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OFFICIAL REPORT
(HANSARD)

Thursday, April 29, 2004

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Thursday, April 29, 2004

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

● (1000)

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

Hon. Roger Gallaway (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, pursuant to Standing Order 36(8) I am pleased to table, in both official languages, the government's response to two petitions.

* * *

● (1005)

[*Translation*]

INTERPARLIAMENTARY DELEGATIONS

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, pursuant to Standing Order 34, I have the honour to present to the House, in both official languages, two reports from the Canadian branch of the Assemblée parlementaire de la Francophonie, as well as the related financial report.

The first report deals with the meeting of the parliamentary affairs commission held in Vientiane, Laos, April 7 to 10, 2004.

The second report deals with the meeting of the education, communication and cultural affairs commission held in Bucharest, Romania, April 15 to 18, 2004.

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[*English*]

CRIMINAL CODE

Mr. Leon Benoit (Lakeland, CPC) moved for leave to introduce Bill C-521, an act to amend the Criminal Code (search and seizure).

He said: Mr. Speaker, I am pleased to introduce this private member's bill on search and seizure. This bill is meant to correct something that was improperly inserted in Bill C-68, the gun control act. That bill allows for search and seizure without a warrant, which is something that is very unusual. This bill would correct that and require a warrant for search, and also restitution for unnecessary damage done as a result of that search.

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

AGRICULTURAL PEST CONTROL PRODUCTS REPLACEMENT ACT

Mr. Leon Benoit (Lakeland, CPC) moved for leave to introduce Bill C-522, an act respecting the replacement of agricultural pest control products.

He said: Mr. Speaker, this private member's bill is meant to protect farmers in particular against the removal of a product that is very important to them in protecting their livestock and crops. A product may be taken away without scientific evidence to indicate why it should be taken away.

I have seen this several times over the 10 years I have been in the House, in particular the use of strychnine to control gophers. The scientific evidence to remove that product was not there. This would simply protect against that and require that a committee of the House actually examine the removal of a product which is very important to farmers or others.

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

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INCOME TAX ACT

Mr. Andy Burton (Skeena, CPC) moved for leave to introduce Bill C-523, an act to amend the Income Tax Act and the Income Tax Regulations (Queen Charlotte Islands).

He said: Mr. Speaker, I am pleased to introduce this private member's bill. The intent of the bill is to amend the Income Tax Act to make the Queen Charlotte Islands a prescribed northern zone for the purpose of section 110.7 of that act in recognition of the high costs associated with living in such a very remote area of Canada.

It would also amend the income tax regulations so that the Queen Charlotte Islands would no longer be a prescribed as an intermediate zone for the purpose of section 110.7 of that act.

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

* * *

[*Translation*]

ETHICS COMMISSIONER

Hon. Jacques Saada (Leader of the Government in the House of Commons and Minister responsible for Democratic Reform, Lib.): Mr. Speaker, I move:

That, pursuant to section 72.01(1) of the Act of Parliament of Canada, chapter P-1 of the Revised Statutes of Canada (1985), the House approve the appointment of Bernard Shapiro, from Montréal (Québec), as ethics commissioner for a five-year term.

● (1010)

The Speaker: Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: On division.

(Motion agreed to)

* * *

[*English*]

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Hon. Roger Gallaway (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I move that the 25th report of the Standing Committee on Procedure and House Affairs presented on Tuesday, April 27, 2004, be concurred in.

I am pleased to speak to the motion which calls for the adoption of the 25th report of the Standing Committee on Procedure and House Affairs. The report contains three recommendations.

The first recommendation, being the most important in my view, recommends that the conflict of interest code, which is appended to the report, for members of the House of Commons become part of the Standing Orders of this House and that the code would come into force and effect at the beginning of the 38th Parliament.

This matter has been discussed and debated in committees in both this place and in the other place for some time. In fact, in 1996 both this Chamber and the other place adopted resolutions, which I will read in part:

That a Special Joint Committee of the Senate and the House of Commons be appointed to develop a Code of Conduct to guide Senators and Members of the House of Commons in reconciling their official responsibilities with their personal interests, including their dealings with lobbyists.

Part of that mandate was that the committee would consult broadly and review the approaches taken with respect to these issues both in Canada and in other jurisdictions with comparable systems of government. Out of that process, which began in 1996, came a code of conduct which came about after a great deal of discussion both with members of this place at the time and with others who were from other legislatures in this country and in other jurisdictions.

The 25th report has certain guiding principles that lay out the principles that should guide members of Parliament. It notes that "service in Parliament is a public trust and the House of Commons recognizes that its members are expected to serve the public interest and represent constituents to the best of their abilities".

That is an important principle because it recognizes and upholds the representative capacity, indeed the constitutional role of members of Parliament, which is always to represent constituents. In fact, it is an acknowledgement of the principle that we, as members of the House, come from those we represent and from nowhere else. That is the first principle.

The second principle with respect to the code of conduct is that members are expected to fulfill their public duties with honesty and uphold the highest standards so as to avoid real or apparent conflict of interest and to maintain and enhance public confidence and trust in the integrity of each member of the House of Commons.

The third principle is to perform their official duties and functions and to arrange their private affairs in a manner that bears the closest public scrutiny, an obligation that may not be fully discharged by simply acting within the law.

Those are some of the principles that are laid out.

Let me move on to recommendation 2 because the committee's 25th report contains three recommendations.

Recommendation 2 states:

The Committee further recommends that the Standing Orders of the House of Commons be amended

a) by deleting Standing Orders 21 and 22;

It is technical in the sense that it refers to the specific standings orders that need to be either deleted or amended.

Recommendation 3 is also technical in nature in that it recommends that the Clerk of the House be authorized to make any editorial changes required by the adoption of these amendments to the Standing Orders.

● (1015)

This is important in terms of the Standing Orders because what we have seen in the House over the past several years has been a number of attempts, and very good attempts, at creating a code of conduct. On March 15, 2001, the member for Pictou—Antigonish—Guysborough had a motion on the Order Paper under private members' business asking the government to introduce legislation to establish a code of conduct for members of Parliament. It too was based on the final report of the Special Joint Committee on a Code of Conduct for the House of Commons.

The member for Halifax had a private member's bill, Bill C-417, in the second session of the 37th Parliament which was much the same. The purpose of that bill was to establish a code of conduct for members of the House and to provide for an officer of Parliament to be known as the ethics counsellor.

If one looks at the joint committee report, a committee established by resolution of both this Chamber and of the other place in 1996, it carefully considered whether in fact we should have a code that would be placed in the Standing Orders or, alternatively, whether we should move on a statutory front, which is what the member for Pictou—Antigonish—Guysborough recommended by his private member's motion of 2001, and also what was attempted to be done by Bill C-417, which had first reading on March 20, 2003.

In its report of 1997, the special joint committee recommended against a statute, that is putting it into a law passed by this place and the other place and given royal assent. There was good reason for that. We have to understand that the Standing Orders are procedural in nature. They apply in this place and are not intended to allow, in any way, outsiders to come in here, outsiders in the sense that the courts can move into this place and pass judgment on what is an internal matter.

In my view it is important that we not move on that front because the privileges of the House and indeed the privileges of the Senate are a special body of law, the law of Parliament. The law of Parliament has nothing to do with the courts. The law of Parliament is the evolutionary body of jurisprudence which evolved under our system and has never been touched by the courts. There are still court decisions where judges have said that the law of Parliament should not be considered or touched by the courts. We are a constitutional body, unlike the courts, and we control our own proceedings.

That is why it is important that this code of conduct be included in the Standing Orders and not in a statute. A statute would very clearly allow for someone at some point, under some circumstances, to seek redress or adjudication in the courts and that ought never be done. This code gives a framework for members and guidance.

● (1020)

This has been a long process. It has been discussed in this place. In embarking on such a process it is important that there be due consideration, due debate and there certainly has been due discussion, if I can put it that way, in terms of how this should be set up.

This is not new in similar jurisdictions. British Columbia has had a code for a number of years. British Columbia has a commissioner who works and reports on possible conflicts of interest. Ontario has a similar regime to give advice, to monitor and to assist members of the provincial legislature in how they might best act in a way that avoids conflict of interest, that upholds high ethical standards and in fact is a form of protection of members. It may not be perfect or foolproof but it is an important framework within Standing Orders to assist and guide members.

More interesting, in the United States, all state legislatures have state ethics committees or commissions, it varies, within one or both of their chambers, because in certain U.S. states there are senate chambers. In fact 39 of the 50 U.S. states have external ethics committees.

I do not purport to suggest that we are moving on the vanguard here but I think it is very clear that this code of conduct is something that is widespread throughout parliaments, throughout legislative assemblies and throughout state assemblies. Knowing that the world has become a much more complex place, that governments have become more complex in their operations and members can find themselves in situations where allegations may be made against them in which, under and through entirely innocent circumstances, they find that they are the brunt or the subject of suggestions that they are in conflict of interest.

It is important to note that the principles, which I put on the record earlier, form the framework and the basis but this code of conduct lays out specific rules because it is within the Standing Orders and, more important, it affords a level of protection for members who I would say 99.99% of the time act in good faith but, notwithstanding all that, may find themselves in a situation which, in some cases, they were unaware of or in some cases over which they had no control.

The code of conduct that we are considering here today is an important new benchmark, not only for members but for the public.

Once again I will say that this code of conduct may not have foreseen all contingencies that may arise but it is a good beginning. The important thing is that the proposal to include it in the Standing Orders means that it would stay under the control of the Chamber. It can be updated or it can be amended if parts of it are found to be too onerous or are not workable, as opposed to statutory law, which would end up making it more difficult to change, both from a legislative point of view and from a public perception point of view in the sense that legislation being changed or amended is much more difficult to deal with.

● (1025)

The other part of these Standing Orders, of course, is not that it is just a code of conduct, but it includes a reference specifically to the ethics commissioner. The ethics commissioner who has been named, Mr. Shapiro, is the contact person for members if they are looking for advice and interpretation. He is the contact person if they are looking for some form of self-satisfaction in terms of whether they are doing the right thing in a world which is very complex and in a position of the House, that is, as a member of the House, which is often not easy and is sometimes very difficult. As a result, it is important that the code of conduct be adopted and that the recommendations, number two in particular, be included in the Standing Orders as laid out by the 25th report of the Standing Committee on Procedure and House Affairs and then moved on.

There are those who say, and I have made these suggestions myself, that there are portions of the code that could be abused, in the sense, I think, that if one wishes to make accusations against a colleague, one might do so. I have heard suggestions that this may be used for spiteful reasons or mean reasons. Having said that, if one reads more closely the code of conduct, one will see that in fact there are measures to strike back against those who would make frivolous and vexatious claims against colleagues.

Quite frankly, I think that notwithstanding our differences, both between and among individuals of the same party and individuals of other parties, there is still an enormous amount of goodwill among people in terms of personal lives and a great insight into the complexity of lives, both before people arrived here and while we are serving here in the House of Commons.

As a result, I would urge all members, not as partisans of a particular party but as members of the House, to consider the importance of this code. I would ask that they join in and endorse and support not only the code but this motion I have moved today.

On that point, because I know my time is almost up, I will conclude my remarks.

● (1030)

Mr. Ken Epp (Elk Island, CPC): Mr. Speaker, I listened intently to the speech made by the hon. member who just presented the motion.

One of the things on which I would like him to comment is a certain provision in the code, this code that will hereby be adopted because we are pretty sure that the Liberals can pass this; they have a pretty good majority so it is a given that this will pass. I would like him to comment on that part of the code which has to do with disclosure of not only a member's income, assets and liabilities but also those of immediate family members, and the difficulty that may pose to some individuals in terms of actually disclosing this.

Hon. Roger Gallaway: Yes, Mr. Speaker, my friend opposite is correct in noting that disclosure of income is a part of this code.

My understanding is that even in British Columbia this disclosure provision applies. It certainly does in Ontario, of that I am aware, and in many other American jurisdictions.

I will make an inference from the general nature of the question, and that is, what about other people under that envelope of family? What about a spouse? We often hear, and in some sense I agree, that when we come to this place we do not bring family with us. I think that families suffer from this position in some sense. Certainly members of my family are sometimes not imposed upon, I will not say that, but they are made aware that public life is not easy. I will say that in a very general way. I think we all appreciate this.

In fact, sweeping in one's wife, husband, spouse, or partner is an obligation which fails to recognize, acknowledge and uphold the fact that our spouses have other lives. Our wives and husbands have other lives which in fact are nothing to do with us. I think that is a fair comment, but I would respond to that part of it by noting that I as a parliamentary secretary am subject to another code and in fact my spouse was able to comply with it and my spouse works. In fact, it was not onerous at all. I must say it was much more simple than I presumed and anticipated. In the end, the process did not in fact unduly unsettle my wife.

However, having also said that, I can contemplate situations where someone may feel otherwise. Let us understand that this is not law, that that is a code of conduct and that this is within the Standing Orders. In my dealings when those situations have arisen, I have found that there is a sufficient flexibility and an acknowledgment of the independence of people in relationships, particularly marriages, such that the scenario that I believe is being raised by my friend opposite would not create a problem.

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I must say that unlike my friend opposite I am strongly in favour of the disclosure provisions. I think they work well, as my colleague on this side explained, in the provincial jurisdictions.

As I understand it, the disclosure is summary disclosure as far as the complete public record, the website, is concerned, and that works well in Ontario. People can look up the summary disclosures of the members of the Ontario legislature and of their families in summary on the website right now as we speak, and they disclose completely in private.

As my colleague tried to explain, if in fact a spouse or a partner does not wish to disclose, it is quite obvious that it is not possible to force a person who is not a member of the House to disclose. In that case, the way the code is written, the obligation on the member of Parliament is due diligence. In other words, he or she has to go to all possible lengths to persuade members of the family to disclose.

I have a question for my colleague. I am very interested in this matter. It is being raised now. We understand that there might be an election relatively soon. We understand that an ethics commissioner is going to be appointed relatively soon. Here is what I would say to my colleague who is making this presentation. Does he not think that even though this code may be flawed and will be studied and perhaps changed in the next Parliament, it is in fact very important that it be passed now so that candidates, people who have never been in the House but are seeking to be in the House, as well as members of Parliament here who may be returned, would then know what the terms of reference of the position are? Also, it is important so that the commissioner, if he is appointed, will have something to work with when he takes over this important new position.

● (1035)

Hon. Roger Gallaway: Mr. Speaker, I thank my friend for that question and I certainly agree with him on all points.

There are many expectations, particularly for new candidates who are elected. People who arrive in this place are looking for answers on a whole bunch of fronts, but many of those fronts have to do with one's personal life and personal status and what the expectations are. It is vitally important that those who come here in the 38th Parliament, the new members in particular, be given some guidelines so that they are not in a position of uncertainty and are not caught in the situation where allegations or suggestions are made or whisper campaigns are started, from which there is sometimes little defence.

I think that a code such as this is simply a framework, because I again will agree with my friend in saying that this is not perfection. No code is. No Standing Orders can contemplate all of the contingencies that can arise in this place and, more important, in the personal life of the 308 members of the 38th Parliament. But it would give one a level of comfort and a guideline. It would give one a framework. I think that is very important.

Finally, I would note that this is not something new in terms of parliaments, legislatures and state assemblies. In North America it is widespread and I understand that in Great Britain a similar regime exists, although it is not identical.

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, something that has bothered me for years about parliaments, not just about our Parliament but many parliaments, is that we seem to get egocentrically concentrated on our own personal activities, such as how one member has done this or how another member has done that. We seem to spend an excessive amount of parliamentary time debating and discussing these things when the affairs of the nation are ignored or not taken care of, and it is not that these things are not important.

I am wondering, because my colleague has an interest in the machinery of government, if he thinks there is a way that these issues can be dealt with or controlled so they do not interfere so much with the business of the state. I am not sure what that might be. Perhaps it should be mandatory to first raise these problems in a committee before they are allowed to come to Parliament. Then, if they have to, they can be referred to Parliament.

I do not know if the member has given any thought to some of the things we spend House time on given that it is very limited time. It takes us away from debating the major issues of the day that affect all Canadians, not just ourselves personally.

● (1040)

Hon. Roger Gallaway: Mr. Speaker, I thank my colleague for that question because it speaks both to the complexity of this place and to the time limitations placed not only on this place but upon all of us.

I would simply point out that Westminster has embarked upon what I think is a most interesting pilot project. It is a little more than a pilot project, because it now has a second chamber, a second House of Commons, which operates at defined hours and in which a certain type of business is debated at certain hours. This gives members a greater opportunity to speak. It is interesting to note that this second House of Commons receives equal scrutiny, both by the public and by the press, in terms of its operation.

[*Translation*]

Mr. Serge Cardin: Mr. Speaker, on a point of order. I would seek unanimous consent of the House to proceed to petitions now and to resume debate on this important issue afterwards.

The Deputy Speaker: Does the hon. member for Sherbrooke have the unanimous consent of the House to proceed to petitions now and to resume this debate afterwards?

Some hon. members: Agreed.

Some hon. members: No.

THE ROYAL ASSENT

[*English*]

The Deputy Speaker: I have the honour to inform the House that a communication has been received as follows:

Rideau Hall
Ottawa

April 29, 2004

Mr. Speaker,

Routine Proceedings

I have the honour to inform you that the Right Honourable Adrienne Clarkson, Governor General of Canada, signified royal assent by written declaration to the bills listed in the Schedule to this letter on the 29th day of April, 2004 at 9:50 a.m.

Yours sincerely,

Barbara Uteck

Secretary to the Governor General

The schedule indicates that royal assent was given to Bill C-21, an act to amend the Customs Tariff; and Bill C-250, an act to amend the Criminal Code (hate propaganda).

Mr. Ken Epp: Mr. Speaker, I rise on a point of order. I believe the hon. member from the Bloc is simply asking us to move to petitions so he can present one, for whatever reason. I think it would be greatly courteous of us to do that. I would, on his behalf, ask again for unanimous consent to move to petitions.

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

ROUTINE PROCEEDINGS

[*Translation*]

PETITIONS

REGIONAL PASSPORT OFFICE

Mr. Serge Cardin (Sherbrooke, BQ): Mr. Speaker, I thank my colleagues in the House for allowing me to table this petition and thus act as the spokesperson for the 12,558 people who signed this petition asking for the establishment of a regional passport office in Sherbrooke. This initiative is also supported by 59 municipalities from the Sherbrooke region.

The need for such an office in Sherbrooke is easy to justify. For example, the number of passport applications from the Sherbrooke region is twice that of the Saguenay region, which already has a passport office.

Many people must travel to Montreal and thus spend time and money to obtain a passport. The population of Sherbrooke has a real need for a passport office. Such an office would be financially sustainable.

This is why I am tabling this petition signed by 12,558 people.

* * *

[*English*]

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

The House resumed consideration of the motion.

Mr. Ken Epp (Elk Island, CPC): Mr. Speaker, I am delighted to speak to this motion this morning.

A number of people in my riding admit to watching CPAC regularly. I ask them, through you, Mr. Speaker, if that is the end of the excitement in their life, what do they do in the evenings? I also ask them if they have any other medical problems. Those who are watching CPAC and listening to the debate on the motion to concur in the 25th report of the Standing Committee on Procedure and House Affairs must be saying to themselves that this is another report that will sit on someone's shelf and then be archived so that a 100 years from now people will be able to study it, if they are so inclined to look at the history of the country.

I submit that the motion today is one of great significance because we have an increasing loss of trust and confidence in our political process and in our Parliament. Consequently, having such a code, I believe is first and foremost rather helpful in rebuilding that trust and confidence, just as the purpose of the code says. I would like to remind members why we are here.

It was just a little under two years ago, I believe in June, that the initiative was introduced by then Prime Minister Chrétien. It was a big point plan on increasing ethics in government. We must not forget what it was that triggered that response.

Members will recall that the Auditor General presented her first report at that time on what has now become the ad scam scandal. We will recall that in January of that year, the former minister of public works and government services, Mr. Gagliano, was summarily dismissed from cabinet, dismissed from Parliament and dismissed from the country. He was sent way off to Denmark to do his penance at maybe $200,000 a year. No wonder people are outraged at this place, when they see that this is the way their taxpayer money is being abused and misused. Consequently, the government responded in what I call damage control mode by trying to do whatever it could to put a better spin on this.

Notwithstanding that this was the motivation, I am in concurrence with the report and with the code. I have worked on this. I had the privilege of working way back, about seven or eight years ago, on the Milliken-Oliver report which was an extended study. It was a great exercise. As members know, the first individual mentioned is the present Speaker of the House. The second one is the hon. Senator Oliver who I got to know and really respect and appreciate. When we on this side of the House sometimes cry for the election of senators, I know people like Mr. Oliver would certainly be re-elected because he is a very good, hard-working and a respectable person.

In that committee we dealt with the necessity for a code of conduct for parliamentarians. Now, some seven or eight years later we finally have one. I would like to take this occasion to thank all those people, including the member for Peterborough, who so ably chaired the procedure and House affairs committee as we worked through this, and all staffers who worked so hard as well in doing the research and helping us with this work. In that sense, I am pleased with this.

However, I would also like to point out that this is taking a tremendously large action to solve a problem that does not exist. The committee is recommending that we adopt the code of conduct for parliamentarians. If we adopt it, we adopt its recommendations. The first recommendation is that the conflict of interest code for members of the House of Commons be included in our Standing Orders, and after that become a guide for how we behave as parliamentarians.

● (1045)

However, this is a redundant exercise in a sense. In the years I have been in the House there has not been a single scandal, to my knowledge, involving an ordinary backbench member of Parliament on either the government side or in opposition. I think some have had a few difficulties. I think one or two have had charges of drunken driving, which is a criminal offence, and we need to encourage members of Parliament to not only set laws, but to obey them. That is my own personal code.

I am probably the only person in Ottawa, even walking home at midnight, who stops at walk lights. Everybody walks past me and probably thinks what a stupid man I am. I stop because of two reasons. One, I need the rest and relaxation. It is mandatory. Let us stop and look around a bit instead of always running. The second reason is that it is the law and I believe in obeying the law. That is why I do it. I have a couplet that I use as one of my personal mottos, "You can't be a lawmaker if you are going to be a lawbreaker". I try to the best of my ability to obey all the laws of the land, even some with which I perhaps do not agree 100%. I do it and members of Parliament should do it.

However, the real issue in the country is not with ordinary members of Parliament. Therefore, I believe the results of this code will be almost non-consequential in the sense that I believe most parliamentarians right now basically are living up to this code already. All it will be is a disclosure and a declaration that indeed they are.

What really disturbs me is the fact that when it comes to ministers of the Crown, the government as they are called, this code only applies to them when they are working as members of Parliament. As we know, all the executive branch is chosen from the rank of elected members of Parliament. Yes, they were elected as members, as all of us are. When they act in a the role of cabinet minister, they become the government and, lo and behold, the bill, which gave essence to this code of conduct, is specific in excluding cabinet ministers when they act in that role.

It says in the bill that when acting as a minister of the Crown, for greater clarify the code shall not apply. I am speaking from memory, but I think the wording is that for greater clarity, the prime minister's code shall apply. There are some who will contend that the prime minister's code is more stringent, and in some areas it is. However, there are other areas in which it is not as stringent. One of those is the whole issue of the public reporting of wrongdoing.

Under the code, we are being asked to adopt, and under the legislation which governs it, if there is misconduct by a backbencher, then the result of that investigation by the ethics commissioner will be made public. It is not clear to me at all in the legislation that if a minister of the Crown does something that is untoward, that will be made public. There is an argument going on because Bill C-4 provides that the ethics commissioner will provide confidential advice to the prime minister on matters of ministers of the Crown.

● (1050)

We have a two tier system here. The first is for MPs who have very little say on government contracts. In fact, let us be honest, they have no say at all. They are being held to a higher standard of ethical conduct than the ministers of the Crown who control, as the public works minister does, budgets of billions of dollars. Right now we are finding that the accountability is just absent.

I would like to digress for a few seconds about the ethics commissioner himself. We heard him in committee the other day. Very frankly, Dr. Shapiro presents a good resumé. When the issue came up earlier today on whether or not the House should concur in his appointment, we did not object strenuously. We objected only on the basis of the method of choice.

I object to the fact that he was invited by the Prime Minister's Office to serve in this role. His name was put forward and then we had a debate in a Liberal dominated committee and a vote in a Liberal dominated House.

In this particular instance, as I said, I have no reason to have any lack of trust in the new person who is going to be appointed. However, it is very near sighted of us in this place to set up a process that only fits the here and now. There will come a time in the future where the choice of the person by the government will not meet the approval of all of the members on this side.

There is no mechanism which would require meaningful input from opposition parties. The government, especially if it is a majority government, can in effect choose whom it will, whether that person has the approval of members over here or not.

I trust that Dr. Shapiro will do a good and honourable job. In fact, I have told him personally that it is my expectation. We shall await eagerly to see how he does his work. Personally, I think we should give him our utmost cooperation.

As a little aside, I think that the attitude of the Liberal government in doing this, unfortunately, is exactly the antithesis of what we are trying to accomplish with this particular motion today.

I would like to point out that by jamming through, with the government's majority, its method of choice over the protestations of all of the members in opposition has actually helped to increase the distrust of Canadians. If Canadians see that they ask, "Why do they not trust all the members of Parliament? Why do they only trust themselves with their whipped votes?" That is also a very serious issue with respect to the trust that people have.

I would like to make a few comments about some of the issues in the motion. I took note of one of the things that it says in the definitions. In the definition for a common law partner in relation to the code, it states:

> —with respect to a Member, means a person who is cohabiting with the Member in a conjugal relationship—

About 20 to 25 years ago then Prime Minister Trudeau said "The government has no place in the bedrooms of the nation". I think most of us agree with that. That is very intrusive of the government. Here we are saying that if members are living at the same address with persons and not cohabiting in that sense, they are excluded. That is a fat joke.

Interestingly, this morning I got word in my office here in Ottawa that there are people who are separated, and sometimes even divorced, but because of financial necessity they must still live in the same house. Therefore, he lives in the basement and she lives upstairs. They have totally separate lives, but the income tax department is now saying that they are still spouses because they have the same address. It does not allow them to separate their income tax forms.

● (1055)

That came to my attention just this morning. It has nothing to do with this motion, but it shows how silly it is for us to define members who are cohabiting by including that term "conjugal relationship". Who is ever going to tell whether they are conjugating? Members know what I mean.

The member's family is also wrapped into this and I mentioned this in a question to the parliamentary secretary earlier. It says that this includes all of the people. We really debated this in committee and we have come up with a reasonably good solution.

If members of Parliament receive personal gain through their spouse or through their underage children, that is offensive. But at the same time, many of us have children who are adults in their own right and they ought to and properly are excluded. It involves only members or common-law partners and dependent children in essence.

I would like to point out the fact that there are some useful exclusions of activities that are acceptable. One, for example, is that members of Parliament are not considered in a conflict of interest if they continue to carry on a business. We know that many members do and that would be an intrusion in their lives to require them, if they run for public office, to sell their little family business or whatever they have going.

Here is one. It states that a member shall not participate in debate on or vote on a question in which he or she has a private interest. I do not know whether the members present here recall, but not very long ago we had a motion when we had a conflict going between who was the real prime minister in this place. We had the previous prime minister, Mr. Chrétien, sitting there as the nominal prime minister and the prime minister in waiting at that time who had been or was about to be chosen by his party. They were both in control of certain aspects of government. We had a motion on when this transition should take place. I took note of the fact that in that vote the former prime minister and the former finance minister, the present Prime Minister, both voted on that.

According to this code, that would not be possible. What distresses me is that this was not permitted then, but they did it anyway, with impunity in my opinion. We need to be careful about this.

There is a whole issue on gifts; receiving, disclosure of them and travel. Those are all really good things because of the fact that this can influence members of Parliament and cabinet ministers.

I hope that on the adoption of this code and on the appointment of a new ethics commissioner that things improve around this place. I hope that we do not degenerate into partisan attacks using the commissioner now for partisan attacks, instead of as has been done in the past, using him as part of the damage control team. I can see this potential. We need to be warned about it.

● (1100)

One of the issues in this code is that when there is a complaint against a member, it will ultimately come to a vote right in this House. If we have a majority government, of say Conservative members over there next time, I hope that we will withhold our partisanship when voting on the outcome of such a debate. Let us be sure that as true parliamentarians we obey the rules of fairness.

In conclusion, to me personally, the whole code of conduct can be wrapped up in two short sentences. First, do not lie. Second, do not steal.

● (1105)

[*Translation*]

Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour, BQ): Mr. Speaker, I listened carefully to the speech of the Conservative member. He pointed out the case of a person who is present for a vote, when that person may be in a conflict of interest situation. He gave the example of the current Prime Minister.

If my memory serves me well, in the case of Bill C-28—which granted shipping companies a tax refund retroactive to 1995—the Prime Minister did vote. That legislation was passed in 1998. The Prime Minister's shipping companies were directly exempt from paying millions of dollars in taxes. Yet, the Prime Minister was present during that vote and he was in full contradiction with our intent with regard to having such a code for parliamentarians.

