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OFFICIAL REPORT
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Monday, February 9, 2004

—
Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Monday, February 9, 2004

The House met at 11 a.m.

Prayers

GOVERNMENT ORDERS

●(1100)

[*Translation*]

RADIOCOMMUNICATION ACT

Bill C-2—On the Order: Government Orders

February 5, 2004—The Minister of Industry—Second reading and reference to the Standing Committee on Industry, Science and Technology of Bill C-2, an act to amend the Radiocommunication Act.

Hon. Lucienne Robillard (Minister of Industry and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec, Lib.) moved

that Bill C-2, an act to amend the Radiocommunication Act, be immediately referred to the Standing Committee on Industry, Science and Technology.

She said: Mr. Speaker, I am very pleased to rise in the House this morning to introduce what I believe is an important piece of legislation, both for the broadcasting sector and for the Canadian consumer.

The government has made the creation of a 21st century economy one of its highest priorities for Canadians. This commitment emphasizes ensuring that the commercial context in this country is favourable, that is, that it fosters the entrepreneurial spirit and rewards ingenuity and diligent work.

●(1105)

Among other things, this means that the market regulation framework must protect intellectual property. This means having regulations that encourage risk-taking and support innovation. It also means having legislation that contributes to fair competition and penalizes—as it should—those who profit unduly from the labour and entrepreneurial spirit of other people.

This legislation deals with all those factors. The bill before us deals with the growing problem of pirated direct broadcast satellite signals, and is intended to strengthen our ability to protect one of our most important cultural sectors.

I am sure that most of the members of this House are aware of this illegal technique. Briefly, people engaged in this illicit business import and build equipment that can be used to decode program

signals broadcast by satellite. They then sell this illegal equipment to consumers who are thus able to get satellite television free of charge.

[*English*]

I have heard some suggest that this is a victimless crime, that stealing from big, faceless companies is somehow much more acceptable in our society than stealing from our neighbours.

Let me assure the House that this is not a victimless crime. The theft of the satellite signals denies legitimate Canadian broadcasters, content producers and programmers millions of dollars a year. It robs money from an industry that supports thousands of jobs. It is not only morally and ethically wrong, it is illegal.

Such actions contravene the Radiocommunication Act. In fact, a Supreme Court decision in April 2002 determined that the unauthorized recording of any encrypted subscription programming signal is illegal, no matter where it originates.

●(1110)

[*Translation*]

Nevertheless, it is becoming increasingly apparent that the current legislation is simply inadequate for resolving the growing number of problems we face. Law enforcement officials and broadcasters do not have the tools necessary to dissuade criminals who import, design and sell illegal technical devices. The purpose of this bill is to correct this situation.

Let me note right away that the government does not intend to target every home in Canada. We must put an end to pirating, but we will not succeed in doing so by filing lawsuits against the average citizen. We must instead target the businesses that make large profits from the sale of illegal material.

Make no mistake, satellite signal piracy is a very lucrative, black market activity in Canada. The broadcasting industry estimates that between 500,000 and 700,000 people in Canada receive unauthorized direct-to-home broadcasting services. Studies by the industry show that such activities result in the loss of some \$400 million a year in subscription revenue.

This is a substantial sum of money, especially given the enormous investment required by this relatively new, direct satellite broadcasting. This industry also relies on innovation and new satellite technologies.

Government Orders

Some of the capital intensive investments are made to constantly improve security measures. For instance, direct-to-home companies regularly use electronic countermeasures. In other words, they send signals on their system to scramble or deactivate pirated receivers.

The industry is responsible for keeping security measures up to date. It is a responsibility they take seriously. For companies in this industry to get a return on their investment, they need a fair market.

[*English*]

The bill proposes to discourage satellite piracy in three ways.

First, we want to make it more difficult to obtain the hardware required to steal a satellite signal. The bill would give the Canada Border Services Agency an important tool to accomplish this.

Although the Radiocommunication Act prohibits the importation of illegal receivers, equipment continues to flow across the border. Customs officials have told us that it is difficult for them to determine which imported equipment may be used for illegal purposes and which will not.

The bill provides for better control at the border by requiring an import certificate issued by the Minister of Industry for anyone wishing to bring satellite signal decoding equipment in to Canada.

Second, the bill would increase the penalties prescribed in the act to a level that would provide a meaningful deterrent to that piracy. There are penalties under sections 9 and 10 of the current act but dealers clearly do not find these penalties to be daunting. In fact, increasingly they see them as an acceptable cost of doing business and factor them into their business planning.

If we are going to allocate law enforcement resources to address this issue, and the government believes we should since this clearly as criminal activity, we need to make sure that prosecution will in fact deter piracy. The punishment needs to fit the crime. We need to send a stronger message, both to industry and the courts, that Parliament regards signal piracy as a serious offence. The new penalties proposed in the legislation will do just that.

[*Translation*]

Finally, this bill reinforces the right to pursue civil remedies in court. It provides the broadcasting industry with the tools it needs to best defend its interests. This industry has attempted to slow the growth in pirated satellite services by launching civil proceedings against the main resellers in Canada, but such recourse is both expensive and ineffective.

It is difficult to prove the causal link between an illegal act and the extent of actual losses suffered by the broadcasting industry. This bill allows this industry to recover damages stipulated in the act instead of having to prove actual losses.

Under this bill, victims of commercial pirating will be able to claim legal damages of up to \$100,000. This will compensate for the theft of their intellectual property and discourage illegal activity.

I must add that, in addition to measures to stop the theft of satellite signals, this bill also includes measures on public safety. The use of pirated receiver cards has been found to create signal interference

with licensed radiocommunication systems of emergency and police services. This alone requires that the necessary measures be taken.

● (1115)

[*English*]

I realize that some fears persist. During earlier discussions on this issue, members of the House raised concern about programming content and the need to broaden the material available on Canadian airways. This is a very interesting and important discussion that needs to take place; however, it is a subject for a different debate. We cannot allow ourselves to be distracted from the real issues here. This is satellite piracy.

We are not talking about limiting choices for Canadian consumers. We are talking about preventing the erosion of Canada's broadcasting system by stopping activities that are clearly illegal.

[*Translation*]

We do not want to target Canadians who watch television, but rather those individuals who profit from pirated signals.

This bill reinforces existing legislation in Canada. It has received broad support from all the stakeholders in Canadian broadcasting, as well as officials responsible for law enforcement and customs services. It will also ensure a fair chance for Canada's cultural sector and guarantee sustainable competition in broadcasting, which will benefit Canadian consumers.

For these reasons, I encourage members of this House to join me in supporting this bill.

[*English*]

Mr. James Rajotte (Edmonton Southwest, CPC): Mr. Speaker, I am disappointed with the way that the government is bringing forward this legislation. This received less than one day of debate as Bill C-52 in its original form and now it is being pushed through to second reading in less than half a day.

This is a complex subject. I think even the government would agree. We should have many days of debate before we push it on to committee.

Bill C-2, an act to amend the Radiocommunication Act, serves to increase the penalties and provide for civil remedies against those individuals and corporations who sell and use illegal radiocommunications equipment, specifically satellite television dishes to receive signals from satellite television program providers who are not licensed by the Canadian Radio-television and Telecommunications Commission.

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The CRTC currently licenses two suppliers to provide direct to home satellite television services to Canadians: Bell ExpressVu, which is the largest of the two and has approximately one million customers; and Star Choice, which is owned by Shaw Communications Inc. and has approximately 700,000 customers.

In order to protect this programming, the signals are encrypted or scrambled by the broadcaster. To be received in intelligible form, the signal must be decoded or descrambled. I want to acknowledge that both Bell and Shaw have begun to aggressively take on satellite signal theft. They have been diligent in pursuing in-house technology that will allow them to block illegal users. I would like to recognize the efforts of these companies in trying to deal with this issue through the private sector. I would also like to thank them for taking the time to meet with us to discuss their systems and programming.

Before I get into the contents of the bill, I would like to outline the position of the Conservative Party as advocated in the past with respect to black market satellite users versus grey market users. This is a very important distinction for our party.

Industry Canada does not keep statistics on the number of black market or grey market users. The information I have is a best guess. Approximately 700,000 Canadians are using black and grey market satellites, enough to offer very significant competition to both Bell and Shaw.

A black market system occurs where a Canadian uses a satellite dish that allows him or her to access American, Canadian or foreign satellite programming through the use of an independently manufactured or pirated smart card purchased from a non-authorized dealer. There is no interaction with the service provider. For example, black market users could own a Bell ExpressVu dish but never pay a cent to Bell Canada for the service. The black market system allows virtually unlimited access to all channels with all profits going to the smart card dealer rather than the lawful service providers. Satellite and cable service providers and broadcasters on both sides of the border characterize black market as theft, and so do we in the Conservative Party of Canada.

There is another type of user, a grey market user. The grey market user pays the satellite company that provides the service. For instance, someone in Windsor, Ontario could be in possession of an American Direct TV dish and be paying Direct TV for the use of that dish by mail, credit card or other means. The problem is that Direct TV is not licensed in Canada by the CRTC, so there is a grey area. The company providing the service is being rightfully paid but Canadian regulations are not allowing access to that service.

With respect to the content of Bill C-2, the Conservative Party has a number of concerns with the proposed amendments to the Radiocommunication Act that relate both to the grey market and the black market.

I want to talk about border enforcement by highlighting the clauses and policies in this bill that we support. We support the importation initiatives outlined in this bill in principle but with certain provisos. We agree that the border is a good place to address the problem of distribution of satellite dishes that are currently considered illegal in Canada.

I understand that large shipments of dishes frequently cross the border for resale in Canada. The border is a good place to address this black market problem; however, we want to ensure that Canadians who also have residences in the United States are not unduly stopped or harassed at the border for travelling with their satellite dishes. I would like assurances from the Minister of Industry that so-called snowbirds will be allowed to store their American dishes in Canada and allowed to cross the border freely with their equipment. I have written to the Minister of Industry, and the past minister, to seek clarification on this issue. We have yet to receive a response and are looking forward to that.

This bill also gives Bell and Shaw the option to pursue cases in civil court. We support this idea and hope that this provision frees up police and government resources. However, I am also seeking clarification concerning what, if any, public resources would have to be employed to settle civil matters. Again, I have written to the Minister of Industry for clarification and am awaiting a response.

• (1120)

There are several sections of the bill with which we do have problems. The primary concern of our party is that precious police resources will not be diverted from crimes of a physical or violent nature toward neighbourhood satellite surveillance.

For instance, it is my understanding that one satellite case in Hamilton engaged 62 RCMP officers and 12 Industry Canada employees at one time. That is 62 officers who could have been working on other issues such as missing children or domestic violence, rather than patrolling our living rooms and controlling what we watch on television. Clearly, that is an inappropriate use of taxpayer dollars.

Under Bill C-2, penalties and jail time have been increased for both individuals and corporations. For instance, for individuals convicted of decoding an encrypted signal or modifying equipment for this purpose, penalties would be increased from a maximum \$10,000 fine and/or maximum of six months in jail to a \$25,000 fine and/or a maximum of one year in jail. Licensed satellite programming providers would have the right to seek statutory damages of up to \$100,000 against an individual or corporation committing signal theft for commercial gain. The fines have been increased to send a message to both the courts and to black market users that the government is serious in this undertaking.

I hope that we explore the issues of fines, penalties and civil action when the bill comes to committee as I would like to compare this legislation to similar legislation that assesses penalties and fines.

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We are concerned that the inspection provisions have been broadened. While we recognize that other electronic devices, such as computers are linked to satellite piracy, the current clause that delegates the power to open any package or container that may be related to satellite piracy is too open.

One of the most important issues this bill raises is related to Canadian content and channel availability. I am somewhat confused as to the broader policy directions of the government when it comes to telecommunications. First, it does not want foreign ownership in the telecommunications sector, then it does. Now we have one government department working against satellite piracy and another government agency making decisions that support piracy.

I agree that the telecommunications file is confusing by nature. The division of the Radiocommunication Act and Telecommunications Act between industry and heritage is part of the problem. However, governments are elected to provide leadership and vision. Canadians have suffered under 10 years of Liberal rule with very little leadership in the area of telecommunications.

While we do support attempts by the federal government to stop the importation of large shipments of illegal satellite receiving equipment, we must recognize the growing demand for cultural and religious broadcasting in Canada.

Why do we not have access to such channels? It is because of the Canadian content restrictions in the CRTC. Let me give the House some examples. Sky Angel, a set of 36 Christian English and Spanish television and radio channels, is only available to EchoStar subscribers, a U.S. satellite service. Not one of the 36 Sky Angel channels is available on the CRTC's list of non-Canadian services that are authorized for distribution in Canada. Why? Because Sky Angel carries virtually no Canadian programming in the official sense.

Some Christian Canadian programming is available through Crossroads Television and the Miracle Channel. However, we can certainly understand why Christians, as well as Muslims, Jews and others who are looking for more religious programming would be frustrated. Sky Angel offers 36 channels of programming in the United States where the CRTC limits and restricts access to programs.

Let me also highlight the case of the Canadian Cable Television Association's recent application to the CRTC. The CCTA applied to add popular American channels, like HBO, Showtime and ESPN to its digital channel lineup. Currently HBO programs, such as *The Sopranos* and *Six Feet Under* are either aired on pay TV or by Canadian networks, months or years after they were originally broadcast in the U.S.

In November 2003 the CRTC refused the application. The CRTC argued that the cable operators did not have strong enough arguments to bring the channels to Canada. In its decision, the CRTC actually recognized that by blocking these channels it could in fact be contributing to an increase in both grey and black market users in Canada.

The Liberal approach to satellite television is, on the one hand, having a government agency, Industry Canada, introducing a bill to try to prevent satellite piracy, and at the same time and during the

same period, we have another government agency, the CRTC, making decisions that will encourage satellite piracy. Where is the common sense here?

The Conservative Party agrees with the Standing Committee on Canadian Heritage recommendation that calls on the CRTC to permit Canadian broadcasting distribution undertakings to offer a wider range of international programming while being respectful of Canadian content regulations.

●(1125)

We also believe that a sound direct-to-home satellite policy represents an opportunity to support the ability of Canadians to develop an international market for their programs.

Our approach would be to negotiate a reciprocity agreement with the United States to create an open market in the licensing of television satellite distribution. We believe that a prudent and proactive response is to make Canadian programming available in the United States and allow foreign programming to be available here in Canada for the benefit of all Canadians.

To sum up the Conservative position, we agree with the importation restrictions created by Bill C-52, but we want better guarantees that snowbirds will not be stopped and harassed at the border. We believe the government should not be devoting precious police resources to patrolling neighbourhoods for satellite thieves. We encourage the CRTC to quickly and aggressively open up licensing restrictions.

I look forward to participating in the debate on the bill in committee.

[*Translation*]

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, today we are examining Bill C-2. This enactment amends the Radiocommunication Act to add import control measures in respect of radio apparatus or devices used for decoding encrypted subscription programming signals. It makes importation of them without an import certificate an offence and provides for the issuance of the certificates and for ministerial exemptions from the requirement.

Finally, it provides measures to facilitate compliance with and enforcement of the act, including adding certain inspection powers, commonly called housekeeping measures, increasing penalties and providing the option for a person who pursues a civil remedy to elect statutory damages.

Theft of satellite signals originating in the United States is very common in Canada. A study has been prepared by a coalition of various broadcasting groups, the Coalition Against Satellite Signal Theft, which was created to fight piracy.

The coalition's president, Luc Perreault, has put a great deal of effort into the creation of this large coalition, and I wish to acknowledge that effort. He believes that somewhere between 500,000 and 700,000 households are receiving satellite services, mainly originating in the United States, through illegal means. The coalition estimates the cost to the Canadian broadcasting system at over \$400 million per year, and \$100 million for Quebec.

In April 2002, the Supreme Court of Canada ruled that unauthorized decoding of signals from Canada or elsewhere is illegal. The bill we are examining today is a follow up to that decision, and that is why it should be improved. I will explain why shortly.

That decision acted as a trigger to actions aimed at strengthening the steps taken against those involved in this activity. We know that pirating signals undermines the competitiveness and cost-effectiveness of broadcasting, and threatens employment and investment. Signal theft deprives artists and broadcasters in Canada of millions of dollars in revenue and contributions to broadcast production funds.

The purpose of the bill is to deter dealers from importing and selling unauthorized equipment in Canada. The Bloc Quebecois supports the principle of Bill C-2, because it seeks to do more to fight satellite piracy. Satellite signal piracy deprives Canadian broadcasters and various funding agencies such as the Canadian Television Fund of millions of dollars. Piracy endangers thousands of jobs in Quebec and elsewhere in Canada, and threatens the long-term viability of Canada's broadcasting system.

The Bloc Quebecois supports the principle of the bill for several reasons. In particular, the bill is intended to help the broadcasting system, and we are very sensitive to that. The system seeks stability and financial prosperity in order to assist television producers, among others.

Nevertheless, the Bloc Quebecois wishes to obtain guarantees on some elements of this bill. These elements may have to be modified because we think that amendments regarding so-called housekeeping measures can intrude too much into people's private lives. If unable to get the desired guarantees, the Bloc Quebecois might decide to vote against the bill at third reading.

We know that, during committee hearings, we will hear from people who are very much aware of this aspect of the bill and who will certainly want to enlighten all the members sitting on this committee. We are very concerned about finding out whether these changes will be made.

I would like to speak about what housekeeping measures are and tell you why the Bloc Quebecois is concerned about these measures found in clauses 5, 7, 8 and 9. We would like some of them amended, unless all our concerns are answered.

We have filed an appeal with the Privacy Commissioner to obtain clarification and comments on this issue. Our question concerns the meaning of clause 5 of the bill in the light of section 8 of the Charter of Rights and Freedoms.

● (1130)

Section 8 states:

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Everyone has the right to be secure against unreasonable search or seizure.

We will be in a better position to judge the scope of clause 5 of the bill once we have received the comments of the Office of the Privacy Commissioner of Canada. Obviously, the answer will be provided during committee hearings; that is what we were told by the representatives who will appear on behalf of the Privacy Commissioner.

Consequently, why are there so many concerns? One thing that raised concern initially was simply the meagre information we received, particularly on the importance of changes to clause 5 of the bill. Neither the press release from the ministers, nor the backgrounder, nor even the question and answer paper explain what changes will result.

Yet clause 5 is at the heart of the bill. Is the government afraid of how the various stakeholders will react? Why such silence on clause 5? When the Privacy Commissioner appears before the committee, the Bloc Quebecois will ask why we should be concerned. If we do not obtain the appropriate guarantees with regard to the scope of clause 5, we might have to vote against the bill. For this reason, we hope that all stakeholders, and the government in particular, will be open with regard to clause 5.

Clauses 5(1) and 5(2) grant enormous powers to the inspector entering a place for examination purposes. An inspector may, at any time, decide to examine any data contained in a computer, simply because he considers this reasonable. These powers mean that the inspector has access to everything belonging to the owner of the premises being inspected, as departmental officials confirmed during the technical briefing. All personal information will now belong to the public domain, and the inspector will be authorized to reproduce any records, seize them and copy them as many times as he wishes for use as evidence at trial.

Do we believe that satellite signal piracy is so serious that accused persons no longer have any right to privacy, and that everything they possess is liable to be used against them in court, regardless of the actual nature of the property seized? That is one of our concerns. Can we live with such a major intrusion upon privacy for a crime of this type. Does the severity of the crime, that is satellite signal piracy, justify this excessive intrusion into people's private lives? Those are questions that need to be asked and answered.

We know that satellite signal piracy has not, until now, been taken particularly seriously by the government. The Supreme Court had to show us the path to follow on this. By raising the penalties for dealers, the broadcasting industry will perhaps at last have access to more program funding, because of its increased profits. This would make it possible to provide more help to producers. There could be stable long-term funding for the cultural community, for instance the Canadian Television Fund. Hence our great interest in this bill.

Government Orders

Satellite signal piracy is serious. Quebec ran advertisements trying to get across the message that pirating satellite signals was as much theft as stealing a handbag. We know that this had an impact; a number of people became aware of what they were doing.

Satellite signal piracy is a serious crime and the penalties should reflect that. Stiffer penalties are therefore logical. Until now, the courts have been too soft on people pirating satellite signals. It is high time that the government got the message that broadcasting deserves help and that it will be encouraged by stiffer penalties for those who break the law.

The Bloc Québécois is very keen on this bill. We are most anxious to have the opportunity to debate it in committee and to hear what all the witnesses there will have to contribute.

• (1135)

Can we continue to live with a crime such as this, when our privacy is threatened? That is one of the questions the Bloc Québécois will be raising during the committee hearings.

With that, I will end my speech. It was only 10 minutes long, despite the importance of this issue.

[*English*]

Mr. Paul Harold Macklin (Northumberland, Lib.): Mr. Speaker, I rise to support Bill C-2, an act to amend the Radiocommunication Act. The problem of signal piracy is serious, and it is getting worse. It undermines the viability of the Canadian broadcasting system.

Many Canadian consumers who have bought unauthorized DTH, direct-to-home, equipment do not consider the consequences of their actions. They think they are getting television for free and perhaps they think that the broadcast industry can afford to lose a few dollars a month that these consumers might otherwise pay for their TV signal. However, the satellite television industry estimates that there could be from 500,00 up to 700,000 users of unauthorized DTH services in Canada. This means lost subscription revenues of about \$400 million annually for the Canadian industry. This means of course lost jobs, lost ability to invest in innovation and a weaker Canadian broadcasting system in the face of very tough competition.

Simply put, we need to put an end to piracy, but the way to go about it is not to persecute and prosecute these individuals who are trying to cut corners by buying this pirated equipment. To be sure, their actions are illegal and unethical, but it would not be an efficient use of the police resources to go after "the little guy". Instead, it makes more sense to go after the companies that are making the big profits by selling this illegal equipment. The bill does that by increasing the penalties for conviction and by enabling the victims of satellite piracy to obtain statutory fines from violators.

However, there is another way to deter signal piracy, and that is by making it much more difficult to obtain the hardware that is required to steal that satellite signal. The bill before us improves the import control to prevent illegal radio communication equipment from entering Canada. Both Star Choice and Bell ExpressVu, which are Canada's legitimate companies for satellite transmission, import DTH equipment from the United States for their legitimate customers, but the illegal DTH distributors import their equipment as well.

Under the current act, law enforcement can only seize illegal equipment after it has come across the border into Canada and has been distributed to the various unauthorized DTH dealers. That is something like trying to gather all the feathers together after a feather pillow has been ripped apart.

It is virtually impossible to find and seize all the illegal satellites and decoders once they have crossed the Canada-U.S. border. However, if we had a more effective import control, then we would be in a situation where the feather pillow does not get shredded and scattered to the wind. We know that much of this illegal equipment must cross the border and we have already in place an efficient and effective border control system under the Canada Border Services Agency. What we are really wishing to do through this bill is to give our border agents the power they need in order to stop this illegal activity.

Canada Customs and Revenue Agency has told us that it has difficulty implementing section 10(1)(b) of the current act. There is indeed a prohibition on the import of illegal satellite receivers, but it is difficult, as I am sure everyone will understand, for customs officials to establish if satellite receivers are being used for legal or illegal purposes. The section requires that customs must establish "a reasonable inference" that the decoding equipment, which is being imported, will be used for an illegal purpose.

The bill before us would prevent unauthorized radiocommunications equipment, including illegal satellite equipment, from entering Canada in the first place. The new provision prohibits the importation of satellite decoding equipment unless the importer has first obtained an import certificate issued by the Minister of Industry. Those who will be eligible for such an import certificate will include licensed Canadian satellite providers, such as Bell ExpressVu, Star Choice and their agents.

• (1140)

Import certificates will also be granted to foreign satellite service providers and manufacturers of decoding equipment who want to bring their equipment into Canada to have Canadian companies add value to the equipment before it is exported. Canadian companies will continue to excel in a recognized niche where our expertise and radiocommunications technology is recognized around the world.

Finally, import certificates will be available to Canadians who bring their satellite equipment with them when they return from vacations abroad. This is the case with many Canadians, of course, who spend their winter months south of the border and subscribe to an American satellite service while they are away. They often show up at the border with their dishes and satellite receivers in tow. These people will be able to bring their American television satellite receivers with them provided that they do not intend to use this equipment in Canada.

Individuals returning from abroad will be permitted to bring no more than one television satellite decoding system and they will not be permitted to use this equipment while they are in Canada.

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By tightening up the border controls, by increasing the penalties for DTH piracy and by making available statutory damages in civil cases, the bill before us will help shut down the illegal practice that is undermining the broadcast industry in our country.

Our broadcasting system is built upon fair competition. The Radiocommunication Act serves as an integral part of the regulatory framework that governs broadcasting. When someone uses pirate technology to decode domestic and foreign satellite programming, the investments made by these broadcasters who play by the rules are devalued. They face unfair competition from companies that are not required to meet the commitments made to secure a licence from the CRTC. Unauthorized reception of satellite programming denies Canadian broadcasters, distributors, producers and artists millions of dollars each year.

The bill before us will help provide a framework whereby the satellite broadcasting companies can compete fairly with the other broadcasting distribution undertakings. They will be able to earn revenues they deserve from Canadians who use satellite as their preferred medium, and it will help put an end to the illegal and unethical activities on the part of consumers who cut corners by taking advantage of these pirated signals. Hopefully it will make it much more difficult for the unscrupulous businesses to profit from this illegal activity.

Accordingly, I urge all hon. members to join me in supporting the bill.

• (1145)

Mr. Jim Abbott (Kootenay—Columbia, CPC): As we know, Mr. Speaker, this bill, numbered Bill C-52, was in the House when the House prorogued. We are now into the third session. The bill fundamentally remains the same. As the former vice-chair of the heritage committee of the Parliament of Canada, I stand opposed to Bill C-2 because it is exactly the same as Bill C-52.

I must say that I have a tremendous amount of sympathy, as my colleague from the Liberals has just pointed out, for the fact that the broadcasters who play by the rules are being put at a fundamental disadvantage. I understand and am very clear on that issue, so what we need to do, then, is take a look at the rules.

I am going to discuss the specific concerns I have about the bill in just a second, but I want to point out that there is a fundamental problem here. Canadians want choices. Canadians want to be able to make the choices of the entertainment that they are going to be viewing on the television sets in their homes.

One of the classic examples that comes up annually is with respect to the advertisements, which companies pay a tremendous amount of money for, exhibited during the Super Bowl. Many people in the U.S. actually watch the Super Bowl not for the football but for the advertisements, and certainly some of them are highly creative.

The fact that there is a restriction under the CRTC rules in this instance, where CanWest Global has bought the feed of the Super Bowl for distribution in Canada, basically means that CanWest Global can then realize the advertising revenue for the size of market that it has in Canada. I would have to guess that for every 100 million people who might be viewing the Super Bowl in the United States, one would think, theoretically at least, that there would be 10

million in Canada. Those numbers obviously do not apply although we are one-tenth of the market size. The fact of the matter is that people in the United States are overall more enamoured of the Super Bowl than people in Canada.

Nonetheless, CanWest Global will pay the producers, that is, the NFL and other owners of the rights that have been negotiated, with respect to that programming. They will pay for the privilege of being able to broadcast in Canada so that the advertisers who choose to advertise in Canada to the Canadian audience will then know that they have that captive audience.

Therein lies the problem. The problem is that the Canadian audience understandably wants to have the choice of whether it is going to see those commercials or not. As a matter of fact, I suppose it could be argued that in many instances Canadians will actually get some kind of zapper that will enable them to do away with commercials entirely with the exception of the Super Bowl. It comes down to a question of the rules and regulations made at the direction of this Liberal government; the CRTC then formulates the specific rules and makes sure that those rules are enforced.

Our position is that to put up some kind of an electronic wall or to attempt to put up some kind of an electronic wall is a facile and useless waste of time. It does not make any sense with the numbers of programs that are becoming more and more available as a result of technology. I am not just talking about television programs; I am also talking about things that are available on broadband Internet. It is only a matter of time until people in Canada are going to be able to get past the current restriction of satellite in any event.

• (1150)

This bill, which goes after the companies that are trying to bring in satellite equipment, would work if we were at a standstill in technology, but the fact of the matter is that we are not at a standstill in technology. As a matter of fact, technology is in an explosive state at this particular point.

According to the Liberals, Bill C-2 would prevent equipment from entering Canada. If the bill is to prevent the importation of satellite decoding equipment, satellite communication equipment and satellite receiving equipment, if it is to prevent those pieces of equipment coming into Canada, I wonder how the government is doing on the illegal importation of assault weapons, handguns and items of that type. How is it doing with the cigarettes that are coming across the border? How is it doing with the transportation of marijuana from British Columbia and the transportation of cocaine back into British Columbia?

The government is not doing very well, in spite of the fact that many resources are in place to try to interdict the importation of commodities like that which are seriously detrimental to our society and are not only costing our society money, but also costing our society in terms of lives and values of our country. We are not doing very well, because we do not have sufficient resources or sufficient technology to stop the importation of guns, drugs and other things of that nature. How in the world does the government believe it is going to be able to interdict the importation of the equipment that we are talking about in Bill C-2?

Government Orders

What it comes down to is this. We can have a theoretical big brother approach to this particular question, or we can be practical and pragmatic and realistic. Recognizing that Canadians want choices, we could work in concert with the United States regulator. The Canadian government could work with the U.S. government so that it could give direction to the CRTC and the U.S. government could give direction to the FCC. They could work out the technology of how this is going to end up working.

The beauty of that approach is that with United States viewers being ten times the number of Canadian viewers, we can imagine that if the CBC were to be broadcast not just in Canada but in wide distribution in the United States, we would be able to determine very quickly how many viewers would want to see the CBC. We would be able to determine how many viewers would want to see Canadian programming by Canadian writers.

I will ask the House to please bear with me as I go back to an example that does have some parallels. We had a totally protected wine industry in Canada. Quite frankly, the majority of the product was inferior. It was not a good product, period, full stop. And oh my, when the free trade agreement was negotiated and our wine producers were going to be subjected to the world market, they no longer had protection for their inferior product and people said the sky would fall.

But you know what, Mr. Speaker? Canadians are great at competition. If we give Canadians a level playing field, if we give them rational, reasonable rules to make sure it is a level playing field, whether it is France, the U.S., Australia or any other wine producing area, we will be superior because we are Canadians and we know how to do the job.

Basically that is what I am asking for instead of getting into more and more protection, just as we had the protection for wine producers who now without protection have a far superior product. As the heritage critic for the Conservative Party, I say that without protection we will end up with a far superior product in terms of the entertainment value that we can bring to the audience, not just the audience in Canada but ten times that audience, which we can have access to in the United States. We must have a broader vision, because I believe in Canada and I believe in Canadians' creativity.

• (1155)

Mr. Bryon Wilfert (Oak Ridges, Lib.): Mr. Speaker, I listened carefully to the comments of my colleague across the way with regard to Bill C-2. I believe the issue here is one of preventing the erosion of the Canadian broadcasting system.

In 1936 the Conservatives, under former Prime Minister R. B. Bennett, established the Canadian Broadcasting Corporation. Why? Because of the impact of American feed coming into Canada: American radio, American magazines, et cetera. American thinking was obviously different than Canadian but it had a tremendous cultural effect on Canadians.

In order to have a Canadian voice and a Canadian view of our society, R. B. Bennett established the CBC. Obviously the establishment of the CBC has been extremely important as a cultural medium for Canadian actors, entertainers, writers, producers, directors, et cetera.

Bill C-2, an act to amend the Radiocommunication Act, is very timely and important given the situation we have. Section 9(1)(c) of the current act sets out a prohibition on the unauthorized decoding of encrypted subscription programming signals. Section 9(1)(d) prohibits unauthorized reception of unlawfully decoded subscription programming signals using radio equipment.

When we look at Bill C-2 we see that the transmission to the public of unlawfully decoded subscription programming signals has become a very important issue in the last few years. Section 10(1)(b) of the act makes it an offence to contravene section 9(1)(c) through activities such as importing, selling, distributing or possessing equipment in circumstances where it is reasonable to infer that the equipment is or was intended to be used for the purposes of contravention of that section.

The member across the way talked about what he did not like about the bill but I did not really hear his solution other than to work with the United States. I believe we must have a made in Canada solution, one which we have been working with the stakeholders on. Until last year there was really little effort to crack down on these direct to home satellite TVs or, as they are known, DTH piracy. There was no unanimity among the courts in this country whether unauthorized decoding of signals did indeed contravene the Radiocommunication Act.

As a result, there was a lack of court penalties against signal piracy. The RCMP's enforcement activities virtually came to a halt. As a result, black market dealers began to open and advertise their products.

In April 2002 the Supreme Court clarified the legal uncertainty. It determined that the unauthorized decoding of any encrypted subscription programming was illegal, period. Furthermore, it determined that reception of encrypted broadcasting programming must be authorized by a lawful distributor in this country, usually the Canadian DTH broadcaster.

Finally, the Supreme Court of Canada determined that subject to a very narrow exception, there was absolute prohibition on the decoding of encrypted broadcast programming from foreign distributors.

