-1918—we are talking about quite some time ago, this was the first world war—Parliament has always voted before sending soldiers to take part in a war, and this was the practice until the Liberals arrived in office in 1993.

How does the government explain that it still stubbornly refuses to allow us, the representatives of the public, to vote before asking our soldiers to take part in a conflict in Iraq, when this tradition dates back to 1914?

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, prior to this Prime Minister and this government coming to office, there was no formula that existed for debates of this type. We are the ones to have instituted one.

We hold regular debates on the deployment of troops and even on possible troop deployments, such as last night's debate. Even though troop deployment is not imminent, we held a debate last night on the subject of Iraq.

I believe this is quite an acceptable formula to allow everyone to participate on behalf of all Canadians and to express our opinions.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, we do not want to debate this issue forever. We want to vote. The strength of Parliament lies in the fact that it allows the people's representatives, members of Parliament, to take a position, to say yes or no. That is the strength of Parliament and that is what we are demanding. We want to vote on Canada's participation in the war. Our participation in the war is just as important an issue as the Kyoto protocol or political party finance reform. We want to vote.

● (1425)

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I think the member has to recognize a fact, and I know that he does. He recognizes that parliamentarians are participating in this debate. He recognizes that the House votes on the budget estimates and on other measures. He recognizes that there are votes at all levels on these issues. He knows it as well as I do.

Today, he claims that in the past, there have always been votes like the one he is requesting. That is not the case. He also claims that the previous system was better than what we have today. I beg to differ on that; I do not share his opinion.

[*English*]

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, "there is anxiety in the Canadian people today...They do not know exactly what is going on". Those are not my words, although I agree with them. They came from the Prime Minister in 1991 when he was speaking about the gulf war. He said then that it was embarrassing for Canada not to have a position.

It is more than embarrassing now. It is shameful that Canada is hedging its bets on a war on Iraq. There is a choice here. Will the Prime Minister say that it is wrong to invade Iraq and Canada will have no part of it?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, there is a choice and we have made the choice. We will follow and respect the process of the UN and its resolutions.

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, from the debate last night that we heard in this House, it is very clear that the government is hedging its bets.

I believe that Canadians want to see leadership on this question. Why is there not an aggressive campaign for peace? I urge the Prime Minister to listen to his own words, not the official opposition. He said in 1991, "Why this war? What are our national interests in this war?"

Let us begin by having a democratic vote in this House. Never mind all the talk about formulas and what the history was, we want a democratic vote in this House. That is why we are here and that is what Canadians expect us to do. What is the government afraid of?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, no one wants war and no one wants the availability of weapons of mass destruction. We are following a process that will allow the UN inspectors to see whether or not the evidence exists that requires further action.

We have been consistent in our approach. We will continue to take this approach and let the UN process work out.

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, I have a very simple question for the acting prime minister. It is about the joint statement of the heads of government of Spain, Portugal, Italy, Denmark, the Czech Republic, Poland and the United Kingdom, outlining a common position on Iraq. I am sure the Deputy Prime Minister and his officials have read the statement. Would Canada have signed that statement?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, the right hon. member for Calgary Centre, who has had some experience in this House and who has been through difficult times earlier with the gulf war, should know that we have to be very prudent in what we say and in what we do.

We take this matter very seriously. We believe that the United Nations and its resolution must be respected and we want the inspectors to have time to do their job before we take any action that certainly may lead down a different path.

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, there is a difference between prudence and invisibility. On issues of great international import, the government is invisible. Parliamentary rules do not allow me to characterize it otherwise.

The Prime Minister has spoken of his influence on the advice Prime Minister Blair has given to President Bush. The Prime Minister has not been invited to Camp David, where Mr. Blair is going today.

In the interest of ensuring that Canada and this Parliament have the most current information and assessments available, would the Prime Minister invite Mr. Blair to stop over in Ottawa and make himself available for a discussion on Iraq with this Parliament?

Hon. David Collenette (Minister of Transport, Lib.): Mr. Speaker, we will take that as a representation from the right hon. member and I am sure that the Prime Minister, who is not here today, will look at *Hansard* and think about the request that has been made.

* * *

SOFTWOOD LUMBER

Mr. John Duncan (Vancouver Island North, Canadian Alliance): Mr. Speaker, proposals by the U.S. Congress to double softwood tariffs have taken the Canadian government by complete surprise and the trade minister's response is timid. Canada's single largest trade dispute is submerged in Liberal government indifference and incompetence.

There is no goodwill coming from the U.S. Department of Commerce, the U.S. Congress or the U.S. lumber lobby. The minister should insist that Canada withdraw from the one-sided softwood talks in Washington now. When will he do that?

● (1430)

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): Mr. Speaker, there are always a lot of similar initiatives before Congress, and this is absolutely not the kind of initiative that will distract us from the very important work that is being done right now. That is being done with the executive, with the United States government. We are working very well with Don Evans and Mr. Aldonas has proposed a very good report. I am telling the member that on that basis there is a dialogue that is being re-established. We have a good case before the WTO and NAFTA and we—

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

Mr. John Duncan (Vancouver Island North, Canadian Alliance): Mr. Speaker, that is nonsense. The U.S. strategy in the current softwood discussions is loaded with hardball tactics, not diplomacy.

Last year the trade minister said there would be no progress with the U.S. Department of Commerce unless countervail and anti-dump tariffs were both addressed, but the talks in Washington only addressed the countervail.

Why is the minister allowing these incomplete talks to continue?

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): Mr. Speaker, I have always made it very clear that any long term policy resolution that Canada is seeking at these talks would have to address the dumping situation as well. I reiterated that to the Secretary of Commerce, Don Evans, last week in Davos. I will do the same thing when I go to Washington next week with an all party delegation precisely to maintain this very solid support for our Canadian industry. That is our objective here.

* * *

[*Translation*]

PRIVACY COMMISSIONER

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Speaker, in his annual report, the Privacy Commissioner reaffirms that Canada is not immune to abuses by the state and points out that the security measures taken in the aftermath of the events of September 11, 2001, might constitute an unprecedented attack by the Liberal government on the fundamental right to privacy.

How can the Minister of Justice remain unmoved by the alarm being raised by the Privacy Commissioner, who continues in one annual report after another to speak out against this potential abuse?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I have, of course, reviewed the entire privacy commissioner report, which raises a number of points. I believe that the right to privacy is important and fundamental.

On the other hand, there is the matter of protecting Canadian society as a whole in the aftermath of September 11, and even before that date. This is a concern for all governments.

In my opinion, what is important is to seek the proper balance between protecting our society and its values, and protecting people's privacy. As a government, we have succeeded in doing just that for our Canadian society.

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Speaker, the minister's leader, the Prime Minister, is the one who was the most opposed to the Access to Information Act, and who did everything possible to conceal what he was doing from the public. He appears to also have been the one most in favour of snooping in the private lives of citizens, taking advantage of the chaos ensuing from the events of September 11, 2001.

How can the Minister of Justice justify such a contradiction?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, Canada is a great and democratic country. It is also a country which has established significant social values and cultural elements.

The post September 11 reaction has differed greatly from one country to another. I might add, however, that as far as international conferences are concerned, for example, we in Canada have taken great care to put in place additional measures which, while respecting these fundamental values, and respecting human rights, have at the same time enhanced public safety, and so—

The Deputy Speaker: The hon. member for Fraser Valley.

[*English*]

SOFTWOOD LUMBER

Mr. Chuck Strahl (Fraser Valley, Canadian Alliance): Mr. Speaker, yesterday the international trade minister woke up apparently surprised by the news that the Americans are considering doubling the existing tariffs on Canadian softwood lumber.

The minister may know in his heart that Canada-U.S. relations are important, but his inaction on this softwood lumber file and, frankly, the unwillingness of the government to work co-operatively with our American counterparts on a whole host of bilateral issues have sacrificed this industry and put it at long term peril.

Why is it that when it comes to negotiating a fair deal the Canadian government seems so completely out of touch with its important American counterparts?

● (1435)

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): Mr. Speaker, I am at a loss to understand what the Alliance wants. My critic from the Alliance just told us to stop all negotiations, to pursue the Americans before the courts and not even talk to them. Now the other member from the Alliance gets up and says, "For God's sake, you don't speak enough with the Americans. You are not nice enough with the Americans. You should blink before them and make sure that you do the right thing all the time".

The government will listen to neither of the Alliance points of view. We will stand by our industry—

The Deputy Speaker: The hon. member for Fraser Valley.

Mr. Chuck Strahl (Fraser Valley, Canadian Alliance): Mr. Speaker, if the minister needs some advice, and he certainly does on how to handle this file, I will tell him how to do it.

What one does not do is sit on one's duff while things deteriorate between our two countries so badly that we have ministers wandering the streets of Washington like vagrants hoping for a meeting with some high level official. Maybe then they would stay on the stage for more than two or three questions. That is how to do it.

When will the government make positive U.S. relations a thing of the future and when will it meet—

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): Mr. Speaker, this is a very important moment in the discussions that we are having with the Americans.

Right now the chief executive officers of the softwood lumber industry in our country are in Washington doing serious work. I want them to know that they have the support of our government.

Mr. Aldonas and the secretary of commerce, Mr. Evans, have put this as their very top priority. They have tabled a report on which we are working and trying to improve.

Our advocacy campaign has worked in the United States. We are standing up and going places.

[*Translation*]

Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ): Mr. Speaker, my question is on the same issue, but a little more calm.

A bill sponsored by a dozen or so U.S. senators proposes increasing countervailing and antidumping duties from the current rate of 27% charged on Canadian softwood, to more than 46%.

Does the Minister for International Trade plan to resist the American administration's blatant attempt to blackmail the Canadian softwood lumber industry, which has been literally abandoned by Ottawa, in order to force us to hastily accept a compromise that would hurt Quebec and Canada before the WTO and NAFTA bring down a decision that would be in our favour?

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): Mr. Speaker, allow me to put things in perspective.

This bill that is before the U.S. Congress is one of many initiatives of this type in the United States. I believe that it is a pressure tactic by certain senators who are very involved in this issue. I believe that for now, it is more important to focus our efforts on our relations with the American administration.

Last week I met with Secretary of Commerce Don Evans. Our industry representatives are in Washington right now and are meeting with Mr. Aldonas to see how the document he drafted could be improved and to find a long-term solution to this issue. However, yes—

The Deputy Speaker: The hon. member for Verchères—Les-Patriotes.

Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ): Mr. Speaker, this is all just talk. However, already close to 7,000 jobs in Quebec alone have been affected by the repercussions of this ruthless trade war being waged by the United States.

With more and more temporary plant closures occurring every day, hundreds of which could become permanent, what is this government waiting for to make substantial improvements in the so-called assistance plan already announced to support the softwood industry and workers to help them get through this unprecedented crisis?

Hon. Pierre Pettigrew (Minister for International Trade, Lib.): Mr. Speaker, we will continue our efforts with industry representatives. We are working closely with them.

We have had some success. Because we all worked together, all across the country, with the provincial governments, the American strategy has backfired. That is what we are seeing now. American producers realize that their own strategy has backfired and that is the reason they are now using these types of scare tactics.

I can say one thing: we are continuing to work through the American courts and we are open to a long-term solution with—

● (1440)

The Deputy Speaker: The hon. member for South Surrey—White Rock—Langley.

[*English*]

GOVERNMENT CONTRACTS

Ms. Val Meredith (South Surrey—White Rock—Langley, Canadian Alliance): Mr. Speaker, the very day the government entered its fundraising reform legislation, the Liberals shut down any discussion on the Groupaction file in committee.

If ever there were a case for transparency into how political donations can buy government influence and contracts, it would be on the Groupaction file but the government continues to delay its report.

If the government is truly interested in fundraising transparency, why will it not come clean on the Groupaction file?

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, this is an overstatement of fact, to be generous. First, the issue is in committee so whether it is in order is something on which the Speaker will rule.

Second, I have been told that the committee will be reporting as early as next week, so what is all this phony agitation about?

Ms. Val Meredith (South Surrey—White Rock—Langley, Canadian Alliance): Mr. Speaker, the public accounts committee concluded hearings on this file over six months ago. Instead of dealing with the perceptions of political fundraising having influence, it is time the government dealt with the reality of government contracts going to Liberal donors for reports that do not exist and sponsoring events that did not happen.

My question is for the Prime Minister. If the government really wants transparency, when will it move on the Groupaction report?

Hon. Ralph Goodale (Minister of Public Works and Government Services, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, I am sure the committee will add a useful dimension when it publishes its report and we will all take a very close look at it.

The facts of the matter are that the government did not wait for the committee's report. The government has been acting consistently on this file ever since last spring. The President of the Treasury Board and I announced in December a total revamping of the sponsorship program and the advertising policy. We addressed the issues while the committee was still deliberating.

[*Translation*]

FOREIGN AFFAIRS

Mr. Mac Harb (Ottawa Centre, Lib.): Mr. Speaker, in light of the reactions in Ivory Coast to the signing of the accord, can the Minister responsible for Africa tell us about the situation in Ivory Coast, particularly with regard to the safety of the Canadians who live there?

Hon. Denis Paradis (Secretary of State (Latin America and Africa) (Francophonie), Lib.): Mr. Speaker, I was in contact earlier with our Ambassador to Ivory Coast, Mr. Émile Gauvreau, who assured me that all 500 Canadians there are safe. The embassy has drawn up an evacuation plan to cover all possible situations. However, this morning, calm was restored. Our embassy is open again and our ambassador tells us that Ivorians expect the president to reassure them in the coming days.

* * *

[*English*]

HEALTH

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, the closer we get to next week's first ministers meeting, the more Canadians worry that the Prime Minister will drop the ball and ignore Roy Romanow's recommendations.

Premier Klein is leading the charge to put public money into private health care and already the Prime Minister is backing down. Canadians want Romanow, not another chequebook deal with no real accountability and no way to keep privatization out of the system.

Why will the government not side with Romanow instead of the Alliance Party and support publicly funded and publicly operated health care services?

Hon. Anne McLellan (Minister of Health, Lib.): Mr. Speaker, I think we all know what Canadians want when it comes to health care. They want publicly financed, accessible, high quality health care. That is what the Prime Minister and the premiers are working to provide. That is what the Prime Minister showed leadership on in September, 2000.

Canadians have every right to be confident that next week their first ministers will enter into an agreement to renew their—

The Deputy Speaker: The hon. member for Burnaby—Douglas.

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FOREIGN AFFAIRS

Mr. Svend Robinson (Burnaby—Douglas, NDP): Mr. Speaker, my question is for the Secretary of State for Asia-Pacific.

Sikh Professor Davinder Pal Singh Bhuller faces execution in India on a bombing charge after having been illegally deported from Germany and tried under the draconian TADA act. Bhuller's wife is a Canadian citizen in Surrey.

Will the minister join with Amnesty International, Sikh groups and many other organizations in calling upon the Indian government to commute this death sentence and order a new, fair trial for Professor Bhuller?

● (1445)

Hon. David Kilgour (Secretary of State (Asia-Pacific), Lib.): Mr. Speaker, it was not just members of the Sikh community, it was leaders of the Hindu and Muslim communities from the lower mainland who, with Mrs. Bhuller, came to see no doubt my friend but myself as well.

We are taking this matter very seriously. The member has suggested some of the reasons that we are taking it very seriously. We will do our best to do what is proper and what are the correct reasons for Mrs. Bhuller who is a Canadian citizen.

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IRAQ

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, the defence minister has stated that our troops are prepared in the event that Canada joins a military operation against Iraq.

Could the minister provide the House with answers to three simple questions? Do our troops have uniforms suited for the Iraqi landscape? Have our troops been vaccinated against possible biological attack? Do Canadian troops have chemical protection suits like those used by the American forces?

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, the troops have not been vaccinated but we do have the facilities to do so if required.

As to the uniforms, I can assure the House that the uniforms are appropriate.

As my hon. colleague knows very well, we have taken no decision. We are undertaking consultations with the Americans as to the potential participation of Canada, but it is in the hands of the United Nations and no decision on military participation has been taken.

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, we in the House are all aware that Canada has no strategic airlift capacity for our military.

If Canada is prepared for a deployment to Iraq, could the Minister of National Defence inform the House today what arrangements have been made to get our troops to the theatre of operations should that need arise?

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, it might not be prudent to go into too much detail on military actions.

However I can say that while it is true that Canada has no strategic lift, neither does any other NATO country except the two largest, the U.K. and the U.S.

We are at this moment working with our other NATO allies to find a cost sharing, cost effective way in which we can have an effective strategic airlift on a shared basis with our NATO allies.

CORRECTIONAL SERVICE CANADA

Mr. Kevin Sorenson (Crowfoot, Canadian Alliance): Mr. Speaker, Correctional Service Canada has absolutely no problem confirming that sex offenders in Warkworth and Kingston penitentiaries have complete access to channels that play movies with explicit sexual content.

In fact, a Correctional Service Canada spokesmen readily and adamantly defended the commissioner's directive that inmates were entitled to the same cable access as all other Canadians.

Does the Solicitor General agree and support inmates, including some of Canada's most dangerous sex offenders, having access to sexually explicit movies?

Hon. Wayne Easter (Solicitor General of Canada, Lib.): Mr. Speaker, the movies that are available within the correction system are only the airings that are allowed by the CRTC, which are available to the member opposite as well.

I am aware of the specific matter as it relates to this institution. CSC has identified the problem and has taken action.

Mr. Kevin Sorenson (Crowfoot, Canadian Alliance): Mr. Speaker, according to numerous media reports, it would seem that everything a person can get outside prison can now be obtained inside. Just ask killer Karla Homolka who allegedly has been having sex with another inmate.

I ask the Solicitor General, is an investigation underway to determine whether or not Canada's most notorious sex offender was in fact engaged in a sexual relationship with a male inmate?