On another occasion, a tax credit of $250 million was granted to oil companies. The current Prime Minister, who has interests in oil companies from Alberta, also voted on that measure.

Should we not ensure that the code does not allow such situations to occur?

[*English*]

Mr. Ken Epp: Mr. Speaker, when standing in the House on a vote, I believe that cabinet ministers are also standing and voting in equality with other members of Parliament. At that stage, they are acting as members of Parliament in the vote. Notwithstanding that, of course, they have an awful lot of clout, as cabinet ministers, in driving forward the agenda that they want.

The real issue here was the fact that the present Prime Minister, then the finance minister, was originally the sponsor of this bill. I think later it was moved to another minister because the government was embarrassed by it. The fact that it was embarrassed by him sponsoring the bill should have indicated the necessity to abstain from voting on it.

This particular code of conduct provides that all members of Parliament shall not vote on an issue in which they have a direct and a personal advantage. I think that is good. I believe that it is now going to be up to members of Parliament to ensure that this part of the code is upheld. When that happens, then we go to the ethics commissioner and we will see whether or not he can make these corrections.

I would like to see the Speaker intervene so that he would disallow the vote as it was taking place.

Hon. Roger Gallaway (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I listened attentively to what my friend opposite had to say. I must say that I passed him on Queen Street on my way up here this morning and he is correct, he stops at all the stop-walk lights.

My friend opposite has made a number of observations on the nature of democracy when one does not agree with the majority, and we understand that. I want to draw his attention to the 1997 report of the special joint committee which was struck in 1996. In that proposed code it said that:

> "family" when used with reference to a person, means (a) the Parliamentarian's spouse;

I heard him, and I am not totally unsympathetic when we start these terms that are somewhat vague, such as, "in a conjugal relationship, or someone who happens to be a spouse". What does this all mean in this day and age?

I would ask him, would he acknowledge that the report of that joint committee, which defined family as being a spouse, was agreed to by his colleague, from his party and his caucus, that being Senator Oliver?

● (1110)

Mr. Ken Epp: Mr. Speaker, at that time Senator Oliver and I did not enjoy the fact that we were in the same party. Therefore I do not think I should be held accountable for what he said and did at that time. However, be that as it may, I do not believe an error was made then.

We have to look back in history where there have been cases of cabinet ministers who were perceived to have received benefits through their spouse. It is a huge loophole to say that the member cannot benefit from his position as a parliamentarian but then not to include the fact that usually spouses have a close relationship with each other. My wife and I have been married for 42 years. We have a policy in our house that what is mine is hers and what is hers is hers, and it works very well. For me to give a benefit to my spouse because I am a parliamentarian is just as wrong as if I were to take it for myself. It should be included, it is included and I am quite content with it except for that little aberration.

Mr. Rick Casson (Lethbridge, CPC): Mr. Speaker, before I pose my question to my colleague, I just wondered if you would allow me to pass congratulations on to one Chad Kilger for his outstanding play with the Toronto Maple Leafs? I do not know if he gets any breaks from the referees in that league but maybe he should.

The Deputy Speaker: Let me be very straightforward with the member for Lethbridge. I do not know if he gets any breaks but I know the member for Lethbridge does not expect to get any breaks here today.

Mr. Rick Casson: Mr. Speaker, it never hurts to try to butter up the referee, whether in a hockey game or in the House of Commons.

I agree with the fact that there is a difference. Members of the cabinet, who do have control of the larger chequebook, need to be watched. They do need to have different regulations from the ones under which we operate, particularly those of us in the opposition. The budgets we control are only our members' operating budgets.

I agree with all the rules, regulations and decisions on what a member of Parliament should make public. We should all have guidelines under which we operate and we should have no problem with that. However I do believe that the real concern is in cabinet and that those recommendations and those comments should come to the House in a public manner and not directly to the Prime Minister.

I wonder if the member would comment a bit further on that aspect.

Mr. Ken Epp: Mr. Speaker, I agree a lot with what the member has just posed as a question. However we must remember that this code will only come into effect at the beginning of the 38th Parliament. The little fact that is hidden in here is that we will be under the Liberal regime until the next election.

Under the present regime, the ethics counsellor provides personal and confidential advice to cabinet ministers and to the Prime Minister. Any public pronouncements that he has made and that have been posted on his website, unfortunately, have, in some instances, been very carefully sanitized so that they, in essence, become part of the damage control team to which I spoke.

I believe that in this code and with the regime of the new ethics commissioner and the rules under which he will operate, there will be more openness. However I think there is still a real danger of sanitization of things. For example, when the Prime Minister was originally suspected of arranging for a loan in his own riding, of which he became an indirect beneficiary, we got no real facts out of that at all.

I will wait eagerly to see whether this new regime will be better but, frankly, I have serious doubts about it.

● (1115)

[*Translation*]

Mr. Michel Guimond (Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans, BQ): Mr. Speaker, I am pleased to speak to this motion presented by the parliamentary secretary to the government House leader.

First, I would like to point out that the motion presented earlier by the hon. member for Peterborough concerning the appointment of Mr. Bernard Shapiro as ethics commissioner was agreed to on division. To clarify things, I will add that it was not the Bloc Quebecois members who dissented; the Bloc Quebecois was and is in favour of the choice of Bernard Shapiro as ethics commissioner.

He is a very competent person, whose integrity cannot be questioned, and who is very much involved in the Montreal community. I will not go over his resume again here, but we know his involvement as a professor emeritus and rector of McGill University. I just wanted to clarify that.

Second, the Bloc Quebecois is in favour of the introduction of this conflict of interest code for members of the House of Commons, but I would like to add some nuances, some shading; I shall explain.

In the first place, and it is certainly not my intention to reread the code, I would simply like to look at the first paragraph in this code, section 1.a.

> The purposes of this Code are to
>
> (a) maintain and enhance public confidence and trust in the integrity of Members as well as the respect and confidence that society places in the House of Commons as an institution;

That is what I wanted to read, and you will see that my comments are relevant.

I would also refer the House to section 4, which reads as follows:

> Application to Members
>
> 4. The provisions of this Code apply to conflicts of interest of all Members of the House of Commons when carrying out the duties and functions of their office as Members of the House, including Members who are ministers of the Crown or parliamentary secretaries.

That is where the problem lies. As we see it, we could look at what has happened since 1993, a period with which I am familiar because I was elected in 1993, but it could be an in-depth examination and look back farther than 1993. So, I would like someone to point out to me how many unethical acts have been committed by members of this House since 1993.

Today, we are discussing a code of ethics for members of Parliament. No member has been suspected of behaving unethically. However, there have been cases of ministers suspected of behaving unethically. I will give a few examples of this.

I feel I must set the record straight because the Standing Committee on Procedure and House Affairs, of which I am a member, attempted, particularly the opposition parties, to ensure that the code of ethics for ministers would also be subject to review by the ethics commissioner so he could identify instances where ministers fail to behave ethically. Currently, section 4, which I read, refers only to the behaviour of ministers in carrying out their duties as members of Parliament. But what about all these instances of ministers failing to behave ethically while in office?

I wonder if there have been any such cases in the past ten years. The answer is yes, and some ministers had to resign. For example, there were a number of salmon fishing trips to the Irving family lodge in New Brunswick, paid for by Irving.

● (1120)

Where in this code of ethics does it say that a minister will not be able to engage in such activities? Where is it written? No members of Parliament—at least, if there have been, their names have not been made public—have been invited to the Irving lodge.

I will spare the House the list, but members can simply refer to the debates initiated by the Bloc Quebecois and the other opposition parties. If memory serves me, six or seven ministers spent time at the Irving fishing lodge.

Ministers also used the Irving private jet to travel between Ottawa and their riding. I believe that the Minister of Labour, the member for Moncton—Riverview—Dieppe, was one of them. I do not think she went fishing but she admitted to flying on the Irving plane once.

I would remind you that this was clear for a former minister, now ambassador to the UN, I believe. I refer to Allan Rock, whom we can name because his seat is vacant; he resigned. This is one person who admitted that he had acted unwisely as Minister of Industry by accepting this trip. Irving is a major forestry company, and thus a major figure in the forestry industry, as well as a refiner, distributor and retailer of petroleum products. The Minister of Industry was forced to admit that this was a flagrant lack of judgment, but what it is is a lack of ethics. Where in the code is this covered as punishable or forbidden? Nowhere.

Then there is the former government House leader, who for a while was a kind of pinch-hitter in Public Works. I refer to the member for Glengarry—Prescott—Russell. He sheepishly admitted it had been unwise for him to accept an invitation to a family ski weekend at a Bromont chalet. Hon. members will recall this matter, how he produced cheques, how a priest was involved. It was nearly impossible to make any sense of the thing. The endorsement on the back of the cheque could be produced, but not the front. They have gone so far as to start using priests to justify their actions. I had thought that there was a clear line between religion and politics here in Canada and Quebec. In this case involving the hon. member for Glengarry—Prescott—Russell, where would this code of ethics have contained anything by which he could have been chastized as a minister?

Then there is the member for York Centre, who still sits as an MP. He was forced to resign for having awarded a contract to a woman friend with whom he had a relationship. People have a right to relationships, but because privilege entered into it the member for York Centre had to resign as minister, although he still sits in this House. Where in this code of ethics is there anything that would have applied to this situation?

I could also refer to the case of the member for Don Valley East. In his capacity as a minister, as well as an MP, he wrote to an immigration board member requesting preferential treatment for someone in his riding. He was obliged to resign as the Minister of National Defence. Where is there anything in the code of ethics that would govern this behaviour on the part of a minister? Nowhere.

● (1125)

Let us talk about the current Prime Minister and his friends, who accumulated a war chest of some $12 million for his Liberal Party leadership campaign against the member for Hamilton East. He accumulated $12 million and we have the list of most of the donors.

The morning after the election, will this code of ethics ensure the independence of the Prime Minister, the member for LaSalle—Émard, who accumulated $12 million in contributions from his friends? Does he owe something to the companies that, in some cases, contributed hundreds of thousands of dollars?

Let us talk about the contributions he received from Mr. Schwartz at Onex, or the contributions from Earnscliffe, the company to which he awarded contracts when he was the finance minister. We could also talk about Jean Lapierre, the Quebec lieutenant for the Liberal Party of Canada, the party of scandals—but there is not enough time. In addition to his broadcasting career, Jean Lapierre did some lobbying.

When I was the Bloc Quebecois transport critic, Jean Lapierre invited me to meet with Gerald Schwartz from Onex to talk about the acquisition of Air Canada. As a lobbyist, he invited me to come and talk about developing the Bikerdike Basin in Montreal. The Olympia and York Developments group, linked to the Reichmann family, wanted to develop a Disney-style amusement park in the Bikerdike Basin and Jean Lapierre lobbied for this. The morning after the election, will Jean Lapierre, who is the member for Outremont and in opposition with us, be completely independent? No, he will not.

We could talk about Dennis Dawson, the Beauport candidate for the Liberal Party, the party of scandals. He is a former president of Hill and Knowlton, a lobbying firm. When he is elected, if he is elected, will he be independent?

That is what I wanted to say in conclusion on this code of ethics. Indeed, we cannot oppose virtue and there are interesting provisions. However, all the scandals of the past 11 years involved ministers, not members.

[*English*]

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, I always listen with interest to the member for Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans. I want to thank him and the member for Elk Island for their fine work over many years, as the member for Elk Island indicated, on this legislation.

With regard to my colleague from the Bloc, it seems to me one can always list particular examples of problems that occurred in the past or hypothetical problems which might occur in the future. I know my colleagues have worked on this in good faith, but if one tries to draw up a code, as we have tried to do here, it is absolutely impossible to list every possible contingency, circumstance or whatever. Human nature being what it is, things change. The code could be faced with problems, which we do not anticipate at the present time, so we should make it as strong as we can for the present time.

The member for Elk Island put it very nicely, but one thing that came out during our hearings, with respect to members of Parliament, was that this was not to address a particular problem. Members of Parliament, as far as we can tell, are honest, straightforward and all those things.

When we heard from commissioners in different provinces, they constantly made a point. We asked them what serious problems they had to deal with and what fires they had to put out. They very often said none. However, their role as commissioners and, therefore, the role of their codes were preventive.

The existence of the commissioner and the existence of the code, first, prevented people from doing things wrong because they knew there was a chance of being caught. Second, it gave the members of these different legislatures term of references and some rules at which they could look. Then it gave them a person to whom they could go and ask advice. Perhaps they and their families were engaged in a particular business and before a situation arose, they would seek advice on how they should behave in the House of Commons, or in their legislatures, or in the national assembly in Quebec, under those circumstances.

Would my colleague comment on the value of this code and the value of the commissioner as a preventive measure?

● (1130)

[*Translation*]

Mr. Michel Guimond: Mr. Speaker, I would like to tell my colleague from Peterborough who, by the way, chairs the Standing Committee on Procedure and House Affairs brilliantly, that I find him unbiased, and responsive to members. He does a great job.

Of course, the ethics commissioner can play a preventive role. Contrary to what we had in the past, the ethics commissioner will be accountable to Parliament. Right from the start, the Bloc Quebecois has held that Harold Wilson was actually a political adviser to Prime Minister Chrétien. He was not accountable to anyone, and he was a political advisor to Jean Chrétien.

This institution has more credibility now, and that is why we agree with the appointment of Mr. Shapiro, because the ethics commissioner will be accountable to the institution of Parliament. I think he will indeed have an important preventive role. We will be able to ask for his advice on whether or not we should accept a gift we have been given, whether a certain thing is appropriate or prudent, whether something should be put on paper. I have no qualms about this.

But the problem remains intact. Members do not have ethics problems. These problems tend to occur at the ministerial level, and this code does not say anything about this.

[*English*]

Mr. Dick Proctor (Palliser, NDP): Mr. Speaker, as always, it is a pleasure to rise and take part in this debate today, which is on a code of conduct for members of Parliament.

Let me begin by dealing with recommendation 1. It states:

> The Committee recommends that the following Conflict of Interest Code for Members of the House of Commons be appended to the Standing Orders of the House of Commons, and that the Code come into force at the beginning of the 38th Parliament.

I think it is fair to ask why we are debating this at this point in time, and I believe the answer is pretty straightforward. The government is almost certainly heading toward calling an election within the next short while. There is concern because the Prime Minister, in his lengthy run up to becoming the prime minister, talked about the democratic deficit in the country and in Parliament, and made suggestions for ways to overcome that deficit prior to the election.

By any objective account or standard, this has not been a roaring success for the new Prime Minister. I would submit that House of Commons standing committees have not been liberated and freed up to any great degree. The whistleblowing legislation that has been introduced is largely seen as farcical and will not work. However, this legislation is something that can be rushed through in the dying days of the 37th Parliament to say that, yes, the government is serious about the democratic deficit and that it is doing something about it.

When I meet with constituents in the riding of Palliser to discuss their concerns and issues in the campaign or with the House of Commons or the government, the concern that keeps coming back to me time and time again is respect for taxpayer dollars. By and large, people do not object to paying their fair share of taxes if that money is being spent wisely and properly. When they see things like the so-called ad scam, also known as the sponsorship scandal, they shake their heads, particularly at this time of year when the tax filing date is coming up very quickly. I would submit that those are of concerns to Canadians from coast to coast to coast.

That takes me to the entire argument about the code of conduct applying to the backbenchers. Yes, it should apply, but the real force and effect of the legislation should be at the ministerial level at the cabinet table. That is where influence can really be brought to bear to impact how contracts are awarded or not awarded and how business is done. I agree with the member for Elk Island and the member for Beauport—Montmorency—Côte-de-Beaupré—Île-d'Orléans. The crux of the matter is really with the cabinet. The vast majority, I think the parliamentary secretary said 99.9%, of House of Commons MP backbenchers from whatever side of the House are straightforward, honest and reliable.

That, unfortunately, as we all know is not how the public perceives it. I tend to agree with the parliamentary secretary on that, from my almost seven years in this place. Members will have read articles that have been written probably by people who do not believe in government, who believe that all politicians are dishonest and crooked because of the vast numbers of them that have been arrested for drunk driving or bank robbery. I agree fully with the Elk Island MP when he says yes, there have been one or two.

● (1135)

I believe there is one in Parliament right now who was convicted following the 2000 election campaign. I believe he has sat as an independent ever since that event and conviction came to light.

Many of us have been in groups and have heard people say that all politicians are crooks. Then they realize there is a politician in their midst and they say, “We did not mean you. We just mean all the others”. It is important for us as a group to stand and defend one another and say that politicians are not all dishonest and they are not all crooks, because the vast majority of us are not. However, as we all know from reading public opinion polls, that is not what the public thinks.

The purpose as it is outlined is to maintain and enhance public confidence and trust in the integrity of members as well as the respect and confidence that society places in the House of Commons as an institution. That is important. It certainly is supportable by our party and I suspect by all members of the House.

One of the purposes is to demonstrate to the public that members are held to standards that place the public interest ahead of their private interests, and to provide a transparent system by which the public may judge this to be the case, and that is fairly self-explanatory, and to provide for greater certainty and guidance for members on how to reconcile their private interests with their public duties and functions.

As was described recently, when somebody believed that he or she may be in a conflict of interest because of spousal holdings or business arrangements, he or she would have an opportunity to meet with the ethics commissioner before he or she had to vote on the legislation. This would be a useful step. Obviously it is one which we would support.

Another stated purpose is:

> 2 (d) foster consensus among parliamentarians by establishing common standards and by providing the means by which questions relating to proper conduct may be answered by an independent, non-partisan adviser.

On one of the principles of the legislation, to serve the public interest and represent constituents to the best of our abilities, I think back to the early days of the 37th Parliament when a contretemps arose. The member for Scarborough Southwest was accused of not representing a constituent because she had declined to vote for him in the previous election. There was a real furor over that. One would hope that item 2(a) under principles, to serve the public interest and to represent constituents to the best of our abilities, would be something we would all fully respect, regardless of how people voted or how we think that they voted.

Once we are elected here, we represent, as has been said many times, all of the people who reside in the constituency, even those who did not vote for us and would have no intention of ever so doing. It is our duty and responsibility to represent them and their views to the very best of our abilities.

The code further states:

> (b) to fulfill their public duties with honesty and uphold the highest standards so as to avoid real or apparent conflicts of interests, and maintain and enhance public confidence and trust in the integrity of each Member and in the House of Commons;
>
> (c) to perform their official duties and functions and arrange their private affairs in a manner that bears the closest public scrutiny, an obligation that may not be fully discharged by simply acting within the law;
>
> (d) to arrange their private affairs so that foreseeable real or apparent conflicts of interest may be prevented from arising, but if such a conflict does arise, to resolve it in a way that protects the public interest—

The protection of the public interest is always very important. It goes on:

> (e) not to accept any gift or benefit connected with their position that might reasonably be seen to compromise their personal judgment or integrity—

There are a lot of useful things in the bill on ethics. Certainly the New Democratic Party supports the adoption of the code of ethics. We would have preferred to have seen it for all parliamentarians, including senators. There are some difficulties in the other chamber apparently with regard to this, so the bill affects only members of Parliament.

● (1140)

The parliamentary secretary said that we are not in the vanguard on this. That is obvious since all of the provinces have ethics legislation that impacts on MLAs, MPPs and MNAs from coast to coast to coast.

As I and others have said before, the conflict of interest scandals which we have witnessed in recent years have almost exclusively focused on cabinet ministers. Even though there was an ethics bill, it was clearly not being followed by a number of cabinet ministers. Howard Wilson, the ethics commissioner, reported only to the prime minister. In effect he became a laughingstock in Canada because he was seen to be under the thumb of the prime minister at the time, Mr. Chrétien.

The ethics legislation must at the very least create an independent ethics commissioner who would be an officer of Parliament. As I understand it, that is what the bill would do.

Dr. Shapiro will be a worthy appointee. It will be an important step forward as we finish off the 37th Parliament and go into the 38th Parliament

It is important that Canadians be able to file complaints directly with the ethics commissioner and not solely through a federal member of Parliament. This is an important provision. It shows the public that it is able to contribute to the process directly. It goes without saying that frivolous accusations must not be grounds for complaints. The process must be handled with the respect that it deserves.

I want to acknowledge the member for Halifax who introduced a private member's bill proposing a code of conduct for all parliamentarians like the one we see here today. The former member for Halifax West, Gordon Earle, presented a bill in the 36th Parliament dealing with a code of ethics to assist us to become more transparent and for Canadians to have greater confidence in us as individuals and collectively as members of the House of Commons.

It would have been preferable if the House of Commons had voted by a two-thirds majority on the appointment of Dr. Shapiro rather than accepting his appointment earlier today on division. It would have given greater comfort to all of us if that had been the case. Having said that, our caucus has confidence that Dr. Shapiro will be a strong ethics commissioner. He certainly has a very good background for the post.

In summary, I will merely reiterate that the New Democratic Party will be supporting the legislation.

● (1145)

Mrs. Elsie Wayne (Saint John, CPC): Mr. Speaker, I want the hon. member to know that I also think Mr. Shapiro will be an excellent ethics commissioner, but I also feel very strongly that he has to have independence.

The ethics commissioner appointed by the government and reporting to the Prime Minister knows that if he does not do what is right in the eyes of the Prime Minister, he will not be the ethics commissioner. That is why we feel very strongly that there has to be an independent ethics commissioner who does not report to the Prime Minister but reports to the House of Commons and is able to tell each and every one of us what proper ethics he feels are right.

I wonder how the hon. member of the NDP feels about that. Does he not feel that the ethics commissioner should be independent? Does he not feel that the ethics commissioner should be able to tell the hon. member of the NDP as well as each and every one of us what we should be doing? Does he believe that the ethics commissioner will have that freedom of choice by reporting to the Prime Minister and not to the House of Commons?

Mr. Dick Proctor: Mr. Speaker, I stand to be corrected, and it would not be the first time, but it is my understanding that the ethics commissioner would be reporting to the House of Commons.

I tried to indicate in my remarks that one of the problems we had with Mr. Wilson was that he was reporting to the prime minister and the prime minister alone, and that this was totally unsatisfactory. People saw through it. Canadians saw through it. Certainly members on all sides of the House saw through it.

What we have just agreed to on division before this debate began was to accept Dr. Bernard Shapiro to be the ethics commissioner. He indeed would be reporting to the House of Commons and not strictly to the Prime Minister. I take some comfort in that. It is a step in the right direction and I support it.

Hon. Roger Gallaway (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I want to make a comment and an observation and I would ask my friend to respond.

First, I want to thank him for his support of this initiative. It is consistent with the private members' bill, as he noted, brought forward by the member for Halifax in the past. It is interesting that it is consistent with the motion brought forward under private members' business by the then leader of the progressive conservative party, the member for Pictou—Antigonish—Guysborough.

I would point out that in the member's comments he has referred to a bill that is legislation. I would point out to him that this is not legislation, that this is indeed a motion that is a proposed amendment to the Standing Orders, which is profoundly different from a piece of legislation. I make that observation. If he cares to respond, I would welcome that.

● (1150)

Mr. Dick Proctor: Mr. Speaker, obviously the parliamentary secretary is correct. I appreciate his pointing that out to me.

Mr. Ken Epp (Elk Island, CPC): Mr. Speaker, I would reiterate again the concern that was expressed by the member for Saint John. She said that the ethics commissioner, in dealing with public officer holders, has a different role. It is very explicit in section 72.07 of Bill C-4:

> The mandate of the Ethics Commissioner in relation to public office holders is
>
> (a) to administer any ethical principles, rules or obligations established by the Prime Minister—

In other words, the Prime Minister establishes them. The bill provides that the Prime Minister must table that in the House so that it is accessible to everyone.

In the previous 10 years, remember that the then prime minister kept saying, "I have this code, I have this code," but we could not get a copy of it. It took six years of cajoling until finally the thing was made public. Now the legislation requires that it be made public, but the Prime Minister is still the author of it according to the bill.

Also, it says explicitly:

> (b) to provide confidential advice to the Prime Minister with respect to those ethical principles, rules or obligations and ethical issues in general; and
>
> (c) to provide confidential advice to a public office holder with respect to the application—

There is all this private and confidential advice referred to. On the one hand I can see where it has some merit. Everything cannot be done out in the public, but how does the public know that the thing is being administered properly if there is all this confidential advice being given to the ministers and the Prime Minister? I would appreciate the member's comments on that.

Mr. Dick Proctor: Mr. Speaker, it is difficult in terms of the confidentiality on material like this. I think there does have to be some sensitivity. However, the larger concern the member for Elk Island raises in supporting the member for Saint John is that somehow this code of conduct is to be exclusively in the hands of the Prime Minister. I do not think that will occur.

Perhaps I am being too generous in saying that and I will be proven wrong at a later date, but I think there has been such a hue and cry about what has happened that changes have to be made. There has been such a hue and cry about what has been allowed to happen with Howard Wilson as the former ethics counsellor, who was, as I said in my remarks, completely under the thumb of and dominated by Jean Chrétien when he was the prime minister. I think there is a recognition that changes have to be made. There is a recognition on all sides of the House and in the standing committee that has been dealing with this matter.

I also have some hope that in the next Parliament the government of the day will not have the same kind of majority to ram things through in the way it has been able to in the last 10 years and that there will be more interaction from all political parties to make some significant changes. If indeed the member for Elk Island and the member for Saint John are right on this and I am wrong, we will have some opportunities, as a Parliament that is working much more directly together to get legislation through, to make sure that those problems, if they exist, will be corrected.

Mr. Ken Epp: Mr. Speaker, one more issue that we ought to consider is the fact that this report becomes a part of the Standing Orders and those Standing Orders can actually be amended at any time. The fact is that putting it not into a statute but into the Standing Orders provides for the kind of flexibility the hon. member has just spoken of, so that if there are errors, they can be corrected.

However, Bill C-4 becomes a statute. That is the one that provides specifically the activities of the commissioner and it is much more difficult to change. I would simply point out, probably more as a comment, although I would be interested in the member's response, that this set-up right now is pretty well written in stone. I guess our only hope can be that the newly appointed ethics commissioner will respond according to our expectations.

Although I did not hear it from the government side, the member said and I said and all of us have said that we do expect him to deal honestly, fairly and openly, all those things. Those are the expectations even though I think there is a place in the legislation, in the report we are discussing today and in the ethics code, to weasel out of it if the ethics commissioner were so inclined. But we are hopeful and are expecting that he will not.

● (1155)

Mr. Dick Proctor: Mr. Speaker, I have not, unfortunately, been on the committee that has been dealing with it. I am just reading from news reports, but in specific response to what the two members from the Conservative Party have been saying, yesterday's *Globe and Mail* states:

> The best news is that the commissioner will report to Parliament and serve a five-year term, removable only for misconduct. This distinguishes the job from that of ethics counsellor, a tamer post created by then-prime-minister Jean Chrétien in 1994 and filled, until now, by Howard Wilson.

I would say that I think this is the way it is going to work and it will be a whole lot better in the next 10 years than it has been in the past 10 years.

Mr. Paul Harold Macklin (Northumberland, Lib.): Mr. Speaker, it is indeed a pleasure to rise today to take part as we debate the motion for concurrence in the 25th report of the Standing Committee on Procedure and House Affairs.

In that regard, of course, it has been said many times today that we are very pleased Dr. Shapiro has been appointed as the ethics commissioner. He is a man of great standing. Within the House it certainly appears that there is every confidence he will perform well in his office. We certainly wish him the very best of good fortune in that regard.

As we look back on the history of getting to this point, clearly we see that it has been a very lengthy struggle. Many members today have commented on the fact that it has taken a long time for us to deal with the issues that reflect on our ability to represent the public in an open and transparent way, where in fact the public will have the good faith and the trust that we are operating not in our self-interest but rather in the public interest.

I think that one of the problems we face today, and I know the member for Peterborough has been very active in this regard, is in working to encourage more individuals to participate in the voting process in the election of members of the House and in other elections within our various legislatures. Clearly public cynicism is rampant on many of these issues of the day concerning our ability to act freely and without conflict of interest.

So when we come today to deal with concurrence in this report, clearly it is of great concern to all of us that we make certain we are dealing with this in an appropriate manner and that we are going to increase the transparency and the trust in the public interest.

When one deals with the concept of trust and public confidence, I think the public perception created through the various media outlets is extremely important. We must be very responsible in trying to make certain that when we represent the facts brought before this place, we do our best to make sure that the members of the media and also the members of our constituencies do hear, clearly defined, what steps are being taken to protect their interest.

I believe that in the process of disclosure it is very important that we have guidelines. Although in the past there may not have been problems of any significance with respect to MPs generally, clearly it is important that disclosure be made. I will take a moment to reflect on a passing thought as we look at the disclosure requirements. Some of the requirements tend to suggest at the moment—and I will accept clarification on this—within the report that a member who has a private corporation and is unable to or chooses not to dispose of that interest in the private corporation would in fact have to place that corporation in a trust in order to be able to sit in the House and deal with the affairs of government.