Once the law was clarified, the RCMP and customs significantly stepped up their enforcement activities. The member across the way talked about enforcement and compared it to guns and all sorts of other things. The fact is that the RCMP has developed an outreach strategy to provide provincial detachments with information on this issue. It is training its personnel to deal with enforcement.

In fact, a series of RCMP raids on black market dealers has resulted in several high profile seizures of illegal DTH equipment. However the fines imposed in recent judgments do not really impose much of a deterrent. This is very important. The current fines can be regarded by an illegal DTH dealer simply as the cost of doing business. I do not think anyone in the chamber wants to see that continue.

The House is well aware that the RCMP has many security and law enforcement priorities. We must ask ourselves whether it is a worthwhile use of time and resources to step up activities against illegal satellite pirates when there is little indication that prosecution will deter the piracy.

• (1200)

For that reason we must make sure that the punishment fits the crime, and this means increasing the penalties. That is the thrust of the bill. Although a higher level of fines in the act will not necessarily guarantee that the courts will impose stiffer penalties on dealers, it will send a strong message to the courts that Parliament sees this as an important issue.

The penalties contained in the bill are intended to send those messages. The maximum penalties for specified offences under section 10 have been increased from \$5,000 to \$25,000 or one year imprisonment or both for individuals; from \$25,000 to \$200,000 for corporations in the case of subsections 10(1) and 10(2.1).

Under subsection 10(2) the penalty has been increased from \$5,000 to \$10,000 for persons. Under subsection 10(2.2) the penalty has increased for individuals from \$20,000 to \$50,000 or two years imprisonment or both; and for corporations from \$200,000 to \$500,000. Those are strong messages both to the illegal operators who are selling this equipment, the general public and the courts.

The bill also gives the Canada Border Services Agency an important tool. Although the Radiocommunication Act prohibits the importation of illegal receivers, equipment continues to flow across the border, as the hon. member across the way mentioned. Therefore it is difficult for customs to determine which imported equipment may be used for illegal purposes and which will not.

The bill would provide for better control at the border. I agree with the member that we need to deal with that issue at the border. The bill would do that by requiring an important certificate issued by the Minister of Industry for anyone wishing to bring satellite decoding equipment into Canada.

Finally, the bill would give the broadcast industry the tools it requires to protect its interests through civil action. Over the past five years Bell ExpressVu has launched nine civil actions against key dealers in the country. One of these actions resulted in the Supreme Court of Canada's decision of April 2002, as I mentioned, that clarified the legal uncertainties.

However the broadcast industry finds the pursuit of civil remedies under the current provisions to be costly and ineffective. It is difficult to prove a direct causal link between the illegal conduct of DTH pirate satellite dealers and the actual losses the broadcasters suffer. To reinforce their efforts to pursue civil action, the bill provides an option to seek statutorily prescribed damages rather than being forced to prove actual damages.

The bill includes three important provisions that would deter signal piracy in Canada. It provides tools for each of the three partners to enforce the existing law: the RCMP, whose efforts will be backed by stronger penalties; the customs officials, who will be able to stop illegal equipment at the border; and the broadcast industry, who will be supported by the option of statutory damages should it pursue civil action.

Government Orders

This is a good bill that would result in stronger cultural industries in Canada and use of the radio telecommunications spectrum that promotes safety and security.

I believe the bill reinforces and builds on the existing law in Canada. It is important for Canadians. I would urge members of the House to support the legislation.

• (1205)

[*Translation*]

The Acting Speaker (Mr. Bélair): Order, please. The hon. member for Rimouski—Neigette-et-la Mitis intended to speak, but she did not rise from her seat, which is why I recognized the hon. member for Peterborough. Since she is now on her feet, I will recognize her.

Mrs. Suzanne Tremblay (Rimouski—Neigette-et-la Mitis, BQ): Mr. Speaker, I was told that, after the Liberal member, someone from the Conservative Party of Canada would speak, and only then would it be my turn.

Now that we have figured out how things will work, I want to thank the Chair for giving me this opportunity to speak on Bill C-2.

It is just amazing to see that this bill has now become an emergency. Usually, Bill C-2 is a piece of legislation designed to deal with a very well-defined emergency. However, all of a sudden, at 9:30 this morning, it was decided to put Bill C-2 up for debate today.

This bill is long overdue. When I was first elected to this House, in 1993, I was designated Canadian heritage critic for my party. One of the main problems we identified at the time was the whole black market issue surrounding broadcast signals. With DIRECTV in the picture, we asked that this be stopped, because it was costing us a lot of money and jobs throughout Canada and in Quebec.

However, as DIRECTV was owned by friends of the government, there was not a lot of interest in asking them to put a stop to their activities. The government was aware of the situation, but tolerated it.

Now that the former owners of DIRECTV have become the new owners—at least in part—of ExpressVu, not to name names, they are upset to lose all that business. So, these same friends are telling the government, “You should introduce a bill to make this a terrible thing, to make it illegal to import, steal or pirate the airwaves”.

This does not bode well at all for a new government that was supposed to be different. The report that the Auditor General will table tomorrow is going to give us an idea of what the former government was up to. It might a good thing for the new Prime Minister to read that report very carefully, to avoid being tempted to head in the same direction and protect his friends.

Government Orders

Bill C-2 poses some problems. There is no doubt that it will improve certain things. However, clause 5 creates huge problems. This provision gives great powers to an inspector and clause 5(1)(a) reads as follows:

enter and inspect any place in which the inspector believes on reasonable grounds that there is any radio apparatus, interference-causing equipment or radio-sensitive equipment, any other thing related to such apparatus or equipment, or any record, book of account or other document or data relevant to the enforcement of this Act.

If we look at section 8 of the Charter of Rights and Freedoms, which protects us as regards private property, private rights and privacy, we wonder where the department is headed with clause 5. This clause will give sweeping powers to the inspector and, in many cases, these powers may well exceed the limit set by section 8.

Clause 5(1)(b) reads as follows:

examine any radio apparatus, interference-causing equipment or radio-sensitive equipment found there, as well as any other thing related to such apparatus or equipment;

The government goes even further. Indeed, clause 5(1)(c) reads:

examine any record, book of account or other document or data that the inspector believes on reasonable grounds contains information that is relevant to the enforcement of this Act and makes copies of any of them.

And then we have clause 5(1)(d):

open or cause to be opened any package or container that the inspector believes on reasonable grounds contains anything referred to in paragraph (b) or (c).

● (1210)

We are interfering quite a bit with the privacy of citizens, and this seems to be an extremely dangerous element in this bill.

Another danger is all the authority being granted to the minister. The existing legislation already provides numerous powers to the minister, but this bill adds more. It is always very dangerous to give the minister an even greater discretionary authority when we know all the risks that are involved.

The minister will have the authority to decide who should get an import certificate. But we think the criteria the minister will have to use to make those decisions are not well enough defined.

We are willing to increase ministerial authority, but the government should be reassuring parliamentarians by setting out the criteria the minister will have to abide by. Criteria would be reassuring. We would be more aware of the situation, and we could debate those criteria and see whether they are reasonable. We could count on the minister to be able to apply those criteria. When you are kept in the dark, it is easy to have suspicions. Can the minister really be counted on to always be reasonable?

Earlier in her speech I heard the minister talk about the fines provided for under the legislation. She said that they would not be the major emphasis, but I am not sure what else can be done.

Then she goes on to say that the fines would be \$200,000 for a company and \$25,000 for an individual. There are limits. If these types of provisions are included in the legislation then there has to be the means to enforce them. There is no point in giving the impression that there will be penalties, if it is unclear how they will be enforced.

There is something quite extraordinary in one of the clauses of the bill. If, for instance, a \$2,000 computer is seized and the fine happens to be \$2,500 then the guilty party has only to pay back the difference between \$2,500 and \$2,000. There is no mention of what would happen if the fine were \$2,500 and the value of the confiscated goods \$10,000. Will the difference be paid out to the guilty party? That is out of the question.

Imposing heavier fines to make them more of a deterrent only works if we have the means to enforce these provisions. Otherwise, there is no point in leading people to believe that we are going to be able to put an end to this type of situation.

There is another element of the legislation that reinforces the broadcasting industry's current right to a civil remedy. There is the option under the legislation to receive statutory damages not to exceed a set amount. Clause 10 will replace subsection 18 of the Broadcasting Act. It is important to refer to subsection 18(1) of this act. This subsection states that anyone incurring a loss, or statutory damages, as the result of an offence, can pursue a civil remedy against the violator.

This bill has many problems. It is good in principle, but many questions need to be answered and this government also needs to agree to make changes if it wants the Bloc Québécois to support it at third reading.

● (1215)

[English]

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, it is a pleasure to rise in support of Bill C-2, an act to amend the Radiocommunication Act to better combat illegal decoding of direct-to-home satellite television signals.

The bill deals with the growing problem of piracy of signals for direct-to-home satellite television. It aims to strengthen our ability to protect one of our most important cultural industries. I am particularly glad to speak on this because I, like many Canadians, love television and good movies. We are speaking particularly with respect to the cultural industry in Canada. Piracy of any sort of artists' work, of illegitimately taking the benefits of creative work, is something we should be trying to stop all around the world.

Having said that, I will not speak greatly about the penalties. One of my colleagues has said that in this case the penalties for this should fit the crime. As the crime is piracy, I want to be on the record as saying that although I agree the penalty should be commensurate with the crime, the normal penalties I have heard for piracy are keelhauling and hanging people from the yardarm. I do not support penalties of that type, but I do support severe penalties for those who pirate these signals.

The theft of such satellite signals denies legitimate Canadian broadcasters, content producers and programmers millions of dollars a year. It robs money from an industry that supports thousands of jobs. That, by the way, is the financial measure of what is going on. What is much more significant is that this piracy, by denying some income to artists, stultifies creativity. It is creativity of human beings, whether it be in the arts, business or wherever, that we as a government should be trying to nurture and encourage.

Government Orders

The existing legislation is simply inadequate to deal with the growing problems which we are seeing. Law enforcement officials in the industry lack the tools they need to deter the criminals who are importing, manufacturing and selling illegal technologies. We do not want to target individual Canadian viewers, but rather those men and women who are making piracy of signals a business.

The industry estimates that there could be from 500,000 to 700,000 users of unauthorized direct-to-home services in Canada. That is a shocking figure. I believe that many people who do this do not think of the true consequences to creativity in Canada.

Research in the industry concludes that these activities imply a loss of subscription revenues of about \$400 million each year to the Canadian industry. These companies need a fair marketplace to recoup the considerable investments they are making.

There is also a public safety component to the bill. The use of pirated receiver cards has been found to create signal interference with communications systems used by search and rescue services and the police. By committing this illegal act of downloading the signals, these people are also putting at risk police, fire people and others. It is like someone who rings a fire alarm illegally. The fire engine and the fire crews go out to the non-existent fire while there is a fire occurring somewhere else.

The bill reinforces existing laws in Canada. It has received widespread support from all the actors in the Canadian broadcasting system as well as law enforcement and customs officials. The bill will help to provide a level playing field for Canada's cultural industries and ensure sustainable competition in broadcast programming to benefit all Canadian consumers.

The bill proposes to discourage satellite piracy in three ways.

First, it will make it more difficult to obtain the hardware required to steal a satellite signal. This will be done by providing for better control at the border by requiring an import certificate issued by the Minister of Industry for anyone who wishes to bring satellite signal decoding equipment into the country. That is a very appropriate action.

• (1220)

Second, the bill would increase the penalties prescribed in the act to a level that provides a meaningful deterrent to this type of piracy. I made the joke about it before. In our law I do not believe in keelhauling for this type of piracy, but I do believe in very strong penalties for it. It is a serious matter, not just a financial matter but something that goes to the heart of Canadian culture.

Third, the bill would strengthen the existing right of civil action. It is difficult to prove a direct causal link between illegal conduct and the extent of the losses they actually suffer. Under the bill, it would be provided that there is an option to seek statutory damages rather than being forced to prove actual damages.

We are talking about preventing the erosion of Canada's broadcasting system by stopping activities that are clearly illegal. We all agree Canada's broadcasting system is one of the bases of our nation. It is one of the important vehicles of culture in Canada.

I urge all members of the House to support Bill C-2.

Mr. Gary Schellenberger (Perth—Middlesex, CPC): Mr. Speaker, I rise today to speak to Bill C-2, an act to amend the Radiocommunication Act. Before I begin to discuss the content of the bill, I would like to give the House an overview of this industry and its customers. It is impossible to discuss Bill C-2 without understanding two very different concepts and making a clear distinction between them.

The two concepts are the grey market and the black market.

The technology that allows consumers to view satellite signals is the key to the black and grey markets. To watch satellite television, we must buy a satellite receiver and an access card from the satellite company. We subscribe to channels we want by calling the satellite company—in Canada, that is either Bell or Shaw—choosing channels and giving them our credit card. Then the access card, which has a small chip on the back, is inserted into the receiver so that the channels that have been paid for can be watched. The access card will work only in the machine that it came with and the receiver will not work without the access card.

Once it is understood that one must subscribe to satellite channels and that an access card is required to confirm that subscription, it allows us to discuss the difference between the black market and the grey market.

The first is the black market. Thieves steal the satellite signal. Instead of paying a subscription and using an access card, the thieves replace the access card with an AVR board, or an HU or P4 card, to fool the receiver into thinking that a subscription has been paid. Every Canadian who uses this technology steals roughly \$100 a month of TV programming from a satellite company.

What is worse, the cards that fool satellite receivers also emit radio signals that may interfere with military emergency radio equipment. Not only is it theft, it is dangerous. According to Industry Canada, the interference caused by these hacked signals has caused search and rescue officials to think aircraft have crashed when they have not. Hacked signals have also interfered with military operations in Cold Lake, Alberta.

While no one can provide us with the exact numbers as to the size of the black market, a recent Léger Marketing survey showed that fully 20% of the people receiving Bell ExpressVu signals were not paying for the service.

I want to be clear that the Conservative Party and the vast majority of Canadians are firmly opposed to the black market.

Government Orders

Now let us look at the grey market, in which a Canadian subscribes to a satellite service provider that is not licensed by the CRTC, such as Dish Network or DirecTV, for access to TV channels. In every case in the grey market the viewer is lawfully paying for the signal and he is paying the company that owns the satellite from which the signal is being distributed. He is respecting copyright by paying the owner of the satellite, who in turn pays the TV networks that produce the programs.

In the grey market, the client pays the full price for what he or she watches. Clients pay a service charge to the dealer. The satellite company bills the client's credit card every month. The client sees the satellite company's bill on his credit card statement and watches only those channels to which he or she has subscribed.

So why do we go to the United States and beyond for television? To access cultural and religious broadcasting that is not available in Canada.

For example, I understand that Latino Canadians subscribe to Dish Latino, which offers 20 Spanish language channels from Mexico, Chile, Spain and the U.S., as well as a news channel that features local news from virtually every Spanish speaking country in the Americas. The price is roughly \$30 Canadian per month. Currently some Canadian satellite channels carry blocks of weekly Spanish programming, seven hours here and three hours there.

Arab Canadians typically subscribe to Dish Network's Arabic elite pack, offering 10 channels from Dubai, Egypt, Lebanon and Qatar for roughly \$40 Canadian.

• (1225)

Many Canadian Christians who are looking for faith based family broadcasting subscribe to Sky Angel, a satellite service company offering roughly 36 channels.

One of the problems with Bill C-2 is that it ignores the bigger issue. Access to programming has been restricted by the CRTC and Canadian content rules. This bill is not just about breaking the law but about allowing Canadians the freedom to watch what they want regardless of Canadian content restrictions.

The Conservative Party agrees with the June 2003 recommendation of the Standing Committee on Canadian Heritage:

...that the CRTC permit Canadian broadcasting distribution undertakings to offer a wider range of international programming, while being respectful of Canadian content regulations.

There are other issues raised by the bill that have caused the Conservative Party concern. First, we need clarification as to how and if precious RCMP and local police resources will be used. While the bill does allow for civil procedures, we are still not clear as to whether or not RCMP resources will be used. As my colleagues have mentioned, a recent satellite investigation in Hamilton engaged 69 RCMP officers and 12 Industry Canada employees. Clearly this is an inappropriate use of taxpayer resources.

Second, we are concerned that the inspection provisions have been broadened. While we recognize that other electronic devices such as computers are linked with satellite piracy, the power to open any package or container that may be related to satellite piracy is an issue we would like to explore in committee.

I would like to close on a positive note. There are aspects of this bill we support. We support the importation initiatives, with provisions. We agree that the border is a good place to address the problem of distribution of satellite dishes that are currently considered illegal in Canada. However, we hope this initiative does not stop the grey market viewer who legitimately pays for a service and programming currently unavailable in Canada.

We would also like better assurances from the Minister of Industry that snowbirds will not be harassed or charged when they bring their dishes across the border for summer storage.

We support the idea that Bell and Shaw can take action against some of these providers through civil court rather than criminal court.

I would like to close by saying that the Conservative Party has concerns about Bill C-2, but we are looking forward to reviewing this legislation in committee to see if we can tighten it up and address the cultural issue the bill raises.

• (1230)

Ms. Sarmite Bulte (Parkdale—High Park, Lib.): Mr. Speaker, I am very pleased to rise today in the House to support Bill C-2, an act to amend the Radiocommunication Act.

Bill C-2 would amend the Radiocommunication Act to add import control measures in respect of radio apparatus or devices used for decoding encrypted subscription programming signals. It would make importation of them without an import certificate an offence and would provide for the issuance of the certificates, as well as for ministerial exemptions from the requirement.

Finally, it would provide measures to facilitate compliance with and enforcement of the act, including adding certain inspection powers, increasing penalties, and providing the option for a person who pursues a civil remedy to elect statutory damages.

Let me begin by commending the Minister of Industry for immediately proceeding with this legislation. In June 2003, the Standing Committee on Canadian Heritage tabled its report after a two year study of the Canadian broadcasting system. I had the opportunity to participate in that study, first as a parliamentary secretary to the Minister of Canadian Heritage and then as a member of the committee.

The issue of the black and grey satellite markets was extensively reviewed and the issues in fact discussed in chapter 16 of that report, which is entitled "Our Cultural Sovereignty: The Second Century of Canadian Broadcasting". I am pleased to say that in fact this study is now being used throughout Canada at Canadian universities as the textbook, the must read text, for the study of broadcasting in Canada.

Government Orders

As noted in the heritage committee's report, satellite distributors in Canada account for 1.7 million of the total 2.8 million—or over 60%—of all digital television subscribers. The CRTC currently licenses two suppliers to provide direct to home, or DTH, satellite television services to Canadians. One is Bell ExpressVu and the other is Star Choice, which is owned by Shaw Communications. What is important for all members of the House to know, and for Canadians to know, is that no other North American company is licensed to provide satellite signals to Canadians.

It is also important to understand how this technology works. Satellite and broadcasting technology allows a television broadcaster to send a signal to a satellite which is located in orbit above the earth. That satellite will send back the same signal, covering a portion of the earth's surface, which is known as a signal's footprint. The technology thus allows a signal to be sent directly to any place that has a device for receiving the signal, hence the term direct to home, or DTH, television.

In order to protect the commercial value of satellite television services, the signals are encrypted or scrambled by the broadcaster. To be received in intelligible form, the signal must be decoded or descrambled. If viewers wish to receive these signals, they must subscribe to the channel or channels providing the signals. Upon purchasing the necessary hardware and paying a fee, the broadcaster will supply viewers with some form of authorization unique to the subscriber's decoder, allowing them to receive the signals.

However, as we have heard today and as we all know, our satellite programming services and signals are being stolen—and I cannot help but emphasize the word stolen—by various means designed to circumvent the proper operation of the authorization system.

Again, let me remind the House of what is actually taking place here. Satellite programming signals are encrypted. Authorized subscribers are provided with a control access module or a smart card and decoder by the DTH distributor, but it is possible for hackers to develop technology to decode the encryption. Periodically, therefore, the distributors change the encryption of their signals as a means of eliminating users who have gained unauthorized access to their programming and thus are stealing it. The hackers respond again by building technology to break this new code.

So what we have here is a cat and mouse game, where the companies are always trying to stay one step ahead of the signal pirates and the pirates are equally resourceful in finding ways of breaking the signal.

●(1235)

Signal theft is illegal and the RCMP has stepped up its enforcement of the law. The bill before us supports its efforts by providing penalties that will act as a deterrent once a violator has been prosecuted. This is the remedy for criminal action.

There is another way to deter signal piracy and that is through civil action on the part of the DTH distributors. The bill before us will help encourage legitimate satellite companies to pursue civil action thereby helping reduce the cost of police enforcement of the law.

Let me first explain that under the current civil law regime, victims of satellite piracy, that is, the legitimate satellite companies, are required to show what their losses are. However, pirating is an underground activity. It is very difficult to provide accurate evidence of the real damage.

Under this bill the victims of piracy will be able to opt for statutory damages that will help compensate them for the theft of their intellectual property. Again I have to remind everyone we are talking about theft. We are talking about stealing.

Where pirates are engaged in signal theft for commercial gain, the courts will be able to impose a statutory fine of a maximum of \$100,000. Yes, this is a substantial fine but it is designed to be more than simply a cost of doing business for the signal pirates.

For individuals convicted of signal theft, the amount of damages remains the same, capped at \$1,000. This is still a significant amount for an individual. It should remain as a deterrent when the satellite companies pursue civil action against individuals.

I do want to emphasize that the focus of the bill before us is not on the individuals who violate the act so much as those who in fact establish businesses that violate the act for commercial gain. We want to deter their trafficking in illegal satellite equipment.

Nor is the focus of Bill C-2 on the hackers who develop the pirate technology. Hackers are individuals who normally are not business people. They are usually motivated by the challenge of hacking encrypted systems, not by profits. They are not likely to be deterred by the threat of financial loss. Once again we can make sure that the businesses that buy their products and use their products for commercial gain are penalized. That is in fact what the bill does, both through the criminal fines and through the statutory fines in the event of a successful civil action.

Businesses that provide television programs need to recover the investment they make in their businesses. When they suffer losses due to piracy, their business viability is threatened. The result is lost jobs and investment in the broadcasting industry and most important, investment in Canadian programming. The satellite and cable companies want fair competition. They cannot compete with free TV and neither should they.

Bill C-2 will not only act as a deterrent to those who would compete unfairly through illegal means, it also gives the victims of piracy a chance to recover some of the revenues they have lost through illegal activities. It will help create an open and fair marketplace for television broadcasting in Canada. That is good for the industry and in the long run for Canadian viewers.

In conclusion, I hope hon. members will join me in supporting this bill.

Mr. Charlie Penson (Peace River, CPC): Mr. Speaker, I am happy to participate in the debate on Bill C-2, formerly Bill C-52 which was introduced in the House a while ago.

Government Orders

I believe that Bill C-2 is an overreaction to a problem that is quite a bit smaller than the government would have us believe.

Many of my constituents have large satellite dishes. They receive programming from the United States that they currently cannot get in Canada without their satellite dishes. I see a huge difference between the grey market and the black market.

Ms. Sarmite Bulte: Not according to the Supreme Court.

Mr. Charlie Penson: Mr. Speaker, my colleague has said not according to the Supreme Court. I and many of my constituents see it differently.

The reason I see it differently is this product is not available in Canada. People bought their dishes a long time ago to receive a product and they continue to be serviced.

There are two companies that have licences and property rights in Canada to service the Canadian market through a product they have developed and paid good money for with regard to programming. Those two companies are Bell ExpressVu and Shaw Star Choice. I have one of them in my home.

I have quite a few neighbours who have other satellite dishes that do not receive and do not pirate product from Shaw Star Choice or Bell ExpressVu. They only receive the product that comes to them from the United States and which they currently cannot get in Canada. They made huge investments some 20 years ago. I see that as being different. I see it somewhat like a radio signal.

Bill C-2 would amend the Radiocommunication Act. We have always had radio waves coming through the air and often we listen to international programming from different parts of the world. In fact, Canada does that itself; Radio Canada International broadcasts to other countries in eastern Europe and to the United States. I often hear listeners from the United States phoning in during CBC radio programs.

That is the way we should develop this industry. Instead of trying to build borders around Canada as the Liberal government has done in several areas, we should be looking for openings and opportunities to service the whole big world out there. We do it with radio. Where do the people who develop radio programs get their money? They get it from advertisers who are looking for a market. They are not concerned if somebody in the United States listens to a Canadian radio station and vice versa. We should treat television in the same way.

I would look for some kind of international agreement between us and the United States that would open up that market to us. There are almost 300 million people living in the United States. We have a product to sell and we need to sell it on the basis of quality. We should not build protective walls and borders around our country, which is difficult to do anyway.

The member who spoke before me talked about people trying to develop ways to hack into the system and technology companies having to figure out ways to block them. It would be far better for us to receive those signals and let the United States receive signals from Canada based on a reciprocity agreement.

As the critic for international trade, I see this as a growth area, not something we should be trying to build barriers against and looking for restrictive markets as the government has done in areas like supply management for example. There is a whole broad world out there that we need to service. Canada has good programming and it will get even better with better actors and better people to service that industry as a result of that big market.

That is where I see the difference between our party and the Liberal Party. We look at this as an opportunity and not as a big problem as the Liberals would have us believe.

If people are stealing the encryption, that is a problem, but a lot of people are not doing that. What they are doing instead is they are listening to and watching a product that they currently cannot get in Canada.

• (1240)

What does the bill essentially do about it? The penalties have been raised pretty high, doubling the amount of jail time up to a year. I heard the minister say earlier in debate that the government is not going after the little guy, just the companies. How soon will it be until the next move will be to go after the little guy?

Our police forces will not be out there just trying to enforce gun regulation which is completely out of sync with what people are talking about. They will be out there going door to door, checking to see if people have large satellite dishes and trying to shut them down. That is the next step. I think this is a total overreaction.

The solution is not police enforcement, not a lot of people dedicated to driving around spying to see if people have satellite dishes. The solution is to open up the market and have a larger vision of where Canada needs to go in the future. Yes, 30 million people is a nice market, but think of the 300 million people next door that we could service with a quality product, if we had that opportunity.

How would we do that, because the United States has restrictions as well. We have to take advantage of opportunities with the United States to talk about issues that are important to us. We have an industry on the telecommunications side that is saying we should open it up so that we can get investment from the United States and other places. I was the industry critic for some time. The government says that no, we have to restrict investment in those industries. The industries themselves are asking for it to be opened up because they see a wider market available to them. They see the opportunity.

Where the government sees a problem, the Conservative Party sees an opportunity. Let us exploit that opportunity to our benefit. Let us not go around trying to plug the dam with a finger every time there is a leak. Let us tap into the energy that is the technology that is going to enable us to enhance our market share and provide opportunities for our people to develop quality product and programming that people will buy no matter where they live. That opportunity is there if we would just let Canadians respond to the innovation. I know they are capable of it.

• (1245)

[*Translation*]

Mr. Claude Duplain (Portneuf, Lib.): Mr. Speaker, I am pleased to rise today to express my support for Bill C-2, an act to amend the Radiocommunication Act.

Let me remind members of this assembly what this bill deals with. Signals that are transmitted via direct communication satellite, which are called DCS, are encoded. Authorized users receive “an access control module” or a memory card, as well as a decoder, which are provided to them by the DCS signal distributor.

However, hackers are able to develop a technology that allows them to decode signals. Thus, distributors regularly change their signal code to keep away users who are illegally accessing their programming. But hackers respond to this by continually creating new technologies that allow them to thwart the new code. We find ourselves in a cat and mouse situation, where distributors are constantly trying to keep ahead of hackers, while the latter find ever more creative ways to access the new code.

Stealing signals is illegal. The RCMP is now stepping up enforcement measures. The bill before us supports these efforts by suggesting penalties that would discourage repeat offenders. This is the remedy for criminal activities.

There is another way of discouraging DTH signal piracy. It is to encourage distributors themselves to take civil action. The bill before us will help us to encourage authorized distributors of DTH signals to take such action, which will help reduce law enforcement costs.

Let me first explain that, under the current civil law system, victims of DTH signal piracy, that is authorized distributors, must prove they have incurred losses. However, satellite piracy is an underground activity. Thus, it is difficult to prove the actual harm done.

In the context of this bill, victims of commercial hacking can be awarded statutory damages that will help to compensate them for the loss of their intellectual property.

In the case of hackers who steal signals for commercial gain, the courts will have the option of imposing statutory penalties of up to \$100,000. This is a huge fine and the idea is to ensure that this penalty is not viewed as a mere cost of doing business by those who pirate DTH signals.

However, in the case of individuals who are found guilty of stealing signals, the amount of damages remains the same, with a maximum penalty of \$1,000. This is a significant amount for an individual. This penalty must continue to be a deterrent if

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distributors of DTH signals decide to take civil action against an individual.

I stress the fact that the bill before us does not put the emphasis on individuals who break the law but, rather, on those who start a business that contravenes the act for commercial gain. We want to deter the sale of illegal devices to decode satellite signals.

Nor does this legislation put the accent on the pirates that develop the pirating technology. Pirates are individuals who are usually not business people. More often than not, they are motivated by the challenge of decoding a secret encoding system, rather than by profits. They are unlikely to be deterred by the threat of a financial loss.

Again, we can make sure that the businesses that buy the products of these individuals and use them for commercial gain are fined. This is what the bill proposes to do by providing for criminal convictions and for damages when a civil action ends up with a guilty verdict.

The businesses that provide television programming must be able to make a profit on their investments. When they suffer losses because of pirating, their profitability is threatened, which results in the loss of jobs and investments in the broadcasting sector.

Signal distribution companies and cable companies want fair competition.

• (1250)

They cannot compete against free television.

This bill will not only deter those who would compete unfairly through illegal means, but also allow the victims of piracy to recover part of what they lost because of illegal activities.

This bill will create an open and fair market in one sector of the broadcasting industry in Canada, which will be good for the industry and, in the long run, for Canadian viewers.

I hope members of this House will support this bill which, I repeat, deals with the growing problem of piracy of direct-to-home satellite broadcast signals. It aims at enhancing our ability to protect one of the most important components in our cultural industry. God knows how much money is invested in this sector and, if our broadcasting services cannot be profitable, culture will be dealt a hard blow.

The theft of satellite signals deprives broadcasters, program producers and authorized Canadian programmers of millions of dollars annually. Money is being stolen from an industry that provides thousands of jobs. Anyone who steals signals is destroying jobs.

The existing legislation is simply not adequate to solve the growing number of problems we now have. Broadcasters and those in charge of enforcing the law lack the means they need to deter criminals from importing, designing and selling illegal equipment.

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This bill will counter this illegal activity. We do not want to target the Canadian inspectors, as has been said, but business people who are guilty of piracy. They are the ones we should go after.

Mr. Odina Desrochers (Lotbinière—L'Érable, BQ): Mr. Speaker, it is with pleasure that I rise today to speak to Bill C-2. Once again, this is a bill about problems which force us to deal with a situation in the quickly changing world of communications and computer technology.

Before getting into Bill C-2, let me say that signal theft is nothing new. In the early eighties, when pay television was introduced in Quebec and Canada, some people immediately started making and selling decoders so that viewers could receive pay television channels. Who out there has not tried to rig the cable wire to hook up one and then two televisions, or the radio set?

Such behaviour has taken root over the last twenty years. However, the lawmaker never introduced legislation to make people understand that, whenever they steal signals, be it cable or satellite signals which we are discussing today, many companies are losing substantial revenues. As I said, satellite piracy takes millions away from Canadian broadcasters and various funds like the Canadian Television Fund.

This bill was first introduced in the House in October 2003. Members know that our agenda was seriously disrupted by the changes on the other side. Parliament was prorogued and a new Prime Minister came into office. As a result, they are once again playing catch up on the legislative agenda, that is, they are trying to show that at least some of the bills are being reinstated. This one was called C-52 before prorogation and was considered to be as priority. It is being reintroduced today as Bill C-2, but no bona fide solution to the satellite piracy issue has yet been found.

Recently, print and television ads have been broadcast widely to raise public awareness of people who buy decoders. However, things go so fast that, as soon as companies like Star Choice or Bell ExpressVu put new products on the market, decoders are immediately put on the market to allow their customers to steal the signals.

In Canada, it is estimated that between 500,000 and 700,000 households engage in this kind of theft. According to the coalition formed to fight piracy, this is causing the Canadian broadcasting system to lose an estimated \$400 million per year.

Often, our colleagues rise in the House to ask that Star Choice or Bell ExpressVu provide better services to the regions. Every time broadcasters have to make cuts, the regions are always the hardest hit. We are receiving signals from the United States, but have difficulty finding out what is going on in certain regions of Quebec. We have the same satellite and are charged the same price, but the regions are always the ones penalized.

Not only must the bill deter dealers from importing and selling unauthorized equipment in Canada, but a change in attitudes must also be brought about. In the last 20 years, this has become normal practice, not only with respect to cable and television. We know of the many artists from Quebec and Canada whose CDs are being copied, which is very costly to them in lost earnings. We are also aware that the artist's share of the profits on the sale of CDs and

DVDs is extremely small. With the little money they get out of this big production machine, artists find themselves in financial difficulty.