Hon. Wayne Easter (Solicitor General of Canada, Lib.): Mr. Speaker, I will investigate this matter but I will not get into commenting on alleged allegations that the member opposite seems to have pulled from some newspaper story somewhere.

* * *

[*Translation*]

AGRICULTURE

Mr. Marcel Gagnon (Champlain, BQ): Mr. Speaker, in the negotiations for the agricultural policy framework agreement, the Minister of Agriculture is trying to impose a single model for all the provinces. Faced with opposition from some of the provinces, including Quebec, the minister is even threatening to cut their funding; this could cost Quebec farmers roughly $100 million a year.

Will the minister admit that an agricultural policy that does not take into consideration the reality of the provinces is doomed to failure?

● (1450)

[*English*]

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, for the first time in many years we have locked in, for business risk management to help producers, $1.1 billion as a result of the announcement by the Prime Minister and myself in June of last year.

It is the goal and the intention of the government to make sure that all farmers across the country, with those business risk management programs that are being developed with and for the industry, are treated in an equitable manner, no matter what sector of the industry they are in or what province they are in.

[*Translation*]

Mr. Marcel Gagnon (Champlain, BQ): Mr. Speaker, all agricultural stakeholders in Quebec recognize the key role of the Financière agricole du Québec. Only the federal Minister of Agriculture is ignoring this reality.

Why does the minister want to destroy a perfectly good system that everyone in Quebec is happy with?

[*English*]

Hon. Lyle Vanclief (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the system that is being developed, as I said, will be equitable to all farmers in Canada from a federal perspective.

That certainly leaves every province at liberty to do the similar types of programs that they may be doing at the present time or even adding to them, as a number of provinces have in the past. The province of Quebec has chosen to do that. It will be at liberty to do that as a provincial government in the future.

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GOODS AND SERVICES TAX

Mr. Rahim Jaffer (Edmonton—Strathcona, Canadian Alliance): Mr. Speaker, the Canada Customs and Revenue Agency claims that there are 1,000 investigators assigned to GST fraud.

However it is clear that the investigations unit was disbanded and no one is specifically assigned to fraudulent GST claims. Instead of clamping down on criminal activity, it appears that the underground economy is now in charge of Revenue Canada.

Will the minister come clean and tell Canadians who disbanded the investigations unit and how many people are now working on this file full time?

Hon. Elinor Caplan (Minister of National Revenue, Lib.): Mr. Speaker, in fact the unit has not been disbanded, it has been expanded. There are 1,000 people working on fraud. I can tell the member as well that there are 78 cases before the courts today and 125 active investigations awaiting charges.

Any assertion that CCRA is not actively pursuing fraud, and GST fraud in particular, is absolutely wrong. In fact our enforcement activities last year resulted in an additional $850 million being recovered because of our enforcement action.

Mr. Rahim Jaffer (Edmonton—Strathcona, Canadian Alliance): Mr. Speaker, it is not just GST fraud though; it is all types of fraud in revenue. They are not focusing specifically on GST and that is where the problem is.

The minister proudly reported to the House that since 1997 there have been 13 prosecutions of GST fraud. That is just over two prosecutions a year. Yet there is a lot of controversy emanating from her department about the level of criminal activity involved here, its level of sophistication and Canada's inability to stop it.

How can we accept the minister's word that GST fraud is not a billion dollar problem when the government has only allocated enough resources to—

The Deputy Speaker: Order. The hon. Minister of National Revenue.

Hon. Elinor Caplan (Minister of National Revenue, Lib.): Mr. Speaker, the member opposite is absolutely wrong in his assertions. I keep giving him the facts and he does not want to hear them.

We have been extremely successful. There are 78 cases of GST fraud presently before the courts. There are another 125 active investigations at the present time. Last year alone, as a result of our enforcement efforts, we had an additional $850 million to—

The Deputy Speaker: Order. The hon. member for Oakville.

* * *

CORRECTIONAL SERVICE CANADA

Ms. Bonnie Brown (Oakville, Lib.): Mr. Speaker, my question is for the Solicitor General.

The Saskatchewan Penitentiary recently suspended an Alcoholics Anonymous program that supports inmates in that institution. We know that many inmates enter correctional facilities with substance abuse problems and that they need support in order to become rehabilitated and to become law-abiding members of society.

Will the Solicitor General please tell the House what the Saskatchewan Penitentiary is doing to help inmates to deal with these problems of addiction?

Hon. Wayne Easter (Solicitor General of Canada, Lib.): Mr. Speaker, the member is correct when she says that there are quite a number of inmates who come into prisons with serious substance abuse and alcohol problems. It is a concern that the Government of Canada and Correctional Service Canada take very seriously.

That is why we have established partnerships between the CSC and Alcoholics Anonymous to deal with this problem. I am pleased to announce today that the Alcoholics Anonymous program at the Saskatchewan Penitentiary will resume effective February 4.

* * *

● (1455)

ABORIGINAL AFFAIRS

Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance): Mr. Speaker, to be effective, an ombudsman has to be independent, yet the government is moving ahead with a plan to create 600 different mini-me ombudsmen appointed by chiefs and accountable to chiefs on each of Canada's reserves.

The Canadian Alliance for a long time has been urging the government to adopt a national ombudsman. We are supported in that by the Congress of Aboriginal Peoples, the Native Women's Association of Canada, and the National Association of Friendship Centres. We need an impartial and effective ombudsman.

Will the government ensure that aboriginal Canadians finally will get real protection for their rights from one independent ombudsman?

Mr. Charles Hubbard (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, the member opposites sits on our committee. The committee is hearing witnesses. The committee will come back to the House with a report on the bill. I would hope that he would be patient with us in having an answer for the House of Commons.

Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance): Mr. Speaker, a system where everyone is appointed by the chief, everyone answers to the chief and everyone is accountable to the chief does not work in Ottawa so I do not think it is going to work on reserves.

Aboriginal Canadians should enjoy the same human rights and the same protections as all other Canadians. Once again I ask the government, will it assure Canadians that it will not waste $60 million, and aboriginal peoples' time and rights will not be put at risk by the appointment of 600 different ineffective ombudsmen?

Mr. Charles Hubbard (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I am amazed again. Chiefs are important people on their reservations. They are elected by their people, by a process. I would hope the party opposite would give them due process and give them respect. They deserve the same respect that we deserve in this House as members of the House of Commons.

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[*Translation*]

SHIPPING INDUSTRY

Mr. Jean-Yves Roy (Matapédia—Matane, BQ): Mr. Speaker, the Canadian Coast Guard is delaying releasing its decision on marine service fees for navigation and icebreaking. The shipping industry has been waiting for an answer since October 2001. This is an important financial issue, because the Treasury Board is threatening to double the bill from $7 million to $14 million.

Does the Minister of Fisheries and Oceans intend to accelerate negotiations with the industry, in order to avoid a very substantial potential increase in shipping service fees?

Hon. Robert Thibault (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I thank the hon. member for his excellent question. This is extremely important to the shipping industry. Discussions were held with the Treasury Board and officials from my department. I personally met with people from the shipping industry from all over Canada. Negotiations are ongoing, and I hope that a resolution will be reached over the next year.

* * *

[*English*]

TERRORISM

Mr. Deepak Obhrai (Calgary East, Canadian Alliance): Mr. Speaker, Canada is part of a global coalition to fight against terrorism. As such, we have collected millions of dollars to fight terrorism. Now we hear of possible foreign aid dollars going to banned organizations like Hezbollah or the Tamil Tigers.

What assurances can the minister give to Canadians that no Canadian foreign aid money is making its way to any terrorist organizations?

Hon. Susan Whelan (Minister for International Cooperation, Lib.): Mr. Speaker, we are very prudent when we are selecting our partners in development. We are working very closely with the Department of Foreign Affairs and International Trade and the Solicitor General. We verify that our partners are not on the United Nations' list or Canada's list of suspected terrorists or terrorists. We are doing our utmost to be prudent.

* * *

[*Translation*]

EMPLOYMENT INSURANCE

Mrs. Suzanne Tremblay (Rimouski—Neigette-et-la Mitis, BQ): Mr. Speaker, in her last report, the Auditor General of Canada urged the government to make the mechanism for setting the EI premium rates more transparent. That is what the government promised to do when section 66 was suspended.

When does the government plan to deliver on this promise to make the process of setting the EI premium rates transparent and more objective?

[*English*]

Hon. Maurizio Bevilacqua (Secretary of State (International Financial Institutions), Lib.): Mr. Speaker, the hon. member knows that the EI fund, as requested by the Auditor General, was folded into the CRF, the consolidated revenue fund. As a result the hon. member would know very clearly that is where it is. There is really no cash per se. The account is used only to record transactions in the account.

* * *

● (1500)

AUTOMOBILE INDUSTRY

Mr. Joe Comartin (Windsor—St. Clair, NDP): Mr. Speaker, we have seen thousands of jobs in the auto sector lost to the United States and Mexico because the government has a lack of commitment to provide serious assistance. Meanwhile, states like Georgia and Alabama have provided hundreds of millions of dollars to encourage companies to locate in those states in the U.S. There is no similar commitment here in Canada.

Discussions are now underway with DaimlerChrysler to locate a state of the art plant in Windsor. Both the union and the company have come to the table and reached satisfactory arrangements to keep that production here.

Will the Minister of Industry match that? Will he get—

The Deputy Speaker: Order. The hon. Minister of Industry.

Hon. Allan Rock (Minister of Industry, Lib.): Mr. Speaker, Canada has the most attractive investment climate in the world. Given our economic circumstances, lowering taxes, stable and low interest rates, low inflation, productive workforce, it is a great place to invest.

Working with the Ontario and Quebec governments, we are continuing efforts to attract investment in the auto sector from around the world. In the last five years there have been billions of dollars in investment and reinvestment in the sector.

We will continue to ensure that Canada gets not only its share, but continues to be a world leader in the auto sector.

* * *

BUSINESS OF THE HOUSE

Mr. John Reynolds (West Vancouver—Sunshine Coast, Canadian Alliance): Mr. Speaker, I would like to ask the government House leader the business for today, tomorrow and next week.

Also, the ministers had many questions today about a possible vote on troops being deployed. I would like to ask him if he will guarantee to the House today, and all oppositions parties who want it, that a vote will take place in the House before any troops are deployed.

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, let me start with the parliamentary agenda.

We will continue this afternoon with Bill C-13, the reproductive technologies bill, followed by, if there is time, Bill C-20, the child protection bill, as well as Bill C-22, the family law bill.

Tomorrow, we will call third reading of Bill C-3 regarding the Canada pension plan. The next item will be Bill C-6, the bill regarding specific claims for aboriginal people.

On Monday, we would return, if necessary, to Bills C-6, C-20 and C-13. We will continue this business on Tuesday morning, but in any case at 3 p.m. on Tuesday, it is my intention to call Bill C-22, the family law bill.

I will be consulting with a view to returning at some point to debate on the Senate amendments to Bill C-10A, the Criminal Code amendments.

On Wednesday, we will continue the debate on Bills C-13 and C-19 if necessary, at whatever stages they are at then.

I wish to announce that Thursday shall be an allotted day.

Colleagues across the way particularly have asked about what they claim to be a principle that military intervention has a vote. I have a number of them here.

For Korea in 1950, there was no resolution in the House and no vote. For Sinai in 1956, there was no vote. For the Congo in 1960, a recorded vote was asked for but no division was held. For Cyprus in 1964, there was a debate before deployment, the motion was agreed to on division with no recorded vote. For the Middle East in 1973, the motion was agreed to with no division and no recorded vote. For the UNIFIL mission in 1978, there was no motion and no vote. For Iran-Iraq in 1988, the motion was agreed to with no division. For Namibia in 1989, there was no vote. For the Persian Gulf in 1990, it was debated after deployment, with a recorded vote and a division.

There were many cases where there were no votes, no debate, no uniformity.

We have established the coherent system which we enjoy today. We have utilized it as late as last night.

I am also prepared to offer to other parties, should they want it at some point, perhaps as early as next week, yet another evening to debate the situation in Iraq. I know many colleagues on my side of the House would like that. We are quite prepared to offer that.

GOVERNMENT ORDERS

● (1505)

[*English*]

ASSISTED HUMAN REPRODUCTION ACT

The House resumed consideration of Bill C-13, an act respecting assisted human reproduction, as reported (with amendments) from the committee, and of the motions in Group No. 5.

Mr. Werner Schmidt (Kelowna, Canadian Alliance): Mr. Speaker, it is a privilege and an honour to enter the debate on Bill C-13. I know we are debating certain amendments, but I wish to address my remarks to the entire bill because a lot of the amendments deal with various provisions of the bill.

I would like to suggest that the seven principles that are enunciated at the beginning of the bill are rather comprehensive. I would like to summarize them as reading them in detail would take too long.

First, priority must be given to the health and well-being of children in the application of assisted reproductive technologies; second, in the application of assisted reproductive technologies the health, safety and dignity and rights of humans must be protected and promoted; third, the health and well-being of women in particular must be protected; fourth, free and informed consent must be promoted and employed in the use and application of assisted reproductive technologies; fifth, there must be no discrimination against those who undergo assisted reproductive procedures; sixth, the productive capabilities of men and women must not be exploited for commercial ends; and seventh, the human genome, human individuality and diversity must be preserved.

Those are lofty and worthwhile principles. I would like to look at the implications of the application of those principles to the body of the bill and the legislation that follows it as presented to the House.

The first principle states that the well-being of children must be preserved. It means, among other things, that all children are created equal. That does not mean that they are all the same. It means that they are equal in the basic rights and freedoms before the Constitution and the law. This means they have at least three fundamental rights: the right to life, the right to liberty, and the right to the pursuit of happiness. They also enjoy or should be given four freedoms: the freedom of speech and expression, the freedom of every person to worship God in his or her own way, the freedom from fear, and the freedom from want.

Three rights and four freedoms should be there for all children. I think principle number one clearly implies those kinds of freedoms. Are any of those rights and freedoms denied in the body of the bill? No, they are not. I think the bill is consistent in that area. Does that mean I find each of the other six principles to be that consistently applied throughout the bill? I do not think so.

Let us examine principle number four, which is subclause 2(d). It states:

> the principle of free and informed consent must be promoted and applied as a fundamental condition of the use of human reproductive technologies;

The phrase free and informed consent deserves further investigation. Free and informed consent is considered as a principle that must be promoted and applied as a fundamental condition. Let us look at that in some detail. What are the provisions of the bill with regard to the application of that?

The first of these is the prohibition of certain activities. They are found in the bill as a general provision and I think that is good. There are certain activities with regard to reproductive technologies that are prohibited. Second, the bill would create an agency to enforce the bill and the provisions of the bill. I think that too shows foresight and recognizes that a bill like this, complicated as it is and difficult as the implications might be, does require a good and solid administrative structure.

At this point it is essential that we look at what constitutes the conditions under which this agency must carry out its responsibilities. Interestingly enough, as one goes through the operation of the agency, one discovers quickly that almost all of the agency's administrative provisions or obligations are subject to the regulations of the governor in council. That is an interesting provision. This is an agency that is to carry out the administration of this act but subject to the regulations of the order in council.

Let us look at the regulations with regard to free and informed consent. Free and informed consent, as far as the orders in council are concerned, are not the subject of consultation, and are not the result of the intense seeking advice and assistance from persons or experts outside of the government.

● (1510)

In fact, in a parliamentary system the government represents the people. The free, open and informed consent is the Government of Canada which is elected by the people, not the governor in council. The governor in council is the cabinet which is the arm of the Prime Minister.

How would this work in terms of the agency doing its work? Clause 65 of the bill has 28 subclauses. It states that the governor in council may make regulations in 28 particular areas.

I am going to look at this particularly as it affects clause 8. Subclause 8(1) reads:

> 8(1) No person shall make use of human reproductive material for the purpose of creating an embryo unless the donor of the material has given written consent, in accordance with the regulations, to its use for that purpose.

Under subclause 65(1)(b) it states:

> 65. (1) The Governor in Council may make regulations for carrying into effect the purposes and provisions of this Act and, in particular, may make regulations

(b) for the purposes of section 8, respecting the giving of consent for the use of human reproductive material or an in vitro embryo or for the removal of human reproductive material;

We must observe here that the consent must be written by the donor for the use of human reproductive material for the purposes of creating an embryo in accordance with the regulations.

The regulations, if any, may be made by the governor in council. However there will be somebody immediately who will say "the agency shall require written consent and the governor in council may make regulation". One could argue what if there are not any regulations? Then any form of consent literally would be recognized.

Is it realistic to assume that to be the case? I doubt it very much. For example, written consent might be the result of coercion of some form or it might not be current or there might be any number of reasons under which written consent might occur and it would have to be regulated according to the governor in council. I can see all kinds of reasons why the governor in council might make some regulations. I can see also why the agency might want to make them.

The point I am trying to make here is that the regulations themselves are secret. They would be created in secret and then perhaps made public, but they would not be the result of checks and balances in the debate of the House.

I would like to look at clause 10, although the regulations cover clauses 10 and 11. Subclause 10(1) states:

10(1) No person shall, except in accordance with the regulations and a licence, alter, manipulate or treat any human reproductive material for the purpose of creating an embryo.

Subclause 65(1)(c) states:

65. (1) The Governor in Council may make regulations for carrying into effect the purposes and provisions of this Act and, in particular, may make regulations

(c) for the purposes of sections 10 and 11, designating controlled activities or classes of controlled activities that may be authorized by a licence;

Interestingly further down subclause 65(h) states that the governor in council also decides what the rules and regulations are with regard to a licence.

Therefore the business of allowing these kinds of activities would be determined not by the agency, but by the regulations first of all with regard to the activities and with regard to a licence. A person wishing to do this kind of manipulation would have to have both a licence and have the regulations as well.