My concern in that regard relates to whether something of this nature might tend to deter someone who has assets of that nature from coming forward into the House and participating in the legislative process. I know that if members participate as parliamentary secretaries or as ministers and fall into that category, they have an opportunity to be compensated for the cost of maintaining a trust of that nature.

I do not believe that any similar provision is available to any other member of the House. I am not aware of any at this moment. Although it may not fit appropriately in a code per se, I would think steps need to be taken which would appropriately place all members of the House on an equal footing in terms of costs required in order to be in this place.

● (1200)

The possible alternative to that, of course, if there were no compensation for those who would have to place their assets in trust, could be that one might be able to look at it as another cost of doing business. Therefore, through amendments to the Income Tax Act, one might be able to appropriately dispose of such a concern.

We in this House do not wish to discourage those who would come forward and who do have significant assets. I know that we do see within the House a great deal of concern about one's property and other assets, and sometimes it is used to take political advantage by certain inferences that are made within the House. I think it is quite inappropriate to make adverse inferences if in fact people are fully open and clear as to what assets they possess. Therefore, I think that in this code of conduct we will be able to deal with this issue in a manner that I think is acceptable. I think there will be full and complete disclosure, which should, I believe, relieve members of the concern that they would be unduly attacked for having assets in their name.

I believe that a code is just that: a code. Each of us must respect the code. It is like the hon. member for Elk Island said: stopping at the crossing when the light shows that he should not cross. I think each and every one of us has a responsibility not just to respect and reflect the actual words within the code but to actually think about and reflect the intent of the code as we go about our work here.

In the past, clearly, for the most part there have been no such violations. Obviously, as has been pointed out, more of those violations that have a higher profile have come from a cabinet or ministerial level.

At this juncture I believe we are much more aware and respectful of those who deal in these issues, but clearly the public is demanding for their trust and confidence that we take every available step to meet the needs as seen. The standards we have here must always be maintained at the highest level and we must always put the public interest ahead of our private interest.

As we look at the history of getting the code to this point, it is quite incredible. I think it has been more than three decades now that the House has struggled with this issue of how to deal with a code of conduct. On and off over that time, we have seen that both Liberal and Conservative governments have dealt with and considered this concept.

In 1997, as has been previously mentioned, there was the Milliken-Oliver committee, a special joint committee that recommended the independent ethics commissioner and a code for members of this House and the Senate. That was an extremely interesting committee, because it did ultimately provide us with a report that drew on the experiences of others, both in other provinces and in other countries of the world. It was a rather comprehensive report. Since 1997, obviously we have spent a lot of time thinking about and trying to develop a code, but it has always seemed to bog down in the process of debate.

Clearly today we are at a crossroads. We have come to the point where there is general consensus that this is the appropriate way to go and that the code does reflect the best we have been able to gather from other jurisdictions. Simply put, I am very supportive of the principle and I know that members of my constituency are supportive of anything that will advance the public trust.

● (1205)

I believe the presentation of the motion for concurrence is one that deserves the support of the House and one that we should be able to support.

As we look at the office of the ethics commissioner, I believe the ethics commissioner will be given the opportunity to do what I think all of us would hope an ethics commissioner ought to do, and that is to independently deal with the concerns of the House, member to member or side to side, as we may find ourselves from time to time; that the ethics commissioner will be able to make an appropriate assessment; and that when the ethics commissioner assesses a complaint or a concern that it will be given the good judgment of the ethics commissioner as an independent person to determine whether a complaint is frivolous or done for some type of partisan politics that does not actually go to the foundation of the code, and that is to have the public interest served above private interests.

I believe that provision will take away some of the concerns that some members had that complaints might just simply pile up and that the process of actually getting to the bottom of a legitimate claim would not be well-served.

In this case, with the provisions that are in this report, I believe the ethics commissioner can very easily deal with those issues that he believes are simply not well-founded and grounded in legitimacy and have them disposed of, without causing any member within the House undue concern.

Today I am very pleased to present my views and thoughts on this matter. I am pleased that within the House we seem to have come to a consensus on going forward with this code. I am pleased to support this code of conduct and the concurrence in this motion as it goes forward today.

● (1210)

Mr. Ken Epp (Elk Island, CPC): Mr. Speaker, I heard the member's words, and I do not for a moment question the sincerity of those words, but I would ask him to comment on something.

We undoubtedly have this motion before us today, the new code of conduct and the rules for the ethics commissioner, because of the fact that there were some scandals that involved the cabinet. It was at that time that the Prime Minister pointed out that there would be a correction of this. The Liberals of course are famous for this. They always like to announce things and appear to be doing things that are necessary, whether they actually do them or not.

I have a bit of a tough question for the member. Does he perhaps have any cynicism in the fact that the rules will now encompass all members of Parliament, where there was not a problem, and show a different set of rules for cabinet ministers, with whom we have had problems in the last number of years?

Mr. Paul Harold Macklin: Mr. Speaker, if I recall correctly, the hon. member, when speaking earlier, did refer to the code of conduct that is in place with respect to the ministerial responsibilities. I believe that in his commentary he did mention that he thought possibly that code may even be more strict in some areas than the code that is before us.

I believe that standards are appropriate within any setting where standards are required to be addressed. They should be clear and well stated. In this case there is nothing wrong with setting out standards. Even if the standards were already adhered to, I still believe that the setting of that again is also adding to the ability of each and every one of us to talk to our constituents throughout the country and to clearly state that there is a watchdog and that we are being careful in the way in which we deal with the matters of public interest.

I do not see the concern of cynicism in this regard. I believe that standards ought to be broad standards and that they should encompass the entire constituency of the House. In that end, we are trying to simply maintain, for not only our individual guidance but also for the protection of the public, a system of rules that are meaningful. I think the report will go a long way toward helping reduce any concerns that anyone may have raised because of incidents that might have occurred at the ministerial level.

Mr. Ken Epp: Mr. Speaker, I have another comment and a question with respect to the code, which is that it requires disclosure.

Up until now, members of Parliament, who actually have very little say financially in spending taxpayer money beyond the administration of their own office budgets, have very little to gain. We already have rules in place with respect to conflict of interest in a broad sense that are in the Standing Orders and even in the Canada Elections Act. Now we have a whole bunch of rules, including this disclosure regime, which will be made public.

I wonder whether the member thinks that perhaps such disclosure will serve to discourage otherwise well-qualified candidates from running for public office.

Mr. Paul Harold Macklin: Mr. Speaker, it is always a concern that we might discourage people from running for public office. However we always have to find a way to strike a meaningful balance and in this case I believe we are striking a reasonable balance.

We should be encouraging those who have proven to be successful in business and have accumulated assets to take part in the legislative process because they bring to us a level of experience and knowledge that is very important as a contributing part to the debates within the House.

I certainly hope that this does not discourage, but obviously I do feel that there are a few points that could be taken into consideration, maybe not through the Standing Orders, as I have mentioned, but in terms of either some form of compensation for those who have to put their assets into trust. Another way may well be, as I suggested earlier, using some form of tax deductibility under the Income Tax Act where they at least would not be held at a disadvantage because they came to this place having assets.

I certainly believe there are ways and means, and if there is any deterrence within this code of conduct, that in fact that deterrence can be dealt with in other ways throughout the House.

● (1215)

[*Translation*]

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, it is a great pleasure for me to be here in the House today.

[*English*]

I am delighted the member for Elk Island is here because I want to start out debating a particular item he brought up in reference to this motion. He said that the government has the majority and that it can ram a bill through, as if that is what occurs these days. That is a total contradiction to reality.

That has not occurred since the new Prime Minister, the member for LaSalle—Émard, took his spot. Before he even became Prime Minister, removing the democratic deficit was a tremendous part of his platform. He really has re-engaged Parliament and has made massive changes in the way Parliament runs. It came into effect the day he became Prime Minister.

We now have a Westminster system of voting, where there are three different voting options. The first option is totally free votes. The second option is where the government expresses its views and gives some background so that members can hear those views, read the reference materials and then form an opinion.

The third type of vote, which comes with the parliamentary system under which Canadians have chosen to be governed, includes votes on budgets and throne speeches, which is the platform the government has elected. In those situations members still have to show confidence in the elected government.

This new system has been in place since the very first day the member for LaSalle—Émard became Prime Minister. It has made a radical difference, as members in the House have experienced from all sides of the House, in votes on the Liberal side.

When the member says that the Liberal side can control the votes and can control the outcome, then they are controlling it both for and against government initiatives. They are also performing the role of the opposition now in the freedom of votes. If the government members and their constituents are not convinced of the benefit of a majority of bills, then they can vote that way. It is a whole new attitude in Parliament. It is amazing that a new Prime Minister can cause such a dramatic change on his first day in Parliament. It is one of a number of things that have occurred.

I will not go into the entire agenda of the throne speech and the budget, but as people in the media are beginning to realize, as they look back through all the questions in question period since January, there have hardly been any questions from any of the opposition parties on the great progress that we have outlined in both the budget and the throne speech related to social programs, Canada's place in the world and the modern economy and training. It is amazing that so much change and progress has been made in such a short time and how much is on the agenda for the future.

Therefore, that was a totally inaccurate portrayal that this motion or any bill is just being pushed through. That is not a reflection of reality and that is not what has occurred with the vast majority of the bills that have come in since the new government has taken its place.

The other thing I wanted to say about this, not only talking about this time in history, is that a number of members of Parliament on all sides support various elements of this motion, so it is not just the government. Since 1973 there have been a number of initiatives from various parties. I think there were about 20 initiatives from members of Parliament, members of governments and task forces related to this. It is not just a few members moving this forward from any particular party. I will not have time to go through the list but some of them will be reflected in my speech, if I get to it. I just wanted to make some personal comments before I went into my technical speech.

I find it distressing sometimes the amount of time we spend in Parliament concerning ourselves with the personal lives of individual parliamentarians. It is not just this Parliament, but previous parliaments under previous parties and governments. It is the nature of the institution that some 30 million Canadians spend so much time on the personal lives of the 301 Canadians here, while the business of the day and of Parliament that affects the other 30 million is not carried on in the limited time we have for legislation and debate.

● (1220)

Hopefully the committees, institutions and task forces that will look at how Parliament works might look at a way of moving the first round of debate on such items to another forum to maybe resolve it so that we do not take up so much time in Parliament. Perhaps we could have a first round in committee and the committee could refer it to Parliament thus allowing us to carry on with the business of the day and resolving issues.

I think a lot of them would be resolved through the ethics counsellor and this bill because the guidelines will be there. People will have good direction to follow and they will also have a non-biased and non-partisan advisor. That is one of the very strong points of this bill with which I am very much in favour.

As everyone will notice, this motion is some 20 pages long and there are a lot of details. Members of Parliament deal with all sorts of other things and may not be quite aware of those specific details. It is great if they can go to someone and ask if they are eligible for a RRSP, which members of their family can be included, what clubs or organizations could they sit on as a board of director. It is good to have someone to go to and I think that is a great strength.

It is very good that it deals not only with direct conflict of interest, but perceived conflict of interest. Anything we can do to ensure that our institutions are well thought of is important because it gives members more ability to work on the issues. Even a perception of conflict, although it may not be a conflict, deters us from those noble objectives.

I am also interested in the aspects of how, for those of us who have done a lot of work for non-profit organizations or volunteer work, this affects that type of work and whether one can still be involved or not. It would bring up a very interesting debate, unfortunately, at the moment there is not a gender balance and a majority of members are women. The question is, how much will this affect the abilities of women as they become more entrepreneurial and more involved in owning assets personally as opposed to jointly? What effect do all the declarations have on their independence and having an independent life separate from their marriage?

It is a pleasure to support, for those reasons and a number of others, the motion for concurrence in the 25th report of the Standing Committee on Procedure and House Affairs which provides for a code of conduct for members of the House of Commons.

Ethics and integrity form the first pillar of the government's action plan for democratic reform. I know that parliamentarians are committed to serving their constituents with the highest ethical standards. That said, a healthy democracy requires that its citizens have the highest degree of public confidence in political institutions.

The adoption of the ethics commissioner by the House, as well as the code of conduct, will not only help to strengthen the confidence of Canadians in their representatives, but will encourage us to place a renewed focus on three essential ingredients for a healthy democracy: ethics, transparency and accountability. I am confident that the hard work of MPs from all parties to develop the code of conduct will allow us to achieve these goals.

It draws on the 1997 report of an all party special joint committee, the Milliken-Oliver committee, and other reports of the House. The procedure committee members worked on the code in detail. It also worked with members from all parties, holding round tables open to all members of the House, and keeping all members informed of the committee's work on the code. In short, it is an excellent example of the work of the House in the best possible sense.

The code of conduct reflects over three decades of work by members of the House, going back to the Trudeau government's tabling of the green paper in 1973. Since then, both Liberal and Conservative governments have undertaken initiatives to develop a code of conduct for parliamentarians.

● (1225)

In 1978 the Trudeau government introduced the independence of Parliament act. In 1988 the Mulroney government introduced the members of the Senate and House of Commons conflict of interest act. The Mulroney government introduced a similar bill in 1989 and 1991. In 1993 the Mulroney government introduced the conflict of interest of public office holders act. This is not a new concept. It has been worked on by parliamentarians from all sides of the House for some time.

In 1995 the Milliken-Oliver committee was established to develop a code of conduct. The Milliken-Oliver committee recommended a code of conduct for parliamentarians in its 1997 report.

In 2002 the previous government tabled a draft code for parliamentarians based on the Milliken-Oliver report which was referred to the procedure committee. The procedure committee examined the code, held round table meetings for all members of the House, and circulated a draft code to all members as an interim report on the code. Last fall the committee tabled a report recommending a code based on the comments of members of the committee and other members of the House. Parliament was prorogued before the House could consider this code.

On April 26 the procedure committee agreed to support the appointment of Mr. Bernard Shapiro as ethics commissioner. The House agreed to a motion for this appointment this morning. The ethics commissioner will administer the Prime Minister's code for ministers and other public office holders, as well as a code for members of the House. That is an important reason why the procedure committee agreed on April 26 to table its fall report for a code for members of the House, which is the subject of the motion now before us.

I would like to speak for a minute about experiences in other jurisdictions. We are fortunate to have the experiences of other provinces and countries which have adopted similar codes of conduct. The testimony before the procedure committee demonstrated that the experiences of other jurisdictions show that a code of conduct administered by an independent ethics officer has benefits for parliamentarians in providing an independent source of advice on conflict of interest matters and in strengthening the public's perception of ethical conduct by parliamentarians.

The code would apply to all members of the House, including ministers and parliamentary secretaries, who are also subject to the additional obligations of the Prime Minister's code.

There are rules forbidding members from: furthering private interests, using influence to improperly further private interests, using insider information improperly to further private interests, and knowingly be a party to a contract with the government.

Members must file an annual statement to the ethics commissioner disclosing the members' private interests, and the private interests of their spouse and dependent children. The ethics commissioner shall keep the statement confidential but would prepare a disclosure summary that would be available to the public.

As the code will not come into force until the beginning of the next Parliament, adopting the code now will ensure that all candidates for a possible election are aware of the potential conflict of interest obligations under which they will be placed.

As I mentioned earlier, the code of conduct was prepared with the participation of members from all parties. Indeed, opposition parties have advocated in the past a code of conduct for the House. For example, a code was supported by the Canadian Alliance in its "Building Trust II" document released in 2002 and by NDP members, including a former leader, through private members' bills between 1999 and 2002.

In conclusion, adopting this code of conduct would be a great step forward for the House. It would provide a basis for the work of the ethics commissioner with members of the House. As the procedure committee stated in its 52nd report tabled last fall:

> The result of our consultations and intensive study is, we believe, a document in which all Members of the House can have confidence. We are convinced that it is a very credible step forward in the self-regulation of this House.

● (1230)

Mr. Ken Epp (Elk Island, CPC): Mr. Speaker, at the beginning of his speech, the member went on and on about how the new Prime Minister is repairing democracy in this place and fighting the democratic deficit. I would like to remind him of the fact that it was the Prime Minister who, in just a matter of days after the House opened following his appointment as Prime Minister, invoked closure for the first time.

I would like to point out that, even in gaining his position as Prime Minister, the man went ahead and basically tied up anything that could be called democratic in the Liberal Party. If we look at those three line vote systems, that is what it has always been. It is just a new name for it. In private members' business, usually members voted according to their individual will, and the cabinet always voted together. It is still that way. There has been no change.

With respect to nominations in the ridings, I find the Prime Minister is about as undemocratic as he can be in some of the ridings, including the Vancouver riding of Burnaby. I challenge him when he says that the new Prime Minister is fighting the democratic deficit. I think he is sustaining it, and even building it.

Hon. Larry Bagnell: Mr. Speaker, I would like to remind the member of the situation with the member for Saskatoon—Humboldt. What is the difference?

I am delighted he brought up the issue of closure motions because it gives me a chance to talk for a while about how the Conservative Party has really performed a disservice in the House by wasting time earlier in this session. Closure motions are used when the opposition puts up endless speakers with irrelevant information and repeating the same type of speeches.

A perfect example of that was when a number of motions that were on the Order Paper from the last session were brought forward for debate and opposition members filibustered for days and wasted the time of the House. Thank goodness there is a provision for closure because the opposition can be stopped from wasting taxpayers' money in such debate. If this issue comes up in the next question asked of me, I have some other examples that I can provide.

In relation to the member's comment on the democratic deficit, he was perfectly right to point out the tremendous change in the House because of the Prime Minister's new initiatives. I can think of three items, the first being free votes. Another initiative was more freedom in parliamentary committees and that has already occurred. All committees chairs have received correspondence on that and it is moving forward. The third initiative was in regard to appointments.

I appreciate the fact that the member is in the House a lot more than many other members and I give him credit for that. What is surprising is his total lack of understanding of how the system has changed. In the previous system, Liberal members voted the same way on many bills because we did not have the three line system. It is a totally different system now.

I voted against the government a number of times under this new system and the whole atmosphere of the House has changed because of it. This is really an historical step in the evolution of the House. This Prime Minister should be given a great deal of credit for bringing it forward and implementing it.

● (1235)

Mr. David Chatters (Athabasca, CPC): Mr. Speaker, I was amazed at that member for making those accusations against the opposition about filibustering and forcing the government to use closure. It is the responsibility of an opposition to use the tools available to it to bring amendments forward to change bills and put pressure on the government.

Perhaps the member would be the perfect one to explain why, in the last couple of weeks, the government has been filibustering its own bills. As a parliamentary secretary, he filibustered one of his own minister's bills. Everyone was at a loss to understand what possible purpose the government could have to filibuster its own bills other than the fact that it has no meaningful legislation to bring to the House.

Hon. Larry Bagnell: Mr. Speaker, I agree with the point the member brought up about the opposition. It is the opposition's job to bring forward amendments to bills and to perform constructive work in that respect. I asked someone to research the number of times the opposition had wasted our time in the past on some of these motions. Unfortunately, it has not been done yet, but maybe it will be done now so I can have a longer speech when I reply to these types of questions.

The member said the opposition's job was also to bring forward constructive amendments. I would agree with that if that was actually what the opposition was doing. Speeches were given on a number of excellent bills and a number of people on all sides of the House voted for those bills. However, the opposition did not put forward any constructive amendments. There was just mindless debate to stop us from getting on with the business of the House.

I have no problem with discussion going on forever if new points are brought forward. However, when no new points are brought forward, I will bring opposition members to task.

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

Some hon. members: Question.

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

Some hon. members: Agreed.

An hon. member: On division.

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

(Motion agreed to)

* * *

PETITIONS

STEM CELL RESEARCH

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I am pleased to present two petitions today, The first petition is on the issue of stem cells. The petitioners would like to draw to the attention of the House that Canadians support ethical stem cell research which has already shown encouraging potential to provide cures and therapies for the illnesses and diseases of Canadians.

The petitioners therefore call upon Parliament to focus its legislative support on adult stem cell research to find those cures and therapies.

MARRIAGE

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the second petition is on the subject matter of the definition of marriage. The petitioners would like to draw to the attention of the House that marriage is the best foundation for families and for the raising of children and also that marriage is the exclusive jurisdiction of Parliament.

The petitioners therefore call upon Parliament to pass legislation to recognize the institution of marriage in federal law as being the lifelong union of one man and one woman to the exclusion of all others.

* * *

● (1240)

QUESTIONS ON THE ORDER PAPER

Hon. Roger Gallaway (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, the following questions will be answered today: No. 46, supplementary, and No. 47, supplementary.

[*Text*]

Question No. 46—**Mr. Rex Barnes**:

> Since 1993, what grants, contributions, contracts and/or loan guarantees made through a crown corporation, department, and/or agency of the government were received by Burrard Communications Inc., specifying, in each case, the source and dollar amount, the date made, the reason(s) for providing funding and the present status of the grant, contribution and/or loan guarantee (whether repaid, partially repaid, or unpaid, including the value(s) of any repayment(s)) and, in the case of contracts, specifying whether the contract has been fulfilled, whether it was tendered and any reason for limiting the tender?

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, following the first reply to Question No. 46 on April 19, 2004, the Canadian Wheat Board, CWB, has now checked all records of contracts awarded for the period April 1, 1997 to December 1998, when the CWB ceased to be a crown corporation. In accordance with provisions of the Income Tax Act, all invoices prior to April 1, 1997 have been destroyed. For the period April 1, 1997 to December 31, 1998, no record of any grant, contribution, contract and/or loan guarantee with the company mentioned was found.

Question No. 47—**Mr. Rex Barnes**:

> Since 1993, what grants, contributions, contracts and/or loan guarantees made through a crown corporation, department, and/or agency of the government were received by Pilothouse Public Affairs Group, specifying, in each case, the source and dollar amount, the date made, the reason(s) for providing funding and the present status of the grant, contribution and/or loan guarantee (whether repaid, partially repaid, or unpaid, including the value(s) of any repayment(s)) and, in the case of contracts, specifying whether the contract has been fulfilled, whether it was tendered and any reason for limiting the tender?

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, following the first reply to Question No. 47 on April 19, 2004, the Canadian Wheat Board, CWB, has now checked all records of contracts awarded for the period April 1, 1997 to December 1998, when the CWB ceased to be a crown corporation. In accordance with provisions of the Income Tax Act, all invoices prior to April 1, 1997 have been destroyed. For the period April 1, 1997 to December 31, 1998, no record of any grant, contribution, contract and/or loan guarantee with the company mentioned was found.

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[*English*]

STARRED QUESTIONS

Hon. Roger Gallaway (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, would you would be so kind as to call Starred Question No. 73.

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

Some hon. members: Agreed.

Hon. Roger Gallaway: Mr. Speaker, I ask that the answer to Question No. 73 be printed in *Hansard* as if read.

[*Text*]

*Question No. 73—**Mr. Bill Casey**:

Last year, 2003, during a transit from the Atlantic to the Pacific Ocean via the Panama Canal, did the HMCS *Victoria* stop for critical repairs at a United States Navy, USN, facility located in the state of Florida, and if so: (*a*) which USN facility in Florida did HMCS *Victoria* visit; (*b*) what was the purpose of the port stop in Florida; and (*c*) what specific repairs or upgrades, if any, were carried out during the transit in 2003?

Hon. Roger Gallaway (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, in response to (a), HMCS Victoria visited Port Canaveral, Florida from July 7 to 12, 2003.

In response to (b), the purpose of this visit was to foster international relations and to provide a morale and welfare stop for the crew during her transit to Esquimalt. This visit was planned before her departure from Halifax.

In response to (c), several repairs were completed during the transit. None of the repairs conducted on board HMCS *Victoria* during her transit were considered mission critical nor would any of the repairs have prevented the submarine from sailing if the repair could not be completed. The following table summarizes the repairs completed during the transit:

Equipment	Summary
Electronic Support Measures, ESM, Sea Search 2	Sea time presented an opportunity for HMCS *Victoria* to progress diagnosis of a bearing inaccuracy problem in the submarine's ESM suite, which was identified prior to departure from Halifax. Final repair was deferred to the post-transit repair work period, RWP.
Command Display Console, CDC	HMCS *Victoria* experienced intermittent screen oscillations on the CDC. Component replacement repairs attempted during the transit were unsuccessful and final repair was deferred to the post-transit RWP.
Submerged Signal Ejector MK 9	Parts were dispatched to Port Canaveral to enable HMCS *Victoria* to automate the hydraulic operation of the after submerged signal ejector. The system was operable in the manual mode on sailing from Halifax.
Communications Antenna	HMCS *Victoria* experienced faults with her communications mast, which degraded the hydraulic cycling of the mast. The crew completed repairs to the communications antenna with parts received en route.
Gyrocompass	The backup gyrocompass exhibited heading errors during initial transit from Halifax. While the backup gyrocompass was repaired from on board stores, both of the primary gyrocompasses remained operational.
Gyrocompass Bridge Repeater	Bridge repeater for gyrocompass failed following transit of the Panama Canal, displaying erroneous and unreliable bearings. Replacement bridge repeater shipped to HMCS *Victoria* en route.
Gyrocompass	One of two primary gyrocompasses failed following transit of the Panama Canal. The alternate gyrocompass was used for the remainder of the transit. As further backup heading sources remained available, final repair were deferred to post-transit RWP.
Ballast Priming Pump	Power supply unit for HMCS *Victoria's* ballast priming pump failed during transit resulting in a loss of redundancy for the bilge and ballast priming systems. Repairs to priming pump completed with parts received en route.
Port Main Engine	Port main engine exhibited unreliable performance following transit of the Panama Canal in that malfunctions caused the faulty speed control cards to trip. Repairs completed with replacement speed control cards received en route.

* * *

[*English*]

QUESTIONS PASSED AS ORDERS FOR RETURNS

Hon. Roger Gallaway (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, if Question No. 42 could be made an order for return, this return would be tabled immediately.

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

Some hon. members: Agreed.

[*Text*]

Question No. 42—**Mr. John Duncan**:

How much money has the government transferred to the Métis Nation of Ontario each fiscal year for the period 1994-2003?

Return tabled.

[*English*]

Hon. Roger Gallaway: Mr. Speaker, I ask that the remaining questions be allowed to stand.

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

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*English*]

PATENT ACT

Hon. Judy Sgro (for the Minister of Industry and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec) moved that Bill C-9, an act to amend the Patent Act and the Food and Drugs Act (The Jean Chrétien Pledge to Africa), be read the third time and passed.

Hon. Aileen Carroll (Minister for International Cooperation, Lib.): Mr. Speaker, it is a pleasure to rise in the House today in support of Bill C-9. This is groundbreaking legislation that clearly demonstrates what can be accomplished when we focus on what truly matters: humanity and compassion.

Today with the Canada and Jean Chrétien pledge to Africa act, we are sending a message to the community of nations. When confronted with misery and tragedy, Canadians do not look away.

We do not close our eyes to the sufferings of others and we do not throw up our hands in despair, we act. Diseases such as HIV-AIDS, tuberculosis and malaria are taking a terrible toll on the developing world. They accounted for almost a quarter of the global death toll last year.

However, numbers alone cannot begin to convey the full impact of these diseases on the political, economic and social structures in developing countries. Eighty percent of those dying from AIDS are between the ages of 20 and 50. It is anticipated that by the end of this decade, there could be more than 44 million AIDS orphans.

As a result, we face a potential demographic crisis where the most productive members of society can no longer raise their families and contribute to their communities.

The world's poorest countries cannot effectively fight poverty if their teachers, students, health care workers and business people are debilitated by disease. Simply put, we face the breakdown of families, community life and ultimately societies at large. Yet many of the diseases plaguing poverty stricken countries are largely treatable.

In the developed world, for example, the use of combination chemotherapy with anti-retroviral agents makes HIV-AIDS a chronic but a manageable disease. In the developing world, however, these drugs are largely unavailable. Only about 5% of those who require anti-retroviral agents are getting them and the same is true for other essential drugs. This is a great injustice and one that must be addressed.

As Canadians, we need to get involved. We need to work hand in hand with other nations to help lift the death sentence that HIV-AIDS and other diseases have literally imposed on millions of men, women and children across the planet. Fortunately, the situation, while dire, is not without hope.

After many years of sounding the alarm, the tireless efforts of a committed few are awaking the rest of the world to this grim reality. As Stephen Lewis, the United Nations Secretary General's Special Envoy on HIV-AIDS in Africa has noted, “there is a new momentum”. We are seeing a renewed commitment and engagement by those in the developed world.

[*Translation*]

I believe that Bill C-9 is a big step toward strengthening Canada's commitment on this issue.

This legislation responds to a decision by the World Trade Organization to override certain provisions of the agreement on the aspects of intellectual property rights as they relate to trade.

The decision is intended to permit the export, under certain conditions, of licensed versions of patented pharmaceutical products to countries that cannot manufacture their own.