• (1255)

Also, performance fees are based on official ratings and do not take into account stolen signals. In fact, sweeps are carried out using the devices installed, to monitor media penetration. But when signals are stolen, sweeps become unreliable. If a many decoder users tune in to Canada-wide television programs showcasing artists from Quebec or Canada, they alter or distort the results.

I do hope we will be able to tackle this issue head on. We have, however, to rely on accepted standards. We should not go overboard and have inspectors or investigators enter houses to see if there are decoders or not.

The right to enter dwellings is important, but I think investigators and inspectors should rather target those who sell the products. We could work in cooperation with the sales representatives of Star Choice and Bell ExpressVu, who certainly know where the decoders end up. I think the legislation should focus more on those who manufacture and sell the products than on officials entering dwellings to determine whether homeowners are in possession of decoders.

More specifically, clause 5 of the bill would allow inspectors to enter a home and examine any computer they might find. As we know, with today's technology and computer science, decoders are often found within computer software. Also, in our households, the computer is where much of our private and confidential information is stored. People often use computers to file their income tax returns. They use them to do the record keeping for their farms or small and medium businesses, as the people in Lotbinière—L'Érable do.

This bill would give inspectors the authority to seize computers. Not only could they search for software, but they would have access to any private or confidential information stored in the computers. We cannot, on the one hand, make it possible to eliminate the scourge of piracy and, on the other, give investigators the authority to invade people's privacy.

The privacy commissioner should come to testify and guarantee that Bill C-2 is consistent with existing legislation. For some time now in this Parliament, especially since the events of September 11, 2001, we have been quick to allow investigations and detailed inspections. We are losing sight of what is important: protecting the public.

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I hope the government will take the time to focus on the possible danger with respect to clause 5 in Bill C-2. In our efforts to eliminate piracy, it is important that we have tools that are consistent with existing legislation and that will, together with what already exists for protecting privacy under the Civil Code or the Criminal Code, provide a real solution to this problem.

Above all, people need to change their behaviour. The trend toward stealing cable signals, and now satellite signals, started some 20 years ago. Where will it all end? I do not know, but I hope everyone is well aware of what this bill involves.

● (1300)

[*English*]

Mr. Gurmant Grewal (Surrey Central, CPC): Mr. Speaker, it is a great pleasure to rise on behalf of the constituents of Surrey Central to debate Bill C-2, the Radiocommunication Act, regarding satellite TV piracy.

The bill was introduced in the House in the second session and it was called Bill C-52 at that time. It did not proceed beyond first reading. Now we are getting less than a day to rush it through. I do not approve of the manner in which the government House leader is rushing the bill through by giving us less than one day to debate it at second reading.

The main purpose of the bill is to stop piracy and the illegal utilization of satellite signals.

Bill C-2 would increase the penalties and would provide for civil remedies against those individuals or corporations who sell and use illegal radiocommunication equipment, specifically satellite dishes that receive signals from satellite television stations who do not get licences from the CRTC.

In addition, Bill C-2 would strengthen inspection powers and would make the importation of unlicensed equipment without an import certificate an offence. That is what Bill C-2 is supposed to do, stop piracy and the illegal utilization of satellite signals. It is important because there are two types of illegal activities that are going on.

The first one is called the grey market. This is where Canadians subscribe to U.S. satellite services with the bill sent to a U.S. address. They give an address in the U.S. by credit card or by other means. They pay their bills but outside Canada.

In April 2002 the Supreme Court confirmed that federal broadcasting law prohibits Canadians from receiving direct to home satellite TV programs from providers other than Bell ExpressVu and Star Choice Communications Inc. That decision followed several court battles in which grey market dealers argued that the broadcasting laws were unconstitutional under the Canadian Charter of Rights and Freedoms as the government was directing Canadians on what they could watch on their TVs. There were some court battles and the determination by the court was that grey market was illegal in Canada.

The other type of illegal activity is the black market. In the black market, Canadians who are subscribing to those services are not paying anything. They are using equipment by illegal means to decode signals and use or receive the satellite signals without using

the usual subscriber's way of paying. It is actually a theft of the signals.

The industry argues that the illegal receipt of satellite signals reduces the revenue of so-called legitimate providers by \$400 million. It is also estimated that about 750,000 Canadian households currently receive unauthorized signals.

In my opinion, both of these activities, whether it is the grey market or the black market, break the law; however, the degree of breaking the law is different. Theft is one thing, but paying it outside the system, in the U.S., is another thing.

I would like to argue why this activity is illegal in the first place.

● (1305)

Canadians should have the ability to watch any television signal they want. They should not be restricted in their choices. I believe that limiting Canadians to watching certain signals would not be appropriate. I have objections to some of the Canadian signals we get on television. However, people have a choice. If they want to have those signals available, they have a choice. I may or may not like certain subjects shown on television. It may be restrictive as far as my ideology is concerned, but other people need some choice. Canadians deserve to have choice.

Some people think that American signals should not be allowed in the Canadian market, probably to restrict or to ensure that Canadian culture is not affected. I believe that our Canadian culture is not that fragile. We should not only look with tunnel vision; we should have a broader perspective of other cultures and other contents. Canadians should have the choice to subscribe to the signals they want to have.

Canadians can do better when they are given fair competition in the market. For example, in the wine industry, Canadians have done very well when the market was fair and open. Canadians love competition and they can survive competition.

We are very proud of the high level of technology that we have. On the other hand, there are certain satellite providers for some specific programs and they are not available to Canadians in the Canadian market, other than through foreign programs, for example, ethnic programs.

Ethnic producers are scattered all around. They may not have enough resources to put their own television programs together. So if one channel is broadcasting those ethnic programs, people should have the ability to subscribe to those specialized ethnic television programs. They could be scientific or educational programs.

In ethnic communities, for example, there are Spanish television programs. I am not aware of any Spanish television programs in Canadian content nor of Indo-Canadian, Chinese or Korean programs. If they can broadcast and the signals can be received in Canada, I think people should have the choice to subscribe to those signals.

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We know that technology is evolving very fast. Canadians have access to the Internet. We know that broad spectrum Internet services could be available. We can access the broadcasting system by Internet, listen to the radio frequency and receive newspapers and magazines. We can buy CDs, DVDs and those kinds of things. Why is there a restriction on television signals?

That is a serious concern. Canadians should be given more choice in order that we can provide better services to Canadians.

If this illegal activity has to be stopped, the border is a good place to address the problem of distribution of satellite dishes that are currently considered illegal in Canada. At the same time, we want assurances from the Minister of Industry that snowbirds will not be harassed or charged. Snowbirds are those people who winter some place in the U.S. and come back in the summer along with their satellite dishes. They should not be penalized.

We also support the clause that allows Bell and Shaw to take action against some of the black market providers through civil court rather than through the criminal court. However, we are unclear as to whether any police resources will be used in this type of action.

We should not tie up our RCMP resources. For example, in Hamilton, 69 RCMP officers and 12 individuals from Industry Canada were tied up by one satellite dish case. That should not be the case. Broad inspection provisions as outlined in the bill should be in place. We also recognize that other electronic devices such as computers and other things are linked to satellite piracy.

• (1310)

Finally, the issue is not just about breaking the law. It is about allowing Canadians the freedom to watch what they want to watch.

I would like to conclude that it will not be possible for me to support the bill as it is. We need these assurances. Of course theft should be prevented, but the liberty to have choices in what we watch should also be there.

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, I am pleased to rise for the first time since we came back to the House. The debate today is on Bill C-2, which, obviously, is the second bill introduced after the throne speech.

Of course this is an important bill, but we would have preferred that the second bill before the House deal with the issue of health and the need to restore funding to 1994-95 levels, as requested by the premiers.

That said, it is still the case that the bill on broadcasting, or cable television, is important. The Bloc Québécois, whose sense of responsibility is known to this House, has made it known through its heritage critic, the hon. member for Québec, that our members will support this bill.

Earlier, I was listening to my friend, the hon. member for Lotbinière—L'Érable, who made some very pertinent remarks. He comes from the cultural sector himself, having been a radio host for nearly a decade, I believe, at a station in his riding.

It came to me that this bill is to culture what tax invasion is to the government. Like anyone who has watched television from time to

time, I have seen the advertising campaigns done by the artists. We may tend to forget the fact, but this bill concerns more than the industry; it also affects the creators—the broadcasters and the artists—because, when there is piracy, when consumers receive music or programs they have not paid for, then royalty payments are smaller and it is the creators who are penalized.

We know that the creative genius of artists is very significant, vibrant and dynamic in Quebec and—I will not argue—in the rest of Canada, even though these two cultural agendas may conflict once in a while. As you know, Quebec has chosen the path of a common public culture, while the rest of Canada has chosen the path of multiculturalism. But this is not the time to discuss that.

So, Bill C-2 deals in a rather appropriate way—and this is why the Bloc Québécois will support the principle of this legislation—with the issue of piracy, specifically as regards satellite signals.

This is not a minor issue considering that a coalition set up to deal with the theft of satellite signals or, in other words, to fight the pirating of these signals, estimates that, and this is unfortunate, between 500,000 and 700,000 homes in Canada are receiving satellite signals without proper authorization.

The bill proposes increased monitoring mechanisms that will, I believe, be twofold.

The overall responsibility will be given to the new Minister of Industry, the hon. member for Westmount—Ville-Marie, who, as we know, has fulfilled major duties in this House. When she was first elected, in 1997 if I am not mistaken, she was appointed minister of Labour. Then, the Prime Minister gave her the Immigration portfolio. At the time, I was our party critic on immigration issues and I hope the minister has fond memories of those days. Later on, she became the President of the Treasury Board, where she played a more discreet role. Now, she is the Minister of Industry.

Under clause 5, the Minister of Industry will have very important powers, because she will be the one who will issue the certificates authorizing the import of satellite signals. She will have to take into consideration a number of factors before issuing such certificates.

Up to this point, we support the bill. We fully realize that this is the role of the legislator and we do not question the fact that radio broadcasting and telecommunications are a federal jurisdiction.

• (1315)

The problem is that the line between the right of the legislator to enforce a law concerning satellite broadcasting and programming and the right to privacy is not all that clearly defined.

The Bloc Québécois, through our industry critic, the hon. member for Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, who also happens to be an experienced parliamentarian, will be asking for the privacy commissioner to appear before the committee.

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Why is it so important to hear what the privacy commissioner has to say? First, as we know, for the last five, six or seven years, personal and identifiable information has become a matter of great concern for legislators.

I would like to digress for a moment. As we all remember, the government erred when it proposed setting up a megafile. In cooperation with the Canada Customs and Revenue Agency, the former minister of Human Resources Development wanted to establish a megafile that would have greatly invaded people's privacy. At the time, the hon. member for Laurier—Sainte-Marie, leader of the Bloc Québécois, called for the megafile to be dismantled. The privacy commissioner supported the hon. member for Laurier—Sainte-Marie, who warned the public about this. Therefore, confidential, personal and identifiable information is a matter of great concern.

The problem with this bill is that it will create an inspection program. Under the authority of the industry minister, inspectors would be able to enter dwellings. If there is a presumption or evidence of piracy, searches as defined under criminal law will be carried out.

That can be risky. As the member for Lotbinière—L'Érable has said, the systems for signal theft may be part of a computer program. As my friend, the hon. member for Portneuf is aware, when a computer search is carried out, other more general information may be found as well. There may be personal information about dating, family photos and the like, but there may also be financial or medical information, or accounting details.

When a computer search is carried out, how can we be sure people's rights will not be encroached upon, and the information gathering will not infringe on people's right to privacy? This is why the Bloc Québécois will introduce amendments in committee that will enable us to place wiser and more appropriate limits on inspection powers.

Unfortunately, I am obliged to say that this is not the first time in this House that powers have been assigned to inspectors which would allow them to go beyond reasonable limits. I must add that the Minister of Industry—and everyone knows, moreover, what friends we are—did nothing to reassure us when she rose to speak. She did not tell us what sort of intervention is planned, and how the power of the inspectors will be kept within wise limits.

There is one other thing, and this will conclude my remarks. We are also concerned by the fact that the costs of the seizure could be borne by consumers. This is another thing that must be verified. This could violate individual rights to privacy.

In short, this is not a bad bill. We recognize that the lawmaker must intervene in all matters relating to the illegal decoding of satellite signals. There is recognition here for our creators, artists and everyone else making their living from the cultural industry. However, we believe that this goal, as noble as it is, must not lead to actions that would violate the right to privacy. The powers relating to search and seizure as set out in the bill do cause some concern.

As a result, the Bloc Québécois will ask the Privacy Commissioner to appear before the committee.

●(1320)

As members know, committees are no place for partisanship. Parliamentarians do not always give the best of themselves in this House. All parties give the best of themselves in committee, when public hearings are held, when people are heard and when we manage to improve a bill.

Naturally, the government must be prepared to listen. We have great hopes that this will be the case.

[*English*]

Mr. Roy Cullen (Etobicoke North, Lib.): Mr. Speaker, I am very pleased to speak on Bill C-2, an act to amend the Radiocommunication Act to better combat illegal decoding of direct-to-home satellite television signals. The bill deals with the growing problem of piracy of signals for direct-to-home satellite television, or DTH. It aims to strengthen our ability to protect one of our important cultural industries.

I am reminded of a television ad that is quite poignant on this topic. It depicts a young boy who I think shoplifts something. At home his father lectures him about the fact that he has been caught stealing and that this clearly is something which cannot be tolerated. The young boy turns to his father and says "Well, Dad, you steal". The father says "What do you mean? Of course I do not steal". The young chap says "Well you do, with the satellite signal that you are picking up illegally".

The word piracy itself of course means stealing. Pirates used to sail the seas and when they would come across a ship that was carrying goods, they would board the ship, perhaps kill everybody on board, and steal all the goods. Even today we have piracy. We have piracy off the coast of Asia. We have piracy off the coast of Africa. We may have piracy off the coast of North America, I do not know. However, this is a different type of piracy where people take telecommunication signals that do not belong to them and make a profit from it.

●(1325)

[*Translation*]

Our government does not want to target individual Canadian viewers, but rather the men and women who make piracy a lucrative business.

[*English*]

The bill is not targeted at individual Canadian viewers, but rather on those individuals who make piracy a business. The theft of satellite signals denies legitimate Canadian broadcasters, content producers and programmers millions of dollars a year. It robs money from an industry that supports thousands of jobs.

Like a lot of our legislation, the current legislation has not kept pace with our rapidly changing world, a world of telecommunications that has changed geometrically in the last few decades. We continually have to update our legislation to ensure that it reflects these new realities. What we have on the books today is simply inadequate to deal with the growing problems we are currently seeing. Law enforcement officials and industry lack the tools they need to deter the criminals who are importing, manufacturing and selling illegal signals.

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How much of this is going on? The industry estimates that there could be up to 500,000 to 700,000 users of unauthorized DTH, or direct-to-home, services in Canada. These activities result in a loss of subscription revenues of about \$400 million annually for the Canadian industry. The bill is about creating a fair marketplace for these companies to recoup the considerable investments they make.

I should note also that there is a public safety component to the bill before us. The use of pirated-receiver cards has been found to create signal interference with communications systems used by search and rescue services and by the police. The bill would reinforce existing laws in Canada. It has received widespread support from all actors and the Canadian Broadcasting System as well as law enforcement and customs officials.

[*Translation*]

Bill C-2 will also create a level playing field for Canada's cultural industries and ensure sustainable competition in broadcasting, for the benefit of Canadian consumers.

[*English*]

The bill, basically, is about creating a level playing field for Canada's cultural industries and ensuring sustainable competition in broadcast programming to the benefit of Canadian consumers.

Let me describe the ways in which the bill deals with satellite piracy. First, the government wants to make it more difficult to obtain the hardware required to steal a satellite signal. I know many of us go around to friends' homes where they sometimes have satellite dishes. Frankly, I never know what is legal and what is illegal. They are everywhere. Some of the satellite signals are legal and some are not. I think we need to make sure we know what is and what is not legal.

The bill would provide for better control at the border by requiring an import certificate issued by the Minister of Industry for anyone wishing to bring satellite signal decoding equipment into Canada.

Second, the bill would increase the penalties prescribed in the act to a level that would provide a meaningful deterrent to direct to home piracy.

Third, the bill would strengthen the existing right of civil action. It is difficult to prove a direct causal link between illegal conduct and the extent of the losses that they actually suffer. The bill would provide an option to seek statutory damages rather than being forced to prove actual damages.

• (1330)

[*Translation*]

The issue here is to prevent the erosion of the Canadian broadcasting system by preventing blatantly illegal activities.

[*English*]

The bill is much needed. It is about protecting those companies that have invested large amounts of money in legal programming. It protects actors, producers and those involved in this very important industry in Canada. It says that it is not acceptable to steal these goods, and these signals are goods. Even though they happen to be going through the sky, they are goods and they cannot be stolen. We need to be clear that whether someone robs something in a store or

one robs a signal, these acts are equally not acceptable. We need to protect those who are making a living from the legal activities of this type of work.

I encourage all members to support this important bill, Bill C-2. It is a bill to amend the Radiocommunication Act to better combat illegal decoding of direct to home satellite television signals. It is much needed because our legislation is out of date and has not kept pace with the changes in this sector.

I urge all members of the House to support the bill when it comes to a vote.

Mr. Roy Bailey (Souris—Moose Mountain, CPC): Mr. Speaker, the bill is an attempt to defy the geography of our nation. This cannot be done. The geography of a nation is set.

One of the advantages of being a little older than some of the members in the House is that I remember when people drove model A cars, although some were a little newer than others, and turning the thing on to determine who had a 50¢ licence to operate a radio. If a person were caught without a licence I believe the fine was \$2. That was the first attempt and it failed dismally.

Where I live, even today, if I want to get an up to date weather forecast I go a few miles south. It is quite legal. It is an FM station. Eighty per cent of Canadians live closer to the United States than they do to the capital of their neighbouring province. This is a fact of life. It is just like Saturday night when I was getting ready to return to Ottawa on the flight on Sunday. I saw on CTV, I believe, an excellent program about how seniors were being treated in nursing homes. If that program had not caught my eye I would have shut it off.

Are we talking about robbery, piracy and so on, or are we talking about protection of our productions? There are many Canadians who do not like what they get on our television stations so they turn to the American stations. Many people in the United States will turn to Canadian programming. The government simply cannot make the bill work.

The reason we cannot make it work is that we live on a continent that shares everything. Even in the cattle dispute we recognize that it is a North American problem. For Canada to attempt to license those areas in Canada where the best signal and the only signal some can get is from the U.S., the bill would make those pockets illegal. The bill would make it illegal to receive those signals. There are pockets in B.C., in my province and in northern Ontario.

What the government is trying to do is to legislate against geography. We tried this before. There is a huge difference between the grey market and the black market.

In other continental industries we compete. In other continentals with a cattle industry we can compete. We have shown that we can compete in the automobile industry. We can compete in this industry as well. By putting the bill into effect the government is not allowing competition to take place and it may be hindering the betterment of Canadian progress.

Government Orders

Let us just think about this for a moment. The government says that a certain percentage of the programs must be Canadian. It will aim to get that certain per cent of the market and maybe not go beyond. In aiming for a low level, we may end up producing an inferior content and inferior programs.

I do not know the origin of the bill. Is it the CRTC? Let Canadians have the right, as Americans have the right. If they want to turn to a Canadian station they can turn to it, and many do. When Canadians wish to turn to an American station they do. It is a competitive market.

However what the bill attempts to do is kill that competition in a very important industry. I believe we have Canadians who have conquered this and who have gone into the United States and have done very well. However we should not limit the right of Canadians to a wider source of programming and, in turn, limit the U.S. because we then would not put out signals to their stations.

• (1335)

The bill is counterproductive and it could hurt our industry. It should be considered in committee where I would hope the committee would find a way not to pass the bill. It is not in the best interests of the receivers nor the Canadian telecommunication industry.

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, first, I would like to respond to the remarks by the two hon. members who spoke before me. My Liberal friend spoke of piracy on the high seas, off Asia and on the world's seven seas.

I share his perspective; piracy is unacceptable. He could also have said something about the piracy of the employment insurance fund, which we have been denouncing for seven years.

Piracy is stealing someone else's property. In my opinion, piracy is not acceptable in any jurisdiction.

As for what my colleague from the Conservative Party of Canada said, I think he is partially right. Anyone can get access to a station, on condition that they pay for it.

The bill before us is designed to prevent this problem, the problem of people stealing signals that should not, normally, be coming into their houses, because they have not paid for them. If we open the door this that today, allowing anyone to pirate whatever they want, we are headed for trouble.

As lawmakers, it is our responsibility to ensure that what personally belongs to individuals remains their property.

If stealing signals or stealing from a store or from an employment insurance fund is considered acceptable these days, then there will be no limits anymore and we will lose control over society.

There are two memorable ads on signal theft. My colleague mentioned one earlier. It shows a young kid who steals from a store and is arrested by the police. The officers take him home to his parents. His father lectures him, and the son answers, "But, Dad, I am no different from you. You steal too. You steal satellite signals". There is something that lawmakers can do to correct this situation.

There is also another, even darker, ad. There is a man hiding in a alley about to steal something. We watch him walk past an old woman carrying her purse, and we think she is going to get mugged. But he continues. He then passes a beautiful luxury car. We think he is going to steal the car, but no. In the end, he sits down in his chair and steals satellite signals.

We must correct this situation. The bill before us today addresses this problem. There are between 500,000 and 700,00 households that allegedly steal satellite signals. This means that broadcasters are losing revenues. Radio and television broadcasting and telecommunications are interrelated.

Artists are also victims. Everyone knows how to steal songs off the Internet using a CD burner. With what result? Stealing is on the rise, and there are artists whose creativity and talent goes unrecognized. Instead of selling one million CDs, they sell only 500,000, because 500,000 copies are being pirated.

This bill is justified, and it is extremely important. However, changes must be made to it, as it stands.

Clearly, all equipment used to reproduce these signals will be banned, unless an individual has an import certificate. The Minister of Industry will determine if such and such individual or company can import the type of signal or feed or equipment used to capture those signals.

In my opinion, and in the opinion of the Bloc Québécois, the minister has a great deal of power with this bill. It is set out in such a way as to indicate that the minister will need to be convinced of the usefulness of the procedure, and that it is not illegal. This means a great deal of ministerial power.

This is not the first bill to give this power to a minister or a governor in council, that is the cabinet, and we find it is excessive power.

For a minister, it is even worse because the minister is the one who will make the decision. The factors would have to be clearly set out. The minister's decision would have to be based on a set of predetermined factors, without any partisanship or undue advantage to others, whether friends of the party or not.

• (1340)

In this government we have seen instances of people who have benefited from extraordinary advantages because of party connections. This makes us rather skeptical about this bill.

Then there is the whole matter of housekeeping measures, which we feel go a bit far. We have, moreover, objected to a number of bills in the past for the same reason, including the antiterrorism bill. In fact, you were the chair of that committee, Mr. Speaker. We voiced objections because we felt that people's rights and freedoms were in danger.

Government Orders

In the bill now before us, clause 5 is somewhat contradictory to section 8 of the Charter of Rights and Freedoms, which states that everyone has the right to be secure against unreasonable search or seizure. Yet clause 5 allows these inspectors to enter homes and search computers, or anything else. We feel that this is going too far.

We feel this is a good bill, but if no changes are made to it we will most certainly be bringing in amendments to ensure that it complies fully with the Charter of Rights and Freedoms. As it is worded at present, it does not.

We are, overall, in favour of the bill, but with some changes. We will be pleased to propose those changes as the various committees meet on it.

Mr. Jason Kenney (Calgary Southeast, CPC): Mr. Speaker, first, I agree with the concerns expressed by my colleague from the Bloc Quebecois with respect to Bill C-2.

• (1345)

[English]

Bill C-2 would amend the Radiocommunication Act and substantially increase penalties for those who import, attempt to import, or operate equipment that receives unauthorized, non-licensed satellite signals.

I and my colleagues in the official opposition agree that it ought to be a criminal offence to illicitly intercept private satellite signals. These are copyrighted signals. For us to allow people to pirate them, disturbs the proper economic exchange between producers and owners of these signals. I agree that we ought to deal with the black market in satellite signal reception very seriously, and I support the elements of the bill which seek to do so.

I am concerned about the provisions which would permit police to enter the homes of Canadians and search through their possessions and the contents of their computer hard drives, et cetera, to discover evidence of satellite piracy. This is a draconian measure which is not a balanced approach to maintaining historic civil rights while at the same time prosecuting the law against piracy.

I am most concerned with the provisions in the bill as they relate to the so-called grey market satellite reception technology. Several hundred thousand Canadians purchased, in good faith, technology from dealers operating in Canada over the course of several years so they could receive satellite signals broadcast out of the United States. They did so in large part because those signals were offering a product which was unavailable in Canada thanks to the over-regulation of the Canadian Radio and Telecommunications Commission.

The CRTC over the course of several years has effectively banned the broadcast of hundreds of channels and video services. One area that I am particularly aware of is with respect to religious broadcasting.

Until quite recently, the CRTC had an outrageous policy which completely violated our tradition of freedoms of expression and religion, which prohibited so-called single faith broadcasters from being licensed in Canada. There are several single faith satellite broadcast services which are broadcast out of the United States. I know of a constituent who acquired a so-called grey market satellite

service from the United States, with the bill being sent to her son's address in Montana, in order to receive a 24 hour Roman Catholic network out of the United States called EWTN. Essentially this is a harmless broadcast that offers programming related to the Catholic faith for Roman Catholics. It does not attempt to diminish other religions. It is simply an expression of religion.

The CRTC ruled repeatedly, after various applications through the 1990s, that EWTN could not receive a licence in Canada to broadcast either on cable or through satellite. Ironically, many of those who were advocates of freedom of expression and religion pointed out that on the same day the CRTC granted a licence to the 24 hour Playboy channel, it denied one to the Catholic EWTN network. Many people found it difficult to understand that the CRTC was maintaining Canadian values by licensing pornography but prohibiting religious broadcasting. If we believe in freedom of expression, then both applicants should have been given the same consideration.

For several years there is one example of an American satellite service which thousands of Canadians would have liked to subscribe to, but have effectively been prohibited in law from doing so by the mandarins at the CRTC. That is why these honest, law-abiding taxpaying Canadians in good faith contracted with Canadian dealers to receive an American signal. By so doing, they in no way jeopardized the economic position of licensed Canadian satellite broadcasters who were unable to provide the same service. Therefore, they were not put at any kind of competitive disadvantage.

• (1350)

We need to recognize the reality of modern communications technology. The advances in the Internet will mean that it is inevitable within a few years that people will be able to receive anything broadcast in real time over Internet signals. This raises several problems pertaining to copyright law which producers and broadcasters are experiencing in the music field right now. They will have to find solutions to deal, perhaps with civil remedies as the music industry has attempted to employ, with piracy of copyrighted materials on the Internet.

However, for us to believe that the CRTC can somehow seal off Canada from the reception of satellite signals broadcast from abroad is, I think, grossly naive.

Another aspect of the bill which I find troublesome is that it would actually assign the enforcement of the bill to police agencies. We know that many police agencies are understaffed and underfunded, that the RCMP has suffered cuts and that we simply do not even have enough mounted police officers to properly staff the intelligence and counterterrorism divisions. They are not even able to operate their coastal patrol vessels or aircraft. The budget for training at the Regina training depot has been diminished significantly. Yet the government wants to assign the task of inspecting black and grey market satellite technology in people's private homes to the RCMP and other police services.

I do not understand the government's skewed priorities. Why do we not give the resources to our police services to fight real crime, to make our streets and communities safer, rather than chase after honest law-abiding taxpaying Canadians who are simply contracting a service to receive a legal satellite signal broadcast, say from the United States. It makes no sense. It is reminiscent of the government's policy of employing hundreds of police officers and thousands of bureaucrats to maintain the long arm firearm registry which will not reduce crime, which will not prosecute a single criminal, but which merely criminalizes otherwise law-abiding Canadian duck hunters.

I believe the bill places the wrong emphasis with respect to law enforcement.

In closing, we would support certain provisions of the bill as they relate to cracking down on the black market, as long as there is adequate protection for civil rights, which is not clear in the bill, and as long as important police resources are not diverted from fighting real crime.

I believe that the CRTC itself should be restructured to reduce the outrageous power this agency has, and which it has so often abused, to violate the fundamental rights of Canadians to receive information which the CRTC designates arbitrarily to be somehow un-Canadian. The bill ought to give us an opportunity to consider that.

[Translation]

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, I am extremely pleased to speak to Bill C-2, an act to amend the Radiocommunication Act.

I would like to begin by saying that the Bloc Québécois agrees with the principle behind this legislation. I think everyone would agree that we must find more ways to fight satellite piracy. Satellite signal piracy takes millions of dollars away from companies and is a threat to jobs that are extremely important both to the economy and to technology.

For many weeks, if not months, particularly through our member for Québec, the Bloc Québécois has been working to have the Canadian Television Fund increased to \$100 million, the amount it initially was intended to be, to ensure quality programming production in Canada and Quebec.

The Bloc Québécois certainly does not condone piracy, a practice that is often misinterpreted by some people and that takes money away from extremely important broadcasting production.

As I said, we agree in principle. However, it is clear that we find some of the provisions in this bill, in particular the housekeeping measures, somewhat dangerous. We believe the amendments put forward in Bill C-2 go way too far, would invade privacy and could lead to abuses that go against the charter.

We agree in principle but we realize that a lot of work needs to be done on some of the provisions in Bill C-2. That work will have to be done in committee. Only then will we take a final stand on this issue. Obviously, if the amendments we expect to see are not made in committee, the Bloc Québécois will not be supporting the bill at third reading.

S. O. 31

However, as I said earlier, at this point, we wholeheartedly agree with the principle of the bill. We support the idea of implementing import control measures and providing for an import certificate to ban the importation of devices used for decoding satellite programming signals, unless the importer has previously acquired an import certificate issued by the industry minister.

As set out in the bill, we will have to ensure that, in accordance with the import certificate, the imported devices will not be used for purposes that would violate the Radiocommunication Act. This is extremely important.

Once again, although we support the bill in principle, the Bloc Québécois will wait to see what amendments are made in committee. At that point—

• (1355)

The Speaker: I am sorry to interrupt the hon. member, but when consideration of this bill resumes, he will have six and a half minutes to complete his speech.

It being 2 p.m., we will proceed to statements by members.

The hon. member for Peterborough.

STATEMENTS BY MEMBERS

[English]

KENASTON

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, in January following a period of record -40° weather, my wife Jill and I found ourselves driving in blizzard conditions. We were forced off the highway south of Saskatoon. With many others, we spent the night on the floor of Kenaston Place, the community centre of Kenaston, the aptly named “blizzard capital” of Saskatchewan.

We want to thank all those who helped stranded travellers during this emergency: the mayor, emergency preparedness people, teachers, restaurateurs, and pool hall operators.

To Kenaston, home of the super hockey draft and of the Blizzards hockey team, we storm survivors say thanks, and we join Kenaston in saying, “Go, Blizzard, go”.

* * *

CULTURAL EXCHANGE

Mr. John Duncan (Vancouver Island North, CPC): Mr. Speaker, there is a group of 25 grade 11 and grade 12 students from Carihi, Campbell River High School, in Ottawa this week on a cultural exchange. In September, Hillcrest High School students from Ottawa had a highly successful visit to Campbell River. This week is the return engagement for the Campbell River students.

S. O. 31

I am taking this opportunity to welcome the students to Ottawa. They are from a well ranked high school in the heart of Vancouver Island North. The school has an excellent scholastic and athletic program that represents the community well.

I am sure the students will greatly benefit from their visit this week. I am excited for them and I will be meeting them this afternoon as they are becoming familiar with the main Parliament Building and will attend the House of Commons question period.

I am sure they will pass on their impressions to me at the first opportunity, and I will let you know, Mr. Speaker.

* * *

•(1400)

BLACK HISTORY MONTH

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, February is Black History Month, a time to celebrate the many achievements and contributions of black Canadians, who throughout history have done so much to make Canada the culturally diverse, compassionate and prosperous nation we know today.

This year is particularly special, marking the 25th annual celebration. Each year, Canadians from coast to coast to coast take part in festivities and events honouring the legacy of black Canadians, past and present. Exhibitions, awards dinners, discussions and film screenings present an ideal opportunity to learn about the experiences of black Canadians in our society and the vital role this community has played throughout our shared history.

I would encourage all Canadians to take part in the celebrations this month and to learn about the many sites, persons and events of national significance that are a hallmark of Canada's diverse but common heritage and identity.

* * *

CLAUDE RYAN

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Mr. Speaker, I rise in the House today to express my condolences to the family and friends of Mr. Claude Ryan, one of Quebec's great political minds who helped shape the province's free and modern society of today.

We will remember Mr. Ryan as the leader of the provincial Liberals in Quebec from 1978 to 1982, but also especially as the leader of the "no" forces that defeated the 1980 referendum on Quebec sovereignty.

He stepped down as Liberal leader in 1982, but remained in government as a provincial cabinet minister from 1985 to his retirement in 1994.