We have a double whammy here as the governor in council would virtually be controlling the whole operation of the agency. Who would be in control? Would it be the agency or the governor in council? It is pretty clear by now that it would be the governor in council. It would run roughshod over the House of Commons because it would not have to consult the House. With regard to this kind of arrogance Jefferson in the declaration of independence said:

...to secure these rights, [the right to life, liberty, and the pursuit of happiness] Governments are instituted among Men, deriving their just powers from the consent of the governed,—That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

The bill should be reconstituted before it is brought to the House so that indeed we can have free and informed consent as to the provisions for assisted human reproductive technologies.

● (1515)

[*Translation*]

Mr. Jeannot Castonguay (Parliamentary Secretary to the Minister of Health, Lib.): Mr. Speaker, it is my pleasure to speak to the amendments in Group No. 5.

First I would like to remind this House that Bill C-13 addresses the wish of all Canadians to know that the use of human embryos will be subject to the strictest supervision necessary. The use of an embryo, without exception, will require authorization from the Assisted Human Reproduction Agency of Canada.

Motions No. 6, 81, 82 and 86 are not necessary because they do not add anything to the agency's ability to decide who will be granted or denied authorization, and why. Let us not forget that researchers will have to convince the agency that the use of an embryo is necessary for the research they want to conduct. Bill C-13 will allow research using an embryo as long as it is in accordance with the regulations. These regulations are intended to allow beneficial research. This is also a government responsibility. That is the balance struck by Bill C-13.

With this bill, the door to research using embryos is locked. Only the agency will have the key to open that door. The agency will have to be accountable to Parliament and to the Canadian public any time it does so. Without Bill C-13, the door is wide open to research using embryos. At the present time, anything is allowed because there are no controls. This is a huge void that we wish to address, and that we must address.

There is one thing I would like to make clear. The purpose of Bill C-13 is not to control research with embryonic stem cells, let alone adult stem cells. The purpose of Bill C-13 is to control the use of surplus human embryos. That is the objective. For example, we want to control whether or not a researcher may derive stem cells from a surplus embryo. It was created for reproductive purposes. The couple can decide that they no longer need it for reproductive purposes and allow it to be used for research.

When stem cells are derived from the embryo, they lose they initial essence in that they can no longer become embryos. This is a scientific impossibility, as indeed are the polyspermic embryos addressed by Motion No. 9.

Since derived stem cells cannot become embryos, they do not, therefore, come within the scope of Bill C-13. The source of embryonic stem cells, meaning an in vitro human embryo, does.

I would add a word here about the need for research using the two types of stem cells, adult stem cells and embryonic stem cells. Bill C-13 does not hinder research on adult stem cells. It does not change existing government subsidies for this type of research.

The government is hearing what scientists are requesting, which is that all types of stem cell research be allowed. I shall quote Dr. Freda Miller, an internationally renowned adult stem cell researcher, who appeared before the Standing Committee on Health and said:

> My...fear...is that my work with adult stem cells...would be used as a rationale for halting the work on human embryonic stem cells. Then, if the adult stem cells don't come to fruition, we're left with nothing...but by allowing the co-development of both sources, you're expediting the potential therapy that will be derived from adult stem cells, so that maybe one day we don't have to use the embryonic stem cells therapeutically.

I would like to be clear about Motion No. 88. If it is passed, doctors will be required to treat each of their patients the same way. This is an unacceptable approach that could put the health and even the life of some Canadians at risk. Motion No. 88 is reckless. It goes well beyond the scope of Bill C-13.

● (1520)

In terms of the guidelines for Canadian Institutes of Health Research, even the criteria and requirements set out in the document entitled *Human Pluripotent Stem Cell Research: Guidelines*, will be subject to the regulations of the Assisted Human Reproduction Act.

The legislation does not have to comply with the guidelines; rather, the reverse. That is not the case right now because such legislation does not exist. Therefore, it is important to pass Bill C-13 as soon as possible.

[*English*]

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, I am pleased to speak on this group of amendments to Bill C-13. This is a very important group of amendments pertaining to the agency that will in fact provide ongoing oversight and a regulatory framework for developments in this field. We can see that the agency is a critical part of the legislation, and amendments pertaining to the powers and makeup of the agency are critical.

It was very interesting earlier today to hear the Minister of Health give her account of why she felt the motion, presented by me on behalf of the New Democratic Party to ensure the highest standard pertaining to conflict of interest matters, was entrenched in the bill.

It is to be noted from earlier discussions that the amendment was proposed by the NDP at the committee stage of the bill. The Standing Committee on Health agreed with the recommendation and the bill was printed with that amendment, which is, as read into the record, subclause 26(8). It clearly calls for guarantees that no appointment will be made to this new board of directors that has "any pecuniary or proprietary interest in any business" relating to this field of reproductive technologies.

The wording that was selected for this amendment was based on other legislative initiatives. It is not a new and imaginary approach to the issue. It is based on standard law and legislative wording pertaining to this issue about conflict of interest.

The minister today has tried to suggest that the wording of the amendment is so problematic and so difficult that in fact it might lead to the ludicrous situation whereby someone fixing the air conditioner in an office might be in a conflict of interest because that is part of the whole operation. The minister knows that this is not the intent of the amendment, that this is not how it would be interpreted, and that in fact it is precisely worded in a way to ensure that vested interests are prevented from having an influence over decisions pertaining to something as fundamental as the reproductive health and wellbeing of women.

There is no question: a bill can always be improved. I would certainly look to the Minister of Health or any one of her colleagues for better wording if there is a problem in any way with the proposal made by me and adopted by the committee, but for the minister to simply suggest subclause 26(9), which refers strictly to the licensee and spells out requirements in terms of vested interests in that regard, is not sufficient. We are not just talking about the actual fertility clinic or health institution that has been licensed to provide a service. We are not just talking about the front line delivery in this field. We are talking about the whole range of developments and discoveries pertaining to reproductive technology, most of which we cannot even anticipate because the science is changing so rapidly.

Therefore, it is ludicrous for the minister to leave the impression that what is in the bill, minus the good work of the committee and my amendment, is sufficient. There are no guarantees in terms of future developments. In fact when it comes to the responsibilities given the agency under the legislation, they are very extensive. It is not limited only to licensee activity, as foreseen in the amendments supported by the minister. It goes far beyond to include advising the minister on critical issues, to enforcing the law as it is written and will be proclaimed, to inspecting and monitoring developments in this area, and to offering general oversight and surveillance. So any amendment that is strictly limited to licensing provisions will not do it, will just not cut it. We still have a fundamental problem about the possibility of vested interests determining the direction of policies and practices in this very important area, an area of fundamental and critical importance to the women of this country.

● (1525)

Anything we can do to strengthen the agency in this bill is an important responsibility on the part of members of Parliament. It is certainly a role taken seriously by the health committee. Let me say, as many other observers have said, that the success or failure of our work in this area will really come down to the features of this new assisted human reproduction agency. As I have mentioned already, not only will it license clinics and research on human reproductive activities, it will also advise the minister on developments in this area and will be involved in monitoring, enforcement and surveillance. It will have responsibility for providing advice to the Minister of Health on a whole range of assisted human reproduction issues and will play a powerful role in shaping the future of Canada's regulations in this expanding area of social, health and economic policy.

Our concern today, the question we are asking, is this: Will this agency be absolutely independent? Will the directors be free from any ties to the interests of biotechnology companies or fertility clinics? These are fundamental questions. They are critical to the issues at hand.

In fact I would suggest to members in the House that the influence and profits of multinational biopharmaceutical companies are enormous. To presume a lack of interest on their behalf in this burgeoning field of technological innovations and genetics is absolutely naive. It flies in the face of the pharmaceutical industry's own declared intention to direct its activity to genetics products and sciences.

It is also worth nothing that the government's original version of the bill provided absolutely no conflict of interest protection at all, none, so it is not surprising that we are disputing the issue today. Conflict of interest is a concept on which this government has a curious track record. For instance, it does not recognize that there is the possibility of a conflict of interest when a person who is the director of a major provider of a for profit nursing care facility, Extendicare in this case, heads up a government study of health care options, including policy choices that could lead to more business going his way. It is not that someone is personally applying for a licence or a contract; it is that he has responsibilities to shareholders that could, and I say could, influence his policy decisions.

This amendment was approved by an all party committee. It ought to be upheld by Parliament. We ought to register our grievances to the government for the Minister of Health's interference and regrettable actions.

Let me also say that when it comes to the issue of women's involvement on the board, the government's actions have been equally offensive. The committee I worked on accepted an amendment put forward in good faith to ensure that there be at least 50% women on this board of directors that has so many important powers and responsibilities, for very good reason. We put that amendment forward because we knew that in this area that is so important to women's health and wellbeing, women must be represented on at least an equal basis and the expertise and knowledge that women bring to this field must be acknowledged and included in the process.

● (1530)

For the minister and the parliamentary secretary to suggest that they want to be open to all qualified people and that they do not want to discriminate is an insult to women. It is contrary to the notion of women's equality. I would suggest to members on the government side that they rethink this issue and come back to the House with a motion respecting the fundamental issue of gender parity and equality between women and men.

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, I am pleased to rise on debate at report stage of Bill C-13, an act regarding assisted human reproductive technologies and related research.

These amendments in Group No. 5 deal principally with the statutory framework for the agency created by the bill to provide licences to institutions or individuals, presumably scientists or scientific laboratories, who will be permitted to participate in in vitro fertilization as well as embryonic stem cell experimentation.

Most of the amendments under Group No. 5 seek to clarify the intent of Parliament to enhance protection for the parents of offspring by ensuring their consent for any scientific research, and also some of these amendments seek to strengthen the sanctions for licensees that violate the terms of the bill.

Let me go through these various amendments that I believe were all put forward in the name of the hon. member for Mississauga South, who has done yeoman's work in taking the legislative process very seriously with respect to the bill.

First I will turn to Motion No. 6, which seeks to amend the definition of consent. In the third clause of the bill, consent currently is defined as meaning:

> ...fully informed and freely given consent that is given in accordance with the applicable law governing consent.

The member's amendment states:

> with the applicable law governing consent and that conforms to the provisions of the Human Pluripotent Stem Cell Research Guidelines released by the Canadian Institutes of Health Research in March, 2002, as detailed in the regulations.

Rather than simply leaving it to the new agency to create its own guidelines for consent, he is fixing it. The amendment proposes to fix in the bill an already extant proposal from the Canadian Institutes of Health Research on the question of donor consent.

Next, at Motion No. 80, the member for Mississauga South suggests that before a licence is granted to a scientist or a firm to engage in in vitro fertilization there be ethical guidelines and a peer review. Clause 40 states:

> A licence authorizing the use of an *in vitro* embryo for the purpose of research may be issued only if the Agency is satisfied that the use is necessary for the purpose of the proposed research.

The amendment states:

> ...proposed research and the Agency has, in accordance with the regulations, received approval from a research ethics board and a peer review.

This seems sensible to me, to ensure that there are clear ethical considerations and a peer review, which is conventional of course for any scientific research, but it would be good if we were to make that a requirement in the bill, in my opinion.

Motion No. 81 would add to clause 40 of the bill a grandfather clause. It basically suggests that any embryos created prior to the coming into force of the bill, that is to say any embryos that are already perhaps frozen today, could only be treated in the future in accordance with the pre-existing CIHR guidelines. Essentially the member is saying that we will protect the existing embryos according to existing guidelines so that they do not end up in a kind of legal limbo, which could otherwise be the case.

● (1535)

Motion No. 82 seeks to amend clause 40 of the bill by saying that "a person who wishes to undertake research involving stem cells from in vitro embryos must provide the agency with the reasons why embryonic stem cells are to be used instead of stem cells from other sources". This would place an obligation on the applicant for a licence to do this kind of research to demonstrate that embryonic stem cells are necessary and that the same results cannot be possibly achieved through non-embryonic stem cells.

I was not able to participate in the committee hearings, but anybody who has followed the matter will be very aware of the enormous new scientific potential posed by non-embryonic stem cells, be it stem cells harvested from umbilical cords of newly born babies or stem cells from infants or adults. I believe all these can offer far more significant scientific research possibilities than creating nascent human lives in the form of embryos in order to destroy, manipulate and research on them. Motion No. 82 would place that onus to demonstrate the necessity of using embryonic stem cells on the applicant for a licence.

Motion No. 83 says that the agency "shall not issue a licence under this section for embryonic stem cell research if there are an insufficient number of in vitro embryos available for that research". This is a sensible motion.

No. 84 requires the written consent of the original gamete provider, that is to say the biological parent, before any scientific research can be done. This clarifies that the donor cannot become someone other than the biological parent. This is an important amendment which I will support.

No. 85 is a technical amendment which seeks to clarify the language.

I will turn to Motion No. 88 which is probably the most substance in this series. It says that the agency would insert the following under clause 40:

> The Agency shall establish, for in vitro fertilizationprocedures, limits regarding, but not limited to, the following:
>
> (a) the amount of all drug dosages that may be administered;
>
> (b) the number of
>
> (i) ova that may be harvested,
>
> (ii) ova that may be fertilized,
>
> (iii) in vitro embryos that may be implanted at any one time,and
>
> (iv) embryos that may be cryogenically stored forreproductive purposes; and
>
> (c) the length of time that an embryo may be stored.

These are critical issues and really central to the ethical consideration of our treatment of nascent human lives. Without this amendment, the bill would give virtual carte blanche to the agency to regulate these matters perhaps in a very lax fashion. We know from testimony and standard practice that in the whole field of in vitro fertilization an enormous number of nascent human lives are unnecessarily created because in a sense, as some might say in the vernacular sense, it is a numbers game. It is only a fairly small percentage of embryos created in vitro which will implant and come to term as children.

In some cases fertilization clinics are creating dozens of nascent human beings to have one successful baby come to full birth. This says that we would not allow these clinics to produce dozens, hundreds and cumulatively thousands of embryos which would end up being frozen and then end up being used for research purposes. This would close or at least limit a very large loophole which exists in the bill.

I look forward to speaking to other amendments as we continue consideration of the bill.

● (1540)

Mr. James Lunney (Nanaimo—Alberni, Canadian Alliance): Mr. Speaker, the debate on Bill C-13 has been going for a while now. We are currently debating the Group No. 5 amendments to the bill. The Group No. 5 amendments largely deal with clause 40 in the bill, which deals with the functioning of the regulatory agency.

I appreciate the remarks that other members have contributed to the debate already today, including the member from Calgary who just spoke. However I want to first go back to one intervention related to the Group No. 4 amendments since the minister herself stood just a few moments ago and addressed an issue related to an amendment that would strike section 26, clause 8, regarding the conflict of interest code.

I agree with the member from Winnipeg North who spoke just a few minutes ago on this matter. The committee took this quite seriously. The minister implied that subclause 9 of clause 26 is adequate for determining who is and who is not eligible to serve on this agency.

As a committee, we did not feel that the conflict of interest regulations were tight enough. For that reason the committee, after a lot of intense debate, included a clause that would restrict members of a board from having any pecuniary or proprietary interest in any business which operated in the industries related to reproductive technology. That was for a very specific reason. We felt this provision was necessary and that members should not support the striking of that clause.

Going on to the Group No. 5 amendments, these amendments deal largely with the regulatory agency, as I have alluded. The bulk of these amendments, beginning with Motion No. 80 up to and including Motion No. 90, deal with various aspects of the use of embryos for research.

In our minority report, the Canadian Alliance put forward the position that we would prefer a position that would make all these motions unnecessary, and that relates to the use for which cells will be used. We feel, as Canadian, we are dealing with this at a time when more information is available to us than other jurisdictions. Therefore it is incumbent upon us to make decisions that may be different from other jurisdictions that have gone before us, when scientific information on the alternatives to embryonic stem cell use were not as clear as they are today.

I want to underscore some of the reasons why we feel that it is wrong. The bill states that it is wrong to create embryos, in fact, it is forbidden to create embryos for research but what is happening as a consequence of the bill is precisely that.

I want to speak for a moment about adult stem cells because the committee heard abundant evidence, and there is abundant scientific evidence today. I will to quote from some of the top scientists who spoke to committee in just a moment . Briefly I want to say that adult stem cells are a safe, proven alternative to embryonic stem cells. Sources of adult stem cells are umbilical cord blood, skin tissue, bone tissue, and I will talk a about that in a moment. Adult stem cells are easily accessible, are not subject to immune rejection and pose minimal ethical concerns, as opposed to embryonic stem cell transplants that are subject to immune rejection because they are foreign tissues. The body has cells that check licence plates, it checks the DNA and it checks out the markers on the other cells. Cells from another body will be rejected until one takes anti-rejection drugs.

Adult cells today are being used in the treatment of Parkinson's, leukemia, multiple sclerosis and other conditions, but embryonic stem cells have not been successfully used in the treatment of anything.

I make reference to some of the distinguished scientists who spoke at health committee.

Dr. Alan Bernstein, President of the CIHR, the Canadian Institute for Health Research, stated at committee November 26, 2002:

> I would say that if one knew that adult cells would work in therapeutic settings... then there's no question that this would be the preferred route of treatment, as opposed to using embryonic stem cells, where one doesn't know about the transplant rejection situations and all that.

I thank Dr. Bernstein for that. Clearly adult cells are better. However there is the "if" word there.

● (1545)

Dr. Ronald Worton, who is the head of the Stem Cell Network at the University of Ottawa, "There is no question that autologous stem cells hold a lot of promise". Those cells are taken from one's own body and put back into one's own body. He went on to say, "We believe a lot of the therapy that will be done with stem cells in the future will be done with adult stem cells".