I should point out that the WTO does not require its members to enact any particular measures. No one has ever said that Canada must get involved. Nevertheless, our collective conscience says we must do so. This is a moral imperative and a pressing need to act, and to act quickly.

We sincerely hope that our leadership on this issue will encourage other countries to follow our example.

● (1245)

Bill C-9 is based on a balance of interests. On one side, there are the great humanitarian objectives, to send vital pharmaceuticals to developing countries. On the other side, we must protect the integrity of our intellectual property system and ensure that we respect our international obligations in this matter.

We must not forget the importance of intellectual property rights, such as those protected by patents. After all, such protection stimulates continued progress in medicine, progress for the good of every one of us.

The government is persuaded that this bill reconciles these two imperatives and establishes a practical system to permit appropriate medicines to reach the people who need them.

[*English*]

At the same time, we recognize that access to less expensive generic versions of medications alone is not enough. Without well trained health care workers and adequate infrastructure, developing countries will unable to reverse the spread of these diseases.

That is why in addition to moving forward on Bill C-9, Canada continues to help developing nations build their capacity in their health care systems. By moving on these two fronts at once, increasing access to drugs and strengthening health care systems, Canada is working very hard to enable poor countries to scale up the treatments.

Canada is the first country to adopt this kind of legislation. Other countries are sure to follow our lead.

When I was in Washington last weekend for the spring meetings of the World Bank and the IMF, ministers from other countries commended Canada for the bill. They asked me for details so they could replicate it in their own countries. By having been the first country to come out of the gate and by having been the first country to bring forward this very important legislation, indeed we are imposing a certain onus, and it is an onus I intend to speak of in whatever international venue I find myself.

Because the world is watching, we have to get this right.

[*Translation*]

Thanks to a wide range of contributors, I believe we have achieved this.

I will take this opportunity to thank the members of the Standing Committee on Industry, Science and Technology and the many people who took the time to send in their comments and to appear before the committee.

The list of such intervenors is quite long and includes representatives of the patent medicine sector, the generic drug sector, and many non-governmental organizations, such as Doctors without Borders and Oxfam.

I applaud the commitment each one of them has made to this humanitarian initiative. Because of their efforts, in large part, the bill has been amended and very much improved.

● (1250)

[*English*]

Let me outline very briefly how the new regime proposed by Bill C-9 will work. The regime proposes a number of schedules that set out the pharmaceutical products and the countries to which the bill applies. Where any such country identifies a need for one of these products in order to respond to a public health problem, the country may approach a Canadian generic drug manufacturer to negotiate a supply agreement. I should add that these schedules are very inclusive and can be speedily amended to add countries or to add pharmaceutical products to respond to changing demands.

A supply agreement can be concluded at any time. The only obligation on the generic drug company is that before applying to the Canadian Intellectual Property Office for an export licence, it must first approach the brand name company holding the patents for that product to see whether the latter is willing to accord a voluntary licence on reasonable terms and conditions. If the brand name company is unwilling to do so, the generic company is free to proceed with its application for a licence and, assuming the requisite health, safety and administrative conditions are met, a licence will be issued and the product can be exported.

Finally, the regime also includes a number of safeguards to ensure the export of high quality products that will be provided directly to the people who need them.

Bill C-9 is good legislation. It proposes a fair and workable regime. This speaks volumes for Canada and Canadians and reflects a compassion that will soon benefit those in need of our help. I encourage the members of this House from all parties to lend their support to Bill C-9. Together, we can send a clear message to the millions of men, women and children in the developing world. It is a message of hope and compassion. It is a message that says Canada cares.

Mr. Speaker, I am noting your body language and I am wondering if I have run out of time. If I have, in that case I will conclude my remarks.

An hon. member: Ten minutes.

Hon. Aileen Carroll: More? In that case, I will add just a few more remarks as I know there are other colleagues who wish to speak. I do not want to in any way preclude that, but I do think it is important, speaking for a moment as one the five ministers on Bill C-9, to reflect a bit of our perspective in the Canadian International Development Agency. We see, as do our other department colleagues, that this is just one part of Canada's contribution to the global effort to combat disease in developing countries.

Canada's efforts also focus on preventing the spread of disease and helping people with disease live fulfilling and productive lives. As I mentioned yesterday in a response to a question here in the House, it is part of the very holistic approach CIDA takes to development because it works.

I used the example of what we are attempting to do in building the capacity of countries in the developing world to provide the kinds of health services so desperately needed, and of course to have the structures and systems in place to dovetail with the present and future availability of less expensive drug products. Indeed, improving access to those medications is essential, but as I say, in order to maximize their benefits, the health systems must be improved and we are actively involved in doing so.

This means, then, ensuring that there are enough doctors, nurses, hospitals and clinics to administer the medicine and to ensure the follow-up, so different from here in Canada. The care prior to the ravages of disease and the post-hospital or post-clinic care are imperative to treating the diseases that we are aiming to treat.

It also means ensuring that there is adequate access to clean water and sanitation, which curtails the spread of the disease. Some 60% of the diseases so rampant in developing countries are caused by a lack of clean water, so CIDA has many programs dedicated to the provision of clean water and to dealing with all the causes of contamination. In that regard, we partner with many very effective NGOs to accomplish that objective.

● (1255)

In addition to all of what we do to build up the health care systems, we of course have committed very serious and large amounts of our budget to address the HIV-AIDS pandemic generally. In the years from 2000 to 2005, our investment is in the area of $270 million. When we add to that an additional $1.2 billion allocated for health and nutrition initiatives, all a part of what we are attempting to achieve, it shows the very serious priority that we assign to health care and to the prevention and treatment of diseases in developing countries.

I have made reference to my efforts as minister for international development in international venues where I find myself. It is a great opportunity, as a member of group of six like-minded donors called the Utstein group, including Sweden, Norway, the Netherlands, England and Canada, that I am able to convey to them what we have done, being the first out of the gate with Bill C-9, and the first one to come into compliance with the TRIPS agreement, which we all signed as members of the WTO. Let me say that quite frankly I put an onus on them. They are very ready to bear that onus and very keen to receive all the details of this legislation, which has been the result of an excellent partnership of five departments of government, stakeholders in the community and in Canada, and a great willingness to come together to make sure that not only will we pass that legislation but that it will be an excellent piece of legislation.

I am delighted that we will have accomplished this today. It is a very exciting day. I think it is a wonderful news story. I hope that the media, who are very quick to note areas that they determine to be newsworthy, will make a major news story out of the passage of Bill C-9 in this House on this date, because it is a day that we all should mark.

Finally, let me say that yesterday I spoke briefly to the bill, along with other colleagues, and I made sure I stayed in the House to listen to the remarks of the hon. member for Calgary East, who spoke of his support for the bill and the work that he too brought to the process. He originally came from Tanzania and I had the opportunity to be in that country with him, long before I was given this position, to meet members of his family and to observe first-hand the experiences he has shared with the House. He has told us of the situation in that country as it faces the ravages of diseases and of the commitment it instilled in him to be a very supportive part of the team that brought this bill forward. I thank him for his remarks. I think Canadians should know that it is the Liberal government bringing in this bill but with tremendous support from all around this House.

Mr. Jim Abbott (Kootenay—Columbia, CPC): Mr. Speaker, I almost am reticent to bring not a sour note to the debate, as clearly on the substance of the bill itself the member preceding me has spoken very eloquently, and certainly it is reflective of the position of the Conservative Party and I think of all members of this House. We want to proceed with the bill.

I would just point out, though, one of the difficulties that we in the Conservative Party of Canada are experiencing at this point. It is the fact that on this bill, which is probably one of the most worthy bills that has come before the House in recent history, and on other bills that are presently before the House, we are at a third reading point. We are at a point of them being able to pass from this House to the other place, on through that process and to royal assent, and we consistently have the Liberal members filibustering their own bills.

I am not suggesting that this member's speech was a filibuster. It was not. It was a statement of where she is coming from and a very clear, eloquent statement of where her party is coming from, and, as I say, joined by all of us. I was interested, though, that at the end of her 10 minute time when she was informed that she had some more time—you will have to take a look at the blues, Mr. Speaker—I think there was something along the lines of "well, I guess I should keep going". It was much the same way for the member for Yukon on the previous legislation immediately prior to this debate on this bill, where he was clearly just marking time.

So I would ask this member if she might not feel that it would be appropriate, at this point, subject to what our colleagues from the BQ and the NDP want to do, for her to just terminate the debate on the part of the Liberals so that we can get on with this and get on to other business in this place, rather than them continuing to filibuster their own bills.

● (1300)

Hon. Aileen Carroll: Mr. Speaker, I am sorry if I worded it poorly. I think that is all that can be the cause of this misunderstanding. As the minister for international development, this is a huge day for me and for my colleagues.

Having finished the prepared notes, realizing that I cannot make you out all that clearly without my glasses on, Mr. Speaker, I was therefore not sure how much time I had, which was the reason for my asking. Learning from you that I had a little more time, I have to be honest and say I really did want to continue to exude on the substance of the bill, on the process that brought us the bill. If I have misled the hon. member, I sorely regret doing so.

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, it is a great pleasure for me to take part in this debate on Bill C-9. As I was saying yesterday, I do so with the belief that, to some extent, we are contributing not only to the north-south dialogue, but we are clearly making history, since this bill was passed unanimously and therefore received extremely strong and continuous support from all parties.

As members know, all the parties committed to working together to ensure speedy passage of the bill, in hopes that the other place will do likewise. However, we know this is another matter entirely.

Bill C-9 addresses the important issue of the contribution of companies manufacturing pharmaceutical products. My caucus colleagues know that, for about ten years now, I have taken an interest in the actions of drug companies, both the generic products industry and the innovative drug industry. I am extremely proud to say that I do not think I have ever been too critical, as the member for Verchères—Les-Patriotes knows.

Today, I would be remiss if I did not pay tribute to the innovative drug industry, which has assumed its responsibilities. Let us take a closer look at this issue.

In 1989, the Conservatives, under Brian Mulroney, ended the compulsory licensing program. In other words, it was possible, before Bill C-22, which became Bill C-91 under the Conservatives, to obtain a licence from a company with a monopoly. This licence was granted to a generic drug company, which had to pay royalties to be able to produce and reproduce the drug.

We must not forget that, back then, the term of a patent was ten years. What is a patent? I think that the President of the Privy Council has doubtless thought about this. A patent is important because it is a social contract. The President of the Privy Council will agree with me that it is a social contract by which society gives exclusive right to the protection and production of an invention or pharmaceutical product.

Furthermore, 18 months after the patent is filed, a full description of the invention is made public. There are, however, three criteria that must also be met. There are three criteria for patentability, at least in Canada.

First, the invention must be new. A search is conducted worldwide, not just in North America. The Commissioner of Patents conducts an international search to ensure that it is a new invention.

Second, the invention must show ingenuity.

Third, the invention should be useful.

If these three conditions are met, a patent is granted, and it provides trade exclusivity and complete protection. Copying the invention or chemical process is against the law, and there can be counterfeit charges. This is an extremely strict system.

In matters of copyright, we have case law and judicial mechanisms, since extremely important trade issues underlie the whole concept of copyright.

In 1989, the Conservatives did away with compulsory licensing. From then on, Canada was in line with what was being done in other countries. That was very important for Montreal, since the biotechnology industry is concentrated there. The Conservatives set the patent protection at 20 years, once the patent has been granted by the commissioner and the three conditions—new, useful and not obvious—have been met. Patent protection is then provided.

However, when Bills C-22 and C-91 were enacted, they also had provisions forbidding the export of drugs. It was illegal to export drugs, and sanctions could be imposed.

Since 1989, another factor has been added, and this is intellectual property rights. Governments signed what has been called the TRIPS agreement.

● (1305)

Moreover, two years ago a bill was passed to harmonize all Canadian patents. Some were still in the 10-year system, others 20. There was a challenge by the U.S. under the TRIPS agreement, and the mandatory arbitration went against Canada.

A noteworthy point about the WTO is that the relative clout of the countries has no importance. There are dispute settlement mechanisms in place that allow a country like Costa Rica to win out over the United States. Canada lost and so it has to harmonize all of its patents to the 20-year period.

Today we have a bill before us that will make it possible to export drugs, but not to export them just anywhere, just to designated importing countries listed in the schedule to the bill. Basically, these are the developing countries.

The list was incomplete in the first version of the bill, and the Minister of Industry has revised it. To all intents and purposes, the countries able to import drugs fall into the category classified as developing countries.

How will this be possible? Countries wishing to obtain drugs issue a call for tenders on a web site, so the competition is international, of course. Canadian companies will be competing with others in the U.S. and Europe.

When a company wants to compete in order to supply drugs to a third world country, there are two things in the bill that govern this. First, generic companies will be able to obtain the contract. Initially the bill contained what was termed the right of first refusal. This meant that companies holding a patent could, even if the contract had been negotiated by the generic companies, be the first supplier because they were the patent holders.

All of the international cooperative bodies criticized this bill, from Development and Peace to Doctors without Borders. All those involved in delivering humanitarian aid said that this was impossible, that if this right of first refusal were maintained there would be a dissuasive effect on the generic companies which might want to negotiate contracts.

At least in this one instance, though far from a regular occurrence, the government did heed the stakeholders in committee, and the right of first refusal was done away with.

The supply of drugs is not a trivial issue. Just think that, every year, 10 million children die from diseases relating to malnutrition which could have been avoided. Every year, one million people, most of them children under the age of five, die of malaria. Every day, over 8,000 people in the world die of AIDS. We know that the HIV-AIDS epidemic is concentrated in certain parts of the world, particularly in African countries.

Why are these figures important? Because, for each of the diseases that I mentioned, there is a drug available. However, if this drug is not accessible at a lower cost to countries that are facing these epidemics, we will not be able to fight these epidemics.

Even if Canada, through cooperation agencies such as CIDA, allocated $100 million per year for the development of third world countries, if the nationals of these countries are not themselves active, productive and healthy citizens who can make a commitment to help build and improve their country and their economy, these developing countries have a major problem on their hands.

● (1310)

We need legislation that will allow third world countries to have access to drugs at a lower cost. The way drugs are being produced—and that includes the factory price and the distribution to retailers—it is clear that the system is not competitive.

Of course, in Canada, the Patented Medicine Prices Review Board was established when the Conservatives passed Bill C-91. The board is a quasi-judicial tribunal. Let me give an example. When Merck Frosst produces a drug, the Patented Medicine Prices Review Board monitors the situation to ensure that, once the drug leaves the factory and is distributed to wholesalers and retailers, the price charged is not prohibitive or exorbitant. We have a price index to determine if prices are excessive. If they are, the Patented Medicine Prices Review Board may ask the company to refund the overcharged amount. Such a measure has been taken in a number of cases.

When it comes to exporting drugs from Canada, the Patented Medicine Prices Review Board has no jurisdiction. It was up to the international community to amend agreements on intellectual property rights and trade in order to make these drugs accessible at a better price, a cheaper price. This raised a number of issues.

I think that everyone in this House understands how this works. A voluntary licence is issued by the patent holder. If the latter refuses to issue the licence, the patent commissioner may issue an order. The agreement amended in August 2003 does not require the patent holder to transfer their drug.

A royalty of roughly 2% of the commercial value of the product has to be paid out. This is not a donation. Companies that hold the patents will receive royalties for the person or company that obtained this voluntary licence. If there is disagreement on the royalty or the terms of the licence transfer—which initially has to be voluntary—the patent commissioner can be asked to rule and the licence, which was to be voluntary, will become mandatory.

Concerns were raised during the work at committee on how NGOs fit into this. For example, there is Doctors Without Borders, and Development and Peace, which are Canadian NGOs working in third world countries. Some NGOs, if not all, would have liked to be able to negotiate directly with the manufacturer. Obviously, thought needed to be given to this. There was a risk of interfering in national sovereignty.

Governments are subject to international law. In major international conventions, government means something. One of the first conventions provided a definition of sovereignty. That word simply rolls off my tongue. Sovereignty was defined in 1934 at Montevideo. It was said that a government has five characteristics: a functioning government; a permanent population, of course; control over a territory, which is increasingly being described as a defined territory; the capacity to recognize citizenship; and, of course, international relations.

Once a government or administration is in office, it is responsible for the delivery of health care. I understand the industry minister has amended the bill to ensure not that NGOs can directly negotiate with the manufacturers but that they can be involved in the negotiations since they have the ultimate responsibility for service delivery. That is one of the responsibilities governments have.

● (1315)

Parliamentarians also wanted to ensure that the additional pharmaceuticals needed to supply third world countries are manufactured in a manner that distinguishes them from the products sold on the domestic market. Under the bill, pharmaceuticals for export would be differentiated through different colours and different labels.

This is an extremely humane and responsible piece of legislation. I want to say a few words about the companies grouped under Rx&D. I remember having breakfast at the parliamentary restaurant with representatives of that organization, along with our industry critic, the hon. member for Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, and also, of course, our international trade critic, the hon. member for Verchères—Les-Patriotes. The hon. member for Trois-Rivières, who has a long-standing interest in the third world, also joined us. I even recall that he asked very relevant questions. He was most interested in Africa.

We understand, of course, that pharmaceuticals would not only be exported to Africa. They could also be exported to Central and South America. However, I remember how much emphasis the member for Trois-Rivières put on Africa.

We wanted to ensure that the member companies of Rx&D would co-operate. It is clear that if the companies had not been interested in issuing voluntary licences, we would have found ourselves in a very embarrassing situation. Various arbitration mechanisms would have led to compulsory licensing. The commissioner of patents would have had to intervene and it is clear that it would have caused undue delay.

I must say that the innovative companies have behaved very responsibly in this matter. I hope that this sense of responsibility is reflected in the various domestic debates we shall have.

Perhaps I could take a few moments to talk about what is going on in Canada with respect to the price of pharmaceuticals, even though I know this is about the international level. Members are aware that it is the largest expense in all health care systems. In fact, each year in Canada, a total of $120 billion is spent on health. The fastest growing budgetary item in that area is the cost of drugs; the hon. member Abitibi—Baie-James—Nunavik knows this because he has sat on various regional health boards.

I had proposed a number of solutions to my caucus, in order to fight the rising cost of pharmaceuticals. In fact, the cost of medicine is rising at a faster rate than costs in the health care system in general. On average, health care costs in Canada, in each province, are rising by 5% per year, but the cost of medicine is rising more than that.

I shall conclude by saying that we are going to support the speedy passage of Bill C-9, because it is a good bill for third world countries, for our international obligations, and for the north-south dialogue.

I salute the innovative companies that have shouldered their responsibilities. I congratulate all members of this House—in particular, the hon. member for Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques—who have worked very hard in committee. I hope the other place will enjoy the same kind of energy that has characterized this House's work on Bill C-9.

● (1320)

Hon. Dan McTeague (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.): Mr. Speaker, I want to salute the member for Hochelaga—Maisonneuve, as well as members on this side.

I know he is aware of the fact that, in 2000-01, it is this member who intervened with Oxfam and Doctors without Borders. He brought this issue to the attention of our caucus and the then prime minister, Jean Chrétien, after whom this bill is now named.

We had to ensure that something was done with regard to drug patents to relieve the burden of people living in Africa. Canada had to find not only the means to help regions such as South Africa, but also the delivery methods to help people in the field, that is doctors and the humanitarian infrastructure that is there now.

I was also pleased to see that, perhaps for the first time, the Bloc Quebecois is starting to change its rigid views on the drug patent issue. Indeed, the price of patents and drugs is increasing quite considerably, and this bill is very important for all the regions in our country.

Could I simply ask him whether he thinks that we can still send generic drugs to Africa, since previous court decisions on the drug patent system prevent these generic drugs from being produced in Canada?

It seems to me that this is only about one issue, that is, as was mentioned, the fact that pharmaceutical companies and the big innovative companies that form Rx&D are the only ones that are capable of making these products. Does the member not think that we could correct this flaw if we looked at the whole issue of drug patents?

Mr. Réal Ménard: Mr. Speaker, first I would ask my colleague to forgive me because I do not remember the name of his riding. But I know that he is a hardworking member of Parliament.

However, he is a bit devious because he has shifted the debate from an international consensus to national considerations. There is one thing I want to tell him.

The Bloc Quebecois has an honest and powerful debate tradition. As critic for the health portfolio, I am very well aware that the status quo is not acceptable. Basically, what the member is asking for is some support towards the abolition of the liaison rule.

There is nothing to indicate that this is the way my party will go, but I suggest he look at the four proposals that I have tabled with the Standing Committee on Health. His colleague from Abitibi—Baie-James—Nunavik knows it.

I think that we have not achieved a balance in favour of consumer protection. Some current drug practices will have to be revised. I know that some pharmaceutical companies have behaved in a reprehensible fashion.

What is of concern here is not the 20 year intellectual property provision. I want to tell the member, who will hopefully listen, that what is more disturbing is the offensive behaviour of some of the innovative companies grouped under Rx&D where the patents are constantly renewed. I think that this has to be addressed.

However, we will defend the principle of a 20 year intellectual property because to me, if the pharmaceutical companies invest money—it cost about $800 millions to market a new drug—it is just normal that they get a return on their investment.

Consequently, we have to strike a balance between our obligations towards the intellectual property and the interest of consumers in getting pharmaceutical products at the lowest cost possible. In this regard, I do agree with him that we have to look at a number of practices that are unfavourable to consumers.

● (1325)

Mr. Yves Rocheleau (Trois-Rivières, BQ): Mr. Speaker, I too want to commend my colleague from Hochelaga—Maisonneuve for his very good speech. He knows what he is talking about and is very sensitive to the problems facing developing countries.

Does he not think that this is a great example of what can be accomplished where there is political will to tackle a problem and try to solve it within our means, that is the means of Canada?

Also, yesterday, at the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness, I had the privilege to meet a senior representative of the World Health Organization who reminded us that 6 million people die every year of HIV-AIDS, malaria and tuberculosis, that is 6 million deaths. There are currently no war or genocide causing as many deaths. It is almost a structural issue.

Although we may want to congratulate the Government of Canada for his actions, on a more structural level, given that the UN had recommended that international assistance reach 0.7% of GDP and that it does not even stand at half of that in Canada, far from it actually, should we not decry the government's lack of political will to uphold its international responsibilities, since we know what our country can do, as shown by this bill?

Mr. Réal Ménard: Mr. Speaker, I would say that the member for Trois-Rivières is a humanist akin to those of the 18th century. I am certainly not referring to his date of birth, but to the culture and tradition of the time.

I think he is right. The bill may be very positive and reflect a consensus, but we have to bemoan the fact that Canada has not lived up to the expectations of the international community with regard to the proportion of the GNP it has earmarked for international cooperation. I know there was a slight increase for that item in the last two budgets. However, I think that all parliamentarians should try to convince the government that it must allocate a higher percentage to international cooperation.

[*English*]

Mr. Dick Proctor (Palliser, NDP): Mr. Speaker, I am pleased to speak to Bill C-9, the humanitarian bill. It is certainly important for all caucuses to support the legislation because the need for access to medicines has been recognized internationally. It is important that Canada participates and sets an example for the world, although it does remain to be seen whether we will have set a good example. I will have more on that later.

Every day a countless number of people die in the developing world of diseases for which there are cures, diseases such as tuberculosis, malaria and pneumonia, simply because of a lack of access to medicines most often due to the high cost of pharmaceutical products.

Although there is yet no cure for the HIV-AIDS pandemic, there are drugs to ameliorate it. In Africa alone, every day 6,000 people die of AIDS, while 11,000 more contract the disease.

I think we would all agree that Stephen Lewis, the Canadian special envoy on this at the United Nations, has done more not only in Canada but around the world to raise this issue and to force us to realize it than any other human being alive.

On health, education and security, any initiative to improve in these areas will have many different components, and this bill seeks to address one of those core components, namely the access to medicines.

Improved health is linked to increased school attendance for children and their ability to do well while at school. As we all know, education is a lifelong process and has a lifelong impact on an individual's well-being and economic productivity.

We have heard lots of talk about security in recent days. In fact, the Prime Minister is talking about that very subject this afternoon in Washington. I firmly believe one of the most important ways that we can make our world more secure is through improving the health of the people in that world because it leads them to participate more fully in the social, economic and cultural events and aspects of their countries and their home communities.

Many studies show the devastating economic impact of infectious diseases such as malaria and the AIDS pandemic. The World Health Organization's recent commission on macroeconomics and health stated:

> The evidence confirms that countries with the weakest conditions of health and education have a much harder time achieving sustained growth than do countries with better conditions of health and education.

There is no surprise there.

On the international process over the past several years, the background to this legislation is that when it is passed, Bill C-9 will be among the first pieces of legislation of its kind in the world, the end product of several years of negotiations on the international stage. It goes back to November 2001 at the WTO Doha round on intellectual property rights. The declaration affirmed that countries have the right to protect public health and improve access to affordable medicines, including through compulsory licensing of pharmaceutical products.

This international acknowledgement was incredibly important because, although many countries officially recognized the need for a better balance between intellectual property rights and human rights, the need for a north-south sharing of technologies and knowledge, the reality of intellectual property rights made the practicalities of that sharing difficult, which meant that little of substance was actually being done.

The WTO agreement last August is the practical solution to the principles agreed to at Doha and was historic in that it gave World Trade Organization members the right to export to developing countries those generic medicines still under patent without fear of trade retaliation and it acknowledged the importance and urgency of so doing.

On the competition aspects of the bill, because of intellectual property rights, patent holder or innovator companies have monopolies on their drug products in this country for a period of 20 years, which the health critic for the Bloc Québécois was explaining very well a few moments ago. That 20 year patent protection rule varies from country to country around the world.

● (1330)

In developing new drug products there is often many years of research and development and patent holders obviously must recoup their costs and these costs, particularly for new experimental drugs such as those used in HIV-AIDS, are often far too high for developing countries and NGOs delivering health services in those developing countries to meet the need and demand for the products.

As a result, many patent holders have entered into agreements with countries and specific programs to provide their drugs at lower prices or at no cost at all but those efforts have been insufficient to meet the demand.

Increasing competition, by allowing generic producers to enter the market earlier, is seen as crucial to ensuring that those needing treatment have access to those medicines as required. Increasing competition increases supply and decreases prices, and both of these are needed for developing countries in order for them to be able to meet the urgent health care needs of their people.

On the international obligation front, Canada has many international obligations in this area, including having recognized since 1945 the right to health as a fundamental right, the UN's special session on HIV-AIDS to make, in an urgent manner, every effort to increase the standard of treatment for people suffering from HIV-AIDS, including the prevention and treatment of opportunistic infections.

It is important to ensure that as parliamentarians we fully respect and reflect Canada's obligations to taking this important step toward the full realization of the human right to health, including the promotion of access to affordable medicines for all.

My colleague, the member for Windsor West, who has worked very hard and tirelessly on this legislation, presented both at committee and here at report stage several other pharmaceutical products that can be of use to developing countries. An amendment was made to include an important fixed dose drug for the treatment of tuberculosis and that was passed at report stage and, I am happy to say, is included in the bill.

Unfortunately, two other drug products that he had proposed were rejected at report stage. One of them is on the World Health Organization's pre-qualified list of drugs for HIV-AIDS and the other is currently indicated for pneumonia, which is the leading killer of children in the developing world under the age of five. This drug is also being studied for possible anti-tuberculosis use.

I sincerely hope that the Minister of Health and the Minister of Industry will together move quickly to receive advice on those two products and include them on a future schedule of drugs.

We first saw Bill C-9 as Bill C-56, which was introduced last November but died on the Order Paper when the House of Commons prorogued on December 12. It was reintroduced in its initial form on February 12 but the government proposed many changes following that.

Testimony was given at committee from a variety of groups, and while all witnesses appearing made it clear that they were supportive of the initiative, many problems with the bill that were identified by those expert witnesses. They included the first right of refusal, which would have allowed the patent holder, the pharmaceutical companies, to scoop a contract negotiated by a potential generic producer. This would drive up the cost of the eventual drug.

With regard to the schedule, testimony on this aspect was clear. It was felt that there should be no schedule of drugs. It was felt by the overwhelming majority of witnesses that this would be flawed at the outset and that having a schedule, regardless of how flexible it may be intended to be, would add another unnecessary step in the process of getting drugs to the developing world. The reason for that is that if the drug is not listed on the schedule there would have to be a process to first, get it on the schedule, and then get it to where it was needed.

Respected organizations, such as Doctors Without Borders, testified that the language did not allow for the participation of non-governmental organizations. It was felt that the wording would not allow them to participate because NGOs do not consider themselves as agents of any government and they play a crucial role in many developing countries in providing health care services, including access to medicines.

● (1335)

Many witnesses also presented testimony about the need to expand the schedules of eligible countries. In its original form only WTO member developing countries and least developed countries were eligible, while many witnesses testified that there was no requirement by international trade rules to exclude those several dozen other developing countries, such as Vietnam, Iran and Iraq, countries which also face substantial health issues that we see regularly on our television sets and that could be better addressed if they had access to medicines at affordable cost.