Claude Ryan was a committed Canadian with an unshakeable faith in his country. He believed in a strong Quebec within a collaborative Canadian federation. He was always at the centre of great dialogues on ways to improve federal-provincial relations to the benefit of Quebecers. For this, he has the appreciation of all Quebecers and of their fellow citizens across the country.

[*Translation*]**WINTERLUDE**

Mr. Eugène Bellemare (Ottawa—Orléans, Lib.): Mr. Speaker, on the occasion of the 26th edition of Winterlude in the Ottawa-Gatineau region, I would like to commend the National Capital Commission on the event's continued great success.

[*English*]

The NCC has had a great impact on the national capital region over the years and has brought a myriad of benefits to the region.

The chair of the NCC, Marcel Beaudry, and his staff continue to fulfill their mandate with great distinction.

I would like to take this opportunity to thank the Government of Canada for providing much needed support to the NCC and its leadership over the years. Canadians can therefore take great pride in their capital.

* * *

PUBLIC SERVICE

Mr. Bill Casey (Cumberland—Colchester, CPC): Mr. Speaker, last Wednesday I raised an issue in the House regarding the Government of Canada jobs that were restricted to Ottawa. These jobs were located in Afghanistan but limited to only those people residing in certain postal codes around Ottawa.

The President of the Treasury Board responded to my questions with a non-answer and then phoned me to explain. When I did not agree with his logic, he hung up on me and called me a few names in the media.

A few minutes ago, the President of the Public Service Commission faxed me a letter saying they were wrong after all and that the job descriptions for the four jobs in question were changed this morning. She has offered to meet with me to discuss the other hiring practices that amount to discrimination by postal code, and I am very pleased to accept.

I appreciate this progress, but many offensive situations still exist and we will stay at it.

* * *

ORDER OF CANADA

Mr. Janko Peric (Cambridge, Lib.): Mr. Speaker, Valentine O'Donovan is only the fifth Cambridge resident to receive our nation's highest honour, the Order of Canada.

The founder and chairman of Cambridge-based COM DEV International, he positioned this company to be a global leader in wireless and satellite communications. For his vision, leadership and contributions to the Canadian space program, he earned the McNaughton Gold Medal and the John H. Chapman Award of Excellence.

A distinguished community leader, he served as chancellor of the University of Waterloo and, together with his wife Sheila, donated significantly to establish Lisaard House hospice for terminally ill cancer patients in Cambridge.

I join all members of the House and all Cambridge riding residents in congratulating Mr. O'Donovan.

* * *

[*Translation*]

JACQUES DUNCAN

Mr. Serge Cardin (Sherbrooke, BQ): Mr. Speaker, on January 31, 2004, Jacques Duncan passed away. He died peacefully in his sleep. The news came as a great shock to the whole sovereigntist family in the Eastern Townships and in all of Quebec.

Jacques had a deep love for the people of his country, Quebec. He had enormous respect for them and knew how to accept them for who they were, whatever walk of life they came from. He always believed in the ability of each individual to contribute to the attainment of our collective ideal.

For nearly 40 years, Jacques fought every sovereigntist battle. He was politically engaged. He thought the cause was noble and legitimate and he knew how to unite everyone under the same banner.

On behalf of myself and the Bloc Québécois and all the people of Quebec, I would like to extend our sincerest condolences to his partner, France Brault, his children and grandchildren, and all the family.

Our friend is gone, yet his presence is still felt. Everything reminds us of him: the yearning for freedom and the desire for a country, Quebec. Thank you Jacques; we owe you much.

* * *

• (1405)

QUEBEC WINTER CARNIVAL

Mr. Christian Jobin (Lévis-et-Chutes-de-la-Chaudière, Lib.): Mr. Speaker, I rise today to recognize the 50th anniversary of the largest winter carnival, in the heart of the only fortified city in North America, which will run until February 15, 2004.

During this event, thousands of tourists from the four corners of the earth will proudly don arrow-patterned sashes and go out into the streets to take part in the many activities.

Yesterday the spectacular canoe races took place on the majestic St. Lawrence River. Canoe races were first run as a sport in 1894, at the winter carnival festivities. On February 1 of that year four canoes, manned by former canoeists from Lévis, took part in the competition. This year's winners, 110 years later, were Bruno Harvey and his team, who were participating for the 27th consecutive time.

Congratulations to Mr. Harvey, who has shown once again that determination always pays off.

* * *

[*English*]

IMMIGRATION

Mr. John Reynolds (West Vancouver—Sunshine Coast, CPC): Mr. Speaker, we know, and it will be confirmed again tomorrow, that this government is incompetent. Over the weekend, we learned that this government is also heartless.

S. O. 31

A young bride, a bride of only three months, was sitting broken-hearted in New Delhi because this government refused to grant her a temporary visa to come to Canada to attend the funeral of her husband. Her husband was one of seven people killed in a horrific head-on collision on the Sea-to-Sky Highway in my riding. A funeral was to be held today in Squamish for her husband.

It was not until I and my colleague, the member for Surrey Central, brought pressure to bear that the government finally relented and did the proper thing.

I personally, as the member for the riding of West Vancouver—Sunshine Coast, wrote four letters guaranteeing this heartless government that this lady and her three relatives would go home. My colleague for Surrey Central did the same thing.

I was just informed by the minister about 15 minutes ago that she has signed a ministerial permit. I give her credit for that, but I say that it should not take so much political pressure to get compassion for the people in Canada who have these problems.

I thank the minister for doing it, but I say that next time let us please not put these families through what they had to go through in this situation. It was not good for the families. It was not good for Canada.

* * *

GERALD BOUEY

Mr. Bryon Wilfert (Oak Ridges, Lib.): Mr. Speaker, we are saddened today to learn of the passing of Mr. Gerald Bouey, who was the Governor of the Bank of Canada from 1973 to 1987.

I would like my colleagues to join me in expressing our deepest regrets to his wife, Anne, and his children, Kathryn and Robert.

On many issues, history proved Mr. Bouey right. While at the helm of the Bank of Canada, Mr. Bouey warned of the dangers associated with government deficits. He also believed in the necessity of having an anti-inflation policy at the Bank of Canada. For a few years already, this government has followed Mr. Bouey's advice.

Mr. Bouey once said, "It's not the bank's job to be popular". These are the words of a man of principle who was not afraid to tackle difficult problems head-on.

Let us pay tribute to the memory of Gerald Bouey.

* * *

SOFTWOOD LUMBER

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, I would like to once again bring to the attention of the House the softwood lumber crisis facing our workers and communities from coast to coast to coast within the country.

What do we get from the government? We get absolutely nothing and silence in terms of cooperation with labour groups, cooperation with community groups, and cooperation with the mayors of these small communities where these forest industries reside.

Tribute

Also, the government's end goal is to pit province against province by subjecting Canada to a quota deal. That would simply be disastrous for workers, their communities and the companies in these country. For those in Atlantic Canada, we have an exemption in the Maritime accord.

We are asking the government to continue to fight through the free trade deals to ensure that Canada's forest companies, their workers and their communities are represented honestly, openly and fairly in these trade talks with the United States.

* * *

[*Translation*]

BLACK HISTORY MONTH

Ms. Madeleine Dalphond-Guiral (Laval Centre, BQ): Mr. Speaker, in 1995, the Parliament of Canada designated the month of February as Black History Month. Can there be a better opportunity to highlight the important contribution of Blacks to Quebec and Canadian society?

More than a simple commemoration, this is an occasion to celebrate the uniqueness of the history and culture of these men and women who have chosen to live in Quebec or in Canada, whether several generations ago or only just recently.

This celebration also recognizes the cultural diversity that enriches us all. Building a just and equitable society for everyone, regardless of our differences, demands that we try to understand the history, the passions and the values of each individual in our midst. As we celebrate Black History Month, we must keep in mind our collective responsibility to respect differences.

* * *

• (1410)

[*English*]

ROTARY CLUB

Ms. Beth Phinney (Hamilton Mountain, Lib.): Mr. Speaker, on February 18 the Rotary Club of Hamilton Mountain will be honouring the recipients of the Paul Harris Community Service Award. This award is the highest award Rotary International can bestow on a person.

Dianne Jackson will be honoured for her tremendous 28-year record of volunteering. Dianne has held numerous executive volunteer positions and helped negotiate the amalgamation of the Chedoke-McMaster and Civic Hospitals Volunteer Associations.

Sandeep Sehgal, a grade 10 student from Westmount Secondary School, will also be honoured for her contribution to the community and school.

I am sure all hon. members will join me in congratulating the recipients of this year's Paul Harris Community Service Award, and in thanking both Dianne Jackson and Sandeep Sehgal for their dedication to the Hamilton Mountain community.

[*Translation*]

GASOLINE TAXES

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, CPC): Mr. Speaker, last year, the federal government collected \$7 billion, or \$220 per person, in gas taxes and in GST on the cost of fuel and a tax on the excise tax. The money went directly into general revenues without any commitments for roads or infrastructure.

In the fall, the Prime Minister ran for office saying that he was going to give more money to municipalities. He promised that he was going to end the democratic deficit and respect the wishes of the House. The House voted in October to give substantive gas tax dollars back to municipalities.

As we head into an election campaign, the federal government is promising to give the municipalities \$48 million per month. It is quite simply a spending spree within 60 days of an election call.

This is simple, typical, Liberal vote buying politics of writing cheques with an IOU expected on election day.

This government is ignoring the provinces and trying to buy the votes of Canadian municipalities. If it really wants Canadians to believe—

The Speaker: The House will now proceed with four brief statements.

The hon. Minister of Health.

* * *

CLAUDE RYAN

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, we were saddened today to learn of the passing of Claude Ryan. He succumbed to his illness early this morning.

I invite the House to join me in offering our most sincere condolences to his family and friends.

This sad news is the final chapter in the life's work of a man who has left an indelible mark on the history of his country. In his years with Action catholique, *Le Devoir* and the Quebec Liberal Party, he had an impact on the careers of more than one generation of leaders of his society and his country.

Claude Ryan was, of course, renowned as a great intellect, but also as a staunch defender of Quebec, which he considered absolutely compatible with the broader Canadian framework.

A man of deep faith, he died peacefully.

May his soul rest in peace.

Mr. Grant Hill (Leader of the Opposition, CPC): Mr. Speaker, today the people of Canada learned of the death of Claude Ryan, one of the public figures most instrumental in shaping our contemporary history.

For close to 40 years, this man of conviction, intelligence and vision was intimately involved in all of the important issues affecting the province of his birth. This great Canadian fought long and hard to raise public awareness of the significant place occupied by Quebec within the Canada of today and of tomorrow.

On behalf of the Conservative Party of Canada, I extend condolences to Mr. Ryan's family on this difficult day. They will be in my thoughts and prayers.

•(1415)

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, after classical and social service studies, Claude Ryan, became, at age 20, the national secretary of the Action catholique canadienne.

But it is with the daily *Le Devoir* that he gave his full measure, first as an editorial writer and then as director of that newspaper. His knowledge of the issues and his rigour were impressive. It is at that time that he discovered nationalism and used his influence, including against the Victoria charter, the first major constitutional reform project of Pierre Elliott Trudeau.

In 1976, Mr. Ryan asked his readers to vote for the Parti Québécois of René Lévesque, even though he did not support his option. He strongly condemned Bill 101 however.

In 1978, he made the jump into politics and became the leader of the Quebec Liberal Party. In his beige book, he proposed equality for the two founding peoples of Canada, while leading the No campaign during the referendum. In 1981, he lost the provincial election and left the leadership of the party.

Claude Ryan has left a deep imprint on Quebec's history. The Bloc Québécois wishes to offer its sincere condolences to his family and friends.

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, today, Quebecers and Canadians wish to pay tribute to Claude Ryan, a man who, through his deep convictions and rigour, has left his mark on Quebec's politics and has shaped its evolution.

His intellectual fervour served him well as an editorial writer for the daily *Le Devoir* and later on as a politician. We cannot forget his contribution and commitment to public life, and the determination and conviction with which he defended his ideas. Guided by his Christian values, Mr. Ryan fought for his beliefs with dignity and respect.

On behalf of the New Democratic Party, I wish to offer my most sincere condolences to the family and friends of Mr. Ryan.

ORAL QUESTION PERIOD

[English]

CANADA STEAMSHIP LINES

Mr. Grant Hill (MacLeod, CPC): Mr. Speaker, the Prime Minister's company received a TPC grant of \$4.9 million of taxpayers' money. The problem is that clause 13 in that contract states that no member of Parliament should receive a benefit from any of these contracts.

Oral Questions

Why were the rules for the Prime Minister bent to allow him to receive that money?

[Translation]

Hon. Lucienne Robillard (Minister of Industry and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec, Lib.): No, Mr. Speaker, the rules were not bent. In fact, there is always a clause attached to all government programs stipulating that no member of Parliament, as an individual, should receive a benefit from a government program. This applies to all government programs.

Furthermore, when a member owns shares in a company, the code of ethics applies. And that is exactly what happened. The ethics counsellor examined the matter and determined that the hon. member for LaSalle—Émard had not intervened personally—nor had any of his associates and that consequently there is no problem.

[English]

Mr. Grant Hill (MacLeod, CPC): Mr. Speaker, that is a bizarre excuse.

The Prime Minister happens not to be a person that has just a few shares in a company. He owns 25% of the company in question. Clause 13 is pretty specific. Clause 13 was broken.

If clause 13 is so useless, that a person can sail a steamship through it, then what good is it?

[Translation]

Hon. Lucienne Robillard (Minister of Industry and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec, Lib.): No, Mr. Speaker, clause 13 was not broken. Is the opposition member saying that companies may not apply for government programs if any member in the House owns shares in them?

Companies can apply according to a very strict code of ethics. That code was followed in the case in question. The hon. member for LaSalle—Émard did not intervene. None of his associates intervened. That is the conclusion reached by the ethics counsellor, thereby allowing the company access to a government program.

[English]

Mr. Grant Hill (MacLeod, CPC): Mr. Speaker, it sounds like a benefit to me.

[Translation]

The government did not explain why the rules were not followed. Clause 13 is supposed to be part of all contracts and subsidies.

Was clause 13 included in the agreement with the Prime Minister, yes or no?

Hon. Lucienne Robillard (Minister of Industry and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec, Lib.): Mr. Speaker, the rules were not broken. It is extremely clear that the rules were not broken. There is a difference between the hon. member for LaSalle—Émard and the corporation.

Oral Questions

When such a situation arises, the ethics counsellor must closely examine the facts. That is what he did. He concluded that neither the hon. member for LaSalle—Émard nor any of his associates had intervened. As a result, it is perfectly normal for the company to have access to government programs.

• (1420)

[*English*]

Mr. James Rajotte (Edmonton Southwest, CPC): Mr. Speaker, we know that her own department officials expressed concern about a conflict of interest with regard to this \$4.9 million grant.

We now know that it was the ethics counsellor himself—it was not referred to the ethics counsellor—that pre-approved this loan for Canadian Shipbuilding & Engineering. He did not review it afterwards.

Why were the concerns of these public servants ignored by the industry minister in giving taxpayer money to the Prime Minister's companies?

[*Translation*]

Hon. Lucienne Robillard (Minister of Industry and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec, Lib.): Mr. Speaker, it is quite normal for public servants who are considering a request by a company in which they know an MP holds shares to check very closely to see if the code of ethics has been followed, which is what they did.

And the ethics counsellor concluded that the hon. member for LaSalle—Émard did not intervene and neither did any of his associates. The ethics counsellor therefore concluded that there was no problem. And that is why we proceeded with the contribution.

[*English*]

Mr. James Rajotte (Edmonton Southwest, CPC): Mr. Speaker, the question was why the ethics counsellor gave pre-approval before the objections were even voiced to the industry department officials.

Moreover, we have learned that Technology Partnerships Canada was oversubscribed at the time, meaning it was short of funds at the time that this grant was approved.

Does the Prime Minister and the industry minister expect us to believe that no undue pressure was brought to bear in terms of giving this grant to the Prime Minister's companies?

[*Translation*]

Hon. Lucienne Robillard (Minister of Industry and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec, Lib.): Mr. Speaker, no pressure was put on the public servants responsible for the program—not by the hon. member for LaSalle—Émard himself, nor by any of his associates. That is very clear.

All the facts were checked by the ethics counsellor, and the public servants acted in accordance with the rules of the program under the circumstances.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, in his 1994 budget, the Minister of Finance at that time said, and I quote, “Certain Canadian corporations are not paying an appropriate level of tax. Accordingly, we are taking measures to prevent companies from using foreign affiliates to avoid paying Canadian

taxes which are otherwise due”. It was a fine objective that had no effect at all on the current Prime Minister, since he left a door open, that being Barbados.

Will the Prime Minister admit that, because of the loophole he left in place, a loophole tailored to fit his own company, CSL International was able to leave Liberia in 1995 and sail to another tax haven, namely Barbados?

[*English*]

Hon. Ralph Goodale (Minister of Finance, Lib.): No, Mr. Speaker. The argument with respect to the tax treaty with Barbados was made by the broad Canadian business community, plus a number of tax professionals, plus the government of Barbados. The argument dates back to the days of Barbara McDougall when she was the Conservative minister of foreign affairs, and even before that, all the way back to 1980. There was nothing peculiar about it at the time referred to by the hon. gentleman.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, that is an interesting answer. On the heels of the 1994 budget, when the Arthur Andersen accounting firm asked the federal finance minister if the tax treaty with Barbados was still valid, it received the answer, in July 1994, that the proposed change was designed so that a foreign subsidiary based in Barbados would remain eligible for an exemption.

In other words, the Prime Minister closed a number of tax loopholes but left one little gap through which his ship was able to sail, and that gap was Barbados. Will he please explain this?

[*English*]

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, I am not sure the hon. gentleman would want to base his case upon Arthur Andersen.

In any event, the tax laws of Canada are not designed or created to be of a particular privilege or benefit to any one company. Indeed, the record of this government has been in the opposite direction: to close the privileges. That effort was led by the Prime Minister when he was the minister of finance.

[*Translation*]

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, the difference for the Prime Minister is that under Bill C-28, his holding company, CSL International, was then considered a shipping company, even though the ships under its responsibility belonged to subsidiaries.

How can the Prime Minister say that Bill C-28 does not give an advantage to CSL International when this amendment allows him to repatriate money he keeps in Barbados without having to pay taxes to Canada?

• (1425)

[*English*]

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, the hon. gentleman is just plainly wrong. Bill C-28 is irrelevant to a company like CSL.

*Oral Questions**[Translation]*

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, at the insistence of the current Prime Minister, Barbados was not withdrawn from the OECD list of tax havens until 2001.

Will the Prime Minister admit that during his first attempt in 1996, and then when Bill C-28 was passed in 1998, and later during the entire period between 1995 and 2001, CSL International truly benefited from the tax haven in Barbados, a tax haven that was denounced on the original OECD list?

[English]

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, the tax relationship with Barbados dates back to 1980.

However the hon. gentleman will know that international business and taxation matters are hugely complex. What is needed to deal with them is a concerted international effort where countries cooperate together with each other.

That is why this past weekend I raised this issue with colleagues in the G-7, specifically with Secretary Snow of the United States and Horst Kohler, the managing director of the International Monetary Fund. We have agreed to work together to find sensible solutions in the international business community.

* * *

STEEL INDUSTRY

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, Stelco Steel in Hamilton is in crisis. In fact, the whole Canadian steel industry is in crisis.

As finance minister, the Prime Minister could not get involved in steel tariff issues because he owned a shipping corporation. People are wondering why he is AWOL on the Stelco file.

Ship to shore, where's our Prime Minister?

Will the Prime Minister personally intervene to help our steel industry, or do his corporate ties get in the way?

[Translation]

Hon. Lucienne Robillard (Minister of Industry and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec, Lib.): Mr. Speaker, let me make it clear to the members of this House that to date, Stelco has not made any formal request to the Government of Canada. The member's question is strictly hypothetical.

[English]

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, that is enough to make anybody furious, especially people in Hamilton. That is the same kind of could not care less attitude we saw during the SARS crisis: that it has not done anything because no one has asked yet.

If Hamilton steelworkers want help, maybe they should fold their pink slips into little paper dolls, because that clearly gets the Prime Minister's interest.

Jack Layton, the leader of the NDP, asked a simple question and I will ask it again. Which comes first, Stelco or keeping CSL all in the family?

Hon. Lucienne Robillard (Minister of Industry and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec, Lib.): Mr. Speaker, I think it is normal to require a little respect in the House when one speaks about another member of Parliament. That is a basic rule we all have to follow.

[Translation]

I would like to reiterate that Stelco has not made any formal request for help from the Government of Canada. The Prime Minister is far from being in conflict of interest.

Furthermore, I also wish to inform the members of this House that we are monitoring the Stelco situation very closely. We are in contact with all the caucus members from Hamilton, who are following this situation closely. We are in contact with our provincial counterparts. We hope that the company—

The Speaker: The hon. member for Medicine Hat.

* * *

*[English]***CANADA STEAMSHIP LINES**

Mr. Monte Solberg (Medicine Hat, CPC): Mr. Speaker, the industry minister does not get it. Public servants were very nervous about signing off on the CSE contract. TPC was oversubscribed at the same time and the discredited ethics counsellor pre-approved this, the same ethics counsellor the government wants to get rid of because he has no credibility.

Does the industry minister not understand how all of this undermines faith in the government?

[Translation]

Hon. Lucienne Robillard (Minister of Industry and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec, Lib.): Mr. Speaker, what the Minister of Industry does understand is that it is all very well for the opposition to protest loud and long, but they are far from having proof of even the slightest illegal or immoral act by anyone whatsoever in this government, including employees of Industry Canada.

The departmental employees followed the rules of ethics very precisely, which is why the ethics commissioner issued his opinion on access to the TSP program and all rules were followed.

[English]

Mr. Monte Solberg (Medicine Hat, CPC): Mr. Speaker, we have documentation showing that the industry officials involved asked repeatedly for some indication from CSL that no benefit would go to a member of Parliament. They never did get that. They never got it because the ethics counsellor intervened and said that it did not have to happen, the same discredited ethics counsellor that the government knows it has to get rid of.

When will the minister allow the government to get to the bottom of this and call a parliamentary inquiry so we can look at what has happened on this very disturbing file?

Oral Questions

● (1430)

[Translation]

Hon. Jacques Saada (Leader of the Government in the House of Commons and Minister responsible for Democratic Reform, Lib.): Mr. Speaker, it is interesting to see this party calling for an ethics commissioner, when it voted against the bill when it was introduced.

I would also like to read the following:

Appearances to the contrary, the opposition has not produced one sliver of evidence pointing to any illegal or immoral action by the Prime Minister. All they have done is throw around some figures, dates, and references to coincidences and contracts, well sprinkled with disconcerting language... Regrettably, through this sneak attack, they have managed to raise doubts about the integrity of a man who does not deserve such treatment.

That is a quote from an editorial in Saturday's *La Presse* by André Pratte.

* * *

[English]

GOVERNMENT CONTRACTS

Mr. Leon Benoit (Lakeland, CPC): Mr. Speaker, the new ethics commissioner will not be independent either, and we know that.

More Canadians will finally hear the truth about the actions of the government on the Liberal sponsorship scandal. However it will not be news to the Prime Minister because he signed the cheques and approved the spending. In fact, he was finance minister when Mr. Gagliano was here and he never once objected to the whole sponsorship mess.

Why is the Prime Minister waiting till he gets caught by the Auditor General? Why does he not recall Alfonso Gagliano today?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, this matter was raised in the House on Friday and I replied then by pointing out that the Auditor General would be presenting her report to the House tomorrow. We will have an opportunity to examine it.

However, as I said Friday, the House can be confident that the government will take all steps necessary to preserve the reputation of Canada and our diplomatic integrity abroad.

Mr. Leon Benoit (Lakeland, CPC): Mr. Speaker, the current finance minister said that he was thrilled to have been given the most powerful of positions because it was the eye of the needle through which the rest of government passes. That is what he said.

When the Prime Minister was finance minister through the whole sponsorship mess, was he the eye of the needle through which the money passed or was he the funnel that distributed the money to his political friends?

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, I would like to assure the member and all members of the House that the Prime Minister and the government takes the views of the Auditor General very seriously.

Out of respect for the Auditor General, we will wait until her report is made public tomorrow and then we will respond.

[Translation]

AUBERGE GRAND-MÈRE

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, as regards the Auberge Grand-Mère issue, a court ruling was just issued in the case of François Beaudoin, the former president of the Business Development Bank of Canada, and that ruling is very damning for Jean Chrétien and his two henchmen, Michel Vennat and Jean Carle.

Considering the very strong condemnation of the behaviour of Michel Vennat, who is still the president of the BDC, will the Prime Minister recognize that he must immediately demand Mr. Vennat's resignation as BDC's president?

Hon. Lucienne Robillard (Minister of Industry and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec, Lib.): Mr. Speaker, like many Canadians, I am concerned by the finding and the ruling issued on February 6 by Mr. Justice Denis of the Superior Court of Quebec. I have asked the chairman of the board to inform me of the measures that the board intends to take. I remind everyone that this is a crown corporation with its own board of directors. Therefore, it is up to that corporation and its lawyers to decide what should be done. I do hope that the decision of the board will serve the best interests of all Canadians.

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, it is strange to see that the Minister of Industry is now concerned about this issue, considering that, at the time, the ethics counsellor said everything was fine.

Following the sensational revelations made in that ruling, which highlighted the ties between Jean Chrétien and Michel Vennat, and considering that the latter was appointed president of the BDC by Jean Chrétien services rendered, is the Prime Minister not putting himself in a very embarrassing situation by leaving this individual at the head of the Business Development Bank of Canada?

Hon. Lucienne Robillard (Minister of Industry and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec, Lib.): Mr. Speaker, again, the Business Development Bank of Canada is a crown corporation with its own board of directors. Therefore, it is up to that board to make decisions, along with its lawyers, regarding the ruling made. I have asked the chairman to keep me informed. Then we will see what measures should be taken.

● (1435)

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the severity of Judge Denis's ruling has shed light on the unacceptable role of Jean Chrétien and his two associates in the Auberge Grand-Mère affair and in the subsequent firing of Mr. Beaudoin, the former CEO of the bank.

Considering the severity of the judge's statements, does the Prime Minister intend to allow the Standing Committee on Procedure and House Affairs to hold an extraordinary meeting to question Jean Chrétien, Jean Carle and Michel Vennat on their true role in the Auberge Grand-Mère affair?

Oral Questions

Hon. Lucienne Robillard (Minister of Industry and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec, Lib.): Mr. Speaker, I would like to ask the hon. member for Roberval to allow the judicial process to follow its course. The decision was only handed down on February 6. First and foremost, it must be examined by the board of directors. We will wait and see what the board will do, before we take any action.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, as Judge Denis clearly indicated, the former prime minister, Jean Chrétien, intervened not once, but three times to insist that Auberge Grand-Mère obtain that loan. He even acted, it seems, as if he were the bank's sole shareholder. That is a very serious accusation.

Given that former prime minister Chrétien told us in the House that he had simply done his job as a member of Parliament, it is clear that he lied to the House. I would ask that the government allow him to be called before the committee to clarify this issue. It is extremely important.

Hon. Lucienne Robillard (Minister of Industry and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec, Lib.): Mr. Speaker, the hon. member for Roberval has decided to comment on one part of the ruling with respect to another part. It is a very long ruling and it must be analyzed, first and foremost, by the members of the board of directors, who are the people responsible. I think it is up to the members of the board to let the government know what they intend to do to follow up on this very troubling ruling.

* * *

[English]

TERRORISM

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, CPC): Mr. Speaker, it has been over two years since the tragedy of 9/11 and the passage of time is no excuse for the government's complacency.

The new Department of Public Safety and Emergency Preparedness, along with the Canada Border Services Agency, must take an aggressive role in the fight against terrorism at home and abroad.

When will the Prime Minister's blueprint outlining the expansion of CSIS' responsibilities be made public? When will it allow the agency to conduct operations for intelligence gathering abroad?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, the hon. member has rightly outlined how seriously this government and the Prime Minister take the safety and security of Canadians. That is why he created a new department of public safety and security and why in fact we have a new border agency. We are working very closely with our American counterparts and our allies around the world to ensure that we are collecting the information and we are sharing the information where it is appropriate.

Let me reassure the hon. member that we are very much aware of both our domestic and our global responsibilities in the collection of data and the appropriate sharing of that data.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, CPC): Mr. Speaker, there is really nothing new at all. We heard a lot of platitudes about non-state terrorism and the new Canadian

blueprint that was going to guide the government's action but that provides no comfort, no answers to our country's vulnerabilities to terrorism. Canadians are still receiving information on Canadian domestic terrorism activities from foreign nations or on CNN.

When was the public safety minister made aware of the Library of Congress report dealing with planned terrorist attacks on Canadian soil and what specifically has she done since that time?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, let me reassure the hon. member that we receive information on an ongoing basis. We collect information here within this country. We receive information from agencies and entities around the world. Let me reassure the hon. member that we take all information received seriously. We analyze that information. We determine the risk in relation to that information and we act accordingly.

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AUBERGE GRAND-MÈRE

Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC): Mr. Speaker, the incredible ordeal of Mr. Beaudoin shows how hollow is Liberal talk of ethics. A judge called the actions of top Liberals ferocious, even nasty, and said they tried to break Mr. Beaudoin and ruin his career and that he suffered an unspeakable injustice at their hands, all because he dared to try to keep the money of hardworking Canadians out of the clutches of shady Liberal cronies.

Why did our then finance minister, now Prime Minister, breathe not a word of protest throughout this entire sordid affair?

• (1440)

[Translation]

Hon. Lucienne Robillard (Minister of Industry and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec, Lib.): Mr. Speaker, Judge Denis gave his ruling on Friday, February 6. The board of the Business Development Bank of Canada has to review this ruling and decide what follow up is needed.

I was told that the board would meet shortly and then inform the government of the measures they intend to take. Then, we will see what we need to do.

[English]

Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC): Mr. Speaker, ethics counsellor Howard Wilson said he saw nothing wrong with the Shawinigate affair and that was after the Business Development Bank was bullied into giving a stinker loan that quickly went into default.

The Prime Minister now hides behind the very same ethics counsellor when his good buddies turn around and ask for money from the identical officials whom they gave big appointment favours to.

Oral Questions

Is it not true that the Prime Minister is up to his eyeballs in this ongoing cycle of Liberal whitewash and cronyism?

[*Translation*]

Hon. Lucienne Robillard (Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec, Lib.): Mr. Speaker, one might wonder why the Conservative Party is not very popular in Canada, but it is easy to understand, what with the questions asked in this House intended only to undermine the credibility of our Prime Minister, who is competent, honest and favoured by all Canadians.

Once again, I do not intend to criticize or comment on this ruling in the public arena. First and foremost, the board has to review the matter and take the necessary action.

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NATIONAL CAPITAL COMMISSION

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Mr. Speaker, thousands of Canadians from all regions are sharpening their skates to glide along the world's longest skating rink or take part in Winterlude's many activities.

Last Thursday, members of the national capital region caucus publicly affirmed their support for the National Capital Commission and its chairperson.

Could the Minister of Canadian Heritage indicate to this House whether she supports the actions of her colleagues to ensure that the National Capital Commission can continue its mandate to make the capital region a symbol of unity and pride?

Hon. Hélène Scherrer (Minister of Canadian Heritage, Lib.): Mr. Speaker, first, I want to thank the hon. member for Hull—Aylmer for his question, my first, and take this opportunity to recognize the contribution of the national capital caucus with regard to this issue.

The chairperson of the NCC is in his second term, which will end in September 2006. The NCC's board of directors supports the chair and wants him to finish his term.

In light of these facts, I have no intention of doing anything contrary to the board's resolution or the apparent consensus in the national capital region.

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PUBLIC SERVICES

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, as the NDP predicted, the Liberal government wants to go ahead with its privatization plans. The Prime Minister's right hand man is quoted in today's *National Post* as saying that he wants to see government operations privatized.

Can the Deputy Prime Minister tell us why the government is prepared to abdicate its role in favour of the private sector and the banks, as the parliamentary secretary has said?

[*English*]

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, I would like to thank the member for this question.

I would like to take advantage of this opportunity to say the government has no plans to privatize services. We are exploring a wide range of options. We have met with the unions. We have said that we will be including them in the process. We are going to look at every means possible to modernize the delivery of public services.

[*Translation*]

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, the Liberals are in the process of doing exactly what they accused my leader, Jack Layton, of wanting to do: bringing in a privatized public service. That is what their plan is.

The parliamentary secretary refers to privatization of the hospitals, sewer system management, infrastructure and even services to the public. This is a total abdication of responsibility to the public.

Why does the Prime Minister want to abandon the role of the government to his friends in the private sector?

● (1445)

[*English*]

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Again, Mr. Speaker, the government has no plans to privatize services. We are looking at all programs of government and we are entering into discussions with the employees and others, but we have no plans to privatize public services.

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FIREARMS PROGRAM

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Mr. Speaker, on December 5, 2002 the member for Pictou—Antigonish—Guysborough moved a motion in the House that cut \$72 million from the supplementary estimates, \$72 million that were designated for the firearms program. The House agreed and voted on the reduction and get this: the government did not consider this reduction in the estimates a matter of confidence.