Dr. Prentice, University of Indiana, testified that he took stem cells that were isolated from his own blood for research purposes. Because these stem cells are smaller, they can be centrifuged and separated from other cells and can be used to grow in vitro and in Petri dishes.

I ran into a person in the city of Toronto just a short time ago, who is related to a person who is a very well known Canadian. I will not mention his name because I have no permission to do so. This man had a condition called multiple myeloma. That is a very serious bone cancer. Bone marrow cells had been extracted from him, then they isolated the stem cells. He had been given chemotherapy to kill the tumours in his bone. Then after the tumours had been killed with the chemo, his own stem cells were reintroduced, and he is doing just fine without medication.

Thursday, November 28, Dr. Freda Miller, now of Sick Children's Hospital in Toronto, spoke on the prospects for profit of adult stem cells. Dr. Miller was formerly from McGill University. She made a lot of headlines for her skin based precursors, cells which she isolated from the skin that were able to transform into stem cells and grow into other types of tissue. When the headlines on Dr. Miller's research hit the paper they said that researchers had found gold.

About the prospects for profit in adult stem cells, she said that they were very low. As a matter of fact, she said that she did not think that any company would fund the kind of dream scenario we were talking about, autologous transplantation for individuals.

Dr. Worton is saying that there is tremendous potential in autologous transplant, but Dr. Miller is saying there is not much money in autologous transplant. That will have to be funded by the public system, health charities or something as a purely medical treatment because there is not any money to be made.

The concern we have is that this important area of research should not be driven by money or by where profits are highest. The corollary is that there is a lot of interest from industry in promoting embryonic cells because if we can get it to work, it will have strings attached to it that may be patentable. Maybe the cells are patentable. Maybe the procedures are patentable to get something that is not a good fit to fit. We feel that this important area of research should not be driven by what will be most profitable for industry. It should be driven by what is most profitable for Canadians.

We have had petition after petition in the House from Canadians from all ridings. I have heard members opposite present petitions from their ridings asking Canadians to pursue adult stem cell research and make morally ethical research available to Canadians, the ones that show the most promise. That is the position of this party. I wish the members opposite would take this seriously so that we can advance what is in the best interest of Canadians. This is good science. It is not bad science or moral people trying to hold back good science. This is good science that would be better advanced by promoting adult stem cell research.

If we were to go that way, if we would follow the advice of minority report from the Canadian Alliance, these amendments would not be necessary. However the minister seems determined to keep the door open to use embryos, embryos that were intended to produce children. That was the whole focus of our draft legislation, building families, and the committee was determined to try to keep the focus on building families.

I applaud the member for Mississauga South who has brought in amendments that would require the agency to at least, if we are to go this way and use the most vulnerable people, the ones trying to produce babies, to encourage them to give up the surplus embryos to industry. At least this would require the agency to keep track of those embryos, to be accountable for them and to put requirements on the agency to monitor the use of these embryos and to try to restrict the commodification. We applaud the member for Mississauga South for his effort in bringing forth these amendments and I hope all members of the House will support them.

● (1550)

Mr. Richard Harris (Prince George—Bulkley Valley, Canadian Alliance): Mr. Speaker, I am pleased to rise today to talk about Bill C-13.

My party has a lot of concerns about Bill C-13. My colleague from Nanaimo—Alberni has pointed out a lot of concerns and why our party would not support the use of embryonic stem cells in research. He has pointed out the alternatives and the medical scientific breakthroughs that have been made in adult stem cell research.

I want to mention some more concerns that we have. First, there are some things in the bill that we do agree with. For example, the bill does point out that the health and well-being of children born through assisted human reproduction must be given priority. We certainly would support that.

We support the bans on reproductive or therapeutic cloning, chimeras, animal-human hybrids, sex selection, germ line alteration, the buying or selling of embryos and paid surrogacy.

We support an agency to regulate the sector, although we want changes to it that we believe are necessary.

There has probably not been a bill put to this House in the last several years that has caused me to receive more mail in my office than the issue of stem cell research. I can say that the citizens of Prince George—Bulkley Valley have overwhelmingly expressed their opposition to embryonic research over the past several months and have asked me to speak on their behalf in the House of Commons.

Embryonic research is a very ethically controversial proposal and type of medical research. It is dividing Canadians. We have witnessed that in the House with the different views of members of Parliament supposedly speaking on behalf of their ridings. We have seen the numerous petitions that have been tabled in the House calling for ethical stem cell research.

It has been pointed out by my colleagues and in petitions that embryonic stem cell research inevitably results in the death of the embryo, which is the death of early human life. For many Canadians, this practice would violate the ethical commitment to respect human dignity, integrity and life.

There is an incontestable scientific fact that supports the statement that an embryo is early human life. It states that the complete DNA of an adult human is present at the embryonic stage. Whether that life is owed protection is one of the issues we want to talk about today and one of the issues that should be present in this entire debate.

Embryonic research also constitutes an objectification of human life where human life in a way can become a tool that can be manipulated and destroyed for other ethical ends. Adult stem cells, on the other hand, are a safe, proven alternative to embryonic stem cells. My colleague from Nanaimo on Vancouver Island has spoken about that at length.

● (1555)

There are innumerable sources of adult stem cells such as skin tissue, bone tissue, and umbilical cord blood. There is no shortage of a source for adult stem cells. We must question why some in Parliament and some in the medical community appear so determined to pursue embryonic stem cell research when adult stem cells are so readily accessible and have been proven to be beneficial in research.

Adult stem cells are not subject to immune rejection and pose minimal ethical concerns. Embryonic stem cell transplants are subject to immune rejection because they are foreign tissue. Adult stem cells used for transplants typically are taken from one's own body.

Adult stem cells are being used today in the treatment of Parkinson's disease, leukemia, MS and many other conditions, and are working very well in that type of treatment. Conversely I must point out that embryonic stem cells have not been used in the successful treatment of a single person. Given a lot of these facts, one must wonder why this drive to get into embryonic stem cell research is so ongoing.

In our minority report from the health committee we called for a three year prohibition on experiments with human embryos corresponding with the first scheduled review of the bill. It should be pointed out that the government disregarded many of the points that were made in the health committee in order to put forward Bill C-13.

When we look at the bill we see many things that were left out. Amendments pertaining to the regulatory agency have not been included in Bill C-13. The health committee recommended many things like an end to donor anonymity. That has been left out of the bill. Our minority report said that where the privacy rights of the donors of human reproductive materials conflict with the rights of children to know their genetic and social heritage, the rights of the children should prevail. That was not included in the bill. When the issue came up during the review, the Liberals defeated our amendment to end anonymity in a six to five vote, so there was a split among the government members.

The bill supposes to support the health and well-being of children born through assisted human reproduction and that must be given a priority. We do support that. We support continued research using adult stem cells in medical research and treatment, as we have seen it being successful now.

However, our party cannot support Bill C-13 as it stands. We have amendments that we will be putting forward at different stages of the bill and we trust that the Liberals and the other members of the House will see the wisdom in our amendments and support them.

● (1600)

Mr. Jim Abbott (Kootenay—Columbia, Canadian Alliance): Mr. Speaker, this is a serious and sober bill. There are many times in the House when we become involved in debate dealing with such issues as Iraq, Parks Canada or any number of things. I recognize that, for example, in the case of Iraq and whether we should be going to war that we are talking about life and the lives not only of the people who represent Canada who would be going and potentially representing us in a theatre of war, but the people on the ground in Iraq as well.

This piece of legislation goes even further. It goes right to the very essence of who we are as a created being. I wish to go on record clearly and unequivocally with respect to the issue of embryonic research as opposed to adult stem cell research. I am absolutely opposed to any continued research in the area of embryonic stem cells for the reason that, as my colleague from Prince George—Bulkley Valley pointed out, there has been absolutely no success. Conversely, if we are talking about adult stem cell research, there has been some amazing success. It confounds me to try to understand why in the world the research community would be continuing to press in an area where there has been no success and actually take away resources from an area where there have been some really far reaching successes.

I can only speculate, and this is pure speculation on my part, but it seems to me that if I understand the situation correctly, where there is embryonic stem cell research, should that research be successful, there would be a far more significant ongoing drug expenditure to maintain the life that was created or maintain whatever the therapeutic instrument was that was created from the embryonic stem cell research as opposed to the adult stem cell research.

If indeed that is correct, and the only reason why I am speculating is because I believe it to be true, then it does not take a rocket scientist to figure out that if we are going down a path that has the potential to generate far more revenue to people who are involved in the development, production and sale of drugs, that perhaps they are the people who are behind this illogical move to continue to put resources out on what to this point has been a failed attempt.

That being said, I want to deal specifically with the regulatory agency. The bill would create an assisted human reproduction agency of Canada to issue licences for controlled activities, collect health reporting information, advise the minister, and designate inspectors for enforcement of the act. The board of directors would be appointed by the governor of council with a membership that would reflect a "range of backgrounds and disciplines relevant to the agency's objectives". The bill as amended at committee would require board members to have no financial interest in any business regulated or controlled by the act. The health minister is now trying to undo these conflict of interest provisions.

In this respect, the action or the position taken by the health minister is virtually similar to every other piece of legislation that comes before the House, although the minister would not go to a board to bring some expertise to a given situation, that is, to bring more heads as it were, to bring two or three or ten intellects to try to deal with a situation. The fact is that invariably that board ends up reporting to the minister and not to Parliament. It goes back even to the question of the ethics counsellor reporting to the Prime Minister rather than us having an ethics commissioner who would report to the House and be responsible to the House.

● (1605)

Because we are dealing with the very foundation of who we are, in this particular case, where we are talking about literally manipulating the very essence of human life, it is absolutely unacceptable that the board would end up reporting back to a minister and not to this Parliament, hence to the people of Canada.

The board will have to deal with a tremendous number of mercilessly complex issues and, in dealing with those issues, it will be challenged morally, ethically, spiritually, scientifically and intellectually. The board will be challenged with virtually every decision it makes. Even with the number of people on the board and their applied intellect, when the board comes out with a decision, for them to be responsible solely to the minister of the crown is simply unacceptable. This is an issue that, in my judgment, requires the ability of the people of Canada to hold the board accountable.

Clause 25 allows the minister to give any policy direction he or she likes to the agency and the agency must follow it without question. The clause also ensures that such direction will remain secret. If the agency were an independent agency answerable to Parliament such political direction would be more difficult. The entire clause should be eliminated for the very reasons that I just finished enunciating.

The Canadian Alliance proposed amendments specifying that agency board members be chosen for their "wisdom and judgment". This was a health committee recommendation in "Building Families". We want to avoid an agency captured by special interests.

It is understandable that people are very passionate about these issues. Some are very passionate on one side, and then a different group is very passionate on the other side. People will pull together and, with their passion, they will come together with other people and literally create a special interest group to make sure that their point of view is brought forward.

How easy it would be for this agency to come under the direction and bias of such a special interest group, which is why the agency board members must report to Parliament. We do not want to end up in a situation where we could potentially have a health minister who would have his or her own agenda and would bring that agenda to bear on the board.

The health minister wants to undo a committee amendment requiring board members of the assisted human reproduction agency to come under conflict of interest rules. We come back to the same situation. I am not now talking about conflict of interest relative to an interest. I am talking about a conflict of interest with respect to business. Again, this circles right back to where I started, and that is, we have to be sure that the decisions that are being made are being made in the best interests of Canadians and Canadian life; human life without influence.

Therefore I find it very unfortunate that the health minister wants to undo the committee amendment requiring the board members of the assisted human reproduction agency to come under the conflict of interest rules, specifically subclauses 26(8) and (9). The health committee got it right: board members should not have commercial interests in the field of assisted human reproduction or related research, that is fertility clinics or biotech companies.

As I started off in my presentation today I made the point that this issue is a very passionate issue but that this issue must be handled with precision by the House of Commons.

● (1610)

It would be my hope that we would manage to stay away from any partisan barbs and that we would manage to stay away from any partisanship as we work this issue through. Perhaps, with the 301 members of Parliament in the House, we might be able to use, to quote the holy scriptures, the wisdom of Solomon, because we know we need it for the bill.

Ms. Val Meredith (South Surrey—White Rock—Langley, Canadian Alliance): Mr. Speaker, I rise again to speak to Bill C-13. It is no surprise that the bill has raised a number of controversies with the Canadian public. Some Canadians feel that the very use of stem cell research violates the ethical commitment to respect human dignity, integrity and life, and, in believing life begins at conception, that any use of stem cell research would be a violation of that.

There also are those who see the use of stem cell research as an advance in science and technology.

Appreciating the fact that we have these two ideologies, these two groups of people in Canadian society, the onus is on the government to tread very lightly, to be very sensitive to the different sides and the different concerns that people have, and to make sure the legislation acknowledges and deals with the concerns from various communities within Canadian society.

A lot of the proponents who would not like to see stem cell research used at all would suggest that adult stem cells are the ones that should be used. Unfortunately, we are dealing with reproductive technologies and reproductive technologies lead us into the discussion of embryonic stem cells. Adult stem cells kind of fall outside of reproductive technology.

However the argument is, and one that certainly can be supported, that where adult stem cells can be used in research, they should be used. The onus should be on the government to make sure that if embryonic stem cells are used for research purposes that there are some protections.

The committee on health looked at this legislation before it was presented to Parliament and came up with a number of recommendations. Those recommendations were well thought out. The committee spent a lot of time looking at it and the minister would be wise to consider some amendments to this legislation that would better reflect what the committee recommended when it studied this before coming to the House.

Some of the comments that the committee came up with were very valid. One was that the protection of the rights and the health of the children who are a product of in vitro fertilization must be a priority. The other priority has to be the parents who have gone through this process in order to have a family. There must be an understanding of the stress, not only economically but the emotional stress, that is involved when two people have to go through a scientific process in order to conceive and have a child.

The government has to be sensitive, not only to the physical attributes of what this legislation will create but also to the emotional and the psychological concerns.

The bill deals with the control of not only the development of this agency and who will sit on it, but the control of how these clinics will operate and how the research is done. There is talk about controlling the volume of material that would be available for stem cell research. These are very sensitive issues.

It is very sensitive when a government tries to say that a person can only use so many ovum, so many Petri dishes, and can only implant so many fertilized eggs when the sole purpose of it is to create a child and create a family. It is pretty touchy because there are two sides. There is the couple who, in many cases, have waited a long time to conceive and are using this as a last ditch method, and are very anxious that they conceive this child before the natural clock takes over. The sensitivity from that standpoint, along with the sensitivity of other issues, has to be addressed.

● (1615)

The board that has to make those kinds of judgment calls will have to be very well selected. The members of the board need to be people who have the ability to use good reason, who are wise, compassionate, understanding, as well as people who can make decisions.

The selection of the people for the board is very important. They must be able to show that they will well represent the end response to this legislation, which is the protection of the child who is created and of the parents.

Another issue that comes up in this proposed legislation is the aspect of consent. Who gives consent for the unused embryos, the unused fertilized eggs to be used for research? Is it just one of the parents? Is it the donor of the egg? Is it the donor of the sperm? Is it a joint decision? What kind of consent should be required?

I think all of us are aware of many cases that have gone through the courts where a child has been conceived by a surrogate mother and the surrogate mother decides she wants to keep the child and then it becomes a legal wrangling. We know of where they have used frozen embryos in a bank and one of the people involved has died and the other person wants to resurrect it and there is the question of do they have the right. There are legal parameters that will come into play with this proposed legislation.

It is very important that the government be very sensitive to not only those issues but to the potential issues that this proposed legislation will create.

When we go beyond consent we then start looking at the issue: does this child, who is created through a process, have the right to know the donor? I would suggest, as an adoptive parent, that there are times when the information is necessary for medical reasons. Maybe the child is perfectly happy in his or her family but finds himself or herself with some kind of genetic disorder or illness and needs to know who his or her biological parents are for medical purposes.

As I understand it, the legislation does not allow for that. How do we accommodate that which may happen and, should the proposed legislation be amended, to keep in mind that the time may come for good, scientific medical reasons why that child needs to know the donor.

I think the legislation also goes into surrogacy and the parameters of how that works. Again, it is very touchy. We have situations where we have legal contractual arrangements for paying the expenses of an individual. Will it be deemed that the individual will be paid to bear that child, or is that paying for the expenses of what that individual will go through in order to bear the child? Is that a necessary process or is that just a chosen process?

Again, we are getting into a territory that the results of the bill will have an ongoing legal implication. I hope that the assisted human reproduction agency of Canada will be made up of people who will have the ability to see through all these different issues that will occur.

The final point I want to make is that with this kind of a bill, which deals with such a touchy issue that affects all Canadians, no matter what side of the issue they are on, whether they are offended by it or whether they support it, I would suggest that it is extremely important that the agency report back to Parliament. It is not good enough that the agency would report only to the legislative branch of government.

● (1620)

The reason I say that is the people are connected more closely to their elective legislative branch than they are to the executive branch of government. On an issue that touches Canadians in such a human and familiar way as the reproduction of children, it is essential that the agency report back to Parliament.

In wrapping up, many amendments need to occur to this legislation to make it acceptable to all Canadians. In order for this to be accepted by all Canadians, those amendments must be seriously considered by the government during report stage.

Mrs. Betty Hinton (Kamloops, Thompson and Highland Valleys, Canadian Alliance): Mr. Speaker, when we come to the House of Commons we accept that we are going to take responsibility for some very serious issues. This is no longer a simple world and some of the things we have to deal with in the House of Commons today are ethically challenging. There are moral issues and issues such as the possibility of a potential war.

I do not think any issue has had a greater impact on me than this issue. I am not a scientist and I have no scientific background. Like many members of the House, what I have to rely on to make decisions and to think things through is my experience. I add to my experience by listening to the experiences of my constituents.