I want to turn now to the major problems that we see in the bill. Over 100 amendments that were submitted by my colleague, the member for Windsor West would have done several things, including eliminating the first right of refusal, extending the list of eligible countries and drug products and, lastly, clarifying the language around the participation of non-government organizations.

After the committee hearings, the government took more than a month to present its amendments to the bill. It made substantial amendments, including eliminating the first right of refusal, allowing for other developing countries to apply through diplomatic channels to be eligible to participate and to allow NGOs to participate. Although some of these changes presented further additional problems that may affect the workability of the bill, myself, the member for Windsor West and my colleagues in the New Democratic Party caucus are supportive of the majority of those proposed amendments.

We did raise at committee the new concerns around the increased opportunities for legal battles between patent and generic drug companies that could seriously impact how this bill will actually work in reality, the unnecessary requirement that developing countries wishing to be added to the list of eligible countries are required to be added specifically with reference to a particular drug product and it is unclear what process has to be followed after that.

My colleague from Windsor West was pleased to have the support of the committee and wanted it recognized on several amendments, including those to ensure that humanitarian concerns be considered the first determination if the Federal Court is required under the appropriate section as to whether a royalty rate has been established according to the formula that will be prescribed in the regulations.

The section on page 12 of the bill now reads:

> The Federal Court may make an order...taking into account
>
> (a) the humanitarian and non-commercial reasons underlying the issuance of the authorization;
>
> (b) the economic value of the use of the invention or inventions to the country or WTO Member

We can see the importance of reversing those two clauses.

Another amendment ensures that there is a minimum of a 30 day waiting period that a potential generic producer must observe to apply for a voluntary licence from the patent holder before applying to the Commissioner of Patents for a compulsory licence.

The third amendment was a language change to ensure that the minister be required to establish an advisory committee to advise on the inclusion of further drug products in schedule 1.

There are some continuing problems that have been identified and the first that remains is on the scheduling. As the House has heard before, there is a consensus that the presence of a schedule at all provides further inflexibility in ensuring that countries have access to the drugs that they require.

A list by its nature is exclusionary because it does not include all possibilities and the negotiations that led to the historic WTO waiver last August examined and rejected the idea of creating a list.

Under Bill C-9, if a country wants a drug that is already approved for use and sale here in Canada, it will have to start a process to get that drug included before a generic producer could apply for a voluntary or compulsory licence to supply the country with that medication.

We presented at committee and in the House amendments to improve the schedule, and we will continue to monitor the impact of the existence of the schedule on the workability of the bill.

The second major problem that remains, in our opinion, is that NGOs in countries where they are legally entitled to purchase and distribute pharmaceutical products to contract directly with generic suppliers in Canada. Again, NGOs play a crucial role in many developing countries in their broader health care programs, including purchasing and distributing of essential medicines, and this barrier is a major cause of concern around the workability of this bill.

● (1340)

The third major problem stems from those amendments the government proposed at committee stage to replace the first right of refusal. The new legislation, as amended, now includes opportunities for patent holders to take generic products to the federal court about the royalty rate and the price of the product. Over the past decade there have been at least 300 cases brought against generic producers in federal court and court battles can be lengthy and costly, as we all know. Given that the price generic producers can charge is now to be regulated by a fixed and flexible cap, there is concern that they may not be able to participate to increase supply on the variety of products that might have been possible without these new sections and without the first right of refusal clauses. Generic producers will have significant outlay of cost to increase their own research and development and operational costs to get into this business of increasing supply, and with the price cap there may be a serious disincentive for generic producers to participate.

Problems, as I have tried to indicate, do remain with the bill, but it is in the best interests of the people who the bill is intended to assist for us to give the regime a try and to pass the legislation quickly.

Canada has made numerous international commitments, which I and my colleagues in the New Democratic Party caucus support, to help address the pandemic of HIV-AIDS and other diseases like tuberculosis and malaria. While we continue to be critical of some government action, or better said, inaction, in some of these areas, if Bill C-9 actually works to increase pharmaceutical products through competition, then it will be an important tool and broader strategies to improve health in countries across the world.

We have gone through the process of hearing expert witnesses, amending legislation and exchanging ideas on how we think the bill should work. However there was a definite mindset and will be in all parties, including my own, to ensure that we deal with the bill as quickly as possible to ensure that we at least try to get cheaper pharmaceutical drugs on the market.

We in the NDP will continue to watch and monitor how the bill works and whether it provides enough incentive for generic producers to actually get into the business of producing cheaper versions of drugs for export to developing countries, the role and efficacy of the advisory committee and the schedule of drugs.

Just before I take my seat, I was interested to hear that this bill has been named the Jean Chrétien bill. While I do not wish to take anything away from the former prime minister and I know his interest in Africa, there will be very few Canadians who will think that this should be related to Jean Chrétien. It should be known as the Stephen Lewis bill. It was Stephen Lewis who brought this to the attention of Canadians and, indeed, people around the world and it is important that it be recognized at this time.

● (1345)

[*Translation*]

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, first of all, I would like to thank the House for giving me this opportunity today to speak to Bill C-9.

The purpose of this bill is quite clear and simple; the bill amends the Patent Act to facilitate access to pharmaceutical products to address public health problems afflicting many developing and least-developed countries, especially those resulting from HIV/AIDS, tuberculosis, malaria and other epidemics.

[*English*]

I would like also to indicate that it would be quite appropriate in this discussion to congratulate the member for Algoma—Manitoulin, the chair of the industry committee, for the outstanding work that he has performed in getting this bill through. There were, I am told, over 200 amendments and they were dealt with very thoroughly through hard work and extended hearings. Finally, the bill was reported back to the House for third reading yesterday. It recognizes the dedication of the chair and the members of the committee to this cause. It is only appropriate that we should recognize this because the working committee is seldom publicized and brought to the attention of constituents.

Next, it is desirable to indicate that while the title of the bill reads in a rather cut and dry manner, an amendment to the Patent Act and Food and Drugs Act, which would be very obscure unless it was explained at large, it also carries a subtitle to which other speakers in this debate have already made reference. The subtitle, which is in brackets, and I am very glad to see it, reads "The Jean Chrétien Pledge to Africa".

I find this most appropriate and desirable considering the tremendous effort that the former prime minister made in advancing the cause at international fora, particularly at the G-8 meetings, to the dramatic and tragic situation of the African continent. He did that on a number of occasions, particularly in Kananaskis in 2002, when the NEPAD policy was launched with the support of the G-7. Africa was put on the political map of those gathered at Kananaskis with complete support, by way of funding, by all the leaders who met on that occasion.

It seems to me, and I take into full account the comments just made by my colleague from the NDP, that perhaps there are many who have advanced the cause of dealing with pandemics in Africa. It is most appropriate that the leadership of the former prime minister be recognized and given appropriate exposure in this legislation and hopefully also beyond Canada's boundaries.

The purpose of the legislation is of course much larger than just the scope of the bill. The legislation intends to be part of a larger government effort intended to provide aid and medicinal assistance to countries in need. It is my understanding that Canada has already committed $100 million to the global fund to fight HIV and AIDS, and in addition to that some $62 million to the Canadian fund for Africa.

Therefore, we can see that the legislation is coming in as a reinforcing element within the framework of a broader policy effort, and it is most appropriate and timely. It is also a demonstration that the global community is taking on a responsibility for a problem that is hundreds of miles away, but nevertheless touches us all because we are all members of a human community that ties us together.

● (1350)

The situation in Africa is desperate. It is important to put on the record some data. It is a fact that there are some 36 million people apparently who are affected by AIDS at the present time. Two-thirds of these 36 million souls live in five countries: Ethiopia, India, Kenya, Nigeria and South Africa. In five other African countries, namely, Botswana, Lesotho, Swaziland, Zambia and Zimbabwe, one adult out of five who registers positively on tests for AIDS or has already incurred into the AIDS pandemic. This data is from the World Health Organization.

As a result, the average life expectancy in many African countries has been reduced by 23 years. When we are witnessing a trend in the opposite direction, namely longer and longer life expectancies, we have a continent where the life expectancy is going down and being reduced as a result of this pandemic. There are other countries which seem not to be completely exempt from this terrible disease. Reference has been made to the Bahamas, Cambodia, the Dominican Republic, Guyana and to Haiti where it is expected that the average life expectancy is to be reduced by at least three years.

These statistics necessarily are cut and dry, but they hide another very important social reality. That is that as a result of the deaths within a population, there is a dramatic decrease in the number of teachers in the schools, workers in agriculture and in industry, clerical workers, people in the health care sectors, in hospitals, et cetera. Therefore, the fragile and limited structures in these countries are affected by this disease. In other words, there is an impact on numbers and social structures in the countries I mentioned earlier. These are poor countries which lack the resources to remedy the situation, in particular to provide, acquire and purchase the medicines and drugs necessary to stop the spread of this pandemic.

Therefore, we have these initiatives by Canada and other like-minded countries in trying to come to grips with getting to the root of the problem and to prevent the spread of this disease. In this respect we are all very proud of the fact that Canada is in the forefront of this initiative. This is why this bill is so important, why it has received the support of every party and why there is an element of urgency attached to the bill itself.

I would like to continue in my presentation by adding some words on the intervention yesterday by the Minister for International Cooperation. However, since you wish me to recognize the clock, Mr. Speaker, I will yield the floor and perhaps resume my comments after three o'clock.

● (1355)

The Acting Speaker (Mr. Bélair): The hon. member will have nine minutes left in his speech after question period.

STATEMENTS BY MEMBERS

[*English*]

CRUELTY TO ANIMALS

Mr. Peter Adams (Peterborough, Lib.): Mr. Speaker, the animal cruelty legislation introduced years ago in another Parliament is now Bill C-22. In its previous form, it passed through this House to the Senate, where the Standing Senate Committee on Legal and Constitutional Affairs proposed several amendments.

After years of debate, this important legislation is still stuck in the Senate. This is legislation that is important to all those who care about animals. It is equally important to those who own pets as it is to farmers who care for their livestock.

This is not draconian legislation. It simply brings old provisions designed to protect animals into the 21st century. Enough is enough.

I urge the Senate to return this legislation to the House of Commons for immediate passage into law.

* * *

FOREST INDUSTRY

Mr. John Duncan (Vancouver Island North, CPC): Mr. Speaker, the government is discriminating against woodlot owners under the Canadian agricultural income stabilization, or CAIS, program. The wood from woodlots has been arbitrarily excluded, even though it was covered by NISA. Woodlot owners are having a particularly difficult time with the softwood dispute, beetles, wildfires and hurricanes.

The Minister of Natural Resources said that the CAIS program covers tree farming. However, the CAIS website states clearly that wood is not covered. Since anything other than Christmas tree farming produces primarily wood, most woodlots are excluded. CAIS staff in Winnipeg confirm this.

Tree farmers who legitimately produce farm income are being selectively excluded. The CAIS program must be amended to include wood from woodlots. This is only fair and complies with the minister's own words.

* * *

● (1400)

[*Translation*]

QUEBEC MINING WEEK

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Speaker, this is Quebec mining week. It should be a proud moment and a time to commemorate the hard work of thousands of miners, but it has become, in the Thetford Mines region, a real nightmare for over 450 workers.

Chrysotile fibre is not like the asbestos of the past. What explanation then is there for the Liberal government's failure to adequately defend the responsible and safe use of this mineral.

The most serious consequence of this inaction is the indeterminate closure of the Lake Asbestos Mine in Black Lake and its disastrous effects on the regional economy.

In order not to upset certain trading partners, the Liberals chose to ignore a region unlike any other in the world and reneged on their commitments in favour of chrysotile.

On behalf of the Bloc Quebecois, I want to tell the workers at LAB Chrysotile, their families and everyone in the Thetford Mines region that we are on their side.

I also want to take this opportunity to highlight the outstanding work of the president of the PROAmiant Chrysotile movement, Rénald Paré, whose dedication to the region is well known to all.

* * *

[*English*]

THE ENVIRONMENT

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, the International Joint Commission has identified 15 hot spots in the Great Lakes region yet to be cleaned up, plus the phenomenon of infestation by zebra mussels and other foreign species.

The Canadian Institute for Environmental Law and Policy presented yesterday to the Standing Committee on the Environment and Sustainable Development a number of recommendations for the Government of Canada.

Prominent among them were: first, the conversion of tax incentives to promote sustainable instead of unsustainable practices in the Great Lakes; second, the requirement of pollution prevention plans for industrial discharges to waste water treatment plants, also in the Great Lakes region; and third, the restoration of funds to

ensure the cleanup and monitoring of the remaining 15 heavily polluted areas of the Great Lakes by the year 2015.

I urge the government to act on these recommendations without delay.

* * *

NATIONAL POETRY MONTH

Ms. Sarmite Bulte (Parkdale—High Park, Lib.): Mr. Speaker, April is National Poetry Month. Established in 1999, the month is an opportunity for poets, publishers, educators and the general public to promote poetry in Canada, and Canadian poetry beyond our borders.

This April the League of Canadian Poets will celebrate its first ever baker's dozen, a list of 13 must-read Canadian poetry books made available to booksellers across the country as a guide to readers exploring Canadian poetry. The baker's dozen is meant as a starting place from which we promote Canadian poets and their poetry. It is important to the League of Canadian Poets to communicate the richness and depth of poetic talent in this country.

The League of Canadian Poets has also created youngpoets.ca, a website designed for young people and educators to help introduce poetry to Canadian youth in and out of the classroom.

Poets across the country will celebrate National Poetry Month's 2004 theme “Poets in our Communities” by reading in some unusual, community-inspired venues.

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OLD TYME HERITAGE FIDDLERS

Mrs. Rose-Marie Ur (Lambton—Kent—Middlesex, Lib.): Mr. Speaker, I wish to congratulate a group of 13 musicians in my riding of Lambton—Kent—Middlesex, the Old Tyme Heritage Fiddlers. They volunteer their time and talents to play for events in Melbourne and surrounding area. The musicians have never accepted cash for their service, but simply ask that a donation be made to a charity of the event's choice.

On May 6 the Old Tyme Heritage Fiddlers will be proudly celebrating the fact that through their entertainment, $50,000 has been raised for charities. The charities that have benefited are: the Canadian Cancer Society, Heart and Stroke Foundation, and the Canadian Diabetes Association.

The 13 individuals that I am proud to recognize today are: Bernice Cross, Albert Aitken, Cherry Chupa, Christine Welch, Madeline Forbes, Bill Dougal, Shirley Dann, Harold Stuart, Bob Reid, Stuart Lee, Paul Vanderploeg, Roger Vanderploeg, and Jack Roemer.

I wish to congratulate the Old Tyme Heritage Fiddlers on this accomplishment. Their music not only brightens people's spirits but helps to make a difference in all the lives they touch.

* * *

BILL C-250

Mr. Vic Toews (Provencher, CPC): Mr. Speaker, I would like to express my concern at the decision of the Liberal majority in the Senate to invoke closure on Bill C-250 and to pass the bill into law. Bill C-250 broadens the hate propaganda provisions of the Criminal Code.

Former Prime Minister Diefenbaker warned that enacting these kinds of laws could have an adverse effect on fundamental Canadian freedoms, such as freedom of speech, freedom of religion, and freedom of expression. His concerns are directly applicable to Bill C-250.

Unfortunately, most of the Liberals in both the Senate and the House of Commons rejected Conservative efforts to amend the bill in order to address these concerns, while at the same time ensuring that Canadians were properly protected against criminal action.

I would like to thank concerned citizens across Canada, including those in my riding of Provencher, for their ongoing efforts and dedication to prevent this ill-conceived bill from becoming law.

* * *

● (1405)

[*Translation*]

RAI INTERNATIONAL

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, today I would like to reaffirm my support for Canadians of Italian heritage in my riding of Pierrefonds—Dollard and elsewhere in Canada who are calling for access to Italian digital television, RAI International.

Many of my Liberal colleagues have addressed the House recently to show their support for the application initially made to the CRTC by the member for Saint-Léonard—Saint-Michel in support of their request.

I want to join with them because I believe that this action is totally justified and I hope, for the sake of Canadians of Italian origin in my riding and throughout Canada, that the CRTC will respond favourably to this legitimate request, which is supported by a petition containing more than 106,000 signatures as well as over 330 letters.

RAI International is already available in 238 countries, but not in Canada.

* * *

[*English*]

TRADE

Mr. Rodger Cuzner (Bras d'Or—Cape Breton, Lib.): Mr. Speaker, earlier this week I had the pleasure of joining my colleague, the Minister of Atlantic Canada Opportunities Agency, and 27 businesses from across Atlantic Canada on the Team Canada Atlantic trade mission to Washington, D.C.

Trade missions such as these help Atlantic companies increase their contacts, and lead to new relationships and new sales. The mission also provided the opportunity for us to highlight to the greater Washington business community that Atlantic Canada is a great place to do business.

This is the ninth such trade mission for Team Canada Atlantic. These missions have enabled more than 300 Atlantic Canadian firms to meet with over 2,300 buyers, agents and business owners from across the U.S., generating over $100 million in short and long term sales.

I want to congratulate all those who participated in this recent mission. The reports I received on the ground were that this trade mission will bring further good news for companies from around the region.

* * *

HEALTH

Mr. Jay Hill (Prince George—Peace River, CPC): Mr. Speaker, the federal Liberal government has been so busy attempting to undermine the Conservative Party of Canada by demonizing our position on health care that it forgot to come up with a policy of its own.

It is now blatantly clear to all Canadians that Liberal health care policies ultimately depend upon whom we ask and when. Ask the health minister one day and he tells us that he supports a greater role for the private sector in public health care. The next day, he is not so sure and neither is the Prime Minister.

In the budget, the government said there would be no more money for health care; now the Liberals say there will be. First they were committed to last year's health accord with the provinces; now they are not so sure. Is it any wonder that rural northern communities in Canada continue to endure what has become a day to day struggle to access essential health care services?

In my constituency of Prince George—Peace River, many residents cannot even get in to see a doctor. The waiting lists continue to grow and access to specialized care is difficult, bordering on the impossible.

Canadians will remember who is to blame for our failing health care system. It will be the Prime Minister himself.

* * *

PREMIO AWARDS

Mr. Massimo Pacetti (Saint-Léonard—Saint-Michel, Lib.): Mr. Speaker, the Montreal chapter of the Canadian Italian Business Professional Association had its biannual Premio awards last April 17 in Montreal, which I had the great honour of attending.

The Premio is awarded to individuals of Italian origin or descent who distinguish themselves in business, humanitarian work and creativity, and have had great success in their respected fields.

I would like to extend my congratulations to the recipients of the Premio awards: Mr. Salvatore Parasuco, president of Parasuco Jeans Inc., winner of the Premio business award; Gemi Giaccari, assistant general manager of La Caisse Populaire Canadienne Italienne, winner of the Premio humanitarian award; and Nicola Ciccone, author, composer and singer, winner of the creativity award.

These outstanding individuals and their achievements in our society, be they social, economical or political, reflect the exceptional contribution made by the Italian community in my riding of Saint-Léonard—Saint-Michel as well as in the rest of the country.

BILL C-250

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, yesterday the Senate passed Bill C-250 by a vote of 59 to 11. This private member's bill was first introduced by the member for Burnaby—Douglas almost 15 years ago to include sexual orientation in the Criminal Code hate propaganda section along with race, colour, religion and ethnic origin.

Too often gay and lesbian people are targeted for violence, hatred and even death as in the tragic case of Aaron Webster. This bill, supported by the Canadian Association of Chiefs of Police and attorneys general in Canada, is long overdue.

NDP leader Jack Layton and New Democrats join in paying tribute to those who made passage of the bill possible, including the member for Burnaby—Douglas and his staff, Corie Langdon and Dan Fredrick; Inspector Dave Jones; the bill's sponsor in the Senate, Senator Serge Joyal; and members of the House and the Senate who voted for it.

Together we are sending a powerful message that there is no place in our Canada for hatred and violence targeting gay and lesbian people.

* * *

● (1410)

[*Translation*]

LIBERAL PARTY OF CANADA

Ms. Monique Guay (Laurentides, BQ): Mr. Speaker, the leader of the Quebec Liberal caucus is expressing concerns about the lack of arguments to use against the Bloc Quebecois in the upcoming election campaign.

What is more, at last Tuesday evening's Liberal Party meeting, the documents submitted for discussion purposes were available in English only. So much for any pretensions of Canadian bilingualism and the distinct character of Quebec. Quebec Liberal MPs are once again being played for fools.

It is, moreover, somewhat curious that the Quebec Liberal caucus leader, having been asked question after question by the Bloc Quebecois for more than three years, is now admitting that the ministers' reactions are unsatisfactory and that a response to the concerns of Quebec is now needed.

The Liberal strategists are busy concocting ways to justify to the public the use of tax havens by the present Prime Minister, his refusal to pay his fair share of taxes to the country he is in charge of, and his amnesia about the sponsorship scandal. They also need to find excuses for fiscal imbalance and the raids on the EI fund orchestrated by the former finance minister.

In short, they will have to explain their decision to serve their friends rather than the public.

* * *

FATHER ANSELME CHIASSON AND LÉONE BOUDREAU-NELSON

Mr. Jeannot Castonguay (Madawaska—Restigouche, Lib.): Mr. Speaker, Acadia has lost two great figures in as many days. This

past Sunday we learned of the death of Father Anselme Chiasson, and on Monday of the passing of Mrs. Léone Boudreau-Nelson.

Both were passionate about history. Father Anselme founded the Société historique acadienne, and Mrs. Boudreau-Nelson was its president for over 18 years.

In addition to her involvement with the historical society, Mrs. Boudreau-Nelson was well known as an educator for over 50 years in the public school system of the province and at the Université de Moncton.

Memories of this exceptional educational pioneer and all of her accomplishments will long be held in the Acadian collective consciousness.

As for Father Anselme, this modest Capuchin, a native of Chéticamp, a historian and ethnologist, has also left an indelible mark on Acadian culture and history.

For over 60 years, he tirelessly promoted his culture, and gained particular recognition for his extensive research and numerous publications on Acadian folklore. Father Anselme accumulated a most impressive Acadian folklore collection, particularly a collection—

The Speaker: The hon. member for Gander—Grand Falls.

* * *

[*English*]

CANADA-U.S. RELATIONS

Mr. Rex Barnes (Gander—Grand Falls, CPC): Mr. Speaker, it is with great pleasure that I rise today on behalf of the Knights of Columbus, Notre Dame Council No. 2053 in Grand Falls-Windsor, to thank Ambassador Paul Cellucci for providing the Knights of Columbus with an American flag to be flown alongside the Canadian flag in remembrance of the events of September 11.

It was also a great pleasure for me to meet Ambassador Cellucci and present a photograph of this flag presentation, and a personal letter to him and President George Bush on behalf of the Knights of Columbus.

Because of the events of September 11, many stranded passengers had developed special relationships with people in Newfoundland and Labrador. Two such individuals were Nick Dobi of Lakeworth, Florida and Walt Loflin of Fort Collins, Colorado. These retired Continental Airline pilots presented the American flag to the Knights of Columbus on behalf of all Americans.

We would like to thank them from the bottom of our hearts for once again returning to show their appreciation. These individuals are true ambassadors for the Province of Newfoundland and Labrador.

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CANADIAN HUMAN RIGHTS COMMISSION

Mr. Jim Pankiw (Saskatoon—Humboldt, Ind.): Mr. Speaker, in undemocratic countries people who justly criticize their governments are targeted by political witch hunts that punish and censor free speech.

In Canada, the instrument of coercion used to intimidate and silence those who disagree with failed government social policy is the Canadian Human Rights Commission.

This kangaroo court is headed by a patronage appointee. It recently recommended that an elected member of Parliament be dragged before a tribunal of jesters because I publicly criticized the government's apartheid scheme. Even worse, it turns out that this politically motivated, malicious persecution is as corrupt and morally bankrupt as the commission itself.

The so-called investigator for the Canadian political thought police was a candidate for a political party and member of the shadow cabinet. Also, the self-professed communications expert turned out to have been contracted by an Indian band to produce reports mimicking the Liberals' racist approach to Indian affairs.

In my own defence, the truth is not a crime and should not be censored, in spite of wishes by the Canadian political correctness commission.

* * *

EDUCATION

Mrs. Judi Longfield (Whitby—Ajax, Lib.): Mr. Speaker, access to a high quality education is important to help Canadian women achieve economic progress and individual opportunity. That is why the Liberal government has improved access to students, created the Canada study grants, enhanced the education tax credit and created the Canada education savings grant.

The Canada study grants are particularly helpful to women pursuing doctoral studies. All these measures contribute to the government's goal of fostering an environment of lifelong learning. The amount of $1.3 billion yearly in tax relief is provided to students and the families who support them. The Canada student loans program provides $1.6 billion in loans and other financial assistance to almost half of all full time post-secondary students, many of them women, each year.

The Liberal government is firmly committed to helping women and indeed all Canadians who want to learn and achieve the skills required for this knowledge based society.

* * *

● (1415)

BILL C-250

Mrs. Lynne Yelich (Blackstrap, CPC): Mr. Speaker, the Senate may have seen fit to pass Bill C-250 yesterday, but that brings little reassurance to the hundreds of Canadians who have contacted me with their concerns about the legislation. They are worried that Bill C-250 will be used to attack legitimate forms of opinion and expression, rather than as a means of protecting minorities in Canada. The Owens case, in which a Saskatchewan man was declared guilty of a hate crime for advertising passages from the Bible, proves there is validity to their concern.

With so much of this soon to be law left open to interpretation, there is a definite opportunity to misuse and abuse. On behalf of my constituents in Blackstrap, I can only express my hope that the spirit of this law will prevail over its potential as a gag on our freedom of speech.

* * *

CANCER

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, April is the Canadian Cancer Society's Daffodil Month. This year 146,000 Canadians will develop cancer and 68,000 will die, making it the leading cause of premature death in Canada.

Today the chances of survival for many cancers has improved dramatically. I am proud to say that my province of British Columbia has been a leader in this field. By combining prevention, screening, clinical care, research and patient support under the single administration and budget of the B.C. Cancer Agency, a unique, integrated model was created.

There are 13 tumour groups, each dealing with a different type of cancer, that meet regularly to share information and best practices so that there is an equal quality of care across the province. There is targeted funding for early screening programs in each group. B.C. was the first in Canada to have a province-wide Pap smear program. Today, over 700,000 women are tested annually.

The B.C. Cancer Agency can now track the outcome of every patient diagnosed with cancer. As a result, B.C. has the lowest cancer mortality rates in Canada. Perhaps a national cancer agency based on the B.C. model would create similar outcomes across Canada.

ORAL QUESTION PERIOD

[*English*]

ETHICS

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, CPC): Mr. Speaker, while the Prime Minister is in Washington tripping the light fantastic, his government continues to trip over itself.

The Prime Minister was plotting his ascent to the top job for years, yet after he took office in December it took him 112 days to file his own personal assets. This is understandable given the complicated web of tax evasion that he wove and the millions that he—

The Speaker: The hon. member for Pictou—Antigonish—Guysborough is a very experienced member and he knows that suggesting that members engaged in crime would be highly improper and he would not want to proceed with that kind of question.

Mr. Peter MacKay: Mr. Speaker, given the tax avoidance that went on and the millions that went in contracts to his own company from his own government, I can understand why it took that time but the Prime Minister has to file those forms.

Why have members of his own government not done so and when can we expect to see that happen?

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, the rules are in place and the rules will be followed. All members of the cabinet will comply.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, CPC): Well, they have not thus far, Mr. Speaker. The ethics counsellor, the Prime Minister's alter ego, lists on his website that there are a number of ministers who have not filed their declarations of assets.

Yesterday the Prime Minister told us that members have been given an extension by that champion of democracy and protector of the government, the ethics counsellor. When was that extension granted? How long will it be? When were these details going to be made public? Is it again a case of being caught before they give the truth?

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, all the applicable rules will be followed with care. Obviously the hon. gentleman knows that he is perfectly at liberty to direct his questions to the ethics counsellor.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, CPC): Mr. Speaker, this is question period. It is funny how the government continually waits to get caught before reacting.

The Prime Minister feigned outrage over the sponsorship scandal when information went missing. Well, information is missing. Canadian taxpayers have to file their tax forms on time or the government comes knocking.

If the information was readily available at the time of the appointment, which presumably it had to be, where is it now? Why has the Prime Minister not acted and what is he hiding?

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, obviously the Prime Minister and the cabinet are hiding nothing at all. The rules are in place to make sure there is full disclosure and there will indeed be full disclosure.

● (1420)

Mr. Rahim Jaffer (Edmonton—Strathcona, CPC): Mr. Speaker, yesterday the Prime Minister said he granted extensions to his cabinet so they would not have to file their declarations of assets on time.

Since these assets were already disclosed to the PMO prior to the formation of the current cabinet, the conclusion must be drawn that they knew these ministers are in a conflict of interest, a fact the PM must be trying to hide before the election.