Will the Prime Minister explain why he will not let his MPs have a free vote on future reductions to the firearms program?

[*Translation*]

Hon. Jacques Saada (Leader of the Government in the House of Commons and Minister responsible for Democratic Reform, Lib.): Mr. Speaker, as far as the firearms registry is concerned, there are two possible questions: one, the fundamental issue of its existence, and two, the way it is administered and what improvements could be made to it.

I have no problems whatsoever with improvements to the program. But let it be properly understood: the program is in place, and it is there to stay. The firearms registry must continue to exist.

Oral Questions

How can they be calling for a free vote when they have absolutely no interest in applying the same principle within their own caucus? [English]

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Mr. Speaker, I think something was lost in the translation because my question was on whether it should be a free vote or not.

The Firearms Act has already cost taxpayers \$1 billion. Taxpayers want to know when it will become \$2 billion. A succession of ministers in charge of this have kept Parliament in the dark since December 2002.

Why will the Minister of Public Safety not stop this cover-up today? Just tell us, how much is the gun registry going to fully cost to implement and how much will it cost to maintain? It is a simple question. How about an answer?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, as the hon. member knows, in spite of all the conspiracy theories and the paranoia that comes from him, there is no cover-up here. In fact, on this side of the House we have been absolutely clear year after year in terms of what the firearms program cost.

We should not lose sight of the fact that Canadians are committed to gun control. Canadians are committed to a function of safety in relation to firearms.

* * *

THE SENATE

Mr. Gerald Keddy (South Shore, CPC): Mr. Speaker, the government taking responsibility for gun control is like Senate reform; it is a good idea, but it is just not going to happen with those guys.

Alberta has had two elections to prepare for a slate of Senate candidates. Premier Hamm of Nova Scotia has indicated that he is also committed to Senate reform. The Prime Minister could easily commit to appoint senators chosen by the people rather than patronage.

Will the Prime Minister commit to the appointment of elected senators? Plain and simple, will he commit?

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, that party was against the Charlottetown accord. That party has fought any kind of review that has been embarked upon where we have tried to talk about the Constitution. It has fought everything we have tried to do in terms of constitutional changes.

My view is that we can do a great job when those people get real at one stage or the other.

Mr. Gerald Keddy (South Shore, CPC): Mr. Speaker, that sounded like no to me, but there is a golden opportunity here. With 14 new Senate vacancies within the next 12 months, the Prime Minister has a historic opportunity to allow for elected senators.

The province can elect, the Prime Minister can appoint; it is just that easy. Or is the Prime Minister only interested in deepening the democratic deficit?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, on this side of the House we have been committed to meaningful Senate reform for years.

However, the people on the other side make Senate reform sound easy and in fact, Senate reform is not easy. If we are going to get this right, we not only need to look at how we have senators chosen, we need to look at the powers those senators would exercise and how long they would serve. There are a host of issues. Whether it is an equal Senate, province by province, territory by territory, or a region, there are a host of important questions that we—

• (1450)

The Speaker: The hon. member for Saint-Jean.

* * *

[Translation]

MISSILE DEFENCE PROGRAM

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, the United States military wants to develop space-based interceptors for the missile defence program as soon as possible and is asking for funds to do this in 2005, with implementation scheduled for 2012. This program could result in the very thing we feared, the weaponization of space.

If this decision by the American military is not the weaponization of space, can the government tell us exactly what it is?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, there is much speculation with regard to the missile defence shield.

This government has begun discussions with our American colleagues, with whom we share responsibility for the security of North America, to see if we will share with them responsibility for our defence against missiles.

We will continue these talks. We will protect our interests, and we have no intention of participating in the weaponization of space, no matter what.

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, his colleague, the Minister of National Defence sent a letter to his American counterpart telling him that he would take part in the missile defence program and that he would even be prepared to pay the costs.

Now that the Americans have decided to move forward with this plan, can the minister tell us how much money the government intends to spend on this venture? How much will it cost taxpayers?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, the current plan announced by the Americans is totally land-based.

It is a land-based plan. It has nothing to do with space. It is only the opposition that has space on the brain and is constantly trying to invent this whole scenario concerning the weaponization of space.

The members of the House need to let us discuss the defence of North America with our American colleagues, with whom we share the responsibility for security, and thereby let us act in the best interests of Canadians with regard to space.

*Oral Questions**[English]***PUBLIC SERVICE OF CANADA**

Mr. Bill Casey (Cumberland—Colchester, CPC): Mr. Speaker, I saw with my own two eyes the Prime Minister on TV say that our biggest failure is not resolving western alienation. Some would argue.

However, I have 20 copies of Government of Canada jobs and every one of them is only available to people in Ontario and Quebec. Every one of them sends a message to the people out west that we do not want their ideas or their contributions and we certainly do not want them working in Ottawa.

Why does the Prime Minister say that his approach to resolving western alienation is a failure and he does everything he can to make sure it continues?

[Translation]

Hon. Denis Coderre (President of the Queen's Privy Council for Canada, Federal Interlocutor for Métis and Non-Status Indians, Minister responsible for la Francophonie and Minister responsible for the Office of Indian Residential Schools Resolution, Lib.): Mr. Speaker, I would like to remind this House that public service hiring is the responsibility of the Public Service Commission, which is a fully independent agency.

That having been said, with the implementation of Bill C-25, the Public Service Modernization Act, we have allocated funds to allow the Public Service Commission to set up pilot projects to investigate the regionalization of hiring.

Nonetheless, it is a fully independent agency and the government is not involved in this issue.

[English]

Mr. Bill Casey (Cumberland—Colchester, CPC): Mr. Speaker, the government seems to think the Public Service Commission runs the country, but really the government is supposed to run it. It is supposed to call the shots and make the rules.

Some of these jobs in Ottawa are available to citizens of other countries. All they need is a work permit and a postal code and they can apply for these 20 jobs in Ottawa, but people who live in Winnipeg, Manitoba cannot apply even if they are Canadian citizens.

What does the government say to the people in Winnipeg, that it will accept an application for a job in Ottawa from a citizen of another country, but every application from Winnipeg, from Canadian citizens, goes right in the garbage?

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, I will ask him again, as I did last week. If he will share with me the postings, I will take them to the commission and have a look at them. Perhaps we can find a solution as we did last week to the four he raised.

* * *

INSURANCE INDUSTRY

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, my question is for the Minister of State for Financial Institutions. A year ago, I first asked for a national inquiry into the insurance

industry. This weekend the CBC devoted a program to the problems of this industry.

I ask now that the government work with the provinces to regulate the percentage of premiums that insurance companies can invest in highly speculative stocks. Will the minister agree to look into this matter?

● (1455)

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, insurance companies are indeed expected to follow prudent investment policies in order to protect the interests of the policy holders.

Last year we asked the Office of the Superintendent of Financial Institutions to examine the portfolios and report. The report showed that on average 80% of the investments of these companies were in bonds, either issued by governments or guaranteed by governments. Only 10% were in equities.

That having been said, I would be happy to have any advice from the hon. gentleman as to how we might further improve the situation.

* * *

AGRICULTURE

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, CPC): Mr. Speaker, recently the USDA banned the feeding of blood and blood meal to ruminants, yet this government is dragging its feet on doing the same thing. Canada needs to implement regulations in lockstep with our American counterparts. Why has the government not yet implemented regulations that would ban the feeding of blood and blood meal to ruminants?

Hon. Bob Speller (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, as the hon. member said, first and foremost what is important is that the Government of Canada, in co-ordination with both Mexico and the United States, bring in regulations that are North American-based.

I had the opportunity of meeting with my American and Mexican counterparts. We got an agreement to work toward that, and next week will be the first set of meetings where we will sit down and work toward co-ordinating a North American approach to BSE.

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, CPC): Mr. Speaker, last week the international panel came out with their findings and recommendations for the U.S. cattle industry. One of those recommendations is to ban the feeding of animal protein to ruminants.

I would like to ask the agriculture minister this. How have the USDA and Secretary Veneman responded to this proposal about blood products?

Oral Questions

Hon. Bob Speller (Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, as the hon. member said, the international peer review panel reported in the United States last week, and it had reported to us. It has not tell us the same things as it has told the Americans because there are different situations depending upon the country.

As I told the hon. member, first and foremost what is important is that Canada and the United States co-ordinate these measures. That is why next week officials will be sitting down with our American counterparts to do exactly that.

* * *

[Translation]

EMPLOYMENT INSURANCE

Mr. Ghislain Fournier (Manicouagan, BQ): Mr. Speaker, a crisis is quickly brewing in Baie-Trinité in the riding of Manicouagan. Some 72 seasonal workers soon will have no income because of an unfair and inadequate employment insurance system. The new employment insurance criteria do not suit Baie-Trinité, on the North Shore, since there is no alternative for seasonal workers.

Will the Minister of Human Resources Development try to understand this and help my fellow citizens by providing some flexibility in the system, which has a \$45 billion surplus?

[English]

Hon. Eleni Bakopanos (Parliamentary Secretary to the Minister of Human Resources and Skills Development (Social Economy), Lib.): Mr. Speaker, the department and the ministry are committed to EI being responsive to the needs of all Canadians. I want to assure the hon. member that the programs are made to respond to that type of need. We are looking at a number of solutions to these problems. We will continue to work to improve our EI system.

* * *

HEALTH

Ms. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, my question is for the Minister of Western Economic Diversification. As our population ages, the government needs to focus more on the needs of the elderly and the families that support them.

On Friday in Winnipeg the federal government helped launch the Canadian Virtual Hospice, a unique project to assist families dealing with issues surrounding palliative care.

Could the minister update the House on this project please?

Hon. Rey Pagtakhan (Minister of Western Economic Diversification, Lib.): Mr. Speaker, the website, www.virtualhospice.ca, for this project offers Canadians high quality and well-organized information about palliative care, a truly laudable initiative for those coping with death and dying. It has been funded in my department under the innovation and community investment program.

This project supports community participation in the new knowledge based economy while serving a public good.

• (1500)

[Translation]

THE ENVIRONMENT

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, last year the Bloc Québécois spoke out about the pollution of the water table at Shannon, caused by the Department of National Defence. Now we learn that the pollution has spread, contaminating the water supply of a primary school.

One of the objectives of the throne speech is to clean up contaminated sites. If the Prime Minister wants the speech to be more than a meaningless wish list, what is he waiting for before assuming his responsibilities, decontaminating the site and restoring the quality environment the people of Shannon are asking for?

Hon. David Price (Parliamentary Secretary to the Minister of National Defence, Lib.): Mr. Speaker, as the corporate entity responsible, the Department of National Defence is greatly concerned by what is happening to those living on or near the military base.

I believe the Speech from the Throne was very clear with respect to the environment and the importance we attach to it. I cannot comment on Shannon, because the matter is before the courts at the present time.

* * *

[English]

NATIONAL DEFENCE

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, on January 15 the government wrote to Secretary Rumsfeld, pledging cooperation with Bush's missile defence. For home consumption, the defence minister issued a press release stating opposition to space weaponization, though the letter to Rumsfeld was suspiciously silent on the subject.

Current U.S. Missile Defense Agency budget estimates remove all doubt about U.S. intentions to weaponize space, with the stated objective of 300 or more space based interceptors between 2008 and 2012.

When will the government admit that U.S. documents make it crystal clear that the U.S. intends to weaponize space and retract the—

The Speaker: The hon. Minister of Foreign Affairs.

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, as we have constantly repeated in the House, several things about this issue are clear. We are presently having discussions with the United States of America to assure ourselves that we are giving the best possible defence to Canadians in a shared security with the United States about the North American continent.

In that context we have told our American partners that we have no intention of participating in any program that would involve the weaponization of space.

There are those in the United States who are talking about requesting funds. Actually, they are putting it off into the future. They are not bringing it forward. They are putting it back. I think the member should—

*Speaker's Ruling***PRESENCE IN GALLERY**

The Speaker: I draw the attention of hon. members to the presence in the gallery of the hon. Gary Collins, Minister of Finance and Government House Leader for British Columbia.

Some hon. members: Hear, hear.

The Speaker: I also draw the attention of hon. members to the presence in the gallery of Mr. Mike Harcourt, former premier of British Columbia.

Some hon. members: Hear, hear.

* * *

PRIVILEGE

FIREARMS PROGRAM—SPEAKER'S RULING

The Speaker: I am now prepared to rule on the question of privilege raised by the hon. member for Yorkton—Melville on February 3 concerning information contained in the Department of Justice performance report for the year ending March 31, 2003. I would like to thank the hon. member for drawing this matter to the attention of the Chair. I would also like to thank the hon. parliamentary secretary to the government House leader for his intervention.

In his presentation, the hon. member for Yorkton—Melville stated that information regarding expenditures by the Department of Foreign Affairs and International Trade that was provided in the government response to Question No. 194 of the second session contradicted information found in the Department of Justice performance report for 2002-03. The hon. member added that, in his opinion, a statement in the report that professed to represent the views of the Auditor General did not correspond to the opinions expressed in the Auditor General's report itself. The hon. member made reference to other information contained in the performance report that he believed to be erroneous, a list of which he provided to the Chair. He concluded that the Minister of Justice, in tabling the report, had misled the House and was therefore guilty of contempt.

In his response to the matter, the parliamentary secretary to the government House leader stated that there was no provision in the rules that required the Speaker to review government responses to questions. He added that in similar cases in the past, Speakers had consistently ruled that it was not the role of the Chair to determine whether or not the contents of documents tabled in the House were accurate. Nor was the Speaker required to assess the likelihood of an hon. member knowing whether or not the facts contained in a document were correct.

[*Translation*]

With regard to the accusation of contempt, the parliamentary secretary stated that there is considerable onus on a member who alleges a contempt to establish that the accused member knowingly included false information in a report and did so with an intention to mislead the House.

• (1505)

[*English*]

The need to provide the House and all its members with accurate information is very important. Hon. members have frequently

pointed to the difficulties caused when confusing or inaccurate information is tabled in the House. The Chair agrees that all hon. members should strive to be accurate in the information they present.

The hon. member for Yorkton—Melville provided the Chair with detailed material outlining specific instances where he disputed the accuracy of the information presented in the performance report, and I have reviewed the material with interest. However, I must remind the hon. member that the Speaker has no role in settling disputes as to fact.

House of Commons Procedure and Practice states on page 443:

There are no provisions in the rules for the Speaker to review government responses to questions... The Speaker has ruled [on a number of occasions] that it is not the role of the Chair to determine whether or not the contents of documents tabled in the House are accurate nor to "assess the likelihood of an Hon. Member knowing whether the facts contained in a document are correct".

Previous Speakers have consistently ruled that it is not the role of the Chair to judge the quality of information. For example, in her ruling recorded in the Debates on February 28, 1983 at page 23278, Madam Speaker Sauvé said in a situation similar to this one:

The essence of [the] submission was...that the documents tabled in the House contained errors of fact...Clearly, the Chair cannot make such a determination even on a prima facie basis. It is not the function of the Chair, furthermore, to determine whether or not the contents of documents tabled in the House are accurate. Neither is it the function of the Chair to assess the likelihood of an Hon. Member knowing or not knowing whether the facts contained in a document are correct.

[*Translation*]

I can see no grounds for departing from this practice in the present case.

[*English*]

With regard to charges of contempt, providing incomplete information has not been found, in and of itself, to constitute a prima facie contempt of the House. To find someone guilty of contempt would require, as the parliamentary secretary pointed out, proof that the person provided false information with the intention of deliberately misleading the House.

I refer hon. members to a Speaker's ruling given on December 6, 1978, and described on page 87 of *House of Commons Procedure and Practice*. In finding that a prima facie contempt of the House existed, Mr. Speaker Jerome ruled that a government official, by "deliberately misleading a Minister, had impeded a Member in the performance of his duties and consequently obstructed the House itself". It is this element of deliberately seeking to mislead the House and not the presentation of information subject to differing interpretations that is key. In the case before us today, I have found no indication that there is any basis for alleging that such a contempt has taken place.

I thank the hon. member for Yorkton—Melville for his usual vigilance and for bringing this matter to the attention of the Chair. However, I can find no prima facie breach of privilege or a contempt of the House at this time.

Routine Proceedings

● (1510)

GOVERNMENT BUSINESS NO. 2

NOTICE OF CLOSURE MOTION

Hon. Jacques Saada (Leader of the Government in the House of Commons and Minister responsible for Democratic Reform, Lib.): Mr. Speaker, I wish to give notice that, with respect to the consideration of Government Business No. 2, at the next sitting a minister of the crown shall move, pursuant to Standing Order 57, that debate be not further adjourned.

ROUTINE PROCEEDINGS

[English]

BANKRUPTCY AND INSOLVENCY ACT

Mr. Pat Martin (Winnipeg Centre, NDP) moved, seconded by the member for Hamilton East, for leave to introduce Bill C-474, An Act to amend the Bankruptcy and Insolvency Act (unpaid wages to rank first in priority in distribution).

He said: Mr. Speaker, it is a great honour for me to rise today to introduce and give first reading to a private member's bill that seeks to amend the bankruptcy act so that in the event of a bankruptcy, any unpaid wages, benefits or pension contributions would rank as the first priority in dividing the assets of a bankrupt company.

I am especially pleased to acknowledge and thank my co-sponsor, the member for Hamilton East, for the dedication and commitment that she has shown to workers' rights and especially for the political courage she has shown in leaving her partisan politics at the door and doing what is right on behalf of working people in this case.

I am optimistic that if my colleagues from all parties are free to vote their conscience on the bill, they will do the right thing and put the interests of hard-working Canadians first, ahead of the banks and other secured creditors.

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

Mr. John Bryden: Mr. Speaker, I would like to have my name added as a seconder to the bill that was just before the House. Or if that is not in order, then I would seek unanimous consent to have that done.

The Speaker: I am sure there are ways and means of doing this. Is there unanimous consent that the hon. member's name be added as a seconder to the bill?

Some hon. members: Agreed.

* * *

PETITIONS

MARRIAGE

Mr. Janko Peric (Cambridge, Lib.): Mr. Speaker, pursuant to Standing Order 36, it is my privilege to present to the House a petition dealing with marriage and signed by 35 Canadians. The petitioners wish to draw to the attention of the House the fact that the institution of marriage has always been defined as the union of one man and one woman and was upheld as such by votes in this very House. The petitioners pray and request that the Parliament of

Canada respect and uphold the current understanding of marriage as the union of one man and one woman to the exclusion of all others.

Mr. Gurmant Grewal (Surrey Central, CPC): Mr. Speaker, I am honoured to rise on behalf of the constituents of Surrey Central to present eight petitions signed by hundreds of people. The petitioners call upon Parliament to immediately hold a renewed debate on the definition of marriage and to reaffirm, as it did in 1999, its commitment to take all necessary steps to preserve the definition of marriage as the union of one man and one woman to the exclusion of all others. The petitioners urge that it should be the members of Parliament who should decide on the definition of marriage, not the courts.

* * *

● (1515)

QUESTIONS ON THE ORDER PAPER

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

* * *

[Translation]

COMMITTEES OF THE HOUSE

PUBLIC ACCOUNTS

Hon. Mauril Bélanger (Deputy Leader of the Government in the House of Commons, Lib.): Mr. Speaker, discussions have taken place between all parties concerning the striking committee report expected later this week pursuant to Standing Order 104.

Members from all sides of the House have expressed an interest in having the membership of the Standing Committee on Public Accounts adopted as soon as possible.

Mr. Speaker, I believe that you will find consent for the following motion to be adopted without debate:

That notwithstanding any standing order or usual practice of this House, the membership of the Standing Committee on Public Accounts be as follows:

Maurizio Bevilacqua, Odina Desrochers, Paul Forseth, Roger Gaudet, Peter Goldring, Marlene Jennings, Joe Jordan, Walt Lastewka, Dominic LeBlanc, Steve Mahoney, Philip Mayfield, Val Meredith, Shawn Murphy, Beth Phinney, Alan Tonks, Judy Wasylycia-Leis, John Williams.

The Speaker: Does the hon. Deputy House Leader have the consent of the House to move the motion?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

Government Orders

(Motion agreed to)

* * *

[English]

REQUEST FOR EMERGENCY DEBATE

SOFTWOOD LUMBER

The Speaker: The Chair has an application for an emergency debate from the hon. member for Sackville—Musquodoboit Valley—Eastern Shore.

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, I thank you very much for this opportunity to express the concern of the House as to why we should have an emergency debate on the crisis facing our lumber industry in terms of softwood lumber.

This crisis has been going on for a long time now and an awful lot of workers in small communities from coast to coast in this country are facing a very bleak future. We have not yet had a good and thorough debate on this issue in the House.

We on the opposition side, and I am sure many on the Liberal side as well, would like to know, what is the current government's position? What is the government doing in terms of cooperation with the provinces? What is the government doing in cooperation with forest companies, labour groups and small communities from coast to coast?

As well, we in Atlantic Canada would like to know about our exemption in the maritime accord, which we used to have. Are we going to a quota system? Is the industry going to be rationalized? Will the workers have a job come next year?

These are some of the questions that need to be answered. We on this side of the House would like to have a debate on that so we can interact with the government to ascertain exactly where we are at this time.

SPEAKER'S RULING

The Speaker: The Chair has listened carefully to the comments of the hon. member for Sackville—Musquodoboit Valley—Eastern Shore. I note that this issue is one that has continued for some many months and is not new. I am concerned about allowing an emergency debate when there is no new development that might have prompted an additional concern or emergency at this particular time.

While I have no doubt that the subject is one of considerable interest and importance, I note that the House is involved at the moment in the debate on the address in reply to the Speech from the Throne, which allows great latitude to all hon. members in their speeches. I am sure the hon. member will want to participate in that debate and possibly raise this subject then, with other hon. members responding. I would encourage him to pursue that avenue at this time.

Of course we will continue to monitor the situation. Should circumstances change once the debate on all subjects in regard to the Speech from the Throne is over, perhaps the hon. member will want to renew his request, or something else may have transpired which will make it one that in the view of the Chair would be worthy of an

emergency debate. In the circumstances, I am not disposed to grant the request at this time.

GOVERNMENT ORDERS

• (1520)

[English]

REINSTATEMENT OF GOVERNMENT BILLS

The House resumed from February 6 consideration of the motion, and of the amendment and of the amendment to the amendment.

Mr. Gurmant Grewal (Surrey Central, CPC): Mr. Speaker, I rise on behalf of the constituents of Surrey Central to debate the motion regarding the reinstatement of past bills in the House.

This is a very serious issue. The government is to be a new government with a new vision. It is supposed to be coming up with new ideas; however, it is asking the House to reintroduce bills from the previous session. As we know, the government has been recycling these bills.

Before I begin my arguments, I would like to say that there have been precedents in the past where previous governments have introduced bills at their previous stage. In 1970, 1972, 1979 and many times before, bills were re-introduced. Motions have been introduced in the House to reinstate previous bills into a new session of Parliament after prorogation.

What was the need to prorogue the House? It was because of mismanagement by the Liberals of their own affairs. They had the leadership contest in the previous session. They mistimed their own leadership contest. When the new leader came into power, he was supposed to have a new vision and new ideas for Parliament.

I accept that it is the practice for the government to reinstate bills in a new session. Marleau and Montpetit cite a number of precedents that have happened in the past. In 1970, 1972, 1974 and 1986 the House gave unanimous consent to motions to reinstate bills. In 1977 and 1982 the House adopted amendments to the Standing Orders to carry over legislation to the next session. There were motions in the House in 1991 and 1996, and since I arrived in the House in 1997, we have had similar motions for reinstatement in 1999 and 2002.

The reinstatement of bills expedites House business at the beginning of a new session. Bills that have already been studied can be reinstated to the point they had reached in a previous session. The House and members of committees do not have to waste their time and resources on questions that have already been settled.

Having said that, I still cannot help but find it ironic that we are here today considering the reinstatement of bills from the last session. After all, it was just one week ago today that the Governor General read the Speech from the Throne. I find one sentence in the throne speech particularly interesting in light of what we are considering today. It states:

This Speech from the Throne marks the start of a new government; a new agenda—

Government Orders

What new agenda was she speaking of? The throne speech contained a laundry list of promises, but nearly every one can be found in previous speeches from the throne by the same Liberal government. In fact, the core of last week's throne speech can be gleaned from the Liberal's 1993 red book. Needless to say, there is not much new about decade old promises.

• (1525)

The same government has been talking about restoring the public's faith in the management of government ever since it took over the reins of power in 1993. In that time it has done absolutely nothing but further erode the trust that Canadians have in their government by moving from one boondoggle to the next.

Does the government honestly think that keeping details of federal contracts given to Barbados shipping conglomerates hidden from the public will restore faith in government?

Need I say anything about the renewed promises for an independent ethics commissioner? I will believe that one when I see it.

By seeking to reinstate bills from the last session the Prime Minister is undermining all claims about being new. If the government was truly new, truly different from its predecessor, the Prime Minister could have chosen from three options.

First, he could have begun this session with a clean slate, introducing his own legislation that reflects his own priorities. That would have made perfect sense. Any government that is truly new would want to set out its own course and not reach back and steal the agenda of its predecessor.

Second, if the incoming Prime Minister did not have his own priorities, then he could have at least taken the existing bills of the last session and incorporated some of the constructive changes that have been proposed by members in this chamber, both from the official opposition as well as from other backbench members of Parliament. While this choice would not reflect any new ideas on the Prime Minister's part, it would at least mesh with his stated desire to give added power to backbench MPs. However, I am not holding my breath and waiting for this to occur either.

The Prime Minister's third option is to reinstate bills from the previous session with his own amendments.

However, the Prime Minister has chosen none of these options. He has instead decided to proceed from where Mr. Chrétien left off. In doing so, he ends all pretensions of being different or new in any way and continues with Mr. Chrétien's agenda in the same direction.

The important question is, why did the Liberals prorogue Parliament and waste all the work that was done in the House? In the process, why did the government keep the House adjourned for so long?

We are dealing with a tired, weak and worn out government, bereft of new ideas. There are a number of bills that the government is now trying to bring forward that we would seriously like to see dropped. If that were done, then probably there could be some agreement reached on the reinstatement motion.

Let us pause for a few minutes to consider some of the legislation, that died on the Order Paper when the government prorogued Parliament last fall, that I would like to exclude from this reinstatement motion. Let us begin with Bill C-34 which would, among other things, fulfill the Liberals' decade old promise to put in place an ethics commissioner who reports to Parliament.

The current ethics counsellor has no independence or investigative powers. He is completely controlled by the Prime Minister and reports in private to the Prime Minister about conflicts involving ministers. Mr. Wilson rubber stamps almost everything the Liberals do as ethical. The proposed new ethics commissioner would be more independent, although not nearly as independent as he could be. We are also getting an independent ethics officer to oversee the conduct of senators. The Prime Minister would retain the power to appoint both, after consultation with the opposition leaders. However, each choice would have to be ratified by a vote in the respective chamber.

• (1530)

The new commissioners would not be truly independent if only a majority vote by government members is required to ratify the appointments. Opposition approval should be required. This bill is primarily a public relations exercise. The Liberals want to go into next spring's election saying that they have done something. It will not work.

Let us consider why we need an ethics commissioner in the first place. It is because we cannot trust the government to police its own members. If the Liberals had passed this bill after their election in 1993, could the scandals and corruption of the last decade been avoided?

Would it have prevented the questionable contracting activities of former public works minister Alfonso Gagliano? Would it have prevented his successor from accepting personal favours from a departmental contractor? Would it have prevented the former defence minister from giving an untendered contract to his girlfriend, or the former solicitor general from lobbying his own officials to award millions in grants to a college led by his brother? Would this bill have prevented the Liberals from ignoring the Auditor General's charge that they had misstated the government's financial position by \$800 million in 1996 and by \$2.5 billion in 1997? Would it have prevented the government from interfering with the Somalia inquiry, when its efforts to get to the bottom of document destruction at national defence threatened to expose people at the top? Would it have prevented the government from attempting to obstruct the Krever inquiry into the tainted blood scandal, when it threatened to expose culpability on the part of the Liberals? Would the bill have prevented the systematic misuse of taxpayers' dollars for partisan purposes in the billion dollar boondoggle at HRDC? I do not think so.

There is Bill C-38, the government's misguided attempt to decriminalize possession of small amounts of marijuana. This legislation would do nothing to save our communities from the ravages of marijuana or the violence and crime that accompanies it. Rather, the bill would take us one step closer to the legalization of marijuana.

Government Orders

With this bill the Liberals are sending out the wrong message to Canadians, and particularly to young Canadians. Decriminalization makes it sound like it is okay to smoke pot. However, it is not okay. Studies show marijuana is four times more deadly than tobacco, whose use the government already spends hundreds of millions of dollars to discourage.

As for the increase in penalties for grow op owners, these are long overdue, but are meaningless if not enforced by the courts. The current law is not being applied. Grow op operators are sometimes receiving seven convictions without ever seeing the inside of a jail cell. What is the good in increasing maximum penalties if the courts are unwilling to hand out even weak sentences? What is really needed is minimum sentencing that will make people think twice before breaking the law. This bill should never be reintroduced as is. It seriously needs to be reconsidered.

Then there is Bill C-22 that proposes amendments to the Divorce Act. The assumption of shared parenting should be built into the Divorce Act. Shared custody encourages the real involvement of both parents in their children's lives.

● (1535)

On the other hand, we have Bill C-32, an act to amend the Criminal Code and other acts. Among other things, the bill would make it a Criminal Code offence to set a deadly trap in a place used for a criminal purpose. This would protect first responders, that is, firefighters, police, et cetera, whose lives could be endangered by entering such a place in the performance of their duties. I strongly support the bill because it deals with issues I have been pursuing for a number of years.

In fact, I introduced a motion in the House that was debated but rejected by the Liberals. What happened after that was that they stole the idea and put it into their own bill, Bill C-32. I do not understand why a motion introduced by an opposition MP was not good enough for passing in the House but the contents of the motion were good enough to be stolen and put into Bill C-32. That is the partisan nature of this place. However if any idea is good it should not matter whether it comes from the opposition or the Liberals.

In 2001 I introduced that motion and the Liberals rejected it, but we need to look at the issue seriously. There were 13,724 arson fires in Canada in 2002. I was alarmed to learn that over 30% of the fires in my home community of Surrey were as a result of arson. A very high percentage of them contained booby traps. There have been arson fires in schools and fiery explosions in residential neighbourhoods that have threatened the safety of citizens.

These fires are disturbing. Some were caused purely by mischief but many were set with more sinister intentions of covering up illegal activities, such as marijuana growing or methamphetamine labs. At other times, firefighters respond to calls only to find the premises booby-trapped with crossbows, propane canisters ready to explode, cutaway floor boards or other serious but intentional hazards. These malicious devices are intended to kill or injure anyone who interferes with the drug operation, including the firefighters. Firefighters in Surrey are especially at risk considering the growing number of marijuana grow operations that plague the city.

Bill C-32 is one bill that I would be pleased to see reinstated. Firefighters and other first responders have been waiting too long for this important legislation. However the government has been dragging its heels on the bill. It should be ashamed for delaying the bill for so long.

There is a history of precedents testifying to the long-standing practice in the House of allowing the reinstatement of bills at the same stage as this motion proposes. However if the Prime Minister truly believes that he heads a new government, he cannot call upon previous precedents where in every other instance there was no change in government.

The Prime Minister tries so hard to portray the government as new. Yes, the leader has changed, as have a few of his minions. The former lieutenant is now the commander but it is still the same old government making the same old promises.

By my count, the Speech from the Throne contained 31 uses of the word "new". There were probably more. This was part of a feeble attempt to convince Canadians that they now have a new government. However all the "new" in the speech could not hide the fact that it was an old message. The Prime Minister wants to have his cake and eat it too.

The hon. House leader on Friday spoke of how a reinstatement motion avoids wasting Parliament's time and resources. His government should have thought about that before needlessly proroguing Parliament in the first place.

The government's plan to reinstate legislation from a previous session is further evidence, as if any more were required, that nothing has changed since the Liberals changed leaders. The new Prime Minister is continuing yet another practice of his predecessors. It is cynical practice and it manipulates the rules for electoral gain. Canadians will not be impressed.

● (1540)

The government's plan to reinstate legislation from the previous session is further evidence that nothing has changed since the Liberals changed leaders. They have been wasting the time of the House. We know the election will be called and nothing much will be accomplished. We have before us a tired government with a tired agenda that is interested in little more than remaining in office.

Mr. Loyola Hearn (St. John's West, CPC): Mr. Speaker, I listened intently to my colleague's speech and certainly agree with everything he said.

However just before he spoke a lot of people perhaps did not notice the government House leader stand and introduce the closure motion. What that motions says is that not only is the government bringing back a pile of legislation from the former session that was left on the Order Paper before it closed, legislation from which we would think any new Prime Minister and old government would want to distance themselves, it is also saying that we will not get the chance to debate whether or not they should be brought back.

Government Orders

He wants to ram this through, and we know why. It is because he wants one piece of legislation, the one to speed up an election, so he can get rid of most of the people who sit around here. He is not worried about getting rid of us over on this side. He is worried about getting rid of the crowd around him. We have surprises for him.