I do not need to tell any member of the House that the volumes upon volumes of information that flows across our desks every day is almost impossible to keep up with. However, if we read it and listen to debates and talk with colleagues throughout the House, we gain a different perspective and I hope that is what we are supposed to be doing here. We are supposed to be representing all of Canada and those perspectives are very important.

I know there are a great number of members in the House who first and foremost consider this to be a moral issue. I respect that point of view. There are members in my own caucus who feel very strongly about that side of this and there are members across the House and other members of opposition parties who feel equally strongly.

Before I try to explain how I drew the conclusions that I did on this bill, I should give some background. As I said, I am not a scientist but I am a human being and I have lived a few years and have had some experiences. That is what I have based my conclusions on.

When my husband and I started our family, we were blessed with three children. When our first daughter was born we were absolutely delighted, as are all parents with their first child. As parents we learn a little later on that there is going to be some trouble that goes with those children but we do not think about that. We are just overwhelmed with the joy of having these children.

Our first daughter was born looking perfectly healthy, slightly jaundiced, but perfectly healthy and we were very delighted to welcome her into our home. As it turned out, there was a small defect called a biliary atresia and in this case it was called a complete biliary atresia. Unfortunately, even in this day and age it is an incurable problem and the child simply cannot survive. Most children born with this live to be three months old. We were very blessed. She lived to be 10 months old.

From my own perspective as a mother and from my experience of going through that, if someone had offered me a solution that would have saved my daughter and let her live, I would have taken it. Whether that solution was embryonic stem cell or adult stem cell would not have mattered to me at that point in my life; all I wanted was something to take away the pain and to cure her. It was not available and as I said earlier, it still is not available.

For those people in Canada who wonder how we arrive at our decisions, I want to let them know that I can empathize with situations where they have a chronic disease that is going to kill them or they have children born to them who have something terribly wrong with them and they are going to lose them. I know from experience I would have walked through fire to save my daughter as would have my husband, but it was not possible.

When I talk about embryonic and adult stem cell research, I want people to understand that because of that experience, this is not a moral choice for me. I would be lying if I stood in the House and said that there would be no way I would go either way if it would have saved. I would have. From my perspective, I had to do more homework. I had to read more volumes. I had to think this through more thoroughly and I had to talk to people who were wiser than me on the scientific end about what could and could not be done.

● (1625)

My conclusion is that the best way for us to proceed is to stay with the adult stem cell research. My reasons for that have been outlined by many of my colleagues in the House today, but they bear repeating.

Adult stem cells are easily accessible. They are not subject to tissue rejection and they pose minimal ethical concerns.

On the subject of tissue rejection, that is something we have to think about very seriously. When embryonic stem cell research is used, there will be a rejection problem. The person who receives this life-giving stem cell is also going to receive the penalty of having to take anti-rejection drugs for the rest of his or her life.

I do not have to tell members that we are facing a health care crisis in this country. We will work together and we will find a way to fix it. If there will be people all across the country on anti-immune suppressant drugs for the rest of their lives, let me say that the problems we have now will look minimal in 10 years time.

There has been so much positive progress that it is the reason my party has been adamant that the government could avoid this divisive ethical issue by instituting what the Canadian Alliance has asked for. We want a three year prohibition on stem cell research in order to give the potential for adult stem cell research time to develop.

There have been such tremendous inroads made in adult stem cell research. Why abandon that now knowing full well that we cannot possibly as a country afford to do justice to both kinds of research? We are here now to make a choice. To me the choice is clear. Stay with the adult stem cell research, continue on with the good work that has happened and put all the support and resources we can possibly find behind it. There are literally tens of thousands of people in this country counting on us to make the right decision.

I must repeat for those who are wondering, for me this was not a decision based on moral beliefs. I do agree with my colleagues about the moral issue. My decision was not based on a moral decision. It was based on the evidence put in front of me, the experience that I have had in my own life and the constituents who have come to me and explained the situations they are facing.

One in particular stands out, a constituent with a little boy two years old who has diabetes. He came to my office and he asked me if I would be supporting embryonic stem cell research because from everything he had read, that was the answer. I explained to him the research I had done and what I had learned. He left saying to me to keep the course and insist that it become adult stem cell research. We have a vested interest in finding the right cure for that child and every child in Canada.

There are people all across the country who suffer from Parkinson's disease and all kinds of other terrible diseases. They could probably benefit from the research.

It is incumbent upon us to make certain that we do this right. Doing it right does not mean doing it fast. Once again we have a problem in the House in that a committee that is made up of members from all sides of the House spends valuable time and energy considering all of the issues put in front of it. Then those recommendations come in front of the House or go to the minister and they are all overridden and there is an agenda that is put in place of all of that hard work.

I have to repeat what another colleague said earlier. Given that embryonic stem cell research will require a drug for the rest of the days of the person who has received the stem cell research, is it not possible that there may be an agenda on behalf of the pharmaceutical companies that are the ones that promote and push the embryonic stem cell research in the strongest possible way?

● (1630)

Is there not a possibility that those companies may have a vested interest? Maybe we should take their opinion and water it down considerably and listen more carefully and more closely to Canadians who are trying to deal with this problem on a day to day basis.

We have the capability of finding the solution. I hope that all members of the House will work together to do that.

[*Translation*]

The Deputy Speaker: Order, please. It is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Dewdney—Alouette, Young Offenders.

[*English*]

Mr. Philip Mayfield (Cariboo—Chilcotin, Canadian Alliance): Mr. Speaker, I am here today with pride on behalf of the riding of Cariboo—Chilcotin to speak to Bill C-13 on human reproductive technologies.

I find it interesting the manner in which the issues of great ethical and moral concern are dealt with in this place. It is not that they reach an impasse, but that after months and years of study, that study can be set aside and a whole course of action can be put in place and no one really understands the roots or origins of where the changes have come from, but one can guess.

I find it also interesting that at this particular time while we debate this serious ethical issue of the origins of life, of correcting genetic mistakes by using both adult and embryonic stem cell research, we are also in the ethical dilemma of how to conduct our affairs in another part of the world as we consider the Iraqi situation and our relationship with our allies and neighbours. These too are the result of deep moral concern and division.

What concerns me is that we come to this place and while we take part in the exercise, it is as though the end result has already been determined and the debate in the House is only filling up space. I hope there are people who are concerned about this legislation. I hope they are concerned about what it is going to accomplish. I hope there are members of the government who are carefully listening and understanding the depth of concern of people here on these moral issues.

At this moment I am concerned about the issue of embryonic research. It is an issue that divides Canadians. It is an issue that has attracted much attention. Many petitions have been tabled in the House expressing people's concerns, hundreds and hundreds of petitions representing thousands and thousands of Canadians. I wonder what benefit the petitions have been in the process of determining in which direction our country will go in setting out guidelines, in legislating the details of how this research will be conducted, of how the benefits of this research will be used.

It disturbs me when I realize that as part of the legislation there will be an agency that will not be responsible to the representatives of the people, to Parliament, but in fact will be responsible to the executive branch of the government, to the ministers at the cabinet table. In fact, that agency will be susceptible to directions from that executive group and these may be secret instructions that no one has an opportunity or a way of knowing anything about.

This really is not clarity. It is not open government. This is clouding the issue of how the morality of our people can and will be expressed. It causes deep concern for me that we cannot do this in a transparent way where everybody knows the way the decision was taken, where everybody knows the course of action that was followed, where everybody knows how the rules apply to them specifically.

It is wrapped up in a cloud and we do not entirely understand why there is this lack of clarity. Is it because of the big minds and big egos of scientists who want to put their mark on a new area of research? Is it because of commercial considerations? Does somebody have an opportunity to obtain a patent on a process or gene, or a way of harvesting the cells that are needed?

● (1635)

These are issues that would add a lot of light in my understanding of what we are doing and would go a long way toward settling some of the concerns I have as we discuss these issues. What we are looking at is an objectification of human life. We have been proud to say that every person is absolutely unique. We talk about the uniqueness of a person's facial characteristics, their fingerprints and their DNA, yet what are we doing? We are making people far less than subjects, subjects of God or subjects of the country. We are objectifying people and making them clones, not in the cloning process, I hope, because we are absolutely opposed to that, but in using procedures so close to it that they are very terrifying.

Life is not a tool. Life is a gift. It is a gift as much to the unborn as it is to the born, as it is to the middle aged and the elderly. Life is a precious gift. That is the basis of many of the great religions of the world and certainly of the religion of Christianity, of which I am a part. Life is precious. Human beings are subjects. Human beings are not objects to be manipulated. That is the basis of our freedom. The basis of our freedom is that we are unique, that we have a means to act independently and express that uniqueness, and that we know we are cherished for that individuality, not manipulated and not subject to destruction for somebody else's purposes, unless that is a choice someone might choose to make.

We have virtues such as courage. People have taken that individual choice and have chosen to give their life for something very special. To give a life for a life is one of the most precious things that we can contemplate, but we are trying to play God by saying that we can make life and we can take it away. It is not interesting that we do not believe in capital punishment, that we do not believe in killing people who have done bad things, but we do believe in killing people for other purposes? Ethically, I find that most disturbing.

There is another thing that disturbs me. As we consider the benefits of embryonic versus adult stem cells, there is a way of pursuing the research and avoiding so many of the ethical snags we run into by taking life, for whatever virtuous reason. It is not a life that is given. It is a life that is taken.

I was happy to hear that Quebec is setting up a clinic to take umbilical blood for the harvesting of adult stem cells. This clinic will be one of a number around the world and of two in Canada. The other one is in Alberta, I believe. That is the way we should be going. We should not be trying to satisfy the curiosity of a scientist who says this can be done. We should not be trying to satisfy the curiosity of a scientist who would like to know how to do it and have the means to do it. At what cost to our society do we take such an immoral, in my opinion, course of action?

● (1640)

Embryonic stem cell research has caused many problems even in the research and the results of that research. We are still trying to follow that course. At what price? For what cause? To satisfy what ego, which would take a life that has not been offered, which would kill the innocence when there has been no opportunity for productive realization of that life?

While I am pleased to speak on this, members can tell that it is a matter of great urgency and of great concern for me. I plead with those who are responsible to keep our nation whole, to preserve the integrity of our nation, our people and our course of action, because unless we do have that integrity, upon what base will we continue to grow and thrive as one of the family of nations in the world that has something to offer the world?

Mr. Larry Spencer (Regina—Lumsden—Lake Centre, Canadian Alliance): Mr. Speaker, I rise today to speak to Bill C-13, an act respecting assisted human reproduction.

Before I begin I would like to commend the hon. member for Mississauga South for his outstanding work on this portfolio, the bill and these recommendations that have been put forward. The health committee also has done outstanding work. The health critic for the official opposition along with the member for Nanaimo—Alberni have done great work in keeping this party informed. I want to express my sincere appreciation to them.

Before I start I want to give the conclusion, because I usually get cut off before I conclude.

I have heard that diabetes is a fatal disease. I suppose I will find out some day, because I have it. Knowing that I have it and knowing that diabetes is one of the diseases targeted for possible cure through stem cell research, I still make this conclusion in spite of that. Even though there are many needed aspects to the bill, especially if amended properly, I still cannot support a bill that opens the door to the intentional destruction of innocent human life. Now I have said that. That is where I stand.

We have had information about the bill provided to us. The bill allows for human embryos to be used for experiments under four conditions: first, all embryos must be byproducts of the AHR process, not created solely for research; second, if written permission is given by the donor; third, research on a human embryo if the use is necessary; and fourth, all human embryos must be destroyed after 14 days if not frozen.

I think we are creating a great dilemma for ourselves. We all value life. Just prior to this, the member spoke of the value of human life. Not one of us would fail to value human life, especially if it is our own life. Somehow or another God has built within every one of us that desire to survive, to survive well and to be healthy. We can even observe it in the animal kingdom. If we corner an animal that thinks it is in danger of losing its life, the fight comes out in that animal like it will not be observed in any other manner. That is a natural thing.

However, we are talking about sacrificing other lives in order to benefit our lives. That is what embryonic stem cell research is permitting. We all appreciate technology. Or at least we appreciate the benefits of that technology. We like the conveniences of the modern life. We like the many things that happen because of technology. But sometimes technology goes awry. Technology becomes, in part, a curse on humanity rather than a blessing. Running in my mind is the example of gunpowder or dynamite. I have been told that its inventor is very sad to see that it is now used for such destructive purposes. Yet I come from a part of the country where there are many rocks, quite similar to what we would find in Nova Scotia, and the roads built through those hills and chiselled out of those rocks required the use of dynamite. That is a proper use of that technology. When we use it to kill and to take away other lives, that is an improper use. We appreciate it, but we do not want it to become an instrument of death such as it has in many cases.

● (1645)

I think back to the days of my youth. I remember growing up on the farm where we of course had a variety of animals. It was my job to take care of some of them. We had quite a number of brood sows. We raised pigs, fattened them for the market and sent them away. That was a part of our cash income on the farm. I remember that on one or two occasions in that operation we had a brood sow that took on a particularly destructive trait, which was that as soon as the newborns hit the ground she would turn around and eat at least one or two of them. When that tendency did not stop, we of course eliminated that particular specimen from our herd. We attribute that to a low animal that does not understand.

However, what are we doing as human beings when we take the lives of our own embryos, our own offspring, and excuse it because we need to find a cure for diabetes?

We cannot assist human reproduction at any cost. There has to be a limit. There has to be a place where the cost becomes too high. There has to be a place where we say stop. We all appreciate the need to assist couples who do not have children. They are childless and they are anxious about having a child in their home. We appreciate that very much. I understand the desire in the heart of these people to have children. I appreciate so very much my own children, and let me say that one of my four children was adopted. There are the means of acquiring children besides natural birth. It is not impossible for people to have children if we do not go ahead with investigating all the technology available.

The bottom line is this: assisted human reproduction, yes, but not at any cost.

Motion No. 88 is a very needed motion. I again commend the member for his work in putting forth these motions. The amendment recognizes abuses that can and do occur in some fertility clinics and the potential for abuse. I know that already some sort of limits are implied and now there are going to be more specified limits on this kind of thing, but there are always those words "as necessary" written in, which are open to interpretation.

I appreciate the remarks of my colleague who indicated that there was a need for the opportunity to do an unlimited number of fertilizations or have an unlimited number of implants. That is the cost I am talking about: not at the cost of human life. We must not create human life in order to play God, sort through it, choose the life we want and destroy the rest or even do research with it. There is a better way to avoid this dilemma. I have with me copies of three articles which emphasize the fact that non-embryonic stem cells are very promising, much more promising than the embryonic stem cells.

I see that my time is running out. It always happens, I do not know how. I will skip to another important statement, one from the Law Reform Commission of Canada in a working paper from more than 10 years ago: "It is a scientific error to refer to the human embryo or foetus as a potential human; it is a human with potential...". If that one statement could sink through into our heads, in fact, it would change our approach to this.

● (1650)

The present code has a curious provision in section 206 to the effect that a child does not become a human being until it has proceeded completely from its mother's body and is breathing. Thus, far from being a proper definition of the term, it runs counter to the general consensus that the product of human conception in the womb or out of the womb is a human being. There is no question of that and we should remember that any time we allow the destruction of a human embryo.

Mr. John Duncan (Vancouver Island North, Canadian Alliance): Mr. Speaker, I think the reason why time always runs short on this kind of speaking arrangement is the same reason why we always find what we are looking for in the last place we look.

I would like to begin by saying that I have four nieces and nephews who were all born as a consequence of assisted human reproduction. They are certainly cherished in our family. We have all just returned from family get-togethers over the Christmas season. I was reminded every day for 10 days about the precious products of assisted human reproduction. I cannot imagine our expanded family without their beaming presence as part of that collective.

The other interesting part about this story is that the father, my brother, is a geneticist and a scientist working at a leading scientific institution. He was very much a part of the decision and followed it through all its stages. Of course he was concerned about how it was done scientifically, but he was also concerned about the ethics and the consequences of the exercise they went through over these three successive endeavours.

A few things are very clear. First, we do need regulations. Second, when we set up a board, as would be conceived by this legislation, the people who would be controlling and regulating this type of activity must include people who are not from the scientific community, not part of this biotechnology or other scientific processes, but are there because they represent the ethical side of this whole issue. We cannot entrust this process, which is so important to society, to scientists only or to business people or to politicians. Clearly that is a major failing of the bill. It has not been fixed in committee because of actions taken by some government members.

The other disquieting action is that the minister is diluting the conflict of interest portion of the requirements for appointments to the board and suggesting that his or her ministerial judgment would be good enough. According to the language, the board of directors would be appointed by governor in council, in other words by cabinet, with a membership that would reflect "a range of backgrounds and disciplines relevant to the agency's objectives".

● (1655)

I consider that a clear statement. These appointments would be a self-fulfilling conflict of interest simply because they would be there to somehow fulfill the agency's objectives. That is most inappropriate. Unless there are strong changes this would soon be subverted into a board that would perpetuate its own objectives and would not constitute a proper set of checks and balances that reflect the greater needs, aspirations and wishes of society to regulate, control and keep up to date with changes, not just in social mores and values, but with changes in technology that can influence all of that.

In 1995, for example, my brother, being aware of advances in technology, took umbilical cord cells from his first child at birth and went to a private institution that was in the business of freezing and storing those umbilical cord cells for the possibility of future medical advances. That would mean that these special cells, which are only attainable from the umbilical cord at birth, would be available.

The company offering those services was basically drummed out of the advertising game by people who were suggesting that it was taking advantage of people's gullibility and that there was no validity or likelihood that the service it was purporting to provide would lead to anything of any value in the future. Within two or three years everyone was talking about the scientific value and the medical breakthroughs that could be obtained through using those very stem cells from the umbilical cord, the non-embryonic stem cells. These are the ones that avoid the whole argument about using embryonic cells in medical research.