Why was the extension granted? What are they trying to hide?

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, the question is nonsensical because the premise is nonsensical.

Mr. Rahim Jaffer (Edmonton—Strathcona, CPC): Mr. Speaker, how difficult can it be for the cabinet to declare their assets? It begs the question if they actually know their elbow from their assets.

When the Liberals continue to be mired in scandal, one would think that the Prime Minister would do everything in his power to ensure that no further embarrassment would come out of his cabinet.

They have had ample time. How can the Prime Minister justify this extension?

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, the question is about as good as the attempt at humour.

There are rules in place to ensure disclosure. Those rules will be followed. There will be full disclosure according to the rules and any allegation to the contrary is completely bogus.

* * *

[*Translation*]

NATIONAL DEFENCE

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, according to the *Globe and Mail*, the government has secretly agreed to sign on to an aerospace early warning system for North America, smoothing the path for Canada's participation in the U.S. missile defence shield and the weaponization of space.

In this context, how can the Prime Minister meet with President Bush and not raise this issue, especially without telling Quebeckers and Canadians, who will soon go to the polls, that his government has already decided to take part in the U.S. missile defence shield program?

[*English*]

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, as much as I respect the *Globe and Mail*, sometimes there needs to be just a little bit more in terms of caucus research.

The government's position on ballistic missile defence is quite clear. We are absolutely opposed to the weaponization of space.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, they are absolutely opposed to the weaponization of space, but they are ready to sign on and take part in the missile defence shield. Go figure.

President Bush wants to start deploying his missile defence shield in the fall. The pressure on Canada was so intense that the government caved in to President Bush.

Will the Prime Minister, who supported the war in Iraq last year, admit that Canada's participation in the missile defence shield has already been decided upon and that he does not want to talk about it in Washington for the simple reason that he wants to hide the truth on the eve of the election?

[*English*]

Hon. David Pratt (Minister of National Defence, Lib.): Mr. Speaker, let me be as clear as I possibly can be on this issue. Canada has not signed on to Canadian participation in the ballistic missile defence system.

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, the Minister of National Defence stated yesterday, when discussing the missile defence shield, that his goal was to protect the safety and security of Canadians, that he was involved in discussions with the United States with respect to missile defence, that those discussions were going well, and that he thought Canadians would be better protected as a result.

Do the words of the Minister of National Defence not confirm that the decision about Canada's participation in the missile defence shield has already been made and that the Prime Minister will not discuss this issue with President Bush, purely for electoral reasons? In the end, he has decided to behave like the head of a party rather than a head of government.

[*English*]

Hon. David Pratt (Minister of National Defence, Lib.): Mr. Speaker, let me restate what I said earlier, which is that we have not signed on to ballistic missile defence. It is important to note that discussions with the Americans are continuing. Our objective obviously in all of this is to provide for the safety and security of Canadians. The latest information that I have is that it may not be until the fall before we have a final decision on this.

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, the Minister of National Defence said yesterday that this matter would be concluded in the "not too distant" future; "not too distant" should be sooner than the fall. The minister is known to have been in favour of the war in Iraq and a supporter of President Bush's missile defence shield.

Has the Prime Minister decided not to bring up the subject of missile defence with the President, even though Canada's decision has been made, simply because the government refuses to reveal its position to the people of Quebec just before the election?

[*English*]

Hon. David Pratt (Minister of National Defence, Lib.): Mr. Speaker, the hon. member is in error. The fact remains that these discussions with the Americans are continuing. They are fairly complex discussions. They deal with a number of complex issues which we are working hard to resolve.

I think it is safe to say that at the end of the day, whatever decision is reached will be one which reflects both Canadian interests and Canadian values.

● (1425)

Hon. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, this seems to be the week in which Liberals reveal just how identical to the Conservatives they really are. First it was on the question of for profit health care and now it is on the question of national missile defence. Both positions, of course, the government was interested in hiding and not revealing to Canadians before the election. It is obvious that this is the case with national missile defence.

Is the Minister of National Defence opposed to national missile defence? If he is not, could he then tell us what the difference is between the Liberal and Conservative position?

Hon. David Pratt (Minister of National Defence, Lib.): Mr. Speaker, when I sent a letter to Secretary Rumsfeld back in January, I made it clear on behalf of the government that we were interested in pursuing discussions with the United States. That does not mean that we are ready to sign on to ballistic missile defence, not by any stretch of the imagination.

What we are doing is exactly what we said we were going to do which is to pursue these discussions in the interests of Canadians to protect the safety and security of Canadians. I think we are doing a good job of that.

Hon. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, you will note that the Minister of National Defence could not come up with any difference between himself and the Conservatives on this issue, just as there is no difference between the Liberals and Conservatives when it comes to for profit health care and a number of other issues.

I want to ask the Minister of National Defence why are they hiding their position? It is obvious now that Washington understands that some commitment has been given by Canada with respect to the early stages of national missile defence, which by Washington's own admission and documentation will lead to the weaponization of space. Why are the Liberals in denial about the true reality of their own position?

Hon. David Pratt (Minister of National Defence, Lib.): Mr. Speaker, what is clear is that the NDP members are always prepared to say no to the Americans. The Conservatives are always prepared to say yes to the Americans. We are prepared to look at issues on their merits to determine what is in the best interests of Canadians.

* * *

GOVERNMENT GRANTS

Mr. Bill Casey (Cumberland—Colchester, CPC): Mr. Speaker, Ruth Thorkelson worked in the Prime Minister's Office for 10 straight years. She left only long enough to negotiate a $17 million grant from international trade to the Forest Products Association of Canada. Then a staffer in the office of the Minister of International Trade, Andre Albinati, followed that grant money to Earnscliffe which received $800,000 of the $17 million grant.

What is the point in having post-employment rules when the Prime Minister allows this abuse to go on?

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, there is nothing in the hon. gentleman's question that indicates anything that was untoward or contrary to the rules. I take it he is arguing against government support for the forest industry in Canada.

Mr. Bill Casey (Cumberland—Colchester, CPC): No, Mr. Speaker, I am arguing against the abuse of the ethics counsellor's rules.

When the Forest Products Association of Canada received the $17 million grant, it first gave $800,000 to Earnscliffe advertising, untendered. Then it gave approximately $8 million to the Burson-Marsteller agency. Now Burson-Marsteller is buying Earnscliffe.

Under the terms of the grant, they were required to produce four reports on how they spent the money. Will the minister make public the four required reports so we will know for sure that the grant money is not funding the purchase of Earnscliffe?

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, again, given this pattern of questions from the opposition members, obviously designed to sling as much mud against the fan as they possibly can, there is absolutely nothing in the allegations or in the facts of this matter that indicate anything untoward took place, nothing.

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GOVERNMENT CONTRACTS

Mr. Leon Benoit (Lakeland, CPC): Mr. Speaker, the Minister of Public Works continues to avoid the truth about the shady $1 billion relocation contract for Royal LePage. I will give him a hand. The contract was cancelled and ordered re-tendered and no official reason was given. Officials from the minister's department were alleged to have taken gifts, including cruises, for that contract from guess who? Royal LePage.

The CITT ruled that the bidding process was fixed, favouring Royal LePage, but did not call for the contract to be re-tendered. Is it still the government's position that there was no wrongdoing, but it cancelled the $1 billion contract with Royal LePage anyway?

Hon. Stephen Owen (Minister of Public Works and Government Services, Lib.): Mr. Speaker, that is not the position of the government at all. The position of the government is that one of the unsuccessful bidders in the original tendering for the relocation contract appealed to the Canadian International Trade Tribunal, which is its right and a proper due process. The tribunal found that there was some evaluation criteria that it felt should be re-evaluated. That came back to public works.

There were allegations of bias. The hon. member is quite correct. An internal investigation was done with respect to employees in public works and it was determined, in an overabundance of caution, to re-tender the process.

● (1430)

Mr. Leon Benoit (Lakeland, CPC): Mr. Speaker, the minister continues to insist there was no wrongdoing other than that found by the trade tribunal in its hearing, but that is not true.

In fact in a letter I have, his own head of procurement said that there were reasons other than those considered by the trade tribunal which led to the cancellation of the contract. He said that the contract was cancelled "for reasons unrelated to the grounds of complaint filed by Prudential". Those were the reasons given in the tribunal.

Why is the minister hiding the truth about why he cancelled this $1 billion contract?

Hon. Stephen Owen (Minister of Public Works and Government Services, Lib.): Mr. Speaker, I am not hiding anything. As I mentioned in my previous answer, there were allegations of some bias or improper appearance of bias internally in public works. It was investigated. There was disciplinary action taken. To ensure that there was even no appearance of bias externally, the matter was re-tendered. It was re-tendered on April 20, and that process is in train.

[*Translation*]

ST. LAWRENCE SEAWAY

Mr. Bernard Bigras (Rosemont—Petite-Patrie, BQ): Mr. Speaker, in his meeting with President Bush, the Prime Minister intends to broach the issue of the diversion of Devil's Lake in North Dakota into the Red River, which poses serious problems to Manitoba.

Why is the Prime Minister refusing to do the same for the St. Lawrence Seaway, which the Americans want to expand without consideration for the environmental impact?

Hon. Dan McTeague (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.): Mr. Speaker, I am familiar with this situation. The member for Brome—Missisquoi is constantly working on this matter. It is essential to remember that this situation needs to be dealt with in stages.

There are two levels of government in Vermont. We will take action when the time is right—at a particular time, when everything is in place—and we will evaluate the situation with regard to pure, clean water.

Mr. Bernard Bigras (Rosemont—Petite-Patrie, BQ): Mr. Speaker, it seems that the member has answered the wrong question. I am talking about the expansion of the St. Lawrence Seaway, since three of the five options in the study conducted by the U.S. Army Corps of Engineers propose dredging the St. Lawrence Seaway, with all the serious environmental problems this will cause.

How can the Prime Minister explain his decision not to address this issue with President Bush, unless he has already made up his mind but does not want Quebec to know before the election?

[*English*]

Hon. Tony Valeri (Minister of Transport, Lib.): Mr. Speaker, I have responded to the hon. member previously in the House. The joint study that is going on with respect to Canada and the United States will in fact assess the ongoing maintenance needs required to sustain the seaway infrastructure. I emphasize that the study will not consider major infrastructure modifications, such as the expansion of the seaway.

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[*Translation*]

SOFTWOOD LUMBER

Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ): Mr. Speaker, one of the important issues to be addressed by the Canadian Prime Minister in his meetings with President Bush is the softwood lumber dispute, on which the NAFTA ruling has just been released. The U.S. has three weeks to lift the countervailing duties and antidumping tariffs it imposed on Quebec and Canadian lumber.

Does the Prime Minister intend to demand that President Bush cease his delaying tactics so that we may immediately resume total free trade in this area?

[*English*]

Hon. John Harvard (Parliamentary Secretary to the Minister of International Trade, Lib.): Mr. Speaker, I am delighted that the hon. member has asked this question because it is a good day in the softwood lumber dispute.

The NAFTA panel, on the alleged threat of injury to the U.S. softwood lumber industry, released its decision today. It is good news for Canada and it is a total victory for Canada.

We said all along that the U.S. was wrong. Our industry does not threaten injury to the U.S. industry. We have said all along that we have free trade in softwood. The decision today supports our position. We hope the U.S. respects the decision.

[*Translation*]

Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ): Mr. Speaker, outside of this self-congratulation, can the government assure us that the Prime Minister will not be tempted by electoral concerns to negotiate a cut-rate agreement with the United States and will demand full reimbursement of all sums wrongly collected from Quebec and Canadian softwood lumber producers?

● (1435)

[*English*]

Hon. John Harvard (Parliamentary Secretary to the Minister of International Trade, Lib.): Mr. Speaker, as I said in my first response, we hope the United States will respect this decision. This is an important decision. In fact it is an important decision to both countries.

Yes, the Prime Minister is in Washington today. The Minister of International Trade is in Washington today. On the agenda is softwood lumber. I assure the member that they will continue with their best work in the interest and support of free trade in softwood lumber.

* * *

NATIONAL SECURITY

Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC): Mr. Speaker, there are serious problems with the government's plan to spend $10 million to add a facial recognition biometric to Canadian passports.

Bruce Schneier, one of the world's foremost security experts states, "A system like this is clearly not worth it. It costs too much, is much too intrusive, and provides minimal security in return".

Why are the Liberals throwing millions of dollars into a system that expert opinion says is not worth it?

[*Translation*]

Hon. Yvon Charbonneau (Parliamentary Secretary to the Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness (Emergency Preparedness), Lib.): Mr. Speaker, I must point out that the government has announced this policy because it is in keeping with the most recently set standard of the International Civil Aviation Organization. We are therefore basing our decision on major studies that have been carried out on the international level. If we are moving toward biometrics, this is because it is what we find to be the most advanced and the most effective on the international level.

[*English*]

Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC): Mr. Speaker, actually the organization did not say that Canadians should do this. It just said that if we are going to do it, facial recognition is the least intrusive. But it does not work.

Canadian expert Dr. Ann Cavoukian says that, "$10 million is not enough for a biometric system of any sort, particularly facial biometrics. You will get nothing for that money and certainly couldn't implement such a system for that amount".

The Liberals have a sadly tarnished track record of lowballing cost projections. Is this just the start of another Liberal boondoggle?

[*Translation*]

Hon. Yvon Charbonneau (Parliamentary Secretary to the Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness (Emergency Preparedness), Lib.): Mr. Speaker, I would invite the hon. member of the opposition to take time to read "Securing an Open Society: Canada's National Security Policy" in its entirety. This is a series of measures, an integrated overall action plan, one measure among many. It is a plan that will evolve over time. It reflects the best of what is available as far as international standards are concerned at this time.

[*English*]

Mr. Gerald Keddy (South Shore, CPC): Mr. Speaker, we have heard Liberal promises before. At one point the government promised that the gun registry would only cost $85 million. Today the cost has spiraled to more than $1.4 billion, perhaps as much as $2 billion.

Now we learn that the government is promising facial biometric information on passports for a bargain, a mere $10 million. This involved a much more complicated technology than a simple gun registry database.

Why are the Liberals deliberately misleading Canadians on this $10 million database?

Hon. Albina Guarnieri (Associate Minister of National Defence and Minister of State (Civil Preparedness), Lib.): Mr. Speaker, the government recognizes the challenges associated with the gun registry. As I mentioned at the outset, we are analyzing the challenges that the gun registry poses. I can assure the hon. member that once our recommendations are finalized, the benefits will far outweigh the costs.

With respect to the passport issue, my hon. colleague has—

The Speaker: The hon. member for South Shore.

Mr. Gerald Keddy (South Shore, CPC): Mr. Speaker, there is no upside to an invasion of privacy to Canadian citizens. Liberals want us to believe that Canada's new national security policy will cost $700 million. Again, the federal gun registry cost twice as much and has delivered nothing. For the price of the gun registry, we could already have two national security policies.

Does the Deputy Prime Minister believe that all of Canada's security problems can be solved for half the cost of the gun registry, or was the gun registry money simply wasted?

● (1440)

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, once again the hon. gentleman is way off base. The Deputy Prime Minister, in releasing the security policy earlier this week, indicated that the government was taking a number of steps forward in advancing the safety and security of Canadians. We have provided the funding for that in the order of $700 million.

I am very pleased to note that most of the experts in this field, apart from those who would like to be experts in the opposition, have said that indeed this policy is directly on track.

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[*Translation*]

OFFICIAL LANGUAGES

Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, my question is for the Minister of Canadian Heritage. In February 2003, the Standing Committee on Official Languages asked the government to order the CRTC to require cable companies to broadcast audio and video signals of the parliamentary debates in both official languages. In August 2003, the Government of Canada accepted this recommendation.

When will the Government of Canada require cable companies to provide CPAC, the parliamentary channel, in both official languages?

Hon. Hélène Scherrer (Minister of Canadian Heritage, Lib.): Mr. Speaker, I would like to thank the hon. member for his sustained interest in linguistic duality, which is also an important issue for the Government of Canada.

When I appeared before the Standing Committee on Official Languages, I promised to follow up on the recommendation regarding the availability of CPAC. I can assure the chair of the committee that the administrative process has begun and that the government will issue the order as soon as possible.

* * *

[*English*]

FINANCE

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, after the horrors at Hollinger and the nightmare at Nortel, it is clear that the Liberal idea of voluntary compliance to ethical guidelines will not protect the pension investments of Canadians or the integrity of our equity marketplace.

Why does the government consistently refuse to address glaring weaknesses in our Canadian security regulations? Where is Canada's Sarbanes-Oxley act? Why are the Liberals so reluctant to put meaningful controls in place so that we can trust the financial statements where our pension plans are invested?

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, obviously this matter is one of serious concern to Canadians. I will not comment on the difficulties or travails of one particular company. However, I would note that over the course of the last couple of years, among the Government of Canada, the provinces, the securities commissions and the stock exchanges, a broad variety of initiatives have in fact been put in place in terms of better accounting, better auditing practices, overall governance and surveillance practices and greater transparency.

The Government of Canada, with all of its partners, is indeed moving forward on this file in the interests of Canadians.

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HEALTH

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, after seeing the health minister explode the Liberals' favourite wedge issue yesterday, it becomes clearer and clearer that the Liberals and the Conservatives are one and the same when it comes to privatized health care, despite how the minister tries to wiggle out of his position.

However, there is salvation for the Liberals if they want it. They could choose and decide to change the Canada Health Act to prohibit public money financing for private, for profit health services like hospitals, as was suggested by the NDP in 2000. If they are so different from the Conservatives, will the government pass such a change before the election is called?

Hon. Carolyn Bennett (Minister of State (Public Health), Lib.): Mr. Speaker, the government believes in all five principles of the Canada Health Act. They have served Canadians well. It is extraordinarily important that we move on all the recommendations of the Roy Romanow commission. We are looking at all these things in order to ensure Canadians publicly administered, publicly funded, publicly delivered health care. We believe in this and we will make sure it happens.

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FOREIGN AFFAIRS

Mr. Stockwell Day (Okanagan—Coquihalla, CPC): Mr. Speaker, Taiwan is one of the most vibrant democracies to emerge from the 20th century and it has a very strong record on human rights, and yet most Canadians would be surprised to learn that the Prime Minister and the Liberals banned elected officials from Taiwan from coming into Canada.

When will the Prime Minister move into the 21st century and abandon this insulting policy of slamming the door in the faces of our Taiwanese friends?

● (1445)

Hon. Dan McTeague (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.): Mr. Speaker, the hon. member is very capable of delivering on hyperbole but this government has no intention of insulting anyone. It is clear to us that there are some very controversial issues to deal with and we will deal with them as a dignified and respected nation. However it is clear that the hon. member has more interest in trying to make headlines than in dealing with the facts.

We will govern accordingly.

Mr. Stockwell Day (Okanagan—Coquihalla, CPC): Mr. Speaker, just as one example, Ms. Annette Lu, the duly elected vice-president of Taiwan, a Harvard graduate, a renowned speaker on human rights and gender equity, has been refused permission. She is not allowed. The Prime Minister said that she could not come into our country.

I will ask the question again. When will the government and the Prime Minister abandon this outdated foreign policy issue and allow our Taiwanese friends to come into Canada? The Prime Minister finally worked up his courage and got behind a bunch of other nations and allowed the Dalai Lama into Canada. Why will he not allow people like Ms. Annette Lu, the vice-president of Taiwan, into Canada?

Hon. Dan McTeague (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.): Mr. Speaker, I understand the hon. member is interested in trying to rephrase his question over and over again. There is no doubt that no one along that line has been refused into this country, certainly as an individual.

As for the question of a representative of a particular government, the government has a very strong statement about that. The hon. member is aware of that and we are prepared to stand by what we believe in.

Mr. John Duncan (Vancouver Island North, CPC): Mr. Speaker, the Prime Minister met with the Dalai Lama only when it became painfully obvious that Canadians insisted that he do so. The meeting was not going to happen because of objections from China. Meanwhile, the government refuses to even endorse observer status for Taiwan at the WHO despite a majority vote last year by MPs from every party in this House.

When will the Prime Minister end the hypocrisy and pursue a Canadian position toward Taiwan rather than complying with the objections from Beijing?

Hon. Dan McTeague (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.): Mr. Speaker, it will not be objections from the hon. member or his party that we will respond to. It is very clear that what the opposition is really saying is that they are rather upset that the Prime Minister met with the Dalai Lama because it was a very important thing for us as Canadians to do and the Prime Minister did it in a way that I think most Canadians recognized as important.

As for the question of Taiwan, it is very clear that the hon. member has a particular agenda. It is obvious that he is not aware of the international ramifications but perhaps it may be because he believes that this somehow will be an important election issue. We believe otherwise.

Mr. John Duncan (Vancouver Island North, CPC): Mr. Speaker, Taiwan is our fourth largest trading partner in Asia and yet last summer its foreign minister was not even allowed a transit visit to Canada. Taiwan respects human rights, democracy and the rule of law but the government continues to marginalize it.

The Prime Minister is adding to the international democratic deficit. When will the Prime Minister stop worrying about opposition from Beijing and treat Taiwan with the respect it deserves?

Hon. Dan McTeague (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.): Mr. Speaker, what part of the United Nations recognition is he talking about with respect to the WHO? He knows very well that the United Nations has a position on this. We respect the position of the United Nations and it is clear that the hon. member ought to look at that from time to time.

[*Translation*]

AGRICULTURE

Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour, BQ): Mr. Speaker, the Prime Minister said he would bring up the mad cow issue when he meets with President Bush.

Does the Prime Minister intend to limit his approach only to aspects that affect farmers in the west, or does he also intend to bring up aspects that specifically affect dairy farmers in Quebec who are having problems exporting cull?

[*English*]

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, the Prime Minister will be dealing with a broad range of issues with the President. Those directly involving the trade position between Canada and the United States, that trade is worth something in the order of $1.5 billion to $2 billion per day flowing back and forth across the border. It is hugely important on both sides.

The hon. member may rest assured that the Prime Minister has the entire spectrum of Canadian interests in mind, and I am very pleased to see that agriculture is very high on his agenda.

[*Translation*]

Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour, BQ): Mr. Speaker, more specifically, does the Prime Minister intend to ask for the embargo to be lifted, not only on calves, but also on animals older than 30 months? This affects farmers in Quebec in particular.

[*English*]

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, the Canadian position is that the science is clear. The regulatory process has been fully and conscientiously completed by Canada. We have complied with all of the international standards. We believe the border for our beef and our live cattle should be open, period, 100%.

* * *

● (1450)

SOFTWOOD LUMBER

Mr. Richard Harris (Prince George—Bulkley Valley, CPC): Mr. Speaker, it is despite the government's bungling that our softwood industry has just won a key decision by the NAFTA dispute resolution panel. It ruled that U.S. lumber producers have not suffered injury from Canadian exports.

When the Prime Minister visits with George Bush, will he demand, not wish, not hope, but demand that billions in illegal softwood penalties imposed on our producers be returned immediately to our softwood producers? The workers and their families demand it, not wish it.

Hon. John Harvard (Parliamentary Secretary to the Minister of International Trade, Lib.): Mr. Speaker, we are very happy with the NAFTA panel decision today because it confirms what we have been saying all along, that our industry does not pose a threat to its U.S. counterpart.

What we ultimately want is free trade in softwood lumber, and the decision made by the NAFTA panel today takes us in that direction. We hope, as a government, that the U.S. will respect the NAFTA panel decision.

Mr. Richard Harris (Prince George—Bulkley Valley, CPC): Mr. Speaker, it is our party that has always demanded that the softwood dispute problem be resolved through litigation. The key NAFTA ruling today proves that we were right and that the government's continuous attempts at end runs around the process were wrong.

Will the government stop its band-aid approach to the softwood lumber dispute and let the established resolution process continue to win this dispute for our softwood industry?

Hon. John Harvard (Parliamentary Secretary to the Minister of International Trade, Lib.): Mr. Speaker, I think it would be fair to say that today's decision from the NAFTA panel constitutes the winning of one battle for us but we have not won the war. We will continue our efforts.

The Prime Minister and Minister of International Trade are in Washington today. They will continue their best efforts to resolve this issue. We are involved with all the stakeholders, the workers, the provinces, the communities and, ultimately, our goal is to get free trade. We think that the decision today by the NAFTA panel takes us in that direction.

* * *

[*Translation*]

RESEARCH AND DEVELOPMENT

Mr. Gilbert Barrette (Témiscamingue, Lib.): Mr. Speaker, could the Minister of Industry and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec tell us about the measures undertaken to increase the ability of Quebec and Canadian universities to pursue technological research and development activities of international scope that will benefit Canadians?

Hon. Lucienne Robillard (Minister of Industry and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec, Lib.): Mr. Speaker, over the years, our government has invested in excess of $13 billion in research, precisely to help our universities to be among the top institutions at the international level.

This week, for example, the Canada Foundation for Innovation announced that the New Opportunities Fund for new members of the teaching staff will provide $30 million for projects. Once again, researchers at the Université du Québec in Abitibi-Témiscamingue will benefit from this initiative and conduct a research project relating to silviculture and wildlife management.

Congratulations to these researchers.

* * *

[*English*]

PORT SECURITY

Mrs. Elsie Wayne (Saint John, CPC): Mr. Speaker, the government has failed to protect all the port cities of this country. First it removed the port police, then it cut back on harbour pilots and now most federal ports are being left out of that new national security plan.

Ports are natural access points, like airports or border crossings, yet the government has practically ignored them. Why is the government exposing our communities to such risks?

Hon. Tony Valeri (Minister of Transport, Lib.): Mr. Speaker, it is very nice to hear the opposition finally acknowledge that ports are important.

The Government of Canada has introduced a six point marine security plan which in fact illustrates our continued commitment to better detect, assess and report with respect to marine threats.

As I have said in the House, marine facility security is an important part of the national security policy and in the coming days or weeks I will announce a marine facility program that will assist ports in meeting that security requirement.

● (1455)

Mrs. Elsie Wayne (Saint John, CPC): Mr. Speaker, I just hope that the hon. minister knows that the port of Saint John has the highest tides in the world and cutting back on the pilots and port police does not help.

If Canada becomes the target of an attack, it will happen where we least expect it and when our guard is down. The attackers will not go to Halifax, Montreal or Vancouver when those ports are heavily defended. They will strike where our defences are low, at one of the ports that the government has totally forgotten about, such as the port of Saint John.

How can the minister defend a plan that leaves so many—

The Speaker: The hon. Minister of Transport.

Hon. Tony Valeri (Minister of Transport, Lib.): Mr. Speaker, the international ship and port facilities security code, which will take effect July 1, is a code that we will meet. The port facilities in this country will meet that particular standard. We have in fact gone beyond that standard and have established a North American standard. The government will participate in assisting our ports and ports facilities in meeting that international requirement.

As I said, in the coming days we will be making an announcement which will assist ports and ports facilities in meeting that standard.

* * *

[*Translation*]

FOREIGN AFFAIRS

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, we can see right through the Prime Minister's little game. In Washington, he will not talk about the missile defence shield or the expansion of the St. Lawrence Seaway. Why? Because he has already made up his mind. As for softwood lumber, he was looking for an agreement at any cost. Fortunately, the NAFTA ruling was issued. As regards the mad cow issue, he is looking for a solution that will benefit western producers, while letting Quebec producers down.

Can the government deny that the whole purpose of the Prime Minister's trip to Washington is a good photo op with George Bush and nothing more?

[*English*]

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, the Prime Minister of Canada is on the job every day defending and promoting the interests of Canadians. On occasion, that means going abroad and visiting foreign leaders in foreign capitals. I am very pleased to say that Canadians are extraordinarily proud of the Prime Minister on the international stage advancing the interests of Canada in the most dignified of manners.

* * *

[*Translation*]

PORT SECURITY

Mr. Christian Jobin (Lévis-et-Chutes-de-la-Chaudière, Lib.): Mr. Speaker, on April 27 the Minister of Public Safety and Emergency Preparedness injected $690 million into the new national security policy. Over $300 million of this will be used to protect the marine sector.

I would like the Minister of Transport to tell the House whether this $300 million will be used to pay for the new security measures that will be required in ports as of July 1, 2004.

[*English*]

Hon. Tony Valeri (Minister of Transport, Lib.): Mr. Speaker, the $308 million that was announced this week by the Deputy Prime Minister to enhance marine security will enable our ports to better detect, assess and respond to marine threats. These initiatives complement the new regulations, the ISPS code, which we will meet by July 1.

As I have stated over the last couple of days, the government is working with effective marine stakeholders to ensure that their plans will be approved by July 1. I have committed to assisting marine stakeholders to ensure that they will meet the security requirements.

* * *

NATIONAL DEFENCE

Hon. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, I am tempted to ask the Liberals another question on their position on health care but it seems that they are just making it up as they go along. One day it is publicly funded, the next day it is for profit and the next day it is public delivery. We cannot keep track of it.