In light of the fact that the government House leader just last week introduced the document to deal, as they say, with the democratic deficit—and we will hear a lot about that as we head into an election—to address the tremendous deficit we have and to empower members of the House, he then comes in with a closure motion within a week of the House opening. It took the former diligent House leader, who was known as the king of closure, a year and a half to invoke closure. Now we see it in five days.

How does my colleague think this jibes with the democratic deficit that the Liberals talk about?

Mr. Gurmant Grewal: Mr. Speaker, that is further evidence of a lot of hot air coming from the other side. The government is making the same kinds of promises that it has made for the last 10 years. However it has not been keeping those promises. What good are promises if they cannot be kept?

This is further evidence that the Prime Minister talks the talk but does not walk the walk. The Liberals have been saying many things to please voters in order to have them vote for them and retain them as the government but I warn the old, tired, weak Liberal government that Canadians are smarter. They will understand and they will judge them by their actions and not by their promises.

We all know about the red book promises, whether it was in 1993, 1997 or 2000. Those promises were not worth the paper they were printed on.

We know about the closures. On the one hand the government talks about a democratic deficit but the first thing we need is a free and open debate. When the government puts closure on a free and open debate, it does not know what the left hand or the right hand is doing. There is no coordination.

As soon as the debate began the government put forward a closure motion. For the sake of those who are watching this debate in the House, the government now has the record of bringing in closure on a debate. The democratic deficit has been ballooning but it began with the current government. How will the government eliminate the deficit when it is already accumulating?

I have no faith in the government when it says that it will eliminate a democratic deficit. I could count 20 things that it should do to eliminate the democratic deficit but it will not happen. It talks the talk but will not do the walk.

In fact, what we will see is an early election bill. I do not call it a redistribution bill. I call it an early election bill to suit the Liberals' primary purpose of calling an early election. Rather than waiting until August when the redistribution would have automatically taken place, they want to call the election in April because they are afraid Canadians will know that the promises they are making they will not be able to keep.

The government wants to call an election before the Prime Minister slides in the polls. Maybe the government would like to do

another undemocratic thing. Maybe after the Conservative Party of Canada leadership race is held it could call an election before the new leader is prepared or has a chance to get out and talk to Canadians.

The government is probably the most undemocratic government I have seen. I would call it an elected dictatorship.

• (1545)

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I compliment the member for a speech that was thorough in regaling the House with all the usual clichés that the opposition sprays about the place.

I want to point out that the motion does not deal with any of the bills that might be reinstated here. The motion only procedurally opens the door to allowing bills to come back into the House in the same position they were in when the House prorogued, noting of course that the House has already invested time and procedure in dealing with the bills.

Therefore, even if time allocation has been placed on the debate on this motion, it does not impair the debate on the bills themselves. They will come back to the House and be dealt with in the ordinary course, as they would have been had the House continued without a prorogation.

Let us not get too excited about the issue of whether or not the time allocation will interfere with debate on these individual bills. All members are able to take their own positions.

The hon. member outlined why he was opposed to all the bills that might be reinstated. The opposition amendment has included a list of all the bills it does not want to see come back because it does not like the bills.

Is the member opposed to the reinstatement motion because he does not like all the bills that would come back for debate or is it because he does not like reinstatement, efficiency and the saving of House time that would be attended to on a motion of this type? Would he clarify whether he is opposed to the motion because he does not like the bill or because he does not like reinstatement?

Mr. Gurmant Grewal: Mr. Speaker, it does not matter whether or not I like those bills. It is a matter of principle that when the House prorogued, there was a change of guard in the Liberal government.

The message coming from the Liberal government is that there is a new leader, a new message and a new promise, that everything is new, that there is a new vision. However, that is not the case. If that is not the case, then why was the House prorogued in the first place?

What we see is that the government is simply concerned about one bill, the early election bill, and everything else is only window dressing.

Every member in the House, probably including you, Mr. Speaker, knows that nothing will be accomplished until April to put these bills through. Nothing significant will be accomplished. Their passage has not been accomplished; since 1993 those bills have been recycled again and again. Those bills did not go through and did not become law in this country, the endangered species act and many others.

Government Orders

In a nutshell, as a matter of principle, why would the government recycle the same bills, redo the work that was done in the past? Why we did it in the first place is beyond my comprehension.

[*Translation*]

Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, I am sure you will understand why it is difficult for me to resist the temptation to take part in this afternoon's debate. We have just heard a version of the truth that strikes me as very odd. It does not match at all what I understand to be the question at issue.

First, let us consider whether a precedent is being set today. In my opinion, that would be a good place to start. In fact, believe it or not, Mr. Speaker—you must know this, because you are so objective and non-partisan—the House has been adopting similar motions for 30 years. It has been 30 years; that is a long time. I know, because I have been here a long time as well.

In 1970, 1972 and 1986, not only did we have similar motions but they were unanimously passed by the House of Commons. Unanimously.

I am sure that my hon. colleagues opposite who have spoken against the motion had not considered what I have just said, and that, in the light of these facts, they might want to change their minds and vote in favour of the motion proposed by the hon. government House leader.

Moreover, in 1991, 1996 and 1999, and even as recently as 2002, the House adopted motions absolutely identical to the one proposed today. I know something about those, because in 1996, 1999 and 2002, I was the government House leader, and so I remember it well. We already know it is not without precedent.

I should add, because some hon. members spoke about what they see as a democratic deficit, that in fact the democratic deficit is on the other side of the House, and we see what has happened.

The hon. members opposite wanted a motion that would reinstate private members' bills—not government bills but private members' bills. The House, in its wisdom, passed the motion. That means that now, an hon. member—more often than not someone from the opposition—can rise in the House and revive a private member's bill, at the stage already completed. At the same time, they say, “No, this rule is good for us, but it is not good for you, over on the government side”.

There is a democratic deficit on the other side of the House. I will come back to that later. The hon. government House leader has moved a motion, and we have just established that it is exactly identical to, the same as, those in past sessions, many of which passed unanimously.

Yet, what does the opposition do? The hon. member for Scarborough—Rouge River, who was an excellent parliamentary secretary and is a known expert on the matter, told us earlier, and rightfully so, that in fact the motion does not reinstate any bill. It simply authorizes the government to bring back a bill from the previous session at the stage already debated and approved by this House. That is all it does.

● (1550)

[*English*]

Then we are left to ask the question, if the House has already voted on a piece of legislation, the hon. member across who has said there is a democratic deficit, why is he against our accepting the fact that the House has already voted on it? Is it not the basic concept of respecting the democratic principles to accept the fact that we have already voted regardless of whether we voted in favour or against?

Surely the House has voted and that should be respected. However, the hon. member said that it does not count. He wants a second kick at the can.

Mr. Speaker, in the unlikely event that I have not convinced you, let me tell you what other scheme the opposition is up to.

● (1555)

The government moved a motion, the one introduced by the hon. leader of the government in the House of Commons. The opposition introduced an amendment. Some would say fair game; any motion can be amended. However the opposition does not want the House to vote on its amendment. Why do I say that? It is simple. I know a few procedural tricks myself.

The opposition introduced a subamendment. For the benefit of all colleagues and perhaps anyone who is listening to this debate, when we are dealing with a motion as opposed to a bill, an amendment can be introduced and then a subamendment can be introduced. When the subamendment is dealt with, a new subamendment can be introduced so that we never get back to the original motion so that the government cannot move the previous question. If the government cannot move the previous question, that means the debate will go on forever and the motion will never be voted on. That is exactly what it means and I challenge any member across the way to tell me it means anything else. It means that the first motion cannot be voted on.

The opposition has created a situation where the only way to resolve the impasse is for the hon. minister to invoke closure. There is no other way, otherwise the democratic principle of voting on the motion can never be achieved. It can only be achieved by putting a motion that the debate end at some time because otherwise it will not end. If the hon. member says that is not true, then let him remove the subamendment and let him remove the amendment and let us debate the main motion.

Obviously the opposition does not intend to do that because it has created the two scenarios to force the government to move closure and then the opposition members stand here and sanctimoniously claim that the government is otherwise undemocratic because it has moved closure. They are the ones who provoked it. Did they not think we would see through that? Did they think that Canadians would not understand what I have just said? It is crystal clear. I am sure all Canadians understand how Parliament works. I am sure they understand that what the opposition is doing here is not democracy but the denial of it. That is what we have before us today.

Government Orders

I look forward to the exchange with the hon. member in questions and comments later when he explains to us how he was pretending with crocodile tears that there was some sort of democratic deficit, as he referred to it, because the hon. minister moved closure.

The hon. minister proposed a motion which we recognize has already been voted on democratically by the House of Commons, a debatable motion, a votable motion. Not only did members across not want to vote to accept that which the House had already voted on, which they should, they did not want to accept the principle that the motion in question be debated because they introduced an amendment and then a subamendment to stop us from getting back to the main motion. That is crystal clear. It would take only a few minutes for anyone who understands anything about how this place works to determine that is the case.

Why is the hon. member across afraid of voting on the motion? Is it, as the hon. member for Scarborough—Rouge River astutely pointed to earlier today, that the opposition does not know whether it is in favour of the reinstatement motion or against it? Does the opposition simply want to amend it and subamend it so that it can be debated for eternity and thereby force the government to use closure so that in fact we vote on the closure motion?

In the end this will be quite interesting. I do not know when the closure vote will take place but presumably it will be very soon. After we vote on the subamendment and the amendment, I will be curious to see how the hon. member votes on the main motion. If he votes against the main motion, that means he fails to respect the fact that members have already voted on that issue. If he votes for the main motion, then I am forced to ask the question, why did he bother to put the amendment and the subamendment if he was in favour of the original proposition unamended?

Canadians will have to ask themselves these questions about the behaviour of the hon. member across and all of his colleagues who have proposed the amendment and the subamendment.

•(1600)

[*Translation*]

I would be very curious to know where the Conservatives opposite get their facts. May I also remind this House, since the member has now declared himself a Conservative—I must say, better him than me, and he can be sure I will never try to take his Conservative title away from him—that the Conservative Party had moved similar motions in 1986 and 1991. Perhaps he could tell us if he is against these reinstatement motions.

Could it be that the Conservatives were wrong when they moved these motions in the past? If he is in favour of reinstatement motions, why did his party put forward an amendment and an amendment to the amendment to prevent us from voting on the main motion?

That is what is before us today. In conclusion, allow me to point out what bills we are talking about.

[*English*]

A number of these pieces of legislation are very important.

Bill C-57, the Westbank First Nation self-government bill is an important bill. Why does the hon. member and his colleagues not

want us to pick up where we left off on it? What about the Food and Drugs Act amendments, Bill C-56, of the last session? What about Bill C-54, the Federal-Provincial Fiscal Arrangements Act to transfer money to the provinces? Why is he against us recognizing the work that Parliament has done on these bills? Why is he against the Radiocommunication Act?

There was also the acceleration of the redistribution, Bill C-51. That is an interesting bill. We now hear that the so-called new Conservative Party, if that is not an oxymoron, is now against Bill C-51. It was the House leader of the then Alliance Party who asked for the bill in the first place in order to accelerate the redistribution. Now that party is against reinstating that bill and has threatened to amend the bill once it comes forward.

With regard to capital market fraud, the so-called Enron bill, why is the opposition against us wanting to increase transparency in the finance sector? What about Bill C-43, the Fisheries Act? What about Bill C-40, the Corrections and Conditional Release Act? It is interesting to note that this bill deals with tightening up security and the safety for Canadians, police work, et cetera. That party always alleges it is in favour of such measures, but it is not showing it.

What about Bill C-36, the Archives of Canada act. I remember a then Alliance member who worked very actively with me to amend that bill to make it go forward. I am looking at him right now, the critic for Canadian heritage of the then Alliance party. Why is he against us moving ahead with that bill when he worked so hard to get it improved and passed in the House? I do not understand.

What about the remuneration of military judges? What about Bill C-34, the ethics bill?

Not every one of these bills will be introduced by the government, but a large number of them will be. This is an enabling motion permitting the government to reintroduce every single one of them. Why is the opposition against that?

Let me go a little further by mentioning the international transfer of persons found guilty of criminal offences, Bill C-33. The opposition again, allegedly on the side of public safety, is against us moving ahead to bring that bill back at the stage it was at.

Criminal Code amendments should strike a chord with the folks across, but no they do not. I think principles have been overtaken on the opposition side. The hon. member across invoked so-called principles, but hon. members across saw an opportunity to, in their view, embarrass the government for moving closure very early when it came back.

Government Orders

As we have already established, once we have the amendment and the subamendment, we create the condition which can only be solved by having closure. One could argue very successfully, if it was looked at totally objectively, that it is the opposition that is forcing this closure upon the House, not the government.

Let me mention some more legislation. We have Bill C-27, the airport authority bill. Bill C-26, the Railway Safety Act, was in committee. Bill C-23, the registration of information relating to sex offenders, was passed at third reading and sent to the Senate. The opposition does not want us to reinstate that bill. It wants us to go back to the beginning presumably. What does the opposition have against us trying to improve the safety of Canadians by proceeding with the legislation in a more expeditious way, recognizing the work already done by hon. members of the House?

There are more bills. There is Bill C-7, the accountability of aboriginal communities bill. Surely hon. members would be in favour of that because they keep invoking it in speeches in the House of Commons. Assisted human reproduction, Bill C-13, was a bill that stayed for years in the House at various stages. There were white papers, preliminary bills, final bills, witnesses all over the place, and finally we received a conclusion to it and it was sent to the other place where it was not quite concluded there.

• (1605)

Why should we have to restart work that has already been done? Why can we not respect the democratic will of members who have seen fit to vote on that issue in the past and send it to the Senate. Surely that is respecting the democratic institutions, not the other way around.

Why does the hon. member not withdraw the subamendment and amendment? Of course we know that will not to happen because the opposition members are up to using procedural tricks to stop the government from proceeding with this. That is what they are doing. They are being excessively partisan again. The way they are behaving now it is a small wonder Canadians do not trust the opposition to form a government.

In conclusion, why do we not just carry the motion right now and reinstate those bills right where they were or allow the ministers in each case to reinstate the bills? It is not to skip steps in bills. It is merely to recognize the work already done by us, members of the House. What could be more democratic than that? That is what should happen right now, and surely that is the correct approach.

The hon. member's party itself gave unanimous consent for that exact motion before. I know because I put the motion to the House at the time. It passed without even debate in the House in the past. The hon. member knows that is correct.

Why does the member not remove the amendment and subamendment and carry the motion right now? Why does the member not stop this unnecessary foolishness of trying to force the government to do this in order to pretend that the government is moving closure whereas it would not have otherwise.

We know the truth. We all know what it is like. We want to recognize the work done by members on all sides of the House on all those pieces of legislation and recognize the value of their work.

I ask the hon. member again to allow this vote to take place right away. Then we can get to business, complete this legislation and proceed with other legislation, all for the betterment of Canadians. That is what we are for on this side of the House. Let us see if the hon. member across is in favour of his partisanship or is in favour of helping Canadians.

Mr. Gurmant Grewal (Surrey Central, CPC): Mr. Speaker, the speech by the member for Glengarry—Prescott—Russell was more a lecture on the democratic deficit, but I would like to ask three quick questions of the former government House leader.

First, the member talked about denying democracy. Democracy has been constantly denied in the House by two means: by restricting free votes and by invoking closure or time allocation. How many times, in his records, has he invoked closure or time allocation? Probably 85 times, which is a record in parliamentary history.

It has been emphasized that a precedent is set by reinstating the motion to reinstate the previous bills from the previous government. It is an unprecedented move in parliamentary history for a new Prime Minister to reinstate the bills from the previous government or previous prime minister. Moreover, the current Prime Minister has stated, and I quote, "my position on parliamentary reform is that closure should be the exception, not the rule".

It was not on December 10, 2002, but this is what the Prime Minister stated. Now, in the first six days, he has invoked closure. We just got a notice of closure on this reinstatement motion. The former prime minister, Jean Chrétien, waited for a year and half to invoke closure on any bill, so I would say that the current Prime Minister has broken all the records and has contributed to the democratic deficit more than anyone else has done, and he has done it faster than anyone else has done.

So that was the first question: how many times has the former government House leader invoked closure or time allocation?

Second, why was the House closed in the first place? Could the member answer that for me? It is a mystery. I cannot comprehend why the House was closed in the first place other than the Liberals' partisan reasons or their infighting that led to the new Prime Minister's takeover from the former prime minister so that then Parliament was prorogued.

Finally, the member has talked about a few bills. He wanted us to support some of the bills and he asked for reasons. Here is what I would like to ask the former government House leader about. I had a private member's motion to ask for tougher penalties for those criminals who were setting booby traps to kill or injure the firefighters who went to put out fires at marijuana grow ops or methamphetamine labs. Why was the motion denied but then brought into Bill C-32? It was the same content.

Government Orders

Similarly, I had another motion about developing a national standard on academic credentials and then using that national standard to recognize foreign academic credentials. The motion was put down by the government, but then it included the same contents in the throne speech. If this is not partisanship, what is it? How can we think of supporting those bills which do not serve a purpose for Canadians while on the other hand the government puts down an opposition member's bill and then tries to steal the contents and include them in government legislation? There are no other words for it.

• (1610)

Hon. Don Boudria: Mr. Speaker, we have a pretty convoluted set of propositions there, but let me deal with some of them.

The hon. member is asking me how many times the opposition has caused obstruction, forcing the government to react to his obstruction. The short answer is, "All the time". The hon. member and his party across have obstructed very frequently in the House. The government still managed to provide good governance for Canadians notwithstanding that kind of partisanship the hon. member has just described. Now, to quantify it, to say that the hon. member caused this obstruction 50 or 60 times, I do not know. He can enter his own plea of guilty and put the number of times beside his plea of guilty. That should satisfy him, whichever way he likes.

The hon. member I think raised an issue here as to this motion and why closure is the final disposition as opposed to time allocation. As you will know, Mr. Speaker, we cannot time allocate a motion. We can only time allocate a stage of the bill. There is only one remedy for a motion once people obstruct and cause an amendment and a subamendment. No, there are two remedies, actually. They could withdraw the ridiculous obstruction, which is certainly the easiest way. Or, failing the opposition coming to its senses, the government is left with only one choice and that is in fact to move closure, because it is the only remedy.

Now, insofar as the hon. member saying this is undemocratic, that is nonsense, absolute nonsense. Private members' motions are time allocated. Private members' bills are time allocated. After a specific number of hours, they come to an end. In the U.K. House and in a number of Australian legislatures that we visited, after a set amount of time at the end of the day, usually one day, the stage of a bill or a motion is complete and it is voted on. So in fact, everything has, if I may use these words, closure, or everything is time allocated to that one day when it is debated.

What do we have here? Let me tell members what we have here. We have the government moving a motion to reinstate or to permit ministers to reinstate those things already voted on and to allow the House to recognize the debate and the votes that have already taken place. Hon. members across are against that.

Not only that, they do not even want to vote on the motion. They circumvent it by proposing an amendment and a subamendment, so that if by chance the debate on the subamendment eventually collapses, instead of resuming debate on the main motion, which of course could be the subject, as I said a while ago, of moving the previous question, we would continue to debate the main amendment, which the opposition could subamend one more time,

which means it never comes to an end. If the hon. member says that is not procedurally correct, then let him explain to the House how procedurally it is otherwise.

It is not a coincidence that the members across put an amendment and a subamendment. It is designed that way because members opposite know perfectly well that the only way to put an end to it is by moving closure. They have deliberately caused this closure to occur by constructing the scenario that is before us. There is no other explanation possible and no other purpose to moving an amendment and a subamendment to a motion.

• (1615)

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, I have listened very carefully to the passionate remarks of the former House leader. Far be it from me to dare lock horns with him on House procedure; I already know he would come out on top.

Today's debate, is, however, a bit on the technical side, so I would like to have an answer from him for the sake of the Quebeckers and Canadians who are listening. I have heard much protestation from him about the opposition's responsibility and why we are having this debate today. We are accused of expressing opposition to the bill we have before us.

Will he not agree with me, however, that proroguing Parliament was, after all, proposed by the Liberal Party of Canada? It did not come from anyone in the opposition. He must agree with me that, had it not been for prorogation, we would not be discussing the reinstatement of all the bills today. One can be for or against these bills, but I think that primary responsibility for the present situation is tied to an internal battle within the Liberal Party of Canada. That is what led to prorogation. The opposition is not responsible in any way.

I would like him to answer this.

Hon. Don Boudria: Mr. Speaker, I am very pleased to reply. By the way, I did forget to reply to almost the same question from the other hon. member previously. I forgot. But I thank the hon. member for bringing it to my attention.

Why was there a prorogation? It is quite simple. There was a change in government. It may be the same political party in power, but there was a change of government. When there is a change of government, as we all know, the prime minister resigns. He went to the Governor General and resigned. Before doing that, he prorogued both Houses of Parliament, both the House and the Senate.

Then, the new government, the new prime minister and his cabinet, present their program to Canadians in the Speech from the Throne. That is how it is done.

Bills from the previous session may be revived at the stage they had reached. This has been done, as I explained, for 30 years. It is done in the British Parliament. And it is done elsewhere, too. And that is how it works. That is the explanation. There is nothing magic about it.

Government Orders

[English]

Mr. Joe Comartin (Windsor—St. Clair, NDP): Mr. Speaker, it is interesting to pick up on the points that were made by the member for Glengarry—Prescott—Russell, the former House leader. It begs the question, why are we faced with the government motion and the amendments from the opposition? The reason is simply because the government, under the former prime minister, and I have to say in full cooperation of the current Prime Minister, prorogued the House when it had a great deal of work that needed to be done, and the country's interest demanded government attention.

The Liberals were more interested in carrying on the internal battle between the then sitting prime minister and the about to be prime minister. That was much more important for the government and for that political party than the overall interests of this country. That is why we are here today and why we started this debate on Friday, and we will continue it at least through the day tomorrow. The Liberals put their interests, as a political party, and to some degree the personal political interests of the two men ahead of the interests of this country.

To suggest, as the member for Glengarry—Prescott—Russell just did, that this is a normal procedure is debatable in the extreme. The reality is the legislation as it has come back has not been changed at all. This is not a signal by the new government under the new Prime Minister that we will have major changes. This is simply a continuation of bills that were before the House at various stages in November when the Liberals decided to prorogue the House. We are not seeing any new bills or any changes in the bills. They are coming back holus-bolus just as they were before the legislature was stopped.

The abuse of the process that this represents is compounded by the financial impact of all the extra work that has to be done now, extra work by individual members and their staff on private members' bills and extra work by staff of the House of Commons. The prorogation, which occurred in November, has cost the country substantial amounts of extra dollars, extra staff time and extra effort, all of which was unnecessary if the government had simply taken its responsibility to the country seriously.

The position of the NDP, with regard to the government motion for reinstatement of the legislation, is we are not prepared to give it a blank cheque. Had the motion listed specific bills that the government would be bringing back, certainly some of them we would have been agreed to out of respect for the country. However, others should not be brought back, and I will go on to that in a few moments.

The difficulty we have is simply telling the government to go ahead, do whatever it wants with regard to these bills in terms of bringing them back and we will be prepared to stand back. That is a complete abdication of our responsibility as opposition members. When we hear the former House leader talk about democracy and democratic deficit and that somehow we are contributing to that, he is just dead wrong.

The opposition's role is to speak out when there is abuse, and that motion is abusive when we look at the history and how it came to be in front of the House at this time.

However, there are some points I want to make with regard, in particular, to the subamendment by the opposition to its amendment to the main motion. I am not sure if anybody understood that, but it is the subamendment that deals with Bill C-49 that would allow the Prime Minister to call an election as of April 1, if the Liberals can get this bill through the House of Commons and the Senate.

• (1620)

To some significant degree, I am going to be accusatory of members of the official opposition about the amendment and subamendment. They are trying to prevent the government from being in a position to call an election this spring because they know full well that they are not going to be in a position to fight that election very effectively. Given that their leadership convention is in the latter part of March, they will not be in a position to have its platform in any kind of shape. They probably will not have a lot of their candidates prepared to run in an election that everyone thinks will be called in April and held in the early part of May. That is really what this is about.

I think it is accentuated by the fact that when the bill was originally before the House the former Alliance, now part of the Conservative Party, in fact supported what I think was Bill C-52 at that time, and now in the form of Bill C-49. That position was unequivocal on its part. I can remember some of the speeches its members gave in the House at that time saying that we had to recognize the need for Ontario, British Columbia and Alberta to get those additional seats and that they should definitely be in place and ready to be part of the electoral process in the next election.

Events have overtaken the members of the official opposition and they now appear to be opposed to the bill going through. I can tell everyone on behalf of my party, although we think that the election should be held some further in the future, we are ready for the election at any time.

The other point I want to go back to is the process that has also brought us to this point, and that is the role the Senate has played on the bill, as well as Bill C-34, the ethics commissioner's bill. I think the country generally knows, and we are certainly aware of it as members of Parliament, that both pieces of legislation, the bill to change the date for the boundaries to come into effect and the bill dealing with the implementation in a broader way of the use of the ethics commissioner for both the House and the Senate, were before the Senate the first week of November when the House adjourned. Rather than staying, working on those bills and passing them, the bill that dealt with the boundary issue was ignored and the other one was sent back.

There are a couple of points that need to be made about this. We did some checking on this and in all of the sessions we have had since the start of Parliament in 1867, this Parliament has seen the most bills either sent back or not dealt with by the Senate. We have set a record in that respect. Interestingly, the previous record was in the very first session in 1867, and I have to assume it was because they were still learning the ropes.

We have not even come particularly close. There were a couple of sessions in the 1920s when there were about 11 or 12 bills sent back or not dealt with by the Senate. There were 15 in the first session. So far we have had 18 bills not dealt with or turned back by the Senate.

Government Orders

Being a bit of a student of history of the country and of the role the Senate has played and should play, it begs the question, how many more does it have to turn down, send back or ignore before we are in a constitutional crisis? We have had a large number bills this time, and those two bills were part of that. The Senators simply went home. They were upset with the prime minister over the ethics commissioner's bill and a couple of other bills and they said, "To heck with it, we are going home", and they did. As a result, the legislation that would have allowed the redistribution of the ridings to take place at an earlier date has been forced to be brought back once again.

● (1625)

We are in a situation where the government wants to do something. The House of Commons has passed the bill and the Senate has thwarted it. The question will be, once it does come before this House, and it will one way or the other in the next week or two, and then goes back to the Senate, will the Senate again try to thwart the will of the elected representatives in the country?

It begs the question regarding the role the NDP has played for a long time in advocating the abolition of the Senate. Are we getting closer to the rest of the parties, realizing we can no longer tolerate that type of interference with the democratic process. We cannot ignore the costs of having the Senate around, which runs at about \$60 million a year, doing work that is generally undemocratic and useless.

The other point I would like to make is with regard to the position that we hear from the government. This again comes back to the democratic deficit. We are now faced with the notice that closure will be invoked sometime later today or early tomorrow and this debate will be closed down. Again, we are faced with the reality that the new government, as it keeps wanting to call itself, is following exactly the same pattern as the old government.

We had in the prior sessions more motions for closure from the government than we had at any time in our history, and we will compound that tomorrow when it invokes closure.

With regard to the legislation itself, I want to be somewhat critical of the comments from the member for Glengarry—Prescott—Russell, the former House leader. He said that the government was bringing back the same bills on which members had voted. He said that we were interfering with the democratic process in which we had already participated.

Of these bills, I want to mention some bills that jump to the fore in my mind because I had some involvement with them along with our member for Winnipeg Centre. These are the bills that deal with the aboriginal governance legislation, Bill C-7 and Bill C-19, but Bill C-7 in particular. The member suggested nothing really had changed, that the democratic process worked. The reality is the current sitting Prime Minister undermined that legislation, undermined his own party and undermined the ministers of natural resources and aboriginal affairs on that legislation.

It is very clear that the first nations were dramatically opposed to the legislation, and we know that. We had issues brought back to the House on how controversial the hearings were in committee after second reading. This Prime Minister, sitting as a member of

Parliament, sent out a very clear message to his supporters within the Liberal Party, who are members of this House, to the first nations and to the country generally that he did not support the legislation. Now we hear that at the very least it is possible the government will bring it back unchanged.

There was a democratic process that went on in that period of time. The first nations said that it was 100% opposed, adamantly opposed, to the legislation, Bill C-7 in particular, because it perpetuated the patriarchal attitude that underlies the current Indian Act.

The now sitting Prime Minister took advantage of that and said that he agreed the legislation was not very good and that all of it would have to be reviewed. Now we hear that the government wants to bring it back at the same stage, as originally passed by the House. It has gone through second reading, been approved in principle, been through exhaustive hearings in committee, then back to this House. I believe its been through report stage and is just awaiting debate at third reading.

In spite of what the Prime Minister told first nations, that he was opposed to the legislation and that if he were prime minister it would not go through as is, the legislation could be back in front of the House in the next week or two at third reading. There would be minimal debate at that point and it could be passed.

Things have changed in the country since that legislation went through. I use that as an example of why the NDP is not prepared to give the government a blank cheque. We are not prepared to let all the legislation come back simply by having the ministers stand up in the House and say that they want legislation back at the same stage it was at when the House was prorogued back in November. We are not prepared to do that, and we are adamantly opposed to the motion.

● (1630)

Mr. Roy Bailey (Souris—Moose Mountain, CPC): Mr. Speaker, one of the disappointments was handing out the proverbial carrot that westerners were not going to be discriminated against again. They have been since I was 15 years of age.

There was hope out there that there would be some cure to this ongoing struggle with the gun registry. Despite that, we had a minister in 1997 come to my constituency and say that it is no more difficult than registering a car, and further, it will not cost nearly as much.

Here we are years later. The carrot was out there and today I hear that there will be no changes in that legislation whatsoever. There is the first step toward western alienation again. Would the hon. member care to comment?

● (1635)

Mr. Joe Comartin: Mr. Speaker, the question is not all that pertinent to the amendment and subamendment with regard to the potential for legislation to be brought back. The issue of whether we will spend more money on the gun registry will be more a part of the budgetary process that we will see develop over the next few weeks and the issue will be resolved then.

Government Orders

I must say to my colleague from the west, from the Conservative Party, that I am sympathetic to the position he has taken. It mirrors a number of other pieces of legislation that have the potential to come back before the House in the next few weeks.

Members of the government, and particularly the Prime Minister, have in fact led people to believe that changes would take place. What we are being told in the motion by the government is that the legislation is coming back with the same wording at the same stage that it was, so there is no change at all.

The spin that the government is putting on it that somehow there has been a change in government is really a farce.

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I would like to set the record straight on one of the bills that was mentioned, Bill C-7.

First, I would like to ask the member, has any member of cabinet said it would be brought back? Second, the member said that the first nations people said they were 100% opposed to it. I am not defending the bill, but when thousands of people are consulted across the country and there were some people during those consultations who were in favour, I do not think the member would want to be on the record saying falsely that 100% are opposed to something when it is not the fact.

Mr. Joe Comartin: The difficulty we have, Mr. Speaker, is that we cannot get a commitment from the government, specifically from the government House leader, to indicate that Bills C-7 and C-19, which are the two bills that are outstanding, would not be brought back. The government is not prepared to say that in spite of what the Prime Minister has said across the country.

With regard to the percentage of support, I have not run across anyone from the first nations who is prepared to support Bill C-7. Bill C-19 is different. There is a split on that one within the community, although last November or thereabouts there was another vote taken specifically on Bill C-19 by the national association and it was opposed by a substantial majority, at least two-thirds were against it.

Bill C-7, the governance bill, is so offensive. I would be surprised if the member could bring me anyone who is in support of Bill C-7.

Mr. Jim Abbott (Kootenay—Columbia, CPC): Mr. Speaker, this is indeed a very interesting debate. It is particularly interesting because of the apparent hypocrisy of the position that the current Prime Minister is taking.

I used the word hypocrisy once in deference to the Chair. I used that word because on one side of the coin our current Prime Minister would like us to believe that this is a brand new government. He is a brand new Prime Minister with a brand new cabinet and a brand new approach to politics in Canada. Everything is completely brand new.

We are supposed to forget that under Jean Chrétien we had 10 years of an oppressive government that rammed things through the House and consistently whipped votes. For people who are not familiar with parliamentary language, that simply means that backbenchers were treated like trained seals. They were told how to vote. We are told to forget that.

We are told that the 10 years that we had under Jean Chrétien, which had very questionable parts to them, belong to the old Liberals. The new Prime Minister is brand new; everything is new. Everything is fresh such as new Tide or new Ultra or whatever the soap of the day is. Yet the Prime Minister turns around and says that he wants to recycle all of the bills or have the opportunity to recycle all of the bills that were passed in the previous two sessions.

In the previous two sessions these bills that went through the House of Commons were whipped bills. Backbenchers were told how to vote and they voted obligingly and obediently, notwithstanding the views, wishes, desires or direction of their constituents. Their constituents did not matter. It was because the Prime Minister at the time, the former House leader, who spoke a few minutes ago, the finance minister and now the Prime Minister, as one of the senior members of the government, told them how to vote and to heck with the constituents. The bills were just forced through.