I point that out just to say how fast this field can move. The general direction that is pointed to right now is that non-embryonic research is much more favourable to advances, breakthroughs, treatments and so on. People are using that scientific argument to bolster their argument that we should ban embryonic research.

We must clearly identify, from an ethical standpoint, that we do not want embryonic research in our country. If there are going to be advances, we are going to make a decision based on ethical grounds rather than scientific grounds because that is the appropriate way to do it.

If someone decides 20 years from now, or whenever, that it needs to be changed, that is what the Parliament of Canada is for and that is what legislators are for. Maybe they can make a different decision at that time. I think that would be the enlightened position to take now.

● (1700)

Mr. Gurmant Grewal (Surrey Central, Canadian Alliance): Mr. Speaker, I would like to speak to the Bill C-13 report stage motions in Group No. 5. Earlier I stood on behalf of my constituents and addressed my comments with respect to the other groupings. Bill C-13 is an act respecting assisted human reproductive technologies and related research. We oppose the bill unless it is amended.

There are various amendments in Group No. 5. I will go over them one by one. It is just coincidence that all the amendments happen to be from a Liberal member, who has worked very hard on this whole issue. Likewise, the members of this caucus have worked very hard, particularly the former leader of our party, Mr. Preston Manning. Our chief senior health critic, as well as the deputy health critic, has also worked very hard on this issue as have many members from other parties.

The bill proposes prohibitions through the Criminal Code on certain assisted human reproduction practices and would authorize the regulation of other issues under licence. It would create an agency to operate a licensing regime, monitor activity and keep records.

I would like to reiterate the recommendation of the Canadian Alliance in the minority report:

> That the final legislation clearly recognize the human embryo as human life and that the Statutory Declaration include the phrase "respect for human life".

Human embryos are early human lives that deserve respect and protection. I would request that a three year moratorium be imposed on experiments on human embryos until the potential of adult stem cells can be fully developed.

I strongly support health sciences research and development and research on adult stem cells. We must narrow the conditions of research. AHR should be more tightly regulated. I support an agency to regulate the sector. AHR clinics would have to be licensed and regulated by an agency created by the bill.

This is an international race of scientists on biotechnology, embryonic research, stem cell research and other fields of human research or biotech research, to accomplish what? To accomplish certain things, to find better cures for various diseases, cancers, MS and many other diseases. Why not do it in a way that is more efficient and without any sacrifice? That can be done by stem cell research rather than embryonic research.

The same results could be accomplished by stem cell research, or at least at the embryonic stage of scientific research we have in this field at this moment. We would like to explore the possibilities of accomplishing as much as we can through stem cell research. We are requesting a moratorium on embryonic research so that stem cell research can be fully explored. We need to completely fund the research and encourage scientists to go that route.

There are various motions that need to be specified. I would like to particularly comment on a few of the motions. Motion No. 80 specifies that research using human embryos should not only be approved by the agency, but by a research ethics board and a peer review. Also, because of the gravity of embryonic research, any extra level of oversight or review should be supported. We strongly support that motion.

We also support Motion No. 82, which places the onus on researchers to explain to the agency, " the reasons why embryonic stem cells are to be used instead of stem cells from other sources".

● (1705)

Similar to the original recommendation of the health committee, the research on human embryos can only be permitted if no other biological material is available. Since adult stem cell research is much more promising and there are no ethical problems, why not fund, develop and enhance the scientific activities in that field of scientific research? Adult stem cells are being used today to treat Parkinson's disease, leukemia, MS and other diseases. Therefore researchers should focus their efforts on adult stem cell research.

On Motion No. 89, a clause already exists in the bill which states that the agency may suspend the licence of a licensee who violates the act in accordance with those regulations. Motion No. 89 states that the agency should suspend such a licensee in accordance with the regulations. Given the gravity of assisted human reproduction, it seems appropriate that licensees found guilty of contravening the act should have their privileges suspended. That is the regulatory control we want the agency to have so that it can be effective in implementing its mandate.

Motion No. 90, which we support, adds a right of appeal to licensees who have had licences suspended for alleged violations of the act. That seems to be appropriate. In other words, we need to have effective control keeping in mind the ethical issues involved. By promoting stem cell research, I am sure we are not only exploring that field of science which could be effective without any sacrifice or damage to human life, but at the same time exploring the possibilities where stem cell research can find better cures and more diversified usage.

I support a ban on therapeutic cloning, animal-human hybrids, sex selection, germ line alteration, the buying or selling of embryos and paid surrogacy. All these issues are very important. There is a huge area of ethical issues involved. I am sure that many of my colleagues who have already spoken on this issue have highlighted those issues.

Another concern is that children conceived by AHR will not have the right to know the identity of their parents without the written consent by the parents to reveal it. I think it is very important for future children, who will be born through this process, to have the right to know their parents.

Our party, which is more concerned about family issues than other parties in the House, want to strengthen the institution of families by taking those things into consideration. I am sure stronger families make stronger communities and stronger communities make a stronger nation. We have to look at this type of issue to strengthen the institution of families.

With regard to surrogacy, repaying surrogate mothers could result in effective commercial surrogacy. Becoming a surrogate is a very serious matter, to the extent that the health committee saw fit to amend the bill to prohibit surrogacy for women under the age of 21. The research highlights the importance given by the health committee, and I am sure that the government must look to that recommendation.

Surrogacy can also have profound effects on relationships between husbands and wives, within families, between the surrogate and the adoptive parents, not to mention the surrogate children themselves. All these things will affect the institution of family and the relationships of different members in the family. As I have already highlighted, it is one of the most important issues to strengthen a nation.

I will conclude by saying that we should encourage stem cell research and put a moratorium on embryonic stem cell research. All these ethical issues must be taken into consideration. Therefore I support all the motions in Group No. 5.

The Deputy Speaker: The Chair would like to take a moment before resuming debate. As we have proceeded through the debate on Bill C-13 and upon closer scrutiny of the publication of the Order Paper and Notice Paper, some clerical and typographical errors have come to light. I want to keep the House up to speed as we go through this, as they come to light and corrections are made.

● (1710)

For instance, in Motion No. 90, article 42(1) reads "The Agency may, in accordance with". The line should read "The Agency shall". The word "may" is removed and is replaced by the word "shall".

[*Translation*]

I would like to repeat this for the French. Motion No. 90, which is a motion to amend clause 42(1), reads as follows:

"42.(1) L'Agence peut, conformément aux"

The word "peut" should be struck and replaced with the word "doit". Line 36 would then read as follows:

"42.(1) L'Agence doit, conformément aux"

[*English*]

We have one other matter to deal with. I want to bring to your attention a correction to Motion No. 93 in Group No. 6 standing in the name of the member for Mississauga South.

Motion No. 93 should read:

That Bill C-13, in Clause 66, be amended by deleting lines 9 to 12 on page 33.

[*Translation*]

In French, the motion should read as follows:

Que le projet de loi C-13, à l'article 66, soit modifié par suppression des lignes 10 à 12, page 33.

[*English*]

Consequently, the voting table will be adjusted accordingly.

Mr. Deepak Obhrai (Calgary East, Canadian Alliance): Mr. Speaker, it is a privilege to rise and speak again to Bill C-13. Yesterday I spoke to the motions in Group No. 4. Today we are dealing with motions in Group No. 5 proposed by the hon. member for Mississauga South and my colleague who spoke just before me and who went through each and every motion giving his support. In general, I do not want to go back and say the same things that he has said.

As I said yesterday, the issue of reproductive technology has created much concern among Canadians and, as such, we need to look at it. As my colleague mentioned, the former leader of the Reform Party took a keen interest in this issue while he was a member and came up with a lot of recommendations. At the same time a committee was set up to study the whole issue of reproductive technology and it came up with recommendations.

● (1715)

We have all been concerned about this issue for a long time but our concerns became bigger when, as I mentioned yesterday, we were advised that the first human cloning had been done by Clonaid. We are concerned that unless and until we have rules and regulations in place, we will not know in what direction this new research will go. Therefore, by introducing this bill, the government is attempting to address some of the concerns surrounding this issue.

However, as I stated yesterday, the concern we have with the bill is that it has left a lot of loopholes. These loopholes can allow the concerns people are expressing to fall through the cracks and we would not know what direction it will end up going.

Yesterday I stated my concerns about the transparency of the agency and about allowing the minister to appoint people to it who may or may not have a conflict. Even though he or she may or may not appoint people who have a conflict of interest, I fail to understand why the legislation could not include clearcut guidelines as to who can serve on those agencies because that agency, at the end of the day, will be the one that will set guidelines, rules and ethics on this subject.

There are two points on this subject that many of my colleagues have talked about. One has to do with the availability of the adult stem cell as well as research using human embryos. Unanimously on both sides of the House, no one seems to have any difficulty with adult stem cell research because of its availability and a lot of other things. However the bill also talks about using human embryos to a certain degree. I would like to read this so that those who are listening and watching television will know what the bill is proposing in reference to using human embryos.

The bill would allow for experiments on human embryos under four conditions: first, only in vitro embryos left over from IVF process can be used for research; second, embryos cannot be created for research with one exception, that they can be created for the purpose of improving or providing instructions in AHR procedures; and third, written permission must be given by the donor, although the donor in this case could be singular. As we know there are two donors, a male and a female, but all the bill mentions is a single donor. Fourth, all human embryos must be destroyed after 14 days if they are not frozen.

● (1720)

When we talk about human embryos, we were all human embryos. It is a matter of concern as to how far we can use human embryos. Because of this concern, there needs to be further and more thorough debate on the issue. As such, the Canadian Alliance has asked for a three year moratorium so that when the first review of the bill comes up, we can look at this and see in what direction we want go. We should go down the path of adult stem cell research first and put a moratorium on human embryo research. Then we can see where that one leads us before we venture into human embryos.

There are a lot of pros and cons to this. I am sure that there perhaps is better use of human embryos for medical purposes but I am extremely uncomfortably even with the thought of using human embryos at this given time.

The bill lays the foundation for the use of human embryos. We need to stop that at this stage, vote for the adult stem cell and wait three years, as has been recommended in committee. Then we can see where we have gone before we venture out and under what conditions and stronger guidelines we do that. I do not want the situation that has happened this year, as was stated yesterday, that somebody could announce the cloning of a human being.

Mr. Ken Epp (Elk Island, Canadian Alliance): Mr. Speaker, we are here once again speaking about the genesis of life or the beginning of life.

Some time ago I read an interesting article in which the issue of when life begins was debated. There are some who believe it begins right at the moment of conception. There are others who say that it is somewhere around the end of the first trimester or during the second trimester. Then Canada has an absurd law that states that human life does not begin until the totally formed child is exuded from the mother's body. That is a very inadequate definition, especially in view of the fact that even those who argue the viability argument, which I also reject, know that a pre-born child is viable any time between eight or nine months after fertilization. We are in a real bog when we ask when does life begins.

A very interesting statement about in vitro fertilization was made in this article by a researcher from France, whose name I unfortunately do not remember. He was speaking about in vitro fertilization and inadvertently used a phrase which settled the issue. He said that the moment that the sperm was injected into the egg, in the little Petri dish, lo and behold, cell division began and life began. He was not a pro-lifer or anything like that. He was involved in research and gave very little regard to the moral value of human life. He came to the conclusion that there was life even in that cell.

Bill C-13 deals with the whole issue of human reproduction and assisted reproduction for couples who have difficulty having children. We are dealing with the issue of cells springing to life. Once there is life, there is a special and sacred quality to that chemical mix. Suddenly there is an actual life there. It is an intriguing idea.

Inanimate objects do not have life. We stand in here surrounded by tables, desks and other inanimate things. Beautiful as the stone work is, it is inanimate. It is not living. If it someday crumbles and falls, as we believe it will sometime in the next two or three thousand years, it will be sad. If it is a nice building we will regret it, but it is not the end of the world.

I remember not long ago one of my friends was in a car accident. I did not ask how the car fared. Instead asked him if he was okay or if he was injured. I asked if anyone else had been seriously hurt or if anyone had been killed. We immediately think of the humans involved in these kinds of things. Vehicles, whether they are nice or not, are replaceable or repairable.

We recognize the presence of life in other entities. For example, for many years we have been talking about endangered species. Even when I was a youngster, I remember the talk about the expiration of the whooping crane. They were an endangered species back then and I believe they still are today, although measures have been taken to preserve them.

Many strong penalties were brought in to preserve their lives even in the embryonic stage. The penalty was very high for anyone caught interfering with a nest of whooping crane eggs. The penalty was in the thousands of dollars and even subject to jail time. It was recognized there that unhatched egg represented, even though not fully developed, another whooping crane.

● (1725)

When we deal with the human genome, as it is called, it is another human being. I believe that very strongly and that is the basic definition we must come to grips with and grapple with when we make decisions that are so important to us.

Using these entities then for research is part of the subject of the bill. The bill deals not only with assisted reproduction but also with research and helping to find cures for diseases and other things. An embryo is not as clearly defined as a full grown adult or at least a fully developed child at birth. It is less developed than that, along various stages, along that long continuum of cell division and development. We must recognize that it is human and we must treat it with great dignity.

All the motions in Group No. 5 were proposed by the member for Mississauga South and deal with the dignity of human life. As such, I have absolutely no hesitation but to declare that I am ready to support every one of these amendments. They are very worthy.

I presume that I will have still about three minutes left when the debate on this bill resumes.

● (1730)

The Deputy Speaker: The Chair does not doubt that when it does come back to the floor of the House that the member for Elk Island will be present and he will certainly have that time remaining in his intervention.

[*Translation*]

It being 5:30 p.m., the House will now proceed to the consideration of private members' business as listed on today's Order Paper.

Private Member's Business

PRIVATE MEMBERS' BUSINESS

[*English*]

CANADA PENSION PLAN

Mrs. Bev Desjarlais (Churchill, NDP) moved:

That, in the opinion of this House, the government should amend the definition of "pensionable employment" in the Canada Pension Plan to include worker's compensation payments.

She said: Mr. Speaker, I will start off by reading out Motion No. 197 so that everyone is aware of exactly what it is:

That, in the opinion of this House the government should amend the definition of "pensionable employment" in the Canada Pension Plan to include worker's compensation payments.

For a lot of people it was quite a surprising thing to know that workers' compensation payments were not considered pensionable employment. There is no question that if a person is receiving workers' compensation payments, if they have had a workplace injury and if they have been in the workplace working, they would have been paying into the Canada pension plan, unless of course their income was so very low that they did not meet the yearly qualifying amount. I would not doubt that there are some industries out there that would still be proud of the fact that they have workers who might be working a good number of hours and still do not have to make CPP payments.

The bottom line is that it was recognized that when a person works a certain number of hours and makes a certain income, they pay Canada pension plan premiums and as a result they receive the benefits of the Canada pension plan.

I want to thank the members of the subcommittee on private members' business for choosing to make this motion votable. This will allow all hon. members of the House to stand and be counted on this extremely important issue.

The issue we are dealing with here is very important to me as a member of Parliament for the Churchill riding. I am proposing that the Government of Canada seek to extend the Canada pension plan to injured workers receiving workers' compensation payments. My motion would do this by including workers' compensation payments in the definition of pensionable employment found in the Canada Pension Plan.

The economy of my constituency is heavily dependent on resource industries like mining and forestry which suffer from higher rates of workplace injury than most others. Over the course of my life in working in the health care sector, I saw far too many people who had been injured in the course of doing their jobs.

I know how workplace injuries can take a terrible toll on the victims, their families and their communities. When a person who wants nothing more than to work hard and make a living suffers an injury on the job, the physical injury is bad enough, but oftentimes the financial injury is just as devastating to the individual and the family.

Provincial workers' compensation programs are one of the ways we as a society try to help the victims of workplace accidents with their physical and financial injuries. Most people recognize that if they were injured and unable to work, they too would want a little help and support workers' compensation programs on the principle that we should treat others the way we would want to be treated ourselves.

In the initiating years of the workers' compensation program, it came into being not to provide some kind of insurance for workers. It came into being to protect employers from being sued for work related accidents that resulted in an employee being injured.

In the United States we often see advertisements offering help to get claims against employers. In Canada we chose to do things differently. There was a sort of no fault system put in place called workers' compensation. Over the years that has changed and workers have received less and less benefits from workers' compensation programs throughout the country. I think most provinces have found ways to slice away at what workers are receiving.

The purpose of this motion is not to get the federal government involved with provincial workers' compensation programs. As we all know, workers' compensation falls under the jurisdiction of the provinces. The New Democratic Party is committed to a decentralized asymmetrical federation and it is not our policy to support federal intrusion into a provincial jurisdiction.

My colleague from the Bloc was extremely pleased that was to be the case, but I am sure that is not the only reason she will be speaking this evening. Rather, this motion is geared toward correcting what I see as an oversight in the Canada pension plan that unduly penalizes injured workers.

Before I go on to explain exactly how it penalizes injured workers and how my motion would fix it, I should say that although the Canada pension plan is a federal program, I recognize that it does not apply to the citizens of Quebec.

● (1735)

The Quebec government has exercised its right to opt out of the Canada pension plan and has instead put in place its own program known as the QPP. My proposed change to the CPP will have absolutely no effect on injured workers in Quebec or the Quebec pension plan. Nevertheless I hope that I will be able to count on all my hon. colleagues from Quebec to vote in favour of this motion when the time comes so that injured workers in the rest of the country can benefit.

Regarding how the Canada pension plan penalizes injured workers, the key point to keep in mind is that a retiree's Canada pension plan eligibility is calculated based upon the number of months of pensionable employment. Since the Canada pension plan does not currently include workers' compensation under the definition of pensionable employment, each month a person spends on workers' compensation counts against them when they retire and their CPP eligibility is calculated. Each month on workers' compensation is treated like the person was not working and had no income. This is hardly fair since a person on workers' compensation is by definition unable to work, and not unwilling to work or without a job.