I will go back to the Minister of National Defence on star wars. He criticized the Conservatives and the New Democrats for having a position on star wars and national missile defence. Could he tell the House why he believes Canadians do not deserve to know the true Liberal position until after the election?

Hon. David Pratt (Minister of National Defence, Lib.): Mr. Speaker, the NDP keep exaggerating on this issue. It has used the figure of $1 trillion, for instance, in terms of the cost of ballistic missile defence. It keeps using this term star wars. I have to say that star wars is a 1980s concept, just like Ed Broadbent.

GOVERNMENT CONTRACTS

Mr. Leon Benoit (Lakeland, CPC): Mr. Speaker, the public works minister continues to insist that he only cancelled that $1 billion contract with Royal LePage based on the CITT ruling.

There is a clause in all government contracts saying that if bribery or fraud is discovered in the initial awarding of the contract, then that company is not allowed to re-bid. Public works officials are alleged to have accepted bribes, and allegations of corruption have swirled around this contract from the very start.

Therefore, is that not the reason the minister cancelled this contract and why is he letting his friends at Royal LePage re-bid on this $1 billion contract?

● (1500)

Hon. Stephen Owen (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the hon. member is making some pretty wild accusations here about bribery. The opposition has heard me say before that the Canadian International Trade Tribunal found some parts of the evaluation criteria that it thought should be redone or were questionable. That was actually looked at.

There were also, as I have said, some allegations that there could have been bias involved by members of Public Works and Government Services staff. To address that issue we did an internal investigation. There was a potential appearance of bias—

The Speaker: The hon. member for Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques.

* * *

[*Translation*]

EMPLOYMENT INSURANCE

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, the Quebec National Assembly unanimously passed a motion yesterday, saying that it would:

> —formally ask the Government of Canada to review the Employment Insurance Act in order to eliminate the inequities currently found there in with regard to the particular situation experienced by the seasonal workers of Québec.

Does the federal government intend to act on this unanimous motion of the National Assembly before the election is called?

[*English*]

Hon. Paul Bonwick (Parliamentary Secretary to the Minister of Human Resources and Skills Development (Student Loans), Lib.): Mr. Speaker, the hon. member's comments are completely unfounded. He knows full well, as do all members of the House, that the Prime Minister, the minister and members of the Liberal caucus are fully engaged in this file. I am here to say that once we have an opportunity to review all the facts, the minister will make the appropriate recommendations.

POINTS OF ORDER

GOVERNMENT CONTRACTS

Hon. Stephen Owen (Minister of Public Works and Government Services, Lib.): Mr. Speaker, on Tuesday of this week, in answer to a question from the hon. member for Calgary Southeast, I gave the following answer:

> —all the contracts that have been awarded to Earnscliffe or any company providing services to the government are either already in the public domain or accessible for review.

That is true with very few exceptions with respect to national security. I went on, though, to suggest that the hon. member consult the Contracts Canada website, but I must say that if there was the impression that all contracts are on the website, that is not so. I have checked into this matter since and have found that after three years, contracts are taken off the website. Also, while most contracts go through Public Works and Government Services, there are some departments that do contracts directly and they do not at this stage go on that website.

I would like to refer to the 2004 budget, wherein the Minister of Finance committed that all departments will:

> publicly disclose all contracts entered into by the Government of Canada for amounts over $10,000 with only very limited exceptions, such as national security.

If one goes to the website of Contracts Canada, one will see clearly that it only lists contracts for three years. It is a very expensive system and the files would become too great, but the site says that for additional information, such as for contracts prior to three years before or perhaps by some other department, the website does give, in bold, an information number to be followed.

I just wanted to make sure that there was no misunderstanding about how many contracts were on that website, and for how long, but they are publicly accessible if they are not already in the public domain, and of course the access to information provisions make them accessible subject to very few exceptions.

The Speaker: I am sure the hon. member for Calgary Southeast will appreciate the minister's clarification.

On the same point of order, the hon. member for Prince George—Peace River.

Mr. Jay Hill (Prince George—Peace River, CPC): Mr. Speaker, I am sure that the entire House, in addition to my hon. colleague from Calgary Southeast, is relatively reassured by the minister's apology, but I would ask that in the future when he makes such a clear statement he ensures that it is accurate in replying to colleagues.

Hon. Stephen Owen: Mr. Speaker, you and hon. members may recall that the question came with respect to a contract which had not been introduced to me previously and no questions had been asked about it. It was not clear in an immediate way what the contract was referring to.

I do take the hon. member's point that we must try to keep our information as accurate as possible, but we are talking about complex issues of files on websites and off websites and accessible in various ways. The important thing if there is a potential for misunderstanding is that hon. members, as I have attempted to do today, stand up and clarify the issue as soon as possible.

* * *

● (1505)

BUSINESS OF THE HOUSE

The Speaker: Today being Thursday, the hon. member for New Westminster—Coquitlam—Burnaby might have a question.

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, CPC): Mr. Speaker, how many times have we risen in the House and asked the government what it would have on its legislative calendar for the coming week and into the next week?

I think all Canadians desire to know if the government has any legislative agenda at all.

[*Translation*]

Hon. Jacques Saada (Leader of the Government in the House of Commons and Minister responsible for Democratic Reform, Lib.): Mr. Speaker, it is a great pleasure for me to reassure my colleague and Canadians that we are working on a number of bills.

We will proceed this afternoon with third reading of Bill C-9, an act to amend the Patent Act and the Food and Drugs Act (The Jean Chrétien Pledge to Africa). This bill, which we introduced and which is now at third reading, makes it possible for us to send pharmaceutical products to help countries in Africa.

This will be followed by third reading stage of Bill C-12, an act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act.

Then we will move on to report stage of Bill C-23, an act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Acts.

This will be followed by the debates on the motions for referral to committee before second reading of Bill C-29 and Bill C-32. I would like to point out that it is as part of our democratic reform that we are now regularly referring bills to committees before second reading, to allow them to review the legislation.

Therefore, before second reading, we will refer Bill C-29, an act to amend the Criminal Code (mental disorder) and to make consequential amendments to other Acts, and Bill C-32, an act to amend the Criminal Code (drugs and impaired driving) and to make related and consequential amendments to other Acts. We know that Canadians really want us to deal with the issue of impaired driving.

Of course, we will deal with third reading of Bill C-10, an act to amend the Contraventions Act and the Controlled Drugs and Substances Act.

This is for today. We may not have time to finish everything, because there is a lot to do. In any case, tomorrow we will deal with report stage and, if possible, with third reading of Bill C-30, an act to implement certain provisions of the budget tabled in Parliament on March 23, 2004.

Then, we will undertake our review of Bill C-28, an act to amend the Canada National Parks Act.

Of course, next week we will continue with any unfinished business.

Incidentally, Thursday of next week, May 6, will be an allotted day. I would suggest that hon. members get a good rest, because there is still a lot of work to do.

GOVERNMENT ORDERS

[*English*]

PATENT ACT

The House resumed consideration of the motion that Bill C-9, an act to amend the Patent Act and the Food and Drugs Act (The Jean Chrétien Pledge to Africa), be read the third time and passed.

The Speaker: When the House broke for question period, the hon. member for Davenport had the floor. He has nine minutes in the time allotted for his remarks.

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, in putting forward some thoughts on the discussion of Bill C-9, I would also like to put on the record an observation made yesterday in this chamber by the Minister for International Cooperation, because it seems to me that she made a very important point which ought to be repeated.

She said that the legislation before us in this chamber, namely Bill C-9, otherwise known as the Jean Chrétien pledge to Africa, is one that recognizes, on Canada's part, a "moral imperative", that is, the imperative that we have to make available those medical treatments that are required, and in African countries in particular, to the millions of people who are suffering from these pandemics, in particular, of course, the pandemic of HIV-AIDS.

That point was elaborated on further by the Minister for International Cooperation with regard to voluntary licensing, when she said that "the amendments eliminate the requirement that patent holders be given the right of first refusal". That was of course an amendment of considerable significance and importance during the deliberation at second reading.

In the discussion before question period, the member for Palliser made reference to Stephen Lewis, and quite rightly so, because this Canadian at the United Nations has been actively engaged in advancing the cause of helping African countries and the population there with respect to HIV-AIDS on that continent.

Mr. Stephen Lewis made a statement a few days ago which I would like to put on the record because it gives further background as to why we are engaged with this legislation and why we have developed such a unique parliamentary cohesion and unanimity behind it.

On April 6 of this year, in New York, Stephen Lewis, the United Nations special envoy on this matter, made the following statement:

> I wish to join today with the legions of activists and advocates in Africa and worldwide who salute the quite remarkable collaboration on the provision of anti-retroviral drugs, jointly announced by The Clinton Foundation, The World Bank, UNICEF and the Global Fund. This initiative...could well spell the turnaround of the...pandemic in Africa.
>
> Simply put, the Clinton Foundation will negotiate the drug prices, UNICEF will employ its procurement capacity, and the Global Fund and World Bank will provide the funding. There will be protocols and administrative requirements, of course, but nothing should now stand in the way of rolling out treatment to hundreds of thousands—soon to be millions—in the immediate future.
>
> The best dimension of all of this is the price tag to be paid. We're talking of fixed-dose combinations of generic drugs, pre-qualified by the World Health Organization, to be purchased overwhelmingly from generic companies...at prices as low as $140 per person per year. It falls entirely within the World Trade Organization consensus agreement negotiated on August 30th, 2003. And it puts to rest the self-defeating jousting between generics and brand name pharmaceuticals. Clearly, when you have the power, the imprimatur and the dollars of the Clinton Foundation, World Bank, UNICEF and Global Fund weighing in behind generics, the debate is over. These four bodies make it clear in their statement that brand name companies are free—indeed, invited—to tender, and to meet the low prices. But it's equally clear that huge numbers of African lives will be prolonged and saved by generics...generic drugs at one-third to one-half the cost of the patent drugs. Just think of how much further the money will go.

● (1510)

Mr. Lewis concluded by saying:

> This is all tremendously exciting, and it will be made even more so if WHO finally receives the seed money it needs—$200 million over two years—to help to coordinate the interventions at country level, to train the tens of thousands of additional people, to provide the emergency technical assistance, to keep the drug supplies flowing and to address the ongoing problems of infrastructure. In a phrase: to achieve 3 by 5.

Namely, that would be putting three million people into treatment by the end of 2005.

It seemed to me quite appropriate to put this statement by Stephen Lewis at the United Nations within the larger context of the Jean Chrétien pledge to Africa, namely Bill C-9, because it fits perfectly in it and it also gives us a broader picture as to why we are all engaged in this global effort, which is really bringing out the best in humanity and definitely appeals to the basic and most positive constructive sentiments that inspire the global community in every country.

I would like to congratulate the government for having persisted in bringing the bill to a happy conclusion despite all the technical difficulties. We look forward to third reading approval and to the speedy processing of it by the Senate so that it can be promulgated at a very early date.

● (1515)

[*Translation*]

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, I will share my time with the member for Verchères—Les-Patriotes. This very important will facilitate access to pharmaceutical products in developing countries, which need help the most.

We must remember that this bill follows a bill that was tabled quickly last fall, before the House was prorogued. Its purpose is to implement the WTO's decision to make patented drugs available to people in developing countries, in countries that need them the most. Indeed, we have identified very serious problems on our planet that make it necessary to provide assistance to these countries as quickly as possible. Everyone knows about HIV-AIDS, but there are also tuberculosis, malaria and some other diseases.

The international community finally arrived at a conclusion at the WTO, which usually deals exclusively with trade issues. Very strong pressure came from non-governmental organizations and developing countries, which said that it made no sense that, today, we could not supply these countries, at a reasonable cost, with the drugs they absolutely need to eliminate major health crises.

After some strong arguments were made, the WTO issued a somewhat historic ruling providing for the withdrawal from all trade agreements of the provisions pertaining to these drugs, so that such drugs can be obtained at a reasonable cost, with the process not being viewed as a commercial transaction. In the wake of this decision, Canada was the first country to table legislation to implement this international agreement domestically.

I remind hon. members that the bill was introduced in the fall. When the House resumed its business in the spring, we realized that the initial bill needed some important amendments, a fact that the minister herself admitted when she appeared before the committee. The committee did a thorough job. Members from all political parties helped make the bill what it is now, at third reading.

Of course, we may not all agree on every detail of the legislation. This is a very complex bill. Supplying drugs to African countries may seem simple, but it is a very complex process. Indeed, we must see that it complies with the rules governing patents, while also ensuring supply at a reasonable cost. This has required a lot of work on the technical aspects of this initiative and on how to make the whole thing operational.

Major representations were made by NGOs and developing countries. The formula proposed at first reading gave patented drug companies the right of first refusal. This mechanism did not allow for real competition. An effort was made by these companies, through the association representing them, to propose a new procedure.

We discussed this issue in committee. We got some advice and we found a formula that would change the procedure for generic companies, which will have to bid on these projects and contracts, to ensure that they are not constantly blocked by an unsatisfactory mechanism. Today, we have a much more interesting formula in the bill.

This has made it possible, among other things, to have a formula on the establishment of royalties, not a fixed royalty or the absence of royalties, but a mechanism that will ensure that royalties are based on the wealth of the countries. Hence, no country will pay more than 4%. However, for a country that is among the poorest, the royalty will be much closer to 0%. I think the fact that this mechanism is included in the bill is a plus. It is worth a try. We will see what the outcome will be.

There are two other major elements. Many drugs were added to the list originally tabled by the government. On the one hand, we ensured that these drugs were in compliance with the World Health Organization's definitions and that, if drugs produced in Canada did not comply with the World Health Organization's requirements, they would be recognized as such by Health Canada. This makes for a much more interesting offer of services.

On the other hand, we also extended the list of countries that would be able to have access to these drugs. On this issue also I think that everyone demonstrated goodwill to ensure this outcome.

● (1520)

We must never forget that the final goal is to make the drugs available at a lower price. Therefore, there must be some competition so that the long term results will be democratization of this phenomenon and lower prices. On that point, I believe we have a bill that goes in the right direction.

We also wanted to make sure that no significant contraband market develops. It would have been very unpleasant to pass a law that made it possible to supply developing countries and find that the drugs had made their way to the markets of North and South America and Europe through dishonest activities. Significant additions were made to the bill in this respect, particularly in the ability to follow a drug from its point of origin, when it is manufactured in Canada, until its distribution in the country where it is needed. It should be possible to trace every step.

In committee, we were assured that the government would stipulate in the regulations that these drugs should be a specific colour. Some particular technical aspects still need to be addressed because, it is not necessarily easy to respect this concept of colour for drugs given by injection. Nevertheless, the regulations will contain the measures necessary to be able to find these drugs easily and if any misuse were discovered, the responsible parties could be found and the activity stopped.

There is an important clause in this bill, and that is the fact that it will be reviewed in three years. We are among the first countries to have legislation on this matter. We will discover the day-to-day reality of this legislation and in three years we will review it. I think that in this way we can say that parliamentarians have done their job correctly. It may not be a perfect law, but here is a bill that will enable us to improve the distribution of pharmaceutical products.

In addition to this legislation, the government will also have to increase the moneys available for international assistance and cooperation. Indeed, it is not enough to merely supply the drugs and ship them abroad. These drugs must be properly administered and there must be an adequate follow-up. We heard horror stories. In the past, some drugs ended up in a warehouse and remained there until after their expiry date, because of a control problem. This is totally unacceptable considering the health needs of African countries.

All these measures are found in the bill. From the outset, the Bloc Quebecois had hoped that the bill would be passed as quickly as possible, but that it would also be functional, meet expectations and achieve the objectives set. The bill that was introduced in the fall would not have done that. In our opinion, the bill that is now before Parliament, at third reading, does meet these objectives. We will have to follow up on it, so that we can make the necessary improvements when the time comes to review it.

In conclusion, I hope that, five or ten years from now, we will be able to say that, by passing this bill, we all contributed to improve the quality of health throughout the world, and particularly in the countries that need it most.

Mr. Stéphane Bergeron (Verchères—Les-Patriotes, BQ): Mr. Speaker, I am very pleased to have this opportunity to speak to this bill, and I will take this opportunity to thank the hon. member for Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques not only for allowing me to share his time and to speak to this bill, but also for his huge investment in this file, particularly in committee with the other members of the Standing Committee on Industry, Science and Technology, whose efforts I also acknowledge and appreciate.

As my colleague for Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques has said, this is an extremely important bill, one that reflects an international consensus. This bill, it must be pointed out, is the outcome of an international examination of the issue of development. It became clear that it was important to enable the developing countries to become integrated with the international trade system.

Consequently, in November 2001, at the end of the Doha ministers' meeting, the World Trade Organization signed a declaration initiating a new round of negotiations aimed at eventually making substantial improvements for developing countries, and as a result, that round came to be known as the Doha round for development.

At that time, a declaration was signed on the possibility of reaching an agreement on TRIPS, which may sound a bit esoteric at first, but is just the acronym for trade related aspects of intellectual property rights.

Here the reference is more specifically to drugs that might be supplied by generic drug companies to developing countries greatly in need of them and lacking the resources and infrastructures to produce their own drugs for use against serious pandemics or epidemics. A certain number of diseases have been identified in connection with which we should allow suspension of patents so that generic companies can sell drugs to these countries that need them so badly.

This wishful thinking, which is all it was initially, has finally been translated into concrete action. On August 30, 2003, in response to pressure from developing countries and certain NGOs, the WTO finally reached an agreement on these famous TRIPS I just mentioned.

The bill currently before us, as I was saying, stems from the process that began in November 2001 at the World Trade Organization. On the former prime minister's initiative, Canada very quickly decided to implement the provisions of the TRIPS agreement and, last fall, somewhat hastily introduced a bill to ensure Canada's compliance with the WTO decision.

I say somewhat hastily since the bill came to us with major flaws, which the minister herself acknowledged when the bill was being introduced. After prorogation, the bill came back to us under a different number. It became Bill C-9 and had a slightly different format. Nonetheless, it was still flawed and needed to be amended.

After the hearings—once again, I wish to acknowledge the excellent work by the members of the Standing Committee on Industry, Science and Technology on this bill—it was decided that a number of amendments would be made.

● (1525)

The concept of first right of refusal was eliminated and replaced with a new mechanism that would still offer some protection to the patent holders, the pharmaceutical research companies. They invest a great deal of money in developing new drugs and deserve some protection, regardless of the commendable objectives with respect to the fight against certain illnesses in developing countries. A new mechanism was found that seemed more acceptable, or less unacceptable, for all parties concerned in order to protect innovative pharmaceutical firms.

Also, as the hon. member for Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques mentioned, a number of drugs were added to the existing WTO list. Some drugs were not on the WTO list for technical reasons. Others are not on the WTO list, but are patented in Canada and can help the fight against illnesses that have been identified as pandemics in developing countries.

We also added a certain number of countries to the list. The original list was quite short. We expanded the list so that more developing countries, not having the facilities, equipment or resources to produce these drugs, could still have access to them. We also changed the royalty rates, as requested by the industries concerned, and we adopted a new, clearer definition of who will be eligible to purchase drugs under the bill.

Those, in short, are the amendments and modifications made to the bill thanks to the committee's work. Yesterday, at the report stage, other substantial improvements were made to the bill.

That being said, we must still recognize that it is a rather innovative piece of legislation. Canada is the first country to implement the WTO's TRIPS agreement. Norway is also engaged in the process, but it is clear we are exploring relatively virgin territory. Thus, we are likely to encounter some difficulties along the way as we implement this legislation. Eventually, we will have to make some improvements.

The bill includes the provision that there will be an mandatory review after three years. This will enable us to make whatever amendments and modifications may be necessary. That does not mean that, meanwhile, if very obvious problems were to arise, we could not make the necessary changes to the legislation.

I would like to conclude by saying that it is important to act on this aspect of the problem, by making it possible for developing countries to have access to the drugs they need to deal with a number of epidemics and pandemics; of course it is. However, it is just as important to work upstream as downstream. It would be a totally futile endeavour, a complete waste of time, if we were to provide these drugs, as my colleague has said, and then find them being stored on the docks of certain developing countries.

We have to make sure that the countries that will benefit from these drugs have a distribution infrastructure so that the drugs can reach the most isolated regions. The people who need the drugs have to be able to access them. As developed and industrialized countries, we will have to help the developing countries put an efficient distribution network in place. We will also have to ensure medical support so that people take their drugs properly. It is one thing to have the little bottle of pills at home, but quite another to take the required dose at regular intervals. AIDS medication, for example, involves a very strict regimen, which requires a great deal of discipline.

● (1530)

I will conclude by urging the government to go beyond this bill, which has little impact on us as a society, and help developing countries by substantially increasing aid for development.

● (1535)

Hon. Serge Marcil (Parliamentary Secretary to the Minister of the Environment, Lib.): Mr. Speaker, I appreciate the comments made by my colleague from Verchères—Les-Patriotes, as well as those made by his colleague before him.

Indeed this bill is extremely significant for Canada, but even more so for developing countries. My colleague was wondering how to ensure that those who need drugs do have access to them. Even if we have the finest policies in the world allowing us to provide those drugs at a very low cost, in the end those who import them will decide what to do with them.

Actually, I wanted to ask him the following question. What kind of distribution network would he envision? Would it be through the embassies, through NGOs or internationally recognized organizations? In his opinion, what would be the most efficient way to make sure that those who need drugs have access to them?

This is a concern for me. When I was parliamentary secretary to the Minister of Industry I raised the issue. I raised it often within our own party. We must ensure that drugs provided to certain countries will not find their back onto our own market or be distributed in countries that do not necessarily need them.

I believe this piece of legislation put forward by the current Prime Minister's government is an excellent and extraordinary one. The Minister of Industry has done a terrific job on this issue. The will to deal with the problem of access to drugs is there. At issue though is the way we go about it. We may have the best of intentions and the best of ideas, but whether or not we get results always comes down to the way we go about doing things.

Mr. Stéphane Bergeron: Mr. Speaker, I thank the hon. member for Beauharnois—Salaberry for his highly relevant question. I had the pleasure of working with him on the Standing Committee on Industry when he was the parliamentary secretary to the Minister of Industry. I must say that this is not only a relevant question, but one that is at the heart of our concerns with this bill.

As I was saying, it is one thing to make drugs available to developing countries, but it is another to make sure that the people who truly need them have access to them and use them properly.

International provisions and the bill itself provide a number of safeguards so that the drugs being made available to developing countries will not end up on the black market and be resold for less to other countries, industrialized countries, or even here. Such a practice would bypass the patent holders that sell these products in industrialized countries, where people usually have the means to buy them.

As was mentioned earlier, the bill sets out various provisions, including drug labelling. We were promised that, in addition to labelling on packaging and the pharmaceutical products themselves, drugs would be a different colour than the originals to prevent this possibility or drug smuggling. These mechanisms allow us to maintain a certain level of confidence in terms of avoiding these problems.

That said, what is cruelly missing from this debate is the assurance that, at the other end, these drugs will be reliable.

My colleague is asking me: what would be the best way to proceed? There is no best way. In certain cases, Canada has a different relationship with each developing country. With some countries, our aid goes through non-governmental organizations, while, with other countries, our aid goes directly through the authorities of the country in question on a bilateral basis.

So, we must ensure that, in every country where lower cost pharmaceutical products will be sold to counter epidemics, a distribution infrastructure is set up to ensure that people in the most isolated regions of the African jungle and elsewhere have access.

In closing, I want to make one comment, by saying simply that the title we want to give this bill, the Jean Chrétien Pledge to Africa Act, is very commendable and recognizes the former prime minister's interest. However, I think this causes confusion. Countries that might be eligible or that could request access to these pharmaceutical products are not just in Africa. I would hate, due to the title of a highly commendable bill, to confuse countries outside Africa that could request access to such pharmaceutical products.

● (1540)

[*English*]

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

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

And more than five members having risen:

The Deputy Speaker: Call in the members.

[*Translation*]

And the bells having rung:

The Deputy Speaker: The vote is deferred until Monday, May 3, at the expiry of the time provided for government orders.

Hon. Mauril Bélanger: Mr. Speaker, I rise on a point of order. If you were to seek it, I think you would find unanimous consent for the vote that was just deferred until Monday at the end of the day to be deferred until Tuesday following oral question period.

[*English*]

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

* * *

CRIMINAL CODE

The House resumed from April 28 consideration of the motion that Bill C-12, an act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act, be read the third time and passed, and of the amendment.

Hon. Sue Barnes (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the amendment before us is as follows and I will quote it because it is important for the Canadian public to understand the amendment. The amendment put by the opposition party states:

> Bill C-12, an act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act, be not now read a third time but be referred back to the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness for the purpose of reconsidering all of its clauses, with the view to eliminate loopholes identified by the nation's most notorious child pornographer, Robin Sharpe.

That is the official opposition's hoist motion.

I understand from this amendment that child pornographer Robin Sharpe claims to like Bill C-12, the protection of children and other vulnerable persons bill. Sharpe is said to like Bill C-12's proposed new sexual exploitation of children offence on the basis that he thinks it would provide an accused with the opportunity to cross-examine the young victim on their sexual relationship, and that this could in turn both educate and entertain the public about child-adult relationships.

It is incredibly important to restate again that the government finds absolutely nothing entertaining or educational about the sexual exploitation of children.

While Mr. Sharpe is entitled to his own personal opinion, as are all members of the House, we do not on this side of the House look to convicted child pornographers for legal advice. Bill C-12 would directly respond to the issues that the government and indeed Canadians have identified as demanding new legislative responses.

First, it would provide young persons with additional protection against sexual exploitation by creating a new offence. With the proposed new offence, a court could infer that a relationship is exploitive of the young person based on the nature and circumstances of the relationship, including the age of the young person, any difference of age, the evolution of the relationship, and the degree of control or influence exercised over the young person.

The primary focus of this review is not on the sexual activity, but rather on whether the accused exploited the young person. For example, it focuses on how young was the victim and how much older was the accused. Did the accused control or influence the young person by befriending, for example, a wayward or neglected young person, or by buying things for this young person?

In this way the focus is on the offending conduct of the accused, rather than the young person's consent to that conduct. This is consistent with the criminal law's treatment of sexual assault. The proposed new offence does not create the opportunity that Mr. Sharpe claims.

Second, Bill C-12 proposes amendments to prevent a self-represented accused from personally cross-examining the young victim and to permit the judge to appoint counsel to conduct the cross-examination in his or her place.

These amendments would prevent exactly the kind of abuse Mr. Sharpe claims is permitted. It is not what the other misperception of the bill says. Here we are actually dealing with the situation. We have the solution to the problem. Judges have an inherent jurisdiction to control proceedings in their court and some have appointed counsel for self-represented accused without relying on a specific code provision.

Judges would determine whether evidence was relevant and questioning was appropriate. They would not readily permit the type of questioning Mr. Sharpe advocates.

Moreover, the police would investigate and lay charges based on the facts. If the accused had sexually exploited the victim, determined by the conduct and the circumstances, the nature of the relationship, if any, and the age and age difference between the victim and the accused, the appropriate charges would be laid and prosecuted.

Bill C-12 was thoroughly reviewed by the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness. The committee heard from a large number of witnesses who spoke to all issues addressed by the bill. The committee considered the evidence and considered the bill and, indeed, made amendments to the bill before reporting Bill C-12 back to the House.

● (1545)

We should not be looking to undermine the important work of the standing committee. It has done its job and now let us do ours and vote against this motion.

Robin Sharpe is entitled to his opinions. All people are entitled to opinion, as long as the opinion does not break any laws. He once thought that the prohibition against the possession of child pornography was unconstitutional and quite frankly the Supreme Court of Canada disagreed with him. This government disagrees with Robin Sharpe yet again.

I call on all hon. members to oppose this motion and to support instead the swift passage of Bill C-12 and, with that hopefully, we will be able to continue on to third reading after we have finished with this hoist motion.

Mr. Ken Epp (Elk Island, CPC): Mr. Speaker, several times in her speech the member said that all Canadians are entitled to their opinion. I remind everyone that she voted for Bill C-250 which rather decidedly prevents people from expressing their opinion. That is a serious error of the Liberal government.

On this bill, she says that the judge will take into account the age of the victim and the age difference of the so-called perpetrator. If I were the father of a 13 year old girl, and many years ago I was, and the 14 or 15 year old neighbour, near in age, smooth talked her into doing things that I believed were immoral and wrong, I believe that person should be just as guilty as if being a 20 or 21 year old. They may not do that.

In that sense, the bill fails to protect our children. A 13 year old girl or boy is entitled to protection of the law. The bill does not provide that. As emphatically as she said it, but on the other side, I urge all members to vote for this motion to send it back to committee so we can get it right and actually protect our children instead of having a bill that just has in the heading, protection of children.

● (1550)

Hon. Sue Barnes: Mr. Speaker, I agree in the House to allow the hon. member to vote the way he wants on the bill. All I am saying is it is time to vote.