The government wants to turn around and use this reinstatement legislation to pick and choose which of the bills from the old regime it wants to bring into this new regime. The government cannot have it both ways. Either he is a new Prime Minister, and he has a new cabinet and a new agenda, or he is a retread. He is simply digging back into the past into what he himself has said is a discredited past. The government cannot have it both ways. I find this absolutely astounding.

We have learned, and certainly I have learned in the 10 years that I have had the privilege of representing the people of Kootenay—Columbia, that the Liberals are masters at managing the news.

The government has a fairly heavy day coming at it tomorrow. The Auditor General will be reporting how much taxpayers' money was actually slid through to the supporters of the Liberal Party. We know that the national news media is in something of a frenzy at this point. I can pretty well guarantee, whether it is Global, CTV, CBC or the A-Channel or any other network, that the lead item on the 6 o'clock, the 10 and 11 o'clock news will be the Auditor General's report.

Why then would the government not take advantage of the fact that it will be the big issue tomorrow, as indeed it should be—certainly with the kind of abject waste and mismanagement, and in some cases criminal activity that occurred under the previous administration—and not just slide this closure through at that point? It is a very neat trick. The Prime Minister knows that the Liberals will be paying a dear price tomorrow, as they darn well should, and so he says “Why do we not just get this through?”

Government Orders

•(1640)

Is it not hypocritical on one side of the coin to say that he is new, that his cabinet is new—almost as though we had gone through an election for people who consider themselves to be the naturally governing party in a general election—and then turn around and say that he is going to take some of these old bills that have been passed?

We noted that the government under Jean Chrétien made use of time allocation 75 times and closure 10 times. That is a parliamentary record, as my colleague from Surrey pointed out. The Liberals used it 85 times to stifle debate in the House of debate, where I and the rest of the members have an opportunity to represent the views, wishes, desires and direction that we get from our constituents when we are home.

However, in spite of that, I point out that the former Prime Minister at least had the decency, such as it was, to wait a year and a half before he moved his first closure motion. I should point out, Mr. Speaker, and you may possibly have noted, that when Prime Minister Mulroney moved closure and time allocation, there were many opposition Liberal members who raised an awful howl and it was the worst thing in the world. Well, the former Prime Minister and the former House leader who just finished speaking eclipsed anything that Mr. Mulroney did.

The current Prime Minister has waited one week. We recall that in this chamber, exactly seven days ago following the Speech from the Throne, following this all new detergent that had occurred in this chamber, this all new Prime Minister and this all new party was starting afresh. And one week later, not a year and a half, he is bringing in closure.

The Prime Minister, in bringing this motion—and it does come fully with the approval of the current Prime Minister, let us be clear—has basically done more to drive the democratic deficit problem, to which he keeps on referring, deeper down and embed it further in this place than anyone in the history of the House of Commons.

The fact is that, as I believe my colleague was just pointing out with respect to the gun registry, on one side of the coin the Prime Minister says that he will empower all the backbenchers. What a revolutionary idea. My goodness, he must have come across the same thing that I did, and that was an advertisement showing Preston Manning, the then leader of the Reform Party, saying “Who does this seat in the House of Commons belong to?”

Our whole campaign, as the Reform Party in 1997, was around the issue that I, my party, all of my colleagues, and the leader of the day—and subsequently our party policy—would represent the views, wishes, desires and directions of the people of Canada from our seats. He must have seen the same advertisement and thought to himself, “My, what a great, revolutionary idea”. It took him seven years to find it, but he trots it out and says that he will allow free votes in the House of Commons.

•(1645)

The next day he was asked by my very competent colleague from Yorkton what he would do about the gun registry, the gun registry that has blown away \$1 billion when it was only to cost \$2 million, the gun registry which the government actually has ended up

penalizing and registering law-abiding citizens, but on the other hand it will not register sex offenders. He was asked what he would do about that. Clearly we know there are people who are representing the views, the wishes, the desires and the direction of their constituents; there are people on the backbenches who want to do the right thing and abolish this crazy boondoggle gun registry, so the member asked the question.

It did not take the government a week to flip flop on that one as it has on closure. No, it took the government a bit less than 24 hours to flip flop on that one. Now when people come around and say that the member for Kootenay—Columbia and the member for Brandon—Souris have been around for 10 years, and would it not be nice if there were a government member on their side, then at least they would be getting proper representation, they should not believe it, because the Liberal backbenchers will continue to be whipped into shape.

I believe it was the House leader I just saw in news reports saying, “Actually, probably what the Prime Minister was referring to was that we could have free votes on private members' business”. How shallow is that? Unless the government decides that it will cherry-pick from private members' business, as my friend from Surrey has pointed out, and actually extract pieces of private members' business and put them into its own legislation and claim them for its own—and gee, that is something I have never heard of the Liberals doing before—unless we are talking about that, private members' business basically is nothing more than the ability for private members to give the government a bit of a push.

This is revolutionary. We will now have free votes in the House of Commons on private members' business. Guess what. We have had that for the last two sessions. What is new? Nothing is new, except in the Prime Minister's mind. He is talking about being new.

Let us take a look at some of the pieces of legislation that we have passed and which he does want to bring in. The one I am thinking of in particular, because I have some familiarity with it, is what is now called Bill C-2. It is a bill that will penalize people who are involved in bringing electronic equipment into Canada for the purpose of getting under the CRTC rules and by getting under the CRTC rules they can then make a profit by literally stealing signal from the providers of the satellite signal that is beaming down on earth.

As we debated earlier in the day, the Liberal approach is to say “Let us penalize. Let us go after them. Let us control it”. What a tremendous idea: let us control electronic innovation; let us control technology. I do not know what planet the Liberals come from. Certainly it does not have anything to do with this century or with the revolutions that are occurring electronically with computers, with satellites, with our ability to communicate. It borders on being impossible even to keep up with what is going on.

The Liberals are bringing in rules to try to control something that is uncontrollable, but it makes them feel better. We need a fresh approach on that bill. The legislation as it is presently written, technologically is simply not feasible.

Let us take a look at another one, the legislation on human reproduction. There was a bill that if there was ever any whipping going on, it would have gone on with that bill.

Government Orders

• (1650)

I recognize that the member is the former House leader and does not speak for the current government. He has raised that bill as an example of bills where the votes of the House of Commons have been done and therefore we should not be turning our backs on those votes. Clearly he has chosen to forget how he, as the government House leader giving direction to the whip of the day, had people quaking in their boots.

I do not know what kind of pressure the Liberals can put on their backbenchers to make some of them certainly appear to me to be voting against their most closely held personal values. I do not know what kind of pressure that is, but it is that pressure that has given us the raft of legislation that we presently have at various stages in the House or at stages in the other place. That legislation was all brought about as a result of a regime that the current Prime Minister claims to reject. He claims to reject it. How shallow is that? It is amazingly shallow.

In taking a look at the procedures that the House has at its disposal, I recognize that the former House leader, the member for Glengarry—Prescott—Russell, is probably a master of those procedures. Certainly he used all of his background and knowledge, his trips around the world and his time at Westminster to put pressure on his backbenchers and to use that kind of pressure within the House to push those bills through.

I therefore wonder how genuine it is for him to say that these bills have been passed and therefore we should be making sure they have the opportunity to be handled. He did not answer the question of my friend from Surrey. When my friend put it to him that this is the first time in British parliamentary history that a new prime minister has simply reached back into an old prime minister's grab bag of bills, he did not answer that question. I am sure my friend noticed that.

With the amount of background, understanding and knowledge that the former House leader has of the historic British parliamentary system around the world, it becomes very clear to me that we have probably hit on something. The new Prime Minister is actually creating history not only in Canada but in the British parliamentary system.

It is absolutely unconscionable that the Prime Minister and the government would bring this notice of closure to the House. It is unconscionable in itself. I am going through the dictionary in my brain and I am not capable of coming up with a word that would be creative enough perhaps to get past the Speaker's excellent chairing of this session. Let me just say I find it unbelievably amazing that the Prime Minister has the chutzpah to turn around and say that he is dealing with the democratic deficit in this way. He is saying that he is new. How can he say that with a straight face? The democratic deficit is real and its dain belongs to the Prime Minister.

• (1655)

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I always enjoy listening to the hon. member, so much so that I allowed him to speak before me, but perhaps he will regret that.

The hon. member said that in the previous government it did not matter what constituents said about the government. He is suggesting

that the government did not listen to public opinion or the polls, that the government just went on its merry way. The member is complaining about that, that we should listen to the polls and to what people say, focus groups, et cetera.

I will read from the *Star Phoenix* of February 1, 2003:

The Canadian Alliance leader tore into the Liberals this week for paying too much attention to the "vagaries" of public opinion regarding the possible war on Iraq and declared his party would not make the same mistake. It was an eyebrow-raising attack from the leader of a party that claims to put great stock in the views of the grassroots and advocates such democratic reforms as citizen-initiated referendums and voter recall of MPs.

"This party will not take its position based on public opinion polls", he declared during a special parliamentary debate on Iraq. "We will not take a stand based on focus groups. We will not take a stand based on phone-in shows or householder surveys or any other vagaries of public opinion".

The member is in direct contradiction of his former leader and I wonder why that is. I wonder why the party is so split. Perhaps the member is not supporting the former leader in the leadership race.

However, when the former leader says he will not make decisions like that, in fact the way we are making decisions is the way real leaders of great nations make decisions. Why is the member opposed to his former leader?

• (1700)

Mr. Jim Abbott: Mr. Speaker, as a matter of fact I am very pleased to tell the hon. member and very proud of the fact that I am completely in support of the former leader of our party. The member for Calgary Southwest is one of the most competent, capable, honest and dedicated people that I have ever met in politics. I am campaigning very aggressively for him. I take full ownership of the kind of leadership that he has shown. Let me make that very clear.

With respect to the question of polls, what he was saying was very clear. I ask my friend from Yukon to recall that Jean Chrétien as prime minister of Canada went around and was listening and was not making a determination, was not making a determination, was not making a determination. I say again and again that he was not making a determination because he was not at all clear in his own mind which way public opinion was going.

Instead, he permitted his backbenchers during the war in Iraq to turn around and use unparliamentary words toward the President of the United States. I may have some serious differences with what the president has done, is doing or may do, but he must be treated with respect. All of that was going on and it was the prime minister of Canada who was waiting to see which way the poll would go as to which way the government would go.

I spoke to a colleague of his, whom I will not name because it was a private conversation, who was aggressively and adamantly opposed to the war. He said that until he got to the caucus meeting on the Wednesday when the prime minister finally determined which way he was going to go, before the member left his home in the morning he said to his wife, "If Jean Chrétien does not do the right thing, I am walking out". Even people in his own party did not have any idea which way he was going to go because he did not make a principled decision.

Government Orders

I am very pleased and proud to support the member for Calgary Southwest as the future leader of the Conservative Party, particularly because he is such a principled individual. He took a position. He stood for it and we moved forward under his great leadership.

Mr. Charlie Penson (Peace River, CPC): Mr. Speaker, I have a question for my colleague, who has just given a very good rundown of the situation in regard to the reintroduction of motions and bills and why it would seem inappropriate. Does it not seem unusual that the current Prime Minister, after 10 years of undermining the former prime minister, would not have a schedule or a platform of his own to introduce rather than basically falling back on a position of regurgitating and reintroducing all the old legislation that the former prime minister had brought forward?

It would seem unusual to me that somebody who has worked that long to become Prime Minister, and who finally got there, would not have anything of his own. It is not a new show at all. It is just a continuation of the former prime minister's agenda. It really seems odd that the promise of all this renewal has really come down to nothing.

Where is the new legislation? Basically what we are dealing with is Mr. Chrétien's agenda. Does it not seem a bit unusual to the member for the Prime Minister, who has aspired to be Prime Minister for 10 years or more, to not have any new ideas on legislation or bring anything new forward?

• (1705)

Mr. Jim Abbott: Mr. Speaker, my friend from Peace River is absolutely correct. This all new Prime Minister, as he likes to fashion himself, is basically going back into the old. He clearly does not have any new ideas. He is just recycling. The only thing that he is going after, in terms of new ideas, are ones that he takes from us or, in some instances, from the NDP.

He is not particularly proud of where he gets his ideas but the interesting thing is, whether it is an NDP idea or a Conservative idea, he does not understand the idea anyway. It just sounds like a really good sound bite so he turns around and does whatever he is going to do. In particular, as my friend from Peace River has so eloquently pointed out, it is basically regurgitating all the stuff from the former prime minister that is still stuck in the system.

I should point out that it is particularly stuck in the system because of the rather questionable tactics that he used within the party in order to overpower Jean Chrétien. By doing that, there ended up being warfare in the other place where the House leader for the Liberals could not even keep control, could not even get the legislation through, not of the Conservative senators but of the Liberal senators. She could not even keep the Liberal senators on side because the Prime Minister had sowed such tremendous seeds of discontent, backbiting and fighting within the Liberal Party. It has been quite a show.

Hon. Larry Bagnell: Mr. Speaker, I want to carry on with the debate we were having a moment ago because the hon. member did not really answer the question. The former leader said that he would not follow the polls of the constituents in the Alliance ridings but that member said that he would follow his constituents. It is fine that they disagree. I am sure Ms. Stronach will enjoy his campaign

debate for the former leader, and far be it for me to try to deter from supporting the former leader.

However I have another question. During the debate the member said something to the effect that the current Prime Minister is going back to a grab bag of old bills for the first time in history. He said that it had never happened before. I cannot believe the member said that because he usually does thorough research. He should know that motions similar to this one were passed in 1970, 1972, 1986, 1991, 1996, 1999 and 2002. This is not a new concept at all. In fact it has been going on for 30 years and it is a practice that is consistent in the United Kingdom House of Commons.

I do not know if the member could clarify what he said to show that it is not inaccurate, or just admit that he was not aware that this has been used a number of times before.

Mr. Jim Abbott: Mr. Speaker, I thank the hon. member for giving me this chance to explain. Apparently he does not understand that in every one of the other instances that he cited it was the same prime minister and the same government.

Hon. Don Boudria: What difference does that make?

Mr. Jim Abbott: My friend, the former House leader, asks what difference that makes. The difference is that this has never been done before, where a brand new Prime Minister, particularly one who goes out of his way to tell us that he is the all new detergent that is going to wash everything clean, actually has turned around and gone back into the grab bag.

I can understand that this has been a practice of the Liberals where they have allowed themselves to go back to where they were prior to the end of the session but it has never ever happened in the history of British parliamentary tradition that a new prime minister has gone after the old prime minister's legislation.

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, to pick up on that last point saying that it has never been done before, it has been done before on many occasions but with the same Prime Minister and so here is an occasion where it is a new Prime Minister and so this has occurred. A law is a good law worth debating if it is the same Prime Minister but it is not a good law if it is a different person who brings it forward.

I would think the agenda and how good the law is should decide whether it should be brought back and not whether it is the same prime minister who brings it back.

This is a motion that would allow bills from the previous session to be reinstated at the same stage they were when Parliament was prorogued. This is a particularly important motion since there are a number of pressing issues facing us in this session that will require immediate attention. We would like to get on with them and not be held up by those members in the opposition who just want to go back and say what they said before on all these bills.

Government Orders

We need to find ways of ensuring that members are not forced to waste their time repeating work on bills from the previous session, some of which were close to being passed into law. Such an exercise would amount to little more than a parliamentary charade whose only function would be to eat up valuable House time and resources that can be better used to address new matters of great importance to Canadians.

These matters include: ensuring that Canadians continue to have access to excellent health care; enhancing public safety; making sure our men and women in uniform have the equipment and support they need to serve their country; democratic reform; maintaining the highest possible ethical standards in government; and, making sure our children who are, after all, the future of our country, get the best possible start in life.

However it is not just a matter of freeing up time for important new initiatives. It is also a matter of making sure that important bills from the previous session get moved forward as quickly as possible so they can make a difference in the lives of Canadians. This would include legislation such as Bill C-49 which would reflect the demographic character of our country by updating our electoral boundaries so they represent the composition of our very dynamic nation.

In this instance it is quite astonishing that the Conservatives would oppose this particular aspect as it would give more seats to Alberta and British Columbia. I thought the new Conservative Party would have strong support for the west and be supportive of the west.

Another bill is Bill C-34 which would enhance Canadians' confidence in Parliament by creating an independent ethics commissioner and a Senate ethics officer. There is a whole set of other bills aimed at enhancing public safety, such as the public safety act 2002, amendments to the Criminal Code to protect children, and the Westbank First Nations self-government act.

Most members are quite aware of a number of those bills and I think opposition members spoke in favour of aspects of some of those bills. Therefore it is somewhat astonishing that they would not allow a provision to bring back concepts that they thought in general were good.

I do want to talk about the Westbank First Nations self-government act because many people may not be as aware of that as they are of some of the other bills that may have had more air time in the House. It is partly because of my present responsibility but I am very excited about this. I am always excited about passing self-governance on to first nations so they can take care of their own affairs and have modern governments and new relationships with other governments. That bill was first put forward on November 5, 2003 and it has gone to committee. I cannot imagine the other parties being against that. I think they are all in favour of allowing first nations to move forward, so I do not know why they would not allow us to bring this forward?

The bill would ensure some fiscal and political accountability for the Westbank First Nation in British Columbia. It would ensure the Charter of Rights and Freedoms applies to that first nation and it would set out a new relationship between governments. All in all I think it is a good news story. It is an example of the type of bills that

we could bring back and debate quickly rather than starting all over and saying things that we all agree with in the first place.

• (1710)

Are these measures on which we can afford to slow down by insisting that they restart their journey through the parliamentary process from the very beginning, with virtually the same speeches being delivered by members at each stage of the debate and the very same witnesses being called to make exactly the same presentations and to hammer away on the same points they raised a few months ago? Is that really what we want to do?

An hon. member: Yes.

An hon. member: Absolutely not.

Mr. Larry Bagnell: There we have it. The Conservative member across the floor has just said yes. The opposition wants to bring all these bills back, give the same speeches delivered by members at each stage of debate, the very same witnesses being called to make exactly the same presentations and hammer away on the same points they raised a few months ago.

For a party that suggests in its platform—and I assume it will be the same in its new platform—that it would like to cut government expenditures and save money, to support this dramatic waste of money, with the expenditure of everyone giving the same speeches, is absolutely an astonishing hypocrisy. It is on the record here in the House of Commons.

It will be really hard for them to stand up tomorrow and say that they would like to cut expenses after suggesting that we expend more for no reason at all. Is there anyone here who thinks that repeating all this again will benefit Canadians?

The member for Port Moody—Coquitlam—Port Coquitlam has said that he would like to waste the money. I did not want to put this all on his party. He said that he particularly would like to have all these speeches again, all the witnesses again, all this waste of taxpayers' money when there are very important things waiting for the country, important things that were talked about in the throne speech, such as improving defence, dealing with poverty, the disabled people, moving aboriginal people forward and improving social conditions.

All these things the members would like to hold up so that they can, as they said, repeat their speeches and have the same witnesses give the same speeches again.

When it has been done, as I said a minute ago, six or seven times in history, it shows why there is no respect for the opposition and its incomprehensible position.

Government Orders

The mechanics of the motion, which should not be new to anyone because it was done in the past, would allow a minister to seek the reinstatement of a government bill within 30 days after the start of the session and after a motion is adopted if the bill is in the same form it was in the previous session. With the permission of the Speaker, it could then be brought back at the same stage at which it stood prior to prorogation, which means that work could start on these bills where they left off, including study by committees. People could still have their say on these bills but we would not be going back and repeating what we have already done in the House.

I repeat that this is not new. The opposition members are acting as if this is a first time new process, so that is why they should oppose it. However in 1970, 1972, 1974 and 1986 the House gave unanimous consent to a motion reinstating bills. The House adopted a similar motion under a previous government in 1991.

If all the parties in the House during each of those times gave unanimous consent, what credibility does a party have today to oppose it?

In 1977 and 1982 the House adopted amendments to the standing orders to carry over legislation to the next session. In the more recent past, March 1996, the House adopted a similar motion. In October 1999 the House adopted a similar motion to the one before us today to allow it to carry on its work from the previous session.

Finally, the proposed motion is similar to standing orders that allow private members' bills to be reinstated following prorogation.

All of this suggests that the motion is far from revolutionary with ample precedents in place to show that its features are consistent with the past practices of the House.

However, for these proposed procedures to successfully free up members from the needless drudgery of having to repeat work done in the last session of Parliament we first need to pass the motion. Only then will we have the tools we need to clear away old business and start working and tackling other urgent issues facing our great nation.

● (1715)

It is for this reason that I urge all of my colleagues in the House, from all parties, representing all regions and points of view, to join with the government in passing and implementing the motion before us today.

I want to respond to one of the comments made by a member across the way who said that it was not a new government. It would be inconceivable for anyone to think that when there is a break in the Parliament of Canada, whether it is the old government in office or whether it is a new government, that there would not be some legislation with some benefit left on the books at that time. Is the member suggesting that because a different person is bringing forward legislation to help children or provide public safety he thinks it is less worthy than it was before? Is it any less worthy than if the same prime minister had brought it forward? That argument would be hard to bring forward.

It is interesting to hear the opposition members talk about the democratic deficit. It will be interesting to see how open the opposition is and how they will vote on this particular motion. It will

be interesting to see how democratic they will be when they vote on this motion.

There is another point that other parties have made in the debate so far today which does not stand up at all and is totally contradictory. It is their statement that the bills should have been finished in November instead of the House being prorogued. So the bills were good enough to finish then, but now they are saying not to bring them back, not to finish them. Really, I have not heard one good argument yet from anyone that the legislation that was unfortunately stopped at the break should not be brought back for the good of Canadians and brought back quickly, without repeating all the same speeches and having the same witnesses appear before committees, wasting Canadians' time. Then we can get on to the important priorities that were outlined in the throne speech.

I gather from the limited questions on the throne speech in question period that it must have been fairly acceptable to all the other parties, because they are off on other tangents and not questioning it and not criticizing it and its many positive items.

● (1720)

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, CPC): Mr. Speaker, I would like to thank my hon. colleague for his eloquent delivery, but I would like to ask him a question. He pointed at Conservative members who are sitting here and said all the party wants to do is save money for Canadians. I am assuming that was who he was talking about. He said we wanted to save money for Canadians and then turned around and accused us of wasting people's money.

I will say to him that I think there is some good legislation here, but there is also some very bad legislation. I do not think it is necessary for the government to bring forward closure for us to debate the bills and work on the bills and take due course and do it. I would like to have his comments on this. I would like him to go forward with his comment about wanting to save money for Canadians. I would like him to tell us how we are saving money for Canadians.

Hon. Larry Bagnell: Mr. Speaker, I am not sure I totally caught the gist of the question. The point I was making was that part of the platform of the Conservative Party, or at least of some of the former members when they were in the Alliance, and even since the debate, was about cutting regional development funds and not providing any more funds for aboriginal people. The former finance critic said that in the House in the reply to the throne speech. Those are the types of things they have said in the past. I assume they will continue to have suggestions for cutting funds. What I am saying is, if that party has this philosophy, why does it want to waste a whole bunch of money on continuing the debate on this particular bill?

Government Orders

If the member is asking how we are saving money, as she knows we are doing program review. Some programs, those that are not of the highest priority, have already been cut so that we can fulfill the expectations of Canadians for the many items in the throne speech relating to disabled people, environmental issues such as contaminated sites, and aboriginal people, and defence. That is why we have cut money. That is why we do not want to waste money in Parliament by having all the same speeches and all the same witnesses on something we have already done. Let us move ahead and solve the problems.

I was glad the member did say that there was some good legislation. I am curious as to how the member would suggest we proceed with that good legislation if we do not pass the motion.

• (1725)

Mr. Gurmant Grewal (Surrey Central, CPC): Mr. Speaker, I would like to ask a question of the Liberal member across who was just speaking. He talked about democratic reform and the democratic deficit. How democratic is the Liberals' record when they invoked time allocation and closure 85 times in their record? How democratic are they? How democratic is the new Prime Minister's government when it invokes closure within six days after Parliament is in session? The former Prime Minister, Jean Chrétien, waited for one and a half years before first invoking closure.

I also would like to know if the member can tell me this. If the Liberal government is reinstating the same old bills from the previous session, can anyone with general common sense tell me why it would prorogue Parliament in the first place? If it is reinstating the same bills and the same motions in the same state they were left without any changes, why did the Liberals prorogue Parliament in the first place?

Hon. Larry Bagnell: Mr. Speaker, as the member knows, the closure of Parliament was independent and for reasons other than to cut off those bills. That is why those important bills are being brought forward.

In relation to closure, I think the former House leader was very eloquent in explaining that he had to perform a number of those closures because of obstruction by other parties. He was against slowing down House work on taxpayers' time when nothing new was being added to debate. In particular, he outlined very eloquently the procedure dealing with amendments and subamendments—just a couple of hours ago they were proposed by the party opposite—which would result in a motion never coming to a vote. If the opposition is forcing closure, there is nothing the government can do about it.

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, CPC): Mr. Speaker, I will not be splitting my time, as I think might have been indicated to you earlier.

It is a pleasure to stand and speak on this, but unfortunately we are not dealing with new substantive policy questions or even, frankly, some substantive policy questions that are of real and predominant concern to my constituents or to the entire province of British Columbia.

In fact, the whole idea of bringing back old government legislation and not bringing forward anything new is probably awkward for a lot of Canadians who are watching this debate here

today and who will be paying attention in the coming months as we head into an election campaign. They look to this House to get a sense of what the parties are about, of what makes us different and of how the current and new Prime Minister, the member for LaSalle—Émard and the former finance minister, is really any different from the former prime minister, whom he pushed out of office in what a political science professor described to me two days ago as a civilized coup d'état.

If we ask the average everyday Canadian for the three reasons why the current Prime Minister replaced the old prime minister at the Liberal convention in Toronto just a few months ago, I think most people would say the current Prime Minister pushed out the old prime minister for three broad reasons, number one being that the old prime minister had been around too long, that he was too old and it was time for him to go. In point of fact, the current Prime Minister is about the same age as the former.

The second reason given for why we had to get rid of the old prime minister is that there is a democratic deficit in the country and it has to be addressed. That was reason number two why we had to get the current Prime Minister into that chair as soon as we possibly could. The reality is that the current Prime Minister is engaged in his own dramatic democratic deficit by not allowing for the free sale of memberships in the Liberal Party of Canada, by not respecting the votes that we have had in the House in the past, by invoking closure in his first couple weeks in the House as the current prime minister, by not allowing provinces to elect their own senators, by not allowing free votes on gun legislation and a whole host of things.

Therefore, these were three arguments about why he should have been prime minister. First, the old prime minister was too old; he is the same age. The second reason is that the democratic deficit needs to be addressed; he has failed on that count already. The third reason he said that he had to be prime minister was that we had to have this new deal for cities, a new agenda, a new grand, big vision idea for cities. The reality is what we saw in the throne speech: he does not have a new deal for cities. There is no new grand vision for cities and municipalities in the country. What he proposed and in fact delivered in the throne speech, eventually through order in council, is that municipalities in the country will be allowed to get their GST rebated back to them effective February 1, 2004.

This is what that means, for example, for a city like the city of Port Coquitlam, which will be the largest city in the new riding of Port Moody—North Coquitlam. If it bought some new sand and salting trucks and spent \$50,000 on those trucks, it would pay about 4% GST, normally, because municipalities do not pay the full freight. The government is now going to rebate the city the full GST. And that is it for the average mayor who was promised a big new deal.

Government Orders

Again, when we hear the words “new deal” a lot of people hearken back to FDR. We think of a grand vision, a new deal, a Marshall plan type of macro economic approach or a really dramatic central piece of legislation that dramatically changes the way the government functions or the economy is shifting or the government's relation to its citizens. But in fact, the new deal for cities that this Prime Minister put forward is really nothing. All it is, is a further GST rebate that further complicates the tax code, makes the GST less efficient than it was before and does not give to municipalities the steady stream of financing that they were expecting when the Prime Minister promised them a new deal for cities.

Also, the fake new deal for cities, and in fact, the new deal for suckers, as I have been calling it, is merely a GST rebate that allows the current Prime Minister to cut cheques to mayors across the country just in time for a general election, certainly with political IOUs inferred. That very deal of the GST rebate scheme that he has set up violates the very democratic deficit that he said he was coming into power to get rid of.

When he came into power, he said, “Got to get rid of the democratic deficit”. On October 7, 2003, the House voted—and the Standing Committee on Transport concurred—202 in favour of and 31 against, I believe it was, the federal government starting immediate negotiations with provinces to transfer gas tax points immediately to provinces and municipalities so they could get immediate cash going in. There is something about the vocabulary of this Prime Minister such that he apparently does not understand what the word “immediately” means, because he has completely failed to keep the promise of the House. He has betrayed the confidence of the House.

His own vote in the House, the vote of the current finance minister and all members of the House except the Bloc Québécois showed they believed that the real new deal should happen and gas tax dollars should be flowing to municipalities. This Prime Minister has again failed municipalities and instead is giving them a GST rebate. In fact, all it will do is allow him to cut a whole bunch of cheques—\$48 million a month to the treasury—to cities and mayors so that he will look good just in time for a general election campaign.

• (1730)

It is cynical. It is bad tax policy and it makes the GST less efficient and opens it up for complications. It will require negotiations with provinces anyway because of the harmonized sales tax in Atlantic Canada. Also in some ways it may even be perceived by the people of Quebec, who are certainly rightly sensitive about these things, as yet again the federal government coming into an area of provincial jurisdiction, which is entirely inappropriate and has been done far too often by Liberal governments in the country.

I have some prepared remarks that I do want to read into the record about a bill that has been reinstated by the government, Bill C-2, which was put forward this morning in the House.

Bill C-2 is very troubling legislation. Again, as someone who is a passionate believer in personal liberty, free speech, openness and free markets, I think Bill C-2 betrays the very essence of what small “l” John Stewart Liberals of the federal Liberal Party were about at one time.

Bill C-2 would make it illegal for new immigrants to watch programming from the Middle East, Latin America or southeast Asia, simply because the station would not be distributed by a Canadian company. We have to wonder if the government even understands what the word “free” means.

For my generation, one of the basic rights is the right to channel surf, to watch what we want to watch, to have choice and to do it all as long as we are willing to pay and do it according to the law.

When this Prime Minister was my age, shortwave radio was the window to different cultures in far off lands. Freedom was the ability to tune into Radio Moscow or the BBC World Service and to get news that was unavailable elsewhere. It was also the grim feeling one got realizing that people in places such as Cuba, North Korea and the former Soviet Union were risking their lives by listening to the Voice of America or Radio Free Berlin.

In the 1960s freedom was based on radio signals. Over the past 40 years we have added pictures and gone digital. Today satellite television in places such as Afghanistan and Iraq is the primary symbol of liberty and openness and the images that they represent allow viewers to feel as though they are as free as a bird in the sky.

That the Prime Minister's very first bill in the House would target this technology with Bill C-2 tells me he fundamentally does not understand what freedom is about. Perhaps the Prime Minister thinks that freedom is really only distributed by the government, rather than sanctioned and prevented by the government. It is sad that the Prime Minister commonly mentions in his speeches people who he believes in profoundly in terms of ideological reasoning, people such as Pierre Trudeau, and people intellectually he believes are believers in freedom. He mentions Nelson Mandela and Martin Luther King, who is a hero of mine, as passionate believers in free speech.

Yet his very first bill in the House of Commons, Bill C-2, would prevent freedom of speech and prevent ethnic and minority communities from having free access to people to speak their own language because cable companies do not happen to provide that kind of programming.

In fact, so out of step is the Prime Minister's first new bill with the priorities of ordinary Canadians that, when this issue was raised in the 2002 Windsor West byelection, the NDP won the seat that had been held by the Liberals for 39 years. It was a profoundly important issue in that election campaign.

It gets worse. Not only is the Prime Minister's first new bill out of step with the priorities of Canadians and potentially oppressive to minorities, it is actually useless in achieving the goals he has in mind. Anyone who has been paying attention to this issue knows that there is a high likelihood that Bill C-2 will become the object of a lengthy court battle.

By the time the courts settle the question, technology will have advanced to the point that Canadians will be watching TV via the Internet and laws such as Bill C-2 will simply be unenforceable.

Government Orders

One has to wonder why Bill C-2 would be the government's first priority. After all, on November 14, 2003, in accepting the Liberal leadership, he told Canadians, "We need a new approach to politics, to what we do and how we do it".

• (1735)

Mr. Roy Cullen: Mr. Speaker, I rise on a point of order. I thought we were debating the reinstatement of bills, not Bill C-2. I thought we debated Bill C-2 earlier on in the day, and now we are on to the motion on the reinstatement of bills. I thought the member might be off topic. Perhaps he was not here this morning and he realized he should be debating this main motion.

The Acting Speaker (Mr. Bélair): As a matter of fact, the member spoke on Bill C-2 this morning. I still have to warn the member that we are still awaiting anxiously for him to tie up the previous remarks to government business Motion No. 2, and that is under the principle of reinstating bills.