How does this penalize an injured worker? When a person retires and claims the Canada pension plan benefit, the amount of the pension depends upon the average pensionable income during one's contributory period. The contributory period begins at age 18 or 1996, whichever is later, and goes until retirement. Basically it covers a person's entire adult working life, so each month one does not have any pensionable income, the average income is lower and the pension is lower. This is not a fair way to treat a person who is unable to work because of an injury.

Currently the Canada pension plan allows what is called a 15% dropout period. This allows a person to exclude 15% of one's working months from the CPP calculation. By excluding one's lowest earning months, it raises the average earnings and the final pension amount.

While the 15% dropout can partially mitigate the impact of an injury on someone's pension, it alone is not enough to offset the penalties injured workers face from the Canada pension plan. This is because most of us earn our lowest incomes in our youth and higher incomes later in our working lives. It does not take much of our working life to amass the small percentage of months that we are allowed to exclude from our CPP contributory period. Many of us have used up this time by our mid-twenties.

The problem for someone who suffers an injury and has to go on workers' compensation is that suddenly they find the month they are injured eating up the small percentage of months they are allowed to exclude from their Canada pension plan calculation.

Now consider what happens to a person who suffers a severe injury requiring a lengthy period of rehabilitation such as an amputation, a severe burn or an electrocution. The lost months of CPP eligibility dramatically reduce that person's retirement income. Think about it. The more seriously a person is injured, the more they are penalized in the pension calculation. Is this how a just and caring society should be treating its injured and disabled? This is morally wrong and my motion is about changing that.

At the heart of the matter, this really is a moral issue. I hope I have not been boring hon. members this evening with this history lesson on the Canada pension plan. Let me boil this down to its core moral argument. The Canada pension plan was created to provide Canadian workers with a secure retirement income and we should stop excluding injured workers from its full benefit.

This is not some abstract problem that I am trying to solve with this motion. Real people with real injuries are seeing their retirement incomes and their ability to live with dignity in their old age eroded because workers' compensation is excluded from the CPP.

The very existence of this problem came to my attention because it was happening to some of my constituents who then came to see me about it. These were hardworking people who had suffered the misfortune of serious injuries that forced them onto workers' compensation during their prime earning years. Those lost years have had a serious impact on their pension incomes, making it more difficult for them to live with the dignity they deserve in retirement.

The same thing could happen to anyone who gets injured on the job. One mishap on the job site and a person could be facing retirement in poverty. This is not a threat Canadians should have to live with.

● (1740)

I know there is a stigma surrounding injured workers in some people's eyes. Some people look at injured workers and think they are just milking their injuries. I think anyone who has had any experience with workers' compensation would know how mistaken this impression really is.

The reality is that less than 1% of workers' compensation claims are fraudulent. However, as with so many services and benefits, until people are in need, they really do not understand.

I urge all hon. members not to let the unfortunate stigma that surrounds injured workers impair their judgment on this motion. Instead members should ask themselves how they would want the system to work if they, their spouse or their child were injured.

I know that through the Canada Pension Plan Act there must be agreement of the provinces for changes to the legislation. What I have before the House today is the start of that process to get the provinces on side to make the changes so that we do not see those workers who have had to go on workers' compensation unjustly treated.

I recognize there may be different ways of doing that. We should be open to that. I am quite understanding of that process.

Throughout the country there is no one set workers' compensation plan. In some provinces more than others workers receive even less payments on workers' compensation. Even after being on workers' compensation, a good number of workers may not be able to go back to work.

There is no rule out there that says a person will have a job forever. A person may have lost not just their valuable earning years; a person may have lost their opportunity to earn.

A number of years ago I was shocked when a colleague's 16-year-old son while working at his summer employment quite badly damaged his arm by getting it caught in a conveyor belt. I was shocked that if he were to receive some kind of compensatory assistance or help, everything would be based on the wage he was making at that time. He was a student being paid minimum wage and that would have been how things would have been geared even if it had been a more serious injury.

During my first year as a member of Parliament, a 19-year-old man went into a workplace with no proper training ahead of time and ended up blind. Again, a life which possibly would end up on welfare forever after something like this happened because workers' compensation plans are different throughout the country.

What we as the federal Parliament under the federal acts must do is ensure that the plans we have in place benefit those workers in spite of what happens in each and every province. During those periods of time when workers are on workers' compensation they should be able to at least claim those benefit times.

Again, because it varies from province to province it is hard to get the exact figures as to how each province would put this in place and what the costs would be. Without question they automatically say it is going to be huge costs for workers' compensation.

I say to each and every one of us that may very well be. However, there are alternate ways of dealing with this and I already know of a few suggestions that have come up. As we proceed with the debate, we will come up with more of those figures. It is difficult to obtain specific figures from the provinces because they automatically like to say it will cost them too much.

I would say to them that those workers should have been working, but they were injured in the course of their employment. They should not have a double jeopardy against them and be denied the full benefit of the Canada pension plan because of that injury. They were injured in the workplace. We need to come up with a system where they are not losing out.

● (1745)

[*Translation*]

Ms. Diane St-Jacques (Parliamentary Secretary to the Minister of Human Resources Development, Lib.): Mr. Speaker, I am pleased to join the debate on the motion proposed by the hon. member for Churchill. As we discuss the motion to amend the Canada pension plan, we should keep in mind that last year was the 75th anniversary of the first public pension plan in Canada.

In 1927, the government of the day, led by Prime Minister Mackenzie King, implemented the first Old Age Pensions Act. Those first pensions were based on a study of income and were very modest by today's standards. They were $240 a year. Eligibility was very restrictive. Only British subjects aged 70 or older, who had been living in Canada for 20 years or more, were eligible.

At the time, this was a radical change in social policies. It became the basis for an overall system of public pensions and income security programs that make Canada today one of the best and most progressive countries in the world.

The old age security program, the Canada pension plan, and the Quebec pension plan, in Quebec, are the foundation of the retirement income system in Canada.

A key element of the Canada pension plan or the Quebec pension plan is the disability benefits that provide income to Canadians who cannot earn a living because of a serious disability.

To have a sense of the importance of these benefits for Canadians, note that during the 2000 fiscal year, the Canada Pension Plan paid out $2.6 billion to some 280,000 disability claimants who had contributed to the plan, and an additional $245 million to the children of these contributors.

This is the main long term disability benefits program in Canada. Each year, some 65,000 new claims are received and processed.

When we take a close look, it is fair to say that Canada's public pension system has truly been a successful experiment.

From its modest beginnings in 1927, we have developed an income support system that is the envy of the entire world.

Yet, we rarely hear public debate about the system. Millions of Canadians use it and benefit from it every month, but they rarely give it any thought.

I would say that we do not hear public debate about the Canada pension plan for the very reason that it does work well.

We all know the saying: If it ain't broke, don't fix it.

Today, however, we are being asked to fix something that is supposedly broken, and how? By amending the way pensionable earnings are defined by the Canada Pension Plan.

I am sure that the hon. member on the other side has good reasons for wanting to make this amendment, but I do not believe the system is defective, as she is attempting to suggest today.

In reality, if we change the definition of pensionable employment as suggested by this motion, we are going to create a precedent which might end up creating new and more serious problems for this and a number of other pieces of legislation.

For example, if we accept the inclusion of workers' compensation payments as pensionable income for CPP, why would we not accept other forms of social transfer, such as employment insurance benefits or provincial or municipal social benefits?

If we act unilaterally to amend the definition in the federal act, how will the provinces view it?

We need to keep in mind that the federal government is jointly responsible for the Canada pension plan, along with the provinces.

For example, in the case of disability benefits, the Canada pension plan and the various provincial workers' compensation plans can be taken into account for personal disability benefit claims.

Over the years, the two levels of government have worked hard to ensure that benefits to the disabled are integrated on both the federal and the provincial levels.

It would certainly be impertinent of the federal government to decide to unilaterally amend the definition of eligibility without prior consultation with its provincial partners.

● (1750)

The technical reasons that I mentioned show why the House should not support this motion. This does not mean that we should not ensure that all disabled workers in Canada receive all the benefits they are entitled to.

Since we must do so, I want to reassure the member for Churchill that this government, and I would say that this is true for all governments in Canada, wants to ensure that workers who become disabled are fully informed of the disability benefits to which they are entitled and can receive them.

That is why the Income Security Programs Branch of Human Resources Development Canada is working in close collaboration with each of the provincial workers compensation plans to improve and simplify disability benefit claims and the eligibility process.

It is also why the department has established an active public relations communications program that provides useful information on Canada pension plan disability benefits and how this program works.

There is always a delicate balance when it comes to managing a program as large and as complex as Canada pension plan disability benefits. Sometimes, certain cases give rise to discontent. The hon. member opposite is perhaps seeking to resolve a specific case with this general amendment, but agreeing to this motion would mean changing the definition of pensionable employment for everyone.

There could be unintended repercussions that could undermine a system that has worked well for many Canadians and which is talked about in other countries.

This government is willing to make changes to the Canada pension plan whenever all stakeholders clearly identify a need.

[*English*]

Mr. Larry Spencer (Regina—Lumsden—Lake Centre, Canadian Alliance): Mr. Speaker, I commend the member for Churchill for bringing this to our attention today. The motion states:

> That, in the opinion of this House, the government should amend the definition of "pensionable employment" in the Canada pension plan to include worker's compensation payments.

I want to bring to the House's attention a few problems and questions that this would raise. A major problem would be the precedent that it would set if the motion were to be enshrined in legislation, that is, accepting that insurance payments constitute income. By accepting the premise that insurance payments are income it would cause a number questions to be raised.

First, where do we draw the line? There are many people who are on monthly disability insurances, both provincial and federal as well as private insurance payments. Would people receiving CPP disability have it considered as income as well? That seems to be a problem.

The motivation for this motion comes from the fact that CPP does not collect premiums from people receiving provincial workers' compensation benefits. The result is that individuals injured on the job and receiving WCP for an extended period of time would see their CPP pension decrease at retirement since they are unable to contribute while injured.

The federal and provincial governments have been reluctant to implement this change as it would increase the CPP liability without a revenue generating mechanism to cover the increased cost. This raises a couple of other questions at that point.

There is the question of who would mandate that employees pay 4.95% of their disability cheque. It would be a political nightmare. Presumably, the CPP would be expected not to do this, but simply to take this on as an additional cost with no premium revenue to help bear it. It would make the CPP even less sustainable.

To keep the CPP sustainable both the employer and the employee need to pay 4.95% of that employee's income, or nearly 10%. Who would pay the employer's half of that income? That is also a question that has to be asked.

This measure could leave CPP recipients who were injured on the job with more money at retirement. This would lessen of course the need for dependence on family members or reliance on other social programs. There are, however, some other problems that would favour those close to retirement at the expense of current and future contributors or younger relatives who might be left paying more of the bill.

There are also some provisions already given in the CPP that allow for the deduction of the lowest earning years. Individuals can take 15% of the lowest years of their contributory period off their record and thus keep their average up.

The Canada pension plan calculations include both how much and how long people have contributed. However, to protect a person some parts of the contributory period can be dropped and these periods include if a person stops working or earnings become lower while raising children under the age of seven, or if there are low earning months after the age of 65, or any month a person would be eligible for a Canada pension plan disability pension. So, there are provisions already in the plan to average out the low years.

The Canadian Alliance highly values retirement security and that is a vital element of later independence. We believe the government would always have to honour obligations and fund the current programs to retired Canadians and those close to retirement. We do not want to see that dropped, but we also believe that we must maintain support for low income seniors.

● (1755)

However, we believe in providing future retirees with greater choice. There could be choices made between simply the mandatory government plan or a mandatory personal plan. We also believe in eliminating the foreign investment restriction for retirement investments in order to allow individuals a greater opportunity to save for their own retirement and make some of the decisions on their own. We believe, then, in giving Canadians greater control over their own affairs.

A number of questions have been raised. Of course there is one that I guess a lot of people would raise as far as giving people freedom of choice is concerned in order to be able to prepare for their own retirement. We might raise this question. If the candidate for coronation can register ships in foreign domains, then why should ordinary Canadians not be allowed to have greater foreign investments or greater private investments for their own retirement? There are a number of questions.

The CPP benefits are modest in the first place and it would seem harsh to deny a few extra dollars to someone who had the misfortune of getting injured at work and was prohibited from contributing to the plan. However, there is another question. Would that be harsh and detrimental or would it in fact be more important to leave that worker's compensation payments fully in the worker's hands to help meet immediate and pressing needs?

I remember my first job in Canada. In the first week, I was inadvertently injured on the job. As the weeks went on compensation payments came to me and they were very much appreciated, but I did not get rich on them and I was glad to keep it all without losing some of it.

At first glance, it would appear that disallowing workers' compensation benefits as income for CPP contributions would constitute a penalty to future recipients. However, to consider these benefits as income would incur a large liability on the already unsustainable CPP program and it would create, as I have already mentioned, a number of other complex issues.

I bring these things to the attention of the House. We need to weigh all sides as we make up our minds on how to vote on the member's motion.

[*Translation*]

Ms. Monique Guay (Laurentides, BQ): Mr. Speaker, I shall read the motion of my colleague from Churchill for the benefit of Quebecers. It reads:

> That, in the opinion of this House the government should amend the definition of "pensionable employment" in the Canada Pension Plan to include workers' compensation payments.

● (1800)

I would like to congratulate my colleague for her initiative on behalf of those receiving workers' compensation. We are very well aware that they have not chosen to join the minority of those who cannot work. They are not necessarily going to be off work long; it could be weeks or months. Sometimes, it may be a year or two, and all that time they will not have the possibility a worker has to contribute to the Canada pension plan.

I agree with my colleague's motion and find it innovative. I see this as doing justice to workers who have had an accident on the job.

I would like to see some statistics, and I am sure that my colleague could probably provide the committee with them when her motion comes before the committee, but there are certainly figures that show that very few workers who suffer workplace injuries are affected by them for five or ten years. Only a minority of workers' compensation claimants suffer for five or ten years. So, why punish them and prevent them from receiving a pension equal to what they would have received when it comes time to collect it? I fully support with this motion.

I heard the members who spoke to this motion. The government is quite nervous about this issue; it has a very mixed feeling about this. It boasted about the CPP, which is celebrating its 75th year.

Every time an innovative bill or motion is proposed in the House, something that would help the average person, people who pay taxes their whole lives long, something to help them through a rough patch, the government looks away. It says it is afraid that it could be dangerous and cost too much.

I am not prepared to forgive this attitude. I believe that when someone suffers a workplace injury, it is often the result of the negligence of employers. I do not see why workers should be penalized for this.

I would like to talk about what happens in Quebec. We solved this problem several years ago. When people suffer a workplace injury and cannot work for a certain amount of time, they are referred to the Commission de la santé et de la sécurité du travail, known as the CSST in Quebec. The CSST then takes over. Workers are not penalized. They receive the financial assistance they need through the commission. They also continue to contribute to the Quebec pension plan. As a result, they do not lose any weeks, months or years. When it comes time to retire, they can lead a normal life.

If we do not offer this to people, when it comes time to collect their pension, they wind up on social assistance. What does the federal government do? Once again, it passes the problem on to the provinces.

Why not be fair? Quebec looks after people under Quebec's jurisdiction, who fall under the Quebec labour code. We are pulling our weight. Why is it that the federal government cannot do the same for those who come under the federal system? I can already hear the Liberals saying, "Yes, but not all the provinces do that".

● (1805)

Let us teach by example, once again. Let us try to be innovative. We tried this so many times here in the House.

As you are aware, I introduced a bill, among others, on scab labour that my colleagues supported. This bill will come back before the House and we will discuss it again. This is an innovative bill. There is one in Quebec, but not all the provinces have one. That is okay. Let us be innovative. It does not cost the government anything. We can also talk about precautionary cessation of work for women who are pregnant or breastfeeding. All these initiatives aim to help workers in this country. What is being done? Nothing.

I think that this is a very good motion. I also think—we will see what the Conservatives have to say—that our colleague from Churchill is open-minded enough to make certain amendments aimed at reassuring certain parties. We could do it, we could amend it and specify certain things, and I think she would be open to that.

Really, I would have liked people to have kept an open mind, especially the government members. But I do not think they did. We were even told that this could infringe on provincial jurisdiction. Not at all. It is clear and specific; we are talking about the Canada pension plan.

Exactly which jobs are affected is set out; they include employment in Canada by a foreign government, employment of aboriginals, employment by Her Majesty in right of a province. These individuals are clearly identified.

I do not want to hear that this will affect the provinces because that is entirely untrue. This is a way, once again, of avoiding the issue and saying that it is no good and that it will cost money. Yes, it will cost money. How much? It is difficult to say.

There are not 1,000 injured workers a year receiving disability benefits specifically and exactly for three weeks each. It is impossible to give exacts. We can give an estimate, but we cannot give exact numbers; that is impossible.

Is it important to know? In any event, we will still have to pick up these people and provide benefits to them elsewhere. We will still have to support them. Why not give them the dignity of living off something they earned? They worked for that their whole life; they ran into a rough patch, they had an accident. It is true that some will remain unwell for the rest of their life and some will remain disabled, but they will not abuse the system. They simply need help.

Why not give them a decent pension plan, rather than abandoning them to social assistance when they are at an age when they should be enjoying life. Is there anything more demeaning for a person who has already had a difficult life than to be 65 and on social assistance because they are not entitled to a decent pension? This should not even happen any more, especially not with the government surplus.

Somewhere I think we are able, as I said, to reassure certain colleagues, to maybe make some amendments so that there are very clear guidelines to prevent abuse. I understand there were some concerns about insurance and so on. Perhaps there could be stricter guidelines.