Mr. Ken Epp: Mr. Speaker, then I will push her. I want her to comment on the issue of a 14 or 15 year old talking a 13 year old into doing things that are wrong and immoral. That is what the bill permits without any sanction of the law. Does she favour that? Will she say to Canadians that the Liberals do not care if that 13 year old gets attacked or not, that it is up to whomever? The bill does not protect that child.

Would the member, who is a lawyer, comment on that and to admit that she is wrong?

Hon. Sue Barnes: Mr. Speaker, the bill has many good provisions. We can delay and delay or we can pass the bill and the amendments to the bill.

Earlier this week we voted on an amendment to a hoist motion. Now we will vote, when we finally get to it, on the hoist motion itself. Then we will get back to the third reading debate, on which we were originally supposed to be voting.

These procedural motions have made it very difficult for the bill to progress to its final stages of third reading in the House. After third reading in this House, the bill has to go to the other House. There are so many important pieces of the bill, like voyeurism, which is one piece, and protecting young people.

The Criminal Code already makes it a crime, for example, to involve any young person under the age of 18 years in prostitution activities. Furthermore, any person convicted of living wholly or partially on the avails of prostitution of a young person under the age of 18 years and who has forced the young person to engage in any prostitution activities faces a mandatory minimum sentence of five years in prison.

We have sections in place in the bill that extend protection above the age of consent if there is exploitation. These are important provisions. Not only are these provisions around the conduct of sexual exploitation important, but there are new provisions in the bill. I mentioned the voyeurism provision.

Getting all those screens and support persons for when young people have to go into a courtroom, these very important procedural assistants to vulnerable people in the courtroom, are there to help prevent them from being re-traumatized during the necessary court process. Even though they are discretionary now and available to a judge in a courtroom, the bill would go a long way to improving the situation for those people, those victims.

I urge the House to please let this debate on an amendment to a hoist motion end so we can get a little step closer to passing the bill to actually helps our children. I agree that debate is important. We have had enough debate. Let us keep going to get the bill in place.

● (1555)

Mr. Ken Epp: Mr. Speaker, I notice that no one else is rising, so I will indeed take the opportunity to challenge the member.

She has failed to address my question. She gave a wonderful answer, that there are some nice things in the bill and some positive things. I agree. The bill is not totally bad. That is not why we are sending it back. It has several serious fatal flaws and we want those corrected in the bill so we actually protect our children.

I posed the problem to her twice. This is now the third time. Her inability or unwillingness to address it, I think is a tacit admission that the bill fails on the very point I mention. That point is, if a 15 year old smooth talks a 13 year old neighbour into doing things which are wrong, that child does not have any protection of the law. Yet the government has the gall to call Bill C-12, in brackets, protection of children. It does not do exactly what it says in the title of the bill that it purports to do.

How is a 13 year old protected in this scene that I have stated? The fact that she will not address the question and talks about everything else is warranting a press release that says that the Liberals do not care whether 15 year olds smooth talk neighbouring 13 year olds into having sexual activity together and things like that.

Hon. Sue Barnes: Mr. Speaker, I spoke on this, and I believe the member was present in the House, in my opening speech on third reading debate. It has been spoken of many times over the hours.

There is nothing I can say to convince the member to change his mind. I readily accept that. I would be talking until I was blue in the face. I am saying let us move. Let us have the vote. That is the democratic process. Let us get to the vote.

Mr. Ken Epp: Mr. Speaker, I am totally nonplussed by this. It seems to me that our job as parliamentarians is to do a good job of creating legislation that will do what it is supposed to do.

This bill is titled the protection of children. I posed a very simple and real life example of a 13 year old who is not protected by the bill. It is just a matter of an amendment that would permit the change to be made. That is why we want the bill to go back to committee. We want a few amendments. That is one of them. There are several others. We want them corrected before that bill comes back here.

For that member to totally cop out like that is unwarranted and is a disservice to not only Canadian voters, Canadian citizens, but especially to our children. I want her to tell the House how the Liberal government and this Liberal bill will protect that 13 year old. I want to know that.

Hon. Sue Barnes: Mr. Speaker, it protects under both situations. If the accused has sexually exploited the victim, determined by the conduct and circumstances, the nature of the relationship, if any, and the age and the age difference between the victim and the accused, the appropriate charges will be laid and prosecuted.

Mr. Ken Epp: Mr. Speaker, the judge will take into account the age and the age difference. If one is a 13 year old and one is a 15 year old, the judge will say, "No charge", and the victim will not have any protection. That is my answer. That can be the last comment. She does not even need to respond. We already know where she stands.

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

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Deputy Speaker: Call in the members.

And the bells having rung:

The Deputy Speaker: Accordingly, the vote is deferred until next Monday, at the end of government orders.

● (1600)

[*Translation*]

Hon. Mauril Bélanger: Mr. Speaker, if you were to seek it, I think you would find unanimous consent for the vote that was just deferred until Monday at the end of government orders to be deferred until Tuesday following oral question period.

[*English*]

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

[*Translation*]

Hon. Jacques Saada: Mr. Speaker, in view of the extreme popularity of Bill C-9, an act to amend the Patent Act and the Food and Drugs Act (The Jean Chrétien Pledge to Africa), I have a request to make.

[*English*]

I would like to ask for the consent of the House to deem the motion for third reading of Bill C-9 carried.

Mr. Richard Harris: Mr. Speaker, I rise on a point of order. Just moments ago we dealt with that. It is being deferred until Monday or Tuesday. We are prepared to support the bill at that time. We will not give unanimous consent.

[*Translation*]

Hon. Jacques Saada: Mr. Speaker, since we all agree that we will vote in favour of the bill, I am wondering if we could do it right now. If not, so be it.

[*English*]

The Deputy Speaker: Does the House give its consent?

Some hon. members: Agreed.

Some hon. members: No.

[*Translation*]

FIRST NATIONS FISCAL AND STATISTICAL MANAGEMENT ACT

The House resumed from April 26, 2004, consideration of Bill C-23, an act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other Acts, as reported by a committee; and of the motions in Group No. 1.

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, thank you for this opportunity to debate the amendments in Group No. 1 proposed by the government in connection with Bill C-23.

I was extremely disappointed by the government's amendments, not just Group No. 1, but also Group No. 2, which we will also likely deal with this afternoon. The main reason for this is that, when we met with the Minister of Indian Affairs and Northern Development a few weeks ago, he assured us there would be one amendment among those he was planning to propose to the House of Commons on Bill C-23 to the effect that the provisions of the bill would not be applied to the first nations of Quebec and Canada that did not want to take advantage of them.

Now, looking at the series of amendments in Groups No. 1 and No. 2, we do not see such an amendment. Yet the minister told us it would be among the government's amendments.

This results is an uncomfortable feeling toward the bill. I remember that the general assembly of the Assembly of First Nations was held in British Columbia a few months ago. Most of the chiefs from across Canada and Quebec were in attendance. The new chief of the Assembly of First Nations asked the assembly to express its opinion of Bill C-23, which at the time was C-19. There were some lively discussions on the scope of the bill, and finally there was a vote. A strong majority, 61% of the chiefs of Canada's first nations, voted against the bill.

Why? Because this bill does not meet the needs of the vast majority of Quebec's and Canada's first nations. It may be worthwhile for the most wealthy ones, the ones that are highly developed and might be able to take advantage of institutions and loan opportunities, particularly for investment in infrastructures.

Basically, however, for the vast majority of first nations, this bill does not live up to their expectations. In particular, it does not solve the many problems they face every day. These are the problems of safe drinking water, infrastructure, lack of or shortfalls in federal funding and housing. I believe I will have the opportunity to return to this important issue a little later.

Another thing this bill does is to arouse fears among the first nations. I believed that it would be different with a new minister who appears more open than the previous one. The previous minister of Indian Affairs and Northern Development was completely obtuse and impervious to all criticisms made by the first nations and the opposition parties. So much so that for Bill C-7 on governance, my NDP from Winnipeg Centre and I had to keep the government in suspense for 55 days with a filibuster in the committee, to make the point that the first nations did not want that bill.

And now here we are with a Minister of Indian Affairs and Northern Development who takes exactly the same stance with respect to Bill C-23. He had promised substantial amendments to allay the fears surrounding this bill. These fears arise primarily from the fact that the government may, under certain provisions of Bill C-23, make a clean slate of all its fiduciary obligations and arrange it so the first nations would have to assume, by themselves, all the debt they might enter into, and use their ancestral lands as collateral for such loans needed for infrastructure and other things.

It is a fear that has not yet been allayed. Despite the minister's promises, there is no amendment to reassure the first nations.

If 61% of the aboriginal communities in Canada do not want this bill, the minister's attitude or reaction should have been to say that they would sit down together and rewrite the parts of the bill on first nations financial institutions so as to reach a consensus and not please just 39% of the first nations.

● (1605)

It is quite sad to see that a government is dividing to conquer. Even the new Prime Minister, who met the chiefs of the first nations in a special assembly not so long ago, perhaps one and a half weeks ago, had promised greater openness and flexibility. He held out his hand and all the hopes were there. Once again, these hopes began with the series of amendments in Group No. 1 and Group No. 2.

It is unacceptable that the majority of first nations be served to this extent by legislation. If it had been clear legislation, with no room for confusion, and the assurance that the first nations that do not want to live with the provisions in Bill C-23 can opt out of this obligation, perhaps we would have supported more indepth consideration and our position would have been more carefully stated.

However, it is clear that no assurances are being given to the vast majority of first nations. So, we are unable to support such legislation.

The first nations communities have urgent needs. The fundamental need is for the self-government process to be accelerated. Helping the first nations achieve their inherent right to self-government is the only clear route we should use to guide our relationship with them.

In 1996, the Royal Commission of Inquiry tabled a report. It was preceded by the Penner report. Our time was spent writing reports and quasi-anthropological studies of the first nations before taking decisive action.

In 1996, the royal commission clearly said that this route was the only one possible, the only one that would generate results and ensure that the first nations could take responsibility for themselves. They must do so with their own tools for development and their own institutions. The early Europeans trampled on those institutions when they arrived in America. The first nations must take responsibility for themselves, with their own culture and languages too, their own way of managing their affairs and with the resources they are entitled to.

There have been too many cases, over the past 130 years under the Indian Act, where the aboriginal communities and first nations were put on reserves, on limited land with no possibility for development.

From all we hear, we criticized the first nations for not wanting to engage in their own development. But we took away all their means for development. Often, when land was discovered to have interesting forestry potential, we would displace aboriginal communities and let the major forestry companies exploit this resource. The term exploit has many meanings.

This exploitation by the forestry companies produced catastrophic results. Clear cutting occurred in many regions in Quebec and Canada. This activity violated the first nations ancestral lands where they could have practised their traditional activities, developed their communities and engaged in a reasoned, rational and sustainable exploitation of the forests. However, we often preferred to give concessions to U.S. companies to come devastate their lands. We took the first nations and put them on adjacent reserves and told them we would provide for their basic needs, and that was it.

That has been our relationship with the first nations in 130 years of applying the worst legislation ever created in the West: the Indian Act.

The only course to take is to recognize the inherent right to self-government. This has already been done in the Constitution; now we have to make it happen.

Currently too few discussions are accelerated for achieving self-government and giving first nations the land and resources they need for their own development in order to provide a promising future for their children. There are 80 negotiation tables right now and that is not enough.

● (1610)

I asked questions to the minister responsible for the negotiations. I asked him if, by the deadline established by the royal commission, which is 2018, we might expect that most of the cases will be settled, that the negotiations will be over, that we might be able to live in harmony with our different nations. This is uncertain.

Financial and human resources to expedite the process are lacking, and we are wasting time on bills. For example, last year, on Bill C-7, it was horrible to see the financial and human resources that were invested in a bill that no one wanted.

Group No. 1 of amendments to Bill C-23 is not satisfactory to us, and we will have the opportunity to go back to Group No. 2 a little later.

However, that being said, we must tackle the issue of self-government and speed up negotiations, but, in the meantime, we must also deal with urgent problems.

I mentioned housing at the beginning of my speech. There is a housing crisis in the first nations. There is an incredible lack of housing. Constructions that are done annually do not even represent a quarter of what would be needed, given the demographic growth in the first nations.

There are a number of other very urgent problems that must be solved in several communities, particularly the chronic mould problem. I have visited several aboriginal territories and realized that the problem was quite widespread.

Consequently, we must immediately allocate resources to deal with this problem. We must have an emergency plan, which is appallingly lacking at this time. Even the Deputy Minister of Indian Affairs and Northern Development told me there was no emergency housing plan. If there is no emergency plan, if we let entire aboriginal families live in substandard conditions, as is the case in Lac-Barrière, Winneway and elsewhere, we will not fulfill our duty as fiduciary of the first nations.

● (1615)

[*English*]

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

Some hon. members: Question.

The Deputy Speaker: The question is on Motion No. 1. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

The Deputy Speaker: On division?

Some hon. members: Agreed.

The Deputy Speaker: I declare Motion No. 1 carried on division. I therefore declare Motions Nos. 2, 11 to 16 inclusive, and 18 carried on division.

(Motions Nos. 1 and 2, 11 to 16 inclusive, and 18 agreed to)

The Deputy Speaker: I shall now propose Motions Nos. 3 to 10 and 17 in Group No. 2 to the House.

Hon. Lucienne Robillard (for Minister of Indian Affairs and Northern Development) moved:

Motion No. 3

That Bill C-23, in Clause 30, be amended

(a) by replacing lines 19 to 31 on page 16 with the following:

"30. (1) The Commission shall not approve a law made under paragraph 4(1)(d) for financing capital infrastructure for the provision of local services on reserve lands unless

(a) the first nation has obtained and fowarded to the Commission a certificate of the First Nations Financial Management Board under subsection 48(3); and

(b) the first nation has unutilized borrowing capacity.

(2) On approving a law made by a first nation under paragraph 4(1)(d) for financing capital infrastructure for the provision of local services on reserve lands, the Commis-"

(b) by replacing line 7 on page 17 with the following:

"under paragraph 4(1)(d) for financing capital infrastructure for the provision of local services on reserve lands, the Commission"

Motion No. 4

That Bill C-23, in Clause 31, be amended by replacing, in the French version, line 32 on page 17 with the following:

"parties ou des articles 138 ou 138.1 ou qu'un"

Motion No. 5

That Bill C-23, in Clause 34, be amended

(a) by replacing line 38 on page 19 with the following:

"for in those regulations;"

(b) by replacing line 2 on page 20 with the following:

"plaint; and

(d) delegate any of the powers of the Commission under section 29 or 31 to one or more commissioners."

Motion No. 6

That Bill C-23, in Clause 83, be amended by adding after line 8 on page 39 the following:

"(4) The capital of the credit enhancement fund may be used

(a) to temporarily offset any shortfalls in the debt reserve fund; and

(b) for any other purpose prescribed by regulation."

Motion No. 7

That Bill C-23, in Clause 87, be amended by replacing line 7 on page 41 with the following:

"graphs 83(3)(c) and (4)(b) and 85(2)(f);"

Motion No. 8

That Bill C-23, in Clause 103, be amended by replacing, in the French version, lines 37 to 44 on page 44 with the following:

"statistiques pouvant porter sur tout ou partie des sujets ci-après en ce qui a trait aux premières nations, aux terres de réserve, aux Indiens, aux autres membres des premières nations, aux membres d'autres groupes autochtones, ainsi qu'aux autres personnes qui résident sur les terres de réserve et les terres d'autres groupes autochtones:"

Motion No. 9

That Bill C-23, in Clause 105, be amended by replacing, in the French version, lines 11 to 13 on page 46 with the following:

"documents ou archives relatifs aux premières nations, aux Indiens ou autres membres des premières nations ou aux membres d'autres"

Motion No. 10

That Bill C-23, in Clause 105, be amended by replacing, in the French version, lines 24 to 27 on page 46 with the following:

"ne morale mentionnés au paragraphe (1) ne sont toutefois pas tenus de communiquer un renseignement dont ils peuvent ou doivent refuser la communication en vertu d'une loi fédérale ou qui est"

Motion No. 17

That Bill C-23, in Clause 154, be amended by replacing line 29 on page 63 and lines 1 to 4 on page 70 with the following:

"154. (1) On the later of the coming into force of section 8 of the Public Service Modernization Act and subsection 58(1) of this Act, subsection 58(1) of the English version of this Act is replaced by the following:

58. (1) The Authority is not an agent of Her Majesty or a Crown corporation within the meaning of the Financial Administration Act, and its officers and employees are not part of the federal public administration.

(2) On the later of the coming into force of section 8 of the Public Service Modernization Act and subsection 113(1) of this Act, subsection 113(1) of the English version of this Act is replaced by the following:

113. (1) The officers and employees of an institution are not part of the federal public administration."

● (1620)

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I am committed to getting on the record some of the opposition to the bill so I will try to go through the amendments quickly so I will have time to do that.

Motion No. 3 regarding clause 30 clarifies that clause 30 would apply only to borrowing laws for long term loans. Clause 30 would establish a rigorous process for the review by the Tax Commission of first nation borrowing laws. This was put in place for the review of laws relating to individual long term borrowing projects. This rigorous process is required to protect the joint liability of the borrowing members of the finance authority in respect of a default on the repayment of a long term loan by an individual member.

Under the bill, the finance authority would also provide short term loans to borrowing members on the basis of a borrowing law which would merely establish global limits to the council's authority to enter into such borrowing. Furthermore, there is no joint liability associated with these short term loans. It was never intended that the more rigorous process outlined in clause 30 would apply to these short term loans.

The amendment would clarify that clause 30 would apply only to borrowing laws respecting long term loans for capital infrastructure for the provision of services on reserve.

Motion No. 4 relates to clause 31 and corrects a grammatical error in the French version of subclause (2). Clause 31 of the bill deals with the process by which individuals can request that the Tax Commission review a local revenue law to determine whether it complies with the requirements of the act or whether it is being applied properly and fairly. This amendment corrects a grammatical error in the French version of subclause 31(2).

Motion No. 5 would amend subclause 34(3) to permit the Tax Commission to delegate certain powers to individual commissioners. Subclause 34(3) of the bill is being proposed as an amendment in the report of the House committee.

Subsequent to that amendment, a further amendment is being sought to provide a means for the commission to delegate its powers to approve property tax laws and to adjudicate complaints to one or more commissioners. This will ensure that property tax laws are approved and hearings held in a timely manner. Without this amendment, if a large number of complaints were filed, the commission might find it impossible to adjudicate them within a reasonable time frame.

This amendment would also provide the commission with the ability to separate the commission's investigative and prosecutorial functions under subsection 31(2). This would avoid the possibility of bias in commission initiated hearings under that subclause.

Motion No. 6 clarifies that capital in the credit enhancement fund can be used to support the debt reserve fund or for a purpose prescribed by regulations.

Clause 83 of the bill deals with the establishment of a credit enhancement fund designed to provide extra support for the credit rating of the securities issued by the finance authority in its early days.

This amendment clarifies that the capital in the credit enhancement fund may be used to temporarily offset a shortfall in the debt reserve fund or for another purpose prescribed by regulations.

The debt reserve fund and the credit enhancement fund established by the finance authority are both required to support a marketable credit rating for securities issued by the authority. It is standard practice for both the capital and interest component of such funds to be available for bridge financing, as required.

The current wording of clause 83 is not sufficiently clear as to the use of the capital in the credit enhancement fund and this could result in first nation bonds attracting a lower credit rating than they otherwise might.

Motion No. 7 provides regulation authority to prescribe other purposes for the use of capital in the credit enhancement fund.

I have just discussed the proposed amendment to clause 83 which clarifies that the capital in the credit enhancement fund may be used to temporarily offset a shortfall in the debt reserve fund, also established by the finance authority or for any other purpose prescribed by regulations.

The purpose of this amendment to clause 87 is to the required regulation making authority.

Motion No. 8 amends French to match English in clause 103.

Clause 103 establishes the scope of data which will be collected, compiled, analysed and distributed by the Statistical Institute. In order to meet its mandate, the institute must deal not only with that data which is specifically tagged aboriginal, but also data which, though not specifically identified as aboriginal data, nonetheless relates to first nations and other aboriginal groups, their members and other Indians, their lands and the resident of their lands. While the English version is clear in respect of this intent, the French version appears to limit the scope of data to that specifically tagged aboriginal.

This amendment corrects the French version of subclause 103(2) so that it matches the English version.

Motion No. 9 relating to clause 105 amends French to match English.

● (1625)

Clause 105 establishes the scope of federal data to which the statistical institute would have access. As was the case for clause 103, in order to meet its mandate, the institute must deal not only with that data which is specifically tagged aboriginal but also data which, though not specifically identified as aboriginal data, nonetheless relates to first nations and other aboriginal groups, their members and other Indians, their lands and the residents of their lands. While the English version in clause 105 is clear with respect to this intent, the French version appears to limit the scope of the data specifically tagged aboriginal.

This amendment corrects the French version in subclause 105(1) so that it matches the English version.

Motion No. 10, amends the French to match the English in Clause 105.

Subclause 105(2) clarifies that the department is not required to provide the statistical institute with access to data which must or may be withheld under any federal law or under any privilege at law. The French version, however, states that the department can only provide access to such data as it is permitted to share under the federal law or privilege at law. As most federal laws deal with prohibitions on the sharing of data rather than permissions for the sharing of data, the French version of subclause 105(2) would be impossible to apply.

This amendment corrects the French version of subclause 105(2) so that it matches the English version.

Motion No. 17, which is the last motion, deals with clause 154. It would delete the coordinating amendments with first nation governance and would add new coordinating amendments with the Public Service Modernization Act. This amendment makes two changes to the bill. First, it deletes the current wording of clause 154 which contained provisions which coordinated the coming into effect of this bill and the proposed first nations governance act which will not be reintroduced. These provisions are no longer needed.

Second, it adds new provisions to clause 154 which provide for the coordination of coming into force of the bill and the Public Service Modernization Act which received royal assent last November.

The Public Service Modernization Act changed the term “public service” to “public administration”. The term “public service” is used in the English version of clauses 58 and 113 of the bill. The new provisions of clause 154 would amend this reference once the Public Service Modernization Act comes into effect.

The French version of clauses 58 and 113 do not require this change.

I would now like to discuss and put on the record some of the concerns people have had about the bill. I first wish to make sure that people know that land claims remain a priority. For me, land claims and self-government are the final and best result. We are working on two bills in the House of Commons right now and we are moving forward in those areas.

Some land claim agreements will take decades because of the various conditions. A number of first nations people have approached the government asking that it set up these institutions in order to help them while the process on self-government and land claims continues.

Therefore this is basically a tool they found out they needed in their financial management that would help them when they are approaching banks and financial institutions and to be able to buy bonds with lower interest rates.

During the discussions on the bill we heard a number of worries from people about having to be involved with this bill. However the amendments to the bill make it quite clear that it is totally optional. People can enter it if they want and they do not have to pay property taxes. They do not have to do anything with the bill unless they so choose. It is there because a group of first nations approached the government and ask to be involved.

A number of first nations want to use the bill and a number that already collect property taxes of course are in rural areas.

People wonder about other options. There are many other options. People do not have to be involved in the bill. They do not have to collect property taxes if they do not want to. They do not have to take loans if they do not want to. First nations can make institutions themselves. They can go ahead and make their own institutions but they found out that the ones they had made did not work in the financial sector to get them the loan rates that they wanted. Therefore they have asked to have this bill.

The following is Justice Lamer's decision:

> —it is important that we not lose sight of Parliament's objective in creating the new Indian taxation powers. The regime which came into force in 1988 is intended to facilitate the development of Aboriginal self-government by allowing bands to exercise the inherently governmental power of taxation on their reserves.

● (1630)

It does not affect the Constitution. It does not affect self-government and in fact enhances it. Is my time up, Mr. Speaker? No? Okay.

Aboriginal people have been approaching us on this for years. We should not be holding them up for years and years when we have the ability to put into effect what they are suggesting.

I have one last final point in relation to the cost. I think the estimate was $25 million, which will eventually be self-sustaining, but we will guarantee that we will be putting in $400 million more, either into land claims negotiations or into helping those first nations that need water and basic services as opposed to these particular institutions, which only some first nations are asking for.

The Deputy Speaker: Before the resumption of the debate it is my duty pursuant to Standing Order 38 to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Davenport, Environment.

Mr. John Duncan (Vancouver Island North, CPC): Mr. Speaker, I would like to mention that I have already spoken to the Group No. 1 amendments. I am supporting all the amendments that have been tabled, those in Group No. 1 and in Group No. 2.

I would like to take this moment while we are talking about the first nations financial authority. Yesterday in my constituency a young woman was found dead in the community of Zeballos. She was a very popular 13 year old girl. The community of Zeballos is obviously in great shock. It is a very tight-knit community of about 200 people. The Ehattesaht band and the community of Zeballos are essentially one community, Zeballos being the smallest incorporated municipality in the province of British Columbia.

A lot of things have become apparent with twenty-twenty hindsight. I was in the community on December 16 with RCMP representatives from Vancouver, Victoria, Nanaimo and Port McNeill. We met with community advocates and the mayor. What has become very apparent is that the rule of law, the whole enforcement of laws and the policing presence are all very difficult questions now in some of our communities that have been hard hit, those small communities with a financial situation that is not as good as it was.

I know that everyone at home feels very bad about this. No one is pointing fingers, but on the other hand I think it is important that we in this House all recognize some sensitivity to the fact that resource allocation for these kinds of issues for those smaller communities is something that should be receiving some real priority. They are sometimes overlooked when we look at dislocations from softwood restructuring and other things. In actual fact, it may not be infrastructure that is our crucial need. It may very well be a continued presence of the traditional medical, police and other government institutions that are so very important.

I thought I would take the opportunity to talk about that and now I will also of course address Bill C-23.

In my view, the group of amendments we are discussing deals with some fairly straightforward items. Obviously there are some motions to correct errors in French. How long can we talk about that? That is very straightforward.

There is a decoupling from the first nations governance act, which now has been killed and buried by the Minister of Indian Affairs and Northern Development. That was an essential move. There were some clarification amendments dealing with borrowing laws, the debt reserve fund and the credit enhancement fund. They are all quite supportable.

● (1635)

The last time I spoke, on the first grouping of amendments, I chose to spend some of my time dealing with the whole issue of property rights. I did that in the context of this bill, because the bill tries to take us from a situation where band level governance cannot effectively be master of its own house as long as it is operating under the Indian Act. This is one more of those measures that attempts to change all of that.

Last time, I pointed out a publication produced by the Skeena Native Development Society and called *Masters In Our Own House*, which makes it very clear that its analysis comes to this very same conclusion. “Economic mastery” is simply not available under the Indian Act. The society has come to some very clear conclusions, which I happen to share and which I think are essential in the development of what many would probably call civil society.

Civil society requires entrepreneurship, individual freedoms and good governance, and it requires the ability to develop long term plans that are deliverable from the status of owned revenues as opposed to dependency on the federal or other authority, whose priorities can change from month to month or year to year. We are all quite aware of that.

It has been a breath of fresh air to realize that there actually are source materials, literature and analyses that have come to these kinds of conclusions and have done some very good research background material. And it is coming from within the native community itself. I have found this material to be a very strong bit of background material that I enjoy quoting at some length.

I have talked about certificates of possession, the closest thing to fee simple on reserve lands in Canada. Even the traditional certificate of possession, which is in current wide use, is not even formulated under the Indian Act. It is left to ministerial discretion. Therefore, the certificates are changed by the changing policies of the Department of Indian Affairs and Northern Development, policies that in turn are affected by changing judicial interpretations.

These are not sufficient property rights to facilitate entrepreneurship. That is why there has been a move to go beyond that. That is what was so important about the private property precedent set within Bill C-11, the Westbank agreement, which received third reading approval in the House this week.

That is something that was anticipated but not clear at the time of the publication of this document, which was last May, 11 months ago. These are very powerful things when individual property rights can be acquired on Indian lands outside the Indian Act. There are actually five ways in which that is occurring in this country right now.

● (1640)

One is through these customary holdings on reserve, the COP, certificates of possession. The second is the Sechelt agreement in British Columbia, in which fee simple title was transferred for the entire reserve land base in 1986. Another is the Westbank first nation agreement, which creates the strongest individual property rights regime in Canada under a certificate of possession, completely managed by self-government as opposed to the minister. Under the Nisga'a treaty there is a very strong, small land component in that category as well. Those are the main categories that I wanted to address.

[*Translation*]

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, we oppose most of the amendments proposed by the government because they add nothing to the issue and improve the bill not one bit.

As far as concordance of the French and English is concerned, of course we support that. For the rest, however, the amendments do not include those that the minister had promised to ensure that the provisions of Bill C-23 would not have to apply to all the first nations.

The minister, and the minister before him, have told us "Well now, if a first nation does not want to take advantage of the provisions of the new first nation fiscal and statistical management act, it will not have to".

I admit to some doubts on this statement by both the former and present ministers of Indian Affairs and Northern Development. When we travelled the