Mr. James Moore: Mr. Speaker, Bill C-2 is part of the government's overall agenda. Perhaps the hon. member would understand the linkage I am making, if he would come out from hiding behind the gargantuan podium that he seems to be squirrelling behind back there.

Bill C-2 and my conversation of what I am saying about the bill is entirely appropriate. The motion we are talking about is the reinstatement of government bills. Bill C-2 was a government bill that was reinstated in a different format this morning, I will grant the member that. However, I am having a conversation here and putting on the record my thoughts about Bill C-2 and the overall government agenda, which is entirely appropriate.

If the member wishes me to address it more broadly, I would be more than prepared to do that. The Prime Minister was the choice of the member for Etobicoke North who stood up on a point of order. As was saying the beginning, this Prime Minister ran for Prime Minister of Canada stabbing the former prime minister in the back, saying that there were three reasons why he—

The Acting Speaker (Mr. Bélair): I you are pushing it a bit far and I am giving you a serious reminder that we are debating the principle of reinstating bills and not the substance of the bills. Please be respectful to your colleagues also.

Mr. James Moore: Thank you, Mr. Speaker. I was not talking about the substance of the bill. I was talking about the very principle of reinstating it within the context of the fact that the current Prime Minister came to office saying that he had a bold, brand new agenda. As I mentioned in my first comments, his bold, brand new agenda has nothing whatsoever to do with any of the bills that are being brought back into play here.

I would think the former House leader, one of the most ardent defenders of the former prime minister and one of the most ardent opponents of the current Prime Minister, would certainly agree with the things I have to say because I know deep down in his heart, perhaps not that deep down, if we just scratch the surface, he is in wholehearted agreement with my assessment of the current Prime Minister and his non-agenda for Canada.

I have spent a tremendous amount of time in my riding, reading correspondence and talking to constituents. There is very little either in the throne speech or in the reinstatement motion by the Prime

Minister that has in my constituency even the least bit interested or re-inspired about Canadian politics or about the government.

Again, this Prime Minister told Canadians that he had a brand new, bold vision. What is the very first thing he does? He invokes closure. He puts in time allocation. He reinstates old legislation from the ancien régime. He wants to cut off debate. He does not have any brand new ideas to put forward on the table.

We have an Auditor General's report that will come down tomorrow. It will talk about how the Prime Minister and the government are not dealing with the democratic deficit, that they are not dealing with cleaning up the scandals of the past, that they are not moving the ball forward and making the country a better place in the grand vision that he had for this country.

With the very idea of replacing one prime minister with the new Prime Minister should come a sense of renewal. Instead what do we see the government putting forward? We have Bill C-35, an act to amend the National Defence Act (remuneration of military judges). We have Bill C-38, an act to amend the Contraventions Act and the Controlled Drugs and Substances Act.

I can assure the member for Glengarry—Prescott—Russell that was not on the platform on which he was elected, and it certainly was not part of the agenda on which new Prime Minister ran. He said to elect him as prime minister. He said that the Liberals would have to go to the Air Canada Centre in downtown Toronto, that they would bring Bono and Cirque du Soleil there and that they would have a grand old time. They would pack half of Air Canada Centre and do all that great stuff. If he had said if they elected him, the very first thing he would do was bring back all the old, bad legislation that was from the old guy the Liberals had just got rid of, I am quite certain he would not have had nearly the ovation he did at the convention. Canadians would be scratching their heads and asking what happened to that new deal for cities. What happened to addressing the democratic deficit, bringing back the old ideas from the old regime, the very ideas that he criticized and could not be a part of at all? How is that addressing the democratic deficit, bringing forward bold new ideas and a new vision for cities and a new agenda for municipalities? That is not what this is about.

When somebody runs for office, whether as a member of Parliament, or a cabinet minister in the back rooms or to become party leader, one has to have a bold, brand new agenda, something like building a bigger economic pie. Particularly, if one runs for party leader of the incumbent governing party, one has to have new ideas that have to be addressed and that need to be put forward in the country, ideas for which there is an urgent need.

Putting forward, as one's very first action in the House, Motion No. 2 to reinstate all the legislation from the ancien régime is hardly a new beginning and a fresh start for Canadians. It is not what people had in mind. It is not what people expected from the Prime Minister.

Government Orders

I stood on the floor of the Air Canada Centre and I heard the current Prime Minister's speech. It was one of the longest nights of my life. He did not mention bringing anything back. He said that the first thing he would do was bring back legislation to give Canada the most liberal marijuana laws on the planet, making it far more liberal than even the most liberal marijuana laws that they have in Amsterdam. If they brought him back, he would reinstate and put in place the legislation that pumps billions of dollars in corporate welfare back into Bombardier and VIA Rail. If they brought him back, he would bring forward all the legislation, all the stuff for which he said the former prime minister was drifting and not doing anything about, not going anywhere and was not addressing the big concerns of this country. He said if he was brought back and put in power, he would promise Bono, U2 and Cirque du Soleil. If he was put in as Prime Minister of Canada, there would be a bold new agenda.

Again, persistently we have failed to see that. It was the government members and the member for Yukon, who spoke just prior to myself, who mentioned the throne speech. He said that this was a precursor for the government really addressing the throne speech.

• (1740)

The throne speech was full of platitudes and empty rhetoric. The new deal for cities is an empty deal. There is virtually nothing there at all. It further complicates, as I said, the tax code, it makes the GST less efficient and it does not give a steady stream of financing to municipalities.

One broad area that is of particular concern to my constituents and to the constituents of British Columbians is the area of crime. The throne speech had precisely 4,662 words in it. Not one of those words mentioned crime or criminal justice reform. The whole subject matter was deleted. For that matter, neither were the fisheries, the fishing industry, agriculture or anything to do with agriculture mentioned.

The province of British Columbia has serious problems with regard to crime. It has street racing, grow ops of marijuana, parole reform and the idea of conditional sentencing. It is the idea of not having consecutive sentences for violent criminals.

We have one sad story of Darcy Bertrand, a guy who on Thanksgiving Day, I believe in 1995, attended a church service where he pulled out a knife and murdered his mother-in-law, father-in-law and his wife right in front of his kids. He was convicted of the murders a year later. He pled guilty to three counts of second degree murder and was convicted a year later on all three of those counts. After five years in a medium security prison, he was transferred to a minimum security facility that does not even have a fence. This facility is 20 minutes away from the surviving family members.

This raises all kinds of questions when these kinds of concerns are there. There is no criminal justice legislation at all in Motion No. 2. The previous government did not put forward any legislation of that kind. None of those three bills deal with anything serious.

The member for Glengarry—Prescott—Russell, who is now quickly becoming an apologist for the current Prime Minister, the very Prime Minister who he opposed becoming Prime Minister, says

that there are three bills dealing with justice reform in Motion No. 2. None of them deal with the substantive concrete issues that are of concern to Canadians.

How is it that members of this Liberal government are so dramatically out of touch that, for example, in the very case of Darcy Bertrand, a guy who walks up in broad daylight and murders his wife, his mother-in-law and his father-in-law in front of his kids, and after being found guilty of three counts of murder, he goes to a medium security prison? If that guy does not deserve to be in a maximum security prison, I wonder who does. He was put in a medium security facility and after five years he was sent to a minimum security facility with no fence at all and 20 minutes away from surviving family members. It is a facility from which people have walked away freely in the past.

Putting forward Motion No. 2 will not address the concerns of Canadians. Not putting forward any legislation to address criminal justice reform or even mentioning criminal justice reform in the throne speech does not address the real issues and concerns of Canadians and does not address the priorities that people in my community and in my electoral district have. The people in British Columbia want criminal justice reform issues addressed. They do not want these sorts of games.

When someone steps forward and says that he is going to run for public office, that he will be the new prime minister of Canada because he has a bold, new agenda, he must deliver. He has to actually come forward with some brand new ideas, not some rehashed old ideas from the very prime minister that people said had to be done away with because he had no new ideas. This is the ultimate contradiction.

The current Prime Minister has failed again. He has failed to give a new vision. He has failed to give new ideas. He has failed the democratic deficit challenge. He has failed to give a new agenda for cities. He is giving the same old agenda that will not work and will not give Canadians the fresh start they need.

• (1745)

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I always enjoy debating with that member but I have to take issue with his comment about the democratic deficit that the new Prime Minister is putting forward and has been putting forward since the very speech he mentioned. It has been mentioned so many times in the press and in the House that I cannot believe the member is so out of touch as to not understand.

One of the items coming is the three line vote, which will change the vote of thousands of MPs in the future and their ability to vote; the one and two line vote to go to committee before second reading so that parliamentarians have a chance to have input on the whole nature of the bill, not just inconsequential amendments; to increase resources to committees where a lot of members of Parliament have always said there is tremendous work done; to have a national security committee where MPs can be informed and involved; to improve the scrutiny and/or reporting of departmental estimates—I cannot believe the member is against that or has not heard about it—or take recommendations from committees on which governor in council appointments could be subject to review by Parliament.

Government Orders

The national press has said these are the most far reaching changes in decades. I would be embarrassed to be so out of touch and so unaware of these changes as the member seems to be. I am giving him a chance because I cannot believe he would be against all these things. I know many of his colleagues are in favour of some of these. I would ask the member to stand and say that he is totally against all these things that would improve Parliament.

● (1750)

Mr. James Moore: Mr. Speaker, they are the most far reaching, breathtaking, earth shattering reforms that could ever possibly come from a Liberal. This is as good as it gets from a Liberal.

Given that I have 10 minutes for questions and comments, I would invite my colleague from the Yukon to stand up and respond to this: Given that the government is so profoundly in favour of democratic reform, given that the parliamentary secretary is part of this new broader cabinet and he is at the cabinet table, could he perhaps let us know in a free exchange here, and he has the opportunity to get up and respond, would the government allow a free vote on more money going into the gun registry, yes or no? Would the government allow a free vote on that very important issue by members of its own party? I see the deputy government House leader sitting in the House. Would it allow a free vote on that, yes or no, and be a democratic reformer?

The Acting Speaker (Mr. Bélair): Just a moment, please. I do not know if this is question period or not. I am tempted to give the floor to the hon. member for Yukon very briefly because the hon. member for Glengarry—Prescott—Russell has also risen to ask a question or make a comment. Very briefly, the parliamentary secretary.

Hon. Larry Bagnell: Mr. Speaker, the member should remember that we already had a free vote on the gun registry in November. I am quite happy to say that I voted against it.

The member did not answer my first question. All the mayors of the large cities gave all sorts of statements on how effective is the new deal for cities and how excited they are, that it is a great start. One of the mayors from my riding said the same thing to me yesterday. To diminish it by picking one councillor in one municipality is not reflective of what was reported in the media across the country. It is another great element from the throne speech.

Mr. James Moore: Mr. Speaker, I very much look forward to the day when we put forward a supply day motion in the House. I will be very interested to see the member for Yukon voting against his Prime Minister. We will then see how much longer he will be sitting there. Perhaps he will return to his usual seat right over here next to us when he votes against his own government on a money bill. The hon. member for Yukon should not worry. We will make due note of today's *Hansard*.

I did not quote any particular councillor in my district. I do not know if the member was here, although all members are presumed to be here, but on October 7, 2003 the House voted 202 in favour and 31 opposed, with all Liberals except for two voting in favour of the official opposition motion to have an immediate transfer of gas tax dollars to the provinces and municipalities. Giving a further rebate of the GST, as I have said a couple of times in my speech, further

complicates the tax code and makes the GST less efficient. It is not new money going to cities. It is a rebate on money that they have to spend already.

A number of this country's municipalities do not have new money to spend. Giving them a rebate on money they cannot afford to spend is not helping them. It does not do anything for them. They need gas tax dollars going back directly into their hands so that they can deal with the urban sprawl and the infrastructure needs they have.

If the hon. member for Yukon understood that, if he was here during the debate we had on that and if indeed he voted in the House on October 7 when we had that vote, he would not be so brash about betraying that vote.

Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, I want to take the hon. member to task for a number of things he has said.

He said that the rebate on the GST to municipalities is not a worthwhile endeavour. I am sure that the Federation of Canadian Municipalities will be very curious to find out why the hon. member is taking a position that is so diametrically opposed to that which our municipal colleagues are asking us to do.

I was at a meeting with the county council of Prescott-Russell two weeks before the throne speech. The hon. member does not have to believe me; he can phone the warden of the counties himself and I will give him the phone number, but the one issue they raised was to ask for the rest of the rebate on the GST. That is the one thing they raised. The night of the throne speech, I went back to my office prior to going to the celebrations which a number of us attended, and the one phone call I made was to the county warden congratulating him for having in the throne speech that which he wanted. I say that to the hon. member.

I also say to the hon. member that he was not accurate in the accusations he made against the Prime Minister or anyone else in the House. The Prime Minister has produced for us a very excellent, as we know it, throne speech. That is a very different issue from reinstating the bills that we have passed, or at least enabling ministers to reinstate legislation. The hon. member does not want us to reinstate bills. That means he does not respect the fact that the House has already voted on those bills. He does not want us to recognize the democratic exercise that has already taken place. Why is he against that?

● (1755)

Mr. James Moore: Mr. Speaker, obviously a number of issues were raised.

I addressed the throne speech overall because the written speech by the parliamentary secretary from the Yukon who spoke before I did mentioned the throne speech. I had an obligation to clean up some of the rhetoric put forward by the member and at least give a contrary opinion from the official opposition.

Government Orders

Specifically on the first issue that the member raised with regard to the GST rebate, certainly the provinces have offloaded to the municipalities. The federal government has been offloading fiscal responsibilities to the provinces. They will be thankful for anything that they get. As I said in question period last week, a starving man will be thankful for any few crumbs that he gets from the Liberal government.

That is one thing but it is a very separate other thing to have a sustained, long term program for financing to the provinces and municipalities. If we want to simplify things dramatically with regard to the fiscal federalism that we have and the disconnect that we have in this country, it can be boiled down relatively simply.

The Constitution of 1867 has the signature of all provinces on it. That document applied today in 2004 in Canada means that two-thirds of all services that citizens enjoy in this country from governments come from the provinces principally and municipalities and one-third from the federal government. However the federal government consumes two-thirds of all tax dollars in this country. What we have always argued for and in fact what the House argued for was to fix that fiscal imbalance to make sure that the provinces have the appropriate level of financing to address their needs and their concerns.

I would assure the member for Glengarry—Prescott—Russell that if he asked all the towns, villages and municipalities in his district if they had a choice between a little bit more of a GST rebate or sustained stable financing, given the fact that 99% of all roads that people drive on in this country are engineered, built and maintained by the provinces and municipalities, how about getting some, if not all, of the 50% of the tax bite that we take on gasoline back on a steady basis so they could finance the growth and needs that they have, they would jump at that opportunity. That is the very policy that our party believes in. That is the very policy that I thought the whole House believed in when on October 7 we voted 202 to 31 in favour of making that happen.

The former House leader for the former prime minister has demonstrated once more why Canadians voted to have a change and to have a real democratic deficit adjustment in this country. The problem has been that the current Prime Minister that he is now apologizing for has again failed to do that.

What Canadians will recognize in this debate and what Canadians will recognize in the coming couple of months as we head into the election campaign is that the real political party that has persistently been on the record in favour of democratic change and honouring this House and putting gas tax dollars back into the hands of provinces and municipalities is the new Conservative Party. We are the party that has kept our word and we will continue to do so.

Mr. Roy Cullen (Etobicoke North, Lib.): Mr. Speaker, the motion seeks to reinstate bills that died on the Order Paper when the previous session of Parliament ended.

As all of us know, the goal of the motion is a simple one: to spare members the burden of having to repeat work on bills that got as far as the committee stage in the last session.

[*Translation*]

This is especially commendable given the numerous pressures MPs are under and the limited resources available to us.

[*English*]

What features are contained in the motion? Simply put, under the motion a minister would be able to request during 30 sitting days after the motion's adoption the reinstatement of a bill that had reached at least the committee stage when the last session ended. Should the Speaker be satisfied that the bill is the same as in the previous session, the bill would be reinstated at the same stage as before.

[*Translation*]

Thus during this session we can skip all the stages of debate that have been completed so far. The work of the committees that are considering the bills would consequently be preserved. In short, this is a very appealing option.

[*English*]

Parliament relies heavily upon precedents which means we are constantly looking over our shoulder to ensure new measures are consistent with past practices. Is this motion in keeping with the longstanding practices of the House? It is in fact a practice we have had for over three decades.

On a number of occasions reinstatement motions have been adopted by consent and without debate. It is clear that today's motion is well within the bounds of accepted parliamentary practice. This is supported by Marleau and Montpetit's authoritative guide to parliamentary procedure which discusses this issue in some detail. While they recognize that as a general principle prorogation of a session means that all bills that have not yet received royal assent die on the Order Paper and must be reintroduced in the new session, they also recognize that "bills have been reinstated by motion at the start of a new session at the same stage they had reached at the end of the previous session; committee work has similarly been revived".

One point that needs clarification is that this motion allows the government the flexibility to reintroduce certain bills. It does not require the government to reintroduce all bills that were on the Order Paper at a certain stage when Parliament prorogued. Let me give an example of some bills which the government would have the flexibility to reinstate if it so chose.

One is Bill C-7 on the administration and accountability of Indian bands. The new government has indicated it would like to revisit that whole question of governance but nonetheless, this motion would give the government the flexibility to reintroduce that bill should it so choose.

Government Orders

Another one is Bill C-10B on cruelty to animals which has received a lot of attention in my riding. Bill C-13, assisted human reproduction, as an example had passed third reading and had been sent to the Senate and a great deal of the work that had been done here in the House of Commons would have to be redone. Bill C-17 on public safety was another bill that had passed third reading and had been sent to the Senate.

Bill C-18, an act respecting Canadian citizenship, is another bill that the government if this motion passes will be able to reintroduce if it so chooses. Bill C-19, first nations fiscal management, was at report stage. Bill C-20, protection of children, was at report stage. Bill C-22, the Divorce Act, was in committee. Bill C-23, registration of information relating to sex offenders, had passed third reading and had been sent to the Senate. Bill C-26, the Railway Safety Act, was in committee. Bill C-27 on airport authorities was at second reading when the House prorogued.

Bill C-32, Criminal Code amendments, had passed third reading and had been sent to the Senate. Bill C-33, international transfer of persons found guilty of criminal offences, was at report stage when we prorogued. Bill C-34, ethics, had passed third reading and had been sent to the Senate where it had been amended.

These are bills that have gone through a lengthy debate and process within the House of Commons and some already within the Senate.

Bill C-35, remuneration of military judges, had passed third reading and had been sent to the Senate. Bill C-36, Archives of Canada, had passed third reading and had been sent to the Senate. Bill C-38, the marijuana bill, was at report stage and second reading. Bill C-40, Corrections and Conditional Release Act, was at first reading when the House prorogued. Bill C-43, the fisheries act, was at first reading when the House prorogued.

Bill C-46, the capital markets fraud bill, had passed third reading and had been sent to the Senate. This is a bill that will help the government deal with the kind of corporate fraud that we have seen with Enron and many other examples. We want to make sure that our government has the ability to deal with these types of issues so that investors are protected from the fraudulent activities of the management of various companies and their directors.

Bill C-49, the electoral boundaries act had passed third reading and was in the Senate.

• (1800)

Bill C-51, the Canada Elections Act, and Bill C-52, the Radiocommunication Act, were at second reading when the House prorogued. Bill C-53, the riding name changes, had passed third reading and was sent to the Senate. Bill C-54, the Federal-Provincial Fiscal Arrangements Act was in committee as was Bill C-56, the Food and Drugs Act, when the House prorogued. Bill C-57, the westbank first nation self-government act was also in committee.

There was a lot of work involved in getting these bills to this stage. The government is not necessarily committing to reintroducing all these bills, but we want the flexibility to reintroduce those bills which we support and not have to reinvent the wheel.

The amendment put forward by the member for Yorkton—Melville indicates that there are a number of bills that, given the government's flexibility, he would not like to have reinstated. That includes Bill C-7, the bill dealing with the administration and accountability of Indian bands. Our government may want to revisit that bill.

The member for Yorkton—Melville has said that Bill C-13, the assisted human reproduction bill, should be left alone as well. He names a number of other bills such as Bill C-19, Bill C-20, Bill C-22, Bill C-26, Bill C-34, Bill C-35, Bill C-36, Bill C-38.

I should point out that a number of these bills, Bill C-13 for example, passed third reading and was in the Senate. The member for Yorkton—Melville wants us to start all over with that bill.

He said that Bill C-34, the ethics legislation, should not be reinstated, yet that bill had passed third reading and was sent to the Senate where it had been amended. We all know about that bill.

He said that we should start all over again with regard to Bill C-35, remuneration for military judges legislation. That bill had passed third reading and was in the Senate.

I do not know what is so contentious with regard to Bill C-36, the archives of Canada legislation, but the member for Yorkton—Melville wants us to start all over again with that bill. Bill C-38, the marijuana bill, was at report stage.

A lot of work has already been done in this chamber and in the other place on bills that, without the passage of this motion, would have to be started all over again. There is a long list of precedents for reinstating government bills and reviving committee work.

• (1805)

[*Translation*]

For example, in 1970, 1972, 1974 and 1986, the members of this House gave their unanimous consent to a motion to reinstate bills from a previous session.

[*English*]

In 1977 and 1982 members amended the Standing Orders to allow Parliament to carry over legislation to the next session. All of which testifies to the longstanding practice of the House of allowing the reinstatement of bills at the same stage as was the case in the previous session, which is precisely what the motion calls for.

It is interesting to note, and I have some personal interaction with this particular idea, that the procedure proposed in the motion is similar, in fact it is identical, to that which exists in the Standing Orders for private members' bills which the House adopted in 1998.

Government Orders

I have a private member's bill, Bill C-212, an act respecting user fees, that unanimously passed all stages in the House, was in the Senate, had passed first reading in the Senate and had been referred to the Senate Standing Committee on National Finance. Then we prorogued. Without this particular feature, I would have had to start all over again in the House of Commons after two to three years of work and a bill that had passed unanimously at all stages in the House of Commons.

With this particular Standing Order, the bill is already on the floor of the Senate. We did not have to reinvent the wheel here in the House of Commons. I am hopeful that it will be passed to the Standing Committee on National Finance shortly and then onwards from there.

We say that those rules are good for private member's bills, in fact they have the support of the House because they are now part of the Standing Orders. We say, on the one hand for private members' business, it is all right to reinstate these bills, but for the government's business it is not, this is a whole new thing.

The member opposite said that if we have a new government then why do we not have new ideas. I can assure the member that if he read the throne speech, and if he looked at the new democratic deficit paper, this is just the start. He will see that the government will be operated very differently.

However, having said that, there is no problem in my judgment to reintroduce those bills that make sense. There has been a lot of work done already. With this motion, the government would have the flexibility to deal with these bills that have been passed, where there is consent of the House, and send them to the Senate.

• (1810)

[*Translation*]

It is interesting to note that in 1977, a private member's bill was reinstated after Parliament was dissolved.

[*English*]

All of which inevitably leads us to the conclusion, as I said earlier, that if it is reasonable to reinstate private members' bills at the same stage, surely we have the common sense in this chamber to say that it is reasonable to follow the same procedure with respect to government bills.

What would be different about government bills? If we have adopted the procedure in the House for private members' business, why would we want different rules for government business, unless we are out to score political points or be partisan in our debate?

I should point out that this practice of reinstating bills is also practised in other mature democracies that have ruled in favour of bringing legislation forward from one session to another.

I think of the parliament in the United Kingdom from which many of our own parliamentary practices originally came. It has reinstatement motions to allow government bills to carry over from one session to the next.

The official opposition has told the media that it would oppose the motion for the sole purpose of delaying bills from the last session. This is patently unfair and contrary to House practices. The attitude

shows it has little regard for the work of the House and for Canadian taxpayers. Opposition members will ask members of the House, at great cost to the public treasury, to come back and re-debate bills that have already passed this chamber and are in the Senate in many cases.

The bills that will be reinstated would include the legislation to accelerate the coming into force of the new electoral boundaries which was passed by the House of Commons and sent to the Senate.

We talk about dealing with western alienation. This particular legislation would allow more seats for British Columbia and Alberta. This is the way to proceed. Why would we want to delay that bill? Why would we want to have the debate all over again on something that is patently obvious.

We take the census and figure it all out, and draw the boundaries. This is not rocket science. This is done by Elections Canada. It redefines the boundaries. It recognizes that Canada is a growing country, that different areas are growing more quickly than others, and it redefines the boundaries.

If we have that bill when the next election is called, Alberta and British Columbia will have a bigger voice. I think Ontario would receive more seats as well. I am sure that there could be an amendment that could be put forward to deal with Nova Scotia perhaps.

There is the legislation to create an independent ethics commissioner and a Senate ethics officer, something that the members opposite have argued for vociferously for months, perhaps years. This bill could be reinstated very simply by agreeing and adopting this motion. We could have an independent ethics commissioner for the House and a Senate ethics officer.

The motion should have the support of the House. It is the practice in most mature democratic countries.

In conclusion, we need to be clear that adoption of the motion does not mean that all the bills that were on the Order Paper when we prorogued would automatically come back. It means that the government would have the flexibility to pick those bills that, in its wisdom and judgment, it sees fit to bring back. That would allow us not to have to reinvent the wheel and re-debate those bills that have the support of the chamber. Many of them also have the support of the Senate, at least at first reading stage.

The motion before us today does not represent a break with our parliamentary traditions. In fact, it is very much a part of our parliamentary traditions and it is entirely consistent with the practice of the House dating back to 1970.

[*Translation*]

• (1815)

Moreover, the measures described in the motion would greatly contribute to freeing up the members so that they can focus on the important task of developing new initiatives for promoting the well-being of Canadians.

Government Orders

[English]

With this in mind, I certainly intend to support this motion. I would urge other members to support it so we can get on with the business of the House, the important business and legislation that can be brought forward and reinstated and not have to be re-debated.

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, I was not intending to rise until I heard the hon. member, for whom I have great respect, say the words “government” and “wisdom and judgment” in the same term. That is what scares us on the opposition side: when the Liberals talk about wisdom and judgment. What kind of wisdom was it to have people who have disabilities go back to their doctors so they could say that they indeed they are still blind or still missing a leg, all in order to get a tax credit? What kind of wisdom is it to have a throne speech that does not mention this country's shipbuilding crisis or the softwood lumber concerns in this country? Those are the kinds of things we have a problem with.

I have a question for the hon. member. I checked with the Clerk at the table and it is very clear that the government is very concerned that we get these bills back—the ones it would like to have—because they are important. They are relevant and the government does not want to waste a bunch of time reinventing the wheel, as he said. If this government were so concerned about the respect of Parliament and the respect of opposition members, we would not have had two prorogued sessions in the 36th Parliament. Now we are working on our second prorogation. I have only been here since 1997. There have been four prorogations and one election in the middle.

The government decides that when the heat is on or when a big challenge is coming up, it will stop the House, prorogue, put on a fresh coat of paint, give a new throne speech and life will be all wonderful again. The reality is that all it had was a change of captains on the sinking of the *Titanic* recently. Instead of Mr. Chrétien, we now have the new Prime Minister. The House did not have to prorogue. The House could have continued. If the government were serious about respect for Parliament, it could have continued. There is no reason why Parliament had to prorogue. There was no reason the last time it prorogued.

I would like to ask the hon. member, why does he think that the government can just play yo-yo in this place and shut it down whenever it feels uncomfortable?

Mr. Roy Cullen: Mr. Speaker, I thank the member for Sackville—Musquodoboit Valley—Eastern Shore for his comments. I know that the member is a very valuable member of the parliamentary hockey team, a very good goaltender who we miss from time to time.

Nonetheless, just to clarify one point first, it is the Governor General who really calls for the prorogation. It is not the government. It is the Governor General. I think we need to make that point just so that Canadians understand completely.

Second, the member knows full well, unless he was not reading the papers, that in our Liberal Party we just had a leadership convention. We just elected a new leader. Would the new leader not want to bring in his own imprint, his own stamp, with a throne speech and with the flexibility to deal with some legislation that has already been debated in the House? That was the reason for the prorogation. The member implies that the reason for the prorogation

is to get rid of some ugly bits of legislation. He knows full well that the new government wants the chance to come out with a throne speech to set the direction and the vision moving forward. That is why we prorogue. That is why we have a throne speech. I am surprised that the member opposite does not know that. He should have studied that in poli-sci 101. It is clear that this is the reason for the prorogation.

• (1820)

Mr. Peter Stoffer: Mr. Speaker, God love him, as we say in the Maritimes. The member knows very well that the Governor General does not ask for prorogation. The Governor General is advised by the Prime Minister of the day that this is what the Prime Minister would like to do. The Governor General does not just wake up one day and say, “I will prorogue the House of Commons”. That direction comes directly from government.

If we really want to know the truth as to why the House was prorogued after the change of captains at the Liberal leadership convention, we will find out tomorrow. It is called the Auditor General's report, which should have been released prior to the transfer of the captainship from Mr. Chrétien to the hon. member for LaSalle—Émard.

Would the hon. member like to stand up in the House and tell us the real reason why the House was prorogued? We will find out tomorrow that it was because of that damning Auditor General's report that is very damaging to the Liberal government.

The Acting Speaker (Mr. Bélair): Let us keep it on the reinstatement.

Mr. Roy Cullen: Yes, Mr. Speaker, I tried to patch together the linkage there with what we are debating today. I think what we need to be clear on here is terms of accountability. It is true that the Prime Minister might go to the Governor General and request a prorogation, but the Governor General decides whether there is going to be a prorogation or not. This is clear.

The member opposite should study the Constitution. The Governor General has the accountability for deciding on prorogation or not. In this particular case, I think she made an excellent decision. That is totally her prerogative. It is not the prerogative of the government. The government can recommend, but that is where the member needs to understand the difference between recommending and decision making and the accountabilities that flow from that.

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, CPC): Mr. Speaker, the hon. member was telling us about how the Governor General prorogued Parliament and now he is going on about how we have to bring back these bills so that we can have electoral reform. I have the maps of the new boundaries of my riding; they are all in place. Bringing back this bill does not have anything to do with the redistribution or anything. Basically it gives the new government and the new leader the right to go ahead and have an April 1 election. I want to hear the member's comments on that, because our boundaries are all in position right now.

The Acting Speaker (Mr. Bélair): Let us try to bring it back to reinstatement of bills.

Government Orders

Mr. Roy Cullen: Mr. Speaker, I will try but we have gotten so far off topic that it is going to be difficult so please bear with me.

The member opposite needs to be clear on what happens with an election. Again let me say that it is the Governor General who makes the decision about an election call. It is true that the prime minister of the day might go to the Governor General and say, “Madam Governor General, Your Excellency, I think it's time for a general election in Canada”. The Governor General could turn around and say, “Mr. Prime Minister, I don't think so. I don't think we'll have an election right now”. So again we need to come back to accountabilities and the Canadian Constitution.

These boundary changes will be good for the member's province and I urge her to support the motion so we can get on to this legislation and have an election, and she will have more members from Alberta in the House if the bill goes through.

Mrs. Carol Skelton: Mr. Speaker, Saskatoon—Rosetown—Biggar is in Saskatchewan.

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I assume the hon. member from Sackville—Musquodoboit Valley—Eastern Shore will be voting for this bill after his eloquent speech on why there should not be prorogation so we could deal with these excellent bills.

I want to compliment the Bloc for patiently putting up with this debate of the opposition to stall the House and bring back the same speeches over and over again. Quietly sitting there, it is very good.

I do want to ask the member a question. I keep trying to find the opposition's reason for not moving this. The opposition is really just reaching for straws at this time. Quite often it has some rationale, but not in this particular case. One of its arguments was that we have a new prime minister. It is fine that it is historically done in our Parliament and in Britain that the same prime minister brings back a good bill, but if the person changes then we cannot bring back a new

bill? I wonder if the member thinks that makes any sense as an argument against this. Or has he heard any good arguments against this motion?

• (1825)

Mr. Roy Cullen: Mr. Speaker, I thank the member for Yukon for a very good question. Frankly, I have not heard so far in this debate any good reasons for not supporting this motion. I find this passing strange from the party opposite, the Conservative Party, which was always concerned, and rightly so, about managing things wisely and spending the taxpayers' dollars very frugally, and so it should be. People on this side of the floor agree with that. However, to bring people back to debate the very same bills that the House has unanimously supported is not wise management. It is not as though the bills are different. The Clerk and the Speaker can only accept those bills that are the same as those that had been debated before. We would be asking the House of Commons to come back and debate the same matter over and over again.

To answer, I think it would be a waste of taxpayers' money, and I agree with the member for Yukon that there have not been any convincing arguments, apart perhaps from a partisan need to put forward this notion that it is a whole new government so we need all new legislation, which patently does not make any sense.

Mrs. Carol Skelton: Mr. Speaker, seeing that it is almost 6:30 and we have a minute and a half left, could we see the clock as 6:30 and start debate tomorrow morning?

The Acting Speaker (Mr. Bélair): Is there unanimous consent?

Some hon. members: Agreed.

[*Translation*]

The Acting Speaker (Mr. Bélair): It being 6:30 p.m., the House stands adjourned until tomorrow at 10:00 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 6:27 p.m.)

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