The fact remains that we should be able to compensate these people. We are not giving them a gift. They are considered workers. Premiums should therefore be calculated for the time they are off work. When they go back to work, they will begin paying premiums again, but they will not be penalized.

In conclusion, the hon. member is very lucky because her motion is votable. I hope she will have the government's support. I did not get the sense that there was very strong support so we should try to convince the government to get on board and move the necessary amendments to satisfy this House.

● (1810)

I wish her great success and I hope this motion will pass.

[*English*]

Mr. Norman Doyle (St. John's East, PC): Mr. Speaker, I am very pleased to say a few words on Motion No. 197. I congratulate the member for Churchill on bringing in a very good motion.

We always need to be concerned about the needs of workers, especially injured workers. We all know of many people in our own respective areas, in our ridings, who come to see us from time to time, who have many problems associated with being injured and with CPP and so on.

The motion reads:

That, in the opinion of this House, the government should amend the definition of "pensionable employment" in the Canada Pension Plan to include worker's compensation payments.

On the surface it seems to be a very reasonable proposition in my view. If an employee is injured on the job, the employee leaves work hopefully for a temporary period of time to effect recovery and if need be, rehabilitation. During that period the worker receives workers' compensation benefits to offset wages lost which may be due to downtime, injury, illness, and so on.

The details of a given workers' compensation program varies as we are all very much aware. As the member pointed out in her speech it varies from province to province.

In Newfoundland and Labrador for example, an injured worker receives 80% of the net income before the injury. That is subject to a ceiling of about $45,500. The net income is the employee's gross income also, which is quite good. It is the gross income less the usual deductions, including the employee's CPP contributions.

I can see the logic of an employee wanting to maintain his or her CPP status. It makes sense. Hopefully after a period on workers' compensation, the worker returns to work and is then automatically faced with a gap in pensionable earnings for the time that the worker was off work.

The net effect of that is to lower the value of the Canada pension when the time comes for the person to draw Canada pension. Being able to submit CPP premiums while on workers' compensation would quite naturally help maintain the value of the Canada pension that the worker would eventually draw.

It is very important that an individual have a maximum Canada pension. A lot of workers in the workforce today, for example construction workers, do not have very good pension plans. They depend to a large extent after retirement upon savings and the maximum Canada pension. It makes sense to have a good Canada pension plan available for the worker when he or she eventually retires and draws it.

Employees of members of Parliament pay into the federal public service pension plan which may be appropriate to their status or rank. If a member's employee has a long term injury or illness, the employee can avail himself or herself of a long term disability plan which is wonderful. Upon returning to work the employee is allowed to make pension contributions retroactively. I did not know that until recently. It is to keep an unbroken record of pensionable service.

For example, an employee with 28 years of service and two years on long term disability would eventually be able to draw a Canada pension for 30 years of service. The employee would be able to pay for the two years that the employee was off work.

● (1815)

I cannot see why a similar arrangement could not be developed for people who have temporary absences from work and who have to go on workers' compensation.

Long term disability payments and workers' compensation payments are forms of wage loss compensation, income in lieu of wages, so why not make that kind of income pensionable? It makes sense. It would give the individual a maximum Canada pension when he or she eventually drew it.

There are a few little glitches that would have to be worked out. I mentioned one of them to the member for Churchill a moment ago. There are a few factors involved that could be worked out in committee, brought back to the House, voted upon and passed. We have to maintain a reasonable balance when we are talking about all this.

What I am talking here is that CPP premiums are paid by the employee and the employer. The employer's contributions are often referred to as payroll taxes and are regarded by many as a disincentive to the creation of employment.

Many employers pay the premiums grudgingly because it is the usual cost of having an employee. If an employer has 20 employees, naturally the employer pays quite a high bill in CPP contributions. I can only imagine that the employer, especially an individual who has a small business, would be less than eager to submit the employer's contribution for an employee who is not on the job.

The employee may not be on the job which is fine, but in the meantime, the employer has to hire a replacement worker. Of course it falls on the employer's shoulders to pay the CPP contributions for the replacement worker. It would also fall to the employer to pay the contributions, if this motion went through in its original form, for the individual who is off work as well. We have to maintain a balance because there are a lot of expenses that the employer has to look at as well.

These are little glitches that we can talk about here or in committee. I am sure we could arrive at some reasonable conclusion that would be okay as far as the member for Churchill is concerned and as far as an injured worker is concerned. We have to maintain a certain amount of balance for the employer and the employee.

● (1820)

Apart from the concern that I mentioned a moment ago, I have no problem with the concept of deeming workers' compensation payments pensionable income for the purposes of the Canada pension plan. The Canada pension plan could be the only source of pension income a worker might have. The worker may have the kind of job that does not have a great pension plan other than the CPP which the worker will depend on eventually.

It is certainly a concept that warrants full and detailed consideration by an appropriate committee of the House. Hopefully the motion will pass.

I know members opposite have some concerns about it as well but I am sure they can be worked out to the satisfaction of all members. I think the average injured worker today deserves that kind of respect and consideration.

We all know of problems within our own ridings and our own districts. There are horror stories where people have these kind of problems and cannot get them worked out. I congratulate the member for bringing the matter before the House.

Mr. Bryon Wilfert (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, I am pleased to participate in the debate. I would like to thank the member for Churchill for raising this particular issue.

The motion asks us to amend the definition of pensionable employment under the Canada pension plan. The effect of the motion would be to make payments received by injured workers through the various provincial workers' compensation plans pensionable earnings used to calculate both CPP contributions and benefit payments.

Although the motion deals primarily with the payment of disability benefits, it should be noted that CPP retirement pension payments would also be affected by the motion.

The subject matter of Motion No. 197 is reminiscent of a case that went to the Supreme Court of Canada in 1999. At that time a disability claimant, who was judged to be ineligible for CPP disability benefits, claimed that the disability program component of the Canada pension plan was discriminatory and therefore was contrary to section 15 of the Charter of Rights and Freedoms.

The claimant in this case had received payments from the provincial workers' compensation program because of a workplace injury. He later applied for CPP disability benefits but was deemed ineligible because he did not meet the CPP's minimum contribution requirements.

He claimed that the workers' compensation payments he received from the province should be considered income for the purposes of CPP. “To do otherwise”, he said, “would be to discriminate against people like him with temporary or partial disabilities”.

However the Supreme Court did not agree. The ruling handed down in May 2000 stated clearly that the disability benefits program of the CPP did not discriminate against persons with temporary or partial disabilities.

The motion we are debating today takes us back to some of those issues that were debated in that case.

Today we are being asked to amend the definition of pensionable employment in the federal CPP legislation so that the payments by provincial workers' compensation plans would be included as employment earnings under the CPP.

The Supreme Court concluded that the CPP did not discriminate against persons with temporary or partial disabilities because the current definition of pensionable employment did not include workers' compensation benefits.

Therefore, as we consider today's motion, we should keep in mind that the Supreme Court has already turned down the argument that has been presented.

It might also be helpful for the House to understand some of the technical implications of the motion.

For example, if we agree with the motion, we could be agreeing to a potential increase in CPP contributions for both employers and employees. Asking employers to pay further employment related contributions on a workers' compensation benefit that the employer has already paid may be perceived as unfair. In fact, employees and employers have already seen an increase in contribution levels that was brought in as part of the CPP reform in 1998.

Adopting the motion would mean that the workers would be required to pay CPP contributions on their workers' compensation payments. If workers were required to pay CPP contributions, their net income would actually be lower.

It hardly seems logical to argue in favour of reducing the net income of workers who are most likely already in lower income circumstances precisely because they are disabled and cannot work to earn a fulltime income. Yet reducing the net income of disabled workers could be one of the outcomes of the motion if it were to become law.

Another concern is that the proposed motion is inconsistent with the earnings related philosophy of the CPP. We must remember that the basic purpose of the CPP is to replace lost earnings in the event of death, disability or retirement of a wage earner. That is why coverage under the plan is based on the earnings from employment. Workers' compensation benefits are not earnings from employment.

Amending the definition of pensionable employment, as the motion requests, would be contrary to the basic principle of earnings replacement, a principle that is the heart of the Canada pension plan.

● (1825)

Moreover, if we were to include workers' compensation payments as pensionable employment income for the CPP, we could open ourselves up to pressure to include other forms of income support such as employment insurance or social assistance payments that are not in fact earnings from employment. Based on the logic of this motion, even CPP payments themselves would be considered pensionable employment.

Taken to the extreme, we could even face pressure to include any kind of non-employment earnings in the base for the CPP such as lottery winnings, inheritance or stock market gains. Who knows what kind of precedent we would set, and that is a very important point, if we were to move away from the basic definition of pensionable employment that is serving us so well now.

In other words, from both a policy and a legislative standpoint, there are many reasons why this motion is not technically sound.

We understand and share some of the concerns of my colleague across the way. In fact, in addition to the disability program of the CPP, the government has brought in a number of new measures such as tax changes and community support programs to help meet the needs of persons with disabilities in Canada, and we will continue to do everything we can in this regard.

In my view this motion is not the best way to help Canadian workers who have become disabled.

Mrs. Karen Redman (Kitchener Centre, Lib.): Mr. Speaker, I am pleased to add my comments to the debate on this motion. I would like to thank the member opposite for raising the issue. I know her very well and she is well known for her concern for the less fortunate. I want to assure her that my colleagues and I on this side of the House share her concerns, especially as in this case, her concerns for people with disabilities.

I know many of the comments I will make may have been covered by other members. I want to talk about the approach that the government has taken to deal with people with disabilities and to support Canadians. As an example of our approach, I will use the opportunities fund which has created partnerships with other stakeholders so that together we can support Canadians with disabilities who want to earn their own living.

Since 1997 this initiative has provided $30 million a year to help persons with disabilities gain access to the workplace. Some of these funds are directed to the aboriginal community through aboriginal human resource development agreements and the rest of the funds are distributed through the provinces and territories. This approach is working. Since its inception, over 14,000 Canadians have been assisted by the opportunities fund and the work continues.

The federal Minister of Human Resources Development and her officials in the Office for Disability Issues continue to work actively with their provincial and territorial counterparts, as well as voluntary and private sectors in Canada, to ensure that the concerns of people with disabilities, including the special concerns of workers who become disabled, are addressed and co-ordinated in a way that makes sense for all governments and for the workers and their employers. These partnerships are particularly important so that people with disabilities can participate fully in the workplace and have full and productive lives in society at large.

Another example of the government's co-operative approach is the DisabilityWebLinks site that was launched in 2001. This Internet resource is a joint federal-provincial-territorial project that provides a one stop point of access for information on government related programs and services for people with disabilities in every part of Canada. This project exemplifies and illustrates two key points.

First, the Government of Canada takes very seriously its responsibilities toward people with disabilities and we are already working on many fronts to meet those responsibilities.

Second, our approach is to work in partnership with provincial and territorial governments and other stakeholders within the community, including non-government organizations, employers as well as workers themselves, to improve the lives of people who are living with disabilities. This approach is working and we plan to continue it.

Unfortunately, the motion before us today is not consistent with this partnership approach. By calling on the federal government to unilaterally change the way we define pensionable earnings under the Canada pension plan, the motion goes against the spirit of co-operation that exists between various levels of governments on matters pertaining to workplace disabilities.

These are all potential outcomes of this motion and we wonder if the practical consequences have been examined closely. While we share the concerns of the member opposite for workers with disabilities, we do not see the motion as an appropriate way to proceed at this time.

● (1830)

[*Translation*]

The Deputy Speaker: The hour provided for the consideration of private members' business has now expired and the order is dropped to the bottom of the order of precedence on the order paper.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*English*]

YOUNG OFFENDERS

Mr. Grant McNally (Dewdney—Alouette, Canadian Alliance): Mr. Speaker, last November in Maple Ridge, Mrs. Colleen Findlay, an active member of the community and mother of three children, was tragically murdered in her own home at the age of 39. Her car and other items were stolen and her house was set on fire. A 15 year old boy has been charged with first degree murder. This young offender reportedly has had many brushes with the law and is well known to local police.

The system under the Young Offenders Act failed Mrs. Findlay. It failed her family and it failed our community.

Those offenders who refuse to take responsibility for their actions must be held to account and communities must be protected from individuals who are a danger to our society.

The next hearing for this accused young offender will take place on February 10. Crown prosecutors and community members continue to call for the individual to be tried in adult court due to the seriousness of the crime, but there is no guarantee that this will happen in this case or in any other, despite community consensus.

Last February the Liberals passed the Youth Criminal Justice Act, which will come into force this April, but even if the new law were in place at the time of this tragedy, it would not guarantee an adult trial.

The law merely presumes that adult sentences would be given to young people 14 and older who are found guilty of murder, attempted murder, manslaughter, aggravated sexual assault, or who are repeat, serious violent offenders, but it does not legislate it. Even in these cases a judge must first consider the least restrictive sentence and only impose adult sentencing as a last resort.

The government leaves these decisions up to the courts when it should be putting the safety and security of citizens first and enshrining such changes in law. Protection of the public should be the government's top priority, but victims and their families unfortunately know firsthand that it is not.

Mrs. Findlay's friends and family are collecting signatures for a petition which states:

That, society needs to be protected from all individuals, including young offenders, who commit first or second degree murder. Therefore, your petitioners call upon Parliament to enact or amend legislation so that young offenders charged with first or second degree murder are automatically raised to adult court and receive adult sentences.

I will ask the parliamentary secretary this evening not just to remind us all about the government's review process, and not to admit once again that it leaves these decisions up to the court. We know that. We have heard it over and over again.

I want to challenge the parliamentary secretary to put down his prepared answer and give this question the consideration that the victim's family deserves. Will the justice minister change the law to ensure that all 15 year olds charged with murder are tried in adult court?

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I am pleased to respond on behalf of my colleague, the Parliamentary Secretary to the Minister of Justice and Attorney General of Canada.

The sad events to which my hon. colleague, the member for Dewdney—Alouette, has referred are indeed all the more tragic if they were caused, as alleged, by a 15 year old youth.

Canadians have made it quite clear that they expect all violent crime to be treated with a firm response, including in the youth justice system.

I am sure that the member for Dewdney—Alouette, given his keen interest in youth justice issues, is of course well aware that the law governing youth justice in Canada has recently been updated. In fact, as he mentioned, we are weeks away from implementing the new Youth Criminal Justice Act. Among other things, this new legislation lowers the age to 14 at which adult penalties are presumed appropriate for the most serious offences, such as murder, et cetera, and others that he mentioned. Provinces have the discretion to set the age at 15 or 16 for presumed adult penalties.

My colleague no doubt remembers the extensive consultation and deliberation leading up to the passage of the Youth Criminal Justice Act on May 29, 2001. I am equally sure that he remembers the vigorous debate in the House over lowering the maximum age for young offenders from 17 to 15 years of age.

It was apparent to the House at that time that the youth justice system was not being as effective as it could be and as it should be, first, in preventing youth crime, in promoting the right kinds of community based programs for non-violent youth, and in providing the most serious young offenders with meaningful consequences for their crimes.

It was equally apparent that those were the issues that Canadians wanted addressed in a renewed youth justice system. The restrictive approach to try youth in adult courts, as proposed in my colleague's question, was considered in the development of the Youth Criminal Justice Act and discarded, for his approach would allow for less discretion in the system based on the facts of the case, which would lead to a less fair and a less effective system of youth justice in the country.

In Canada, 18 is the age at which young people acquire full adult civil rights and responsibilities. It makes sense that this is when they should as a general rule be subject to adult penalties.

However, when the new Youth Criminal Justice Act takes effect on April 1, all those 14 years of age or older will be presumed to receive adult sentences for the most serious offences, like murder, unless the provinces exercise their discretion and set the age at 15 or 16. These changes assure that serious violent crime will be dealt with firmly even if the accused is a youth.

The government's balanced new approach to youth justice is the product of consultation, advice and thought. One of the basic premises of the new legislation is fairness and proportionality to the seriousness of the offence. Those are important principles.

Sentences are intended to be adequate to hold a youth accountable for the offence he or she has committed. Youth court judges can apply adult sentences for serious offences, if necessary, to hold youth fairly accountable. This makes sense to me. We ought to leave them that discretion based upon the facts of the case.

I see that my time is coming to a close. I am sure I will have a chance to respond to my colleague again.

● (1835)

Mr. Grant McNally: Mr. Speaker, the member's words are cold comfort to the family in this case and, I would suggest, to others in similar circumstances.

The member has said that this suggestion has been discarded. He has mentioned the changes that are coming in the Youth Criminal Justice Act, but as he has stated, there is a large amount of discretion left in the judge's hands.

What I am saying is that we have the ability here in the House to make those changes and enshrine them in law to make sure that those who do commit serious crimes and commit an adult crime pay with adult time. That is what should happen. We should put that into law here so that there are no loopholes, so that there is no ability for individuals who commit crimes like this not to be raised to adult court. If they commit an adult crime they should receive adult time.

Mr. Geoff Regan: Mr. Speaker, I respect my hon. colleague's concern on this issue and obviously I respect the concern that he expresses in relation to the family of the victim in this case. It is a terrible, tragic circumstance. Let us remember that even if we were to change the law tomorrow in the way he would suggest, it would not apply in this case. Perhaps that would be cold comfort as well to a family that has lost a loved one.

Moreover, I think that the provisions of the new law that is coming into effect on April 1 will be very effective in providing the kind of system we want. I believe that we ought to give the new system and the new law a chance to work. I believe it will work effectively and well for our country and that it provides a proper balance of the concerns of various groups in relation to this issue and of the people with great expertise on this issue. I think we should look forward to its implementation.

● (1840)

[*Translation*]

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24.

(The House adjourned at 6:40 p.m.)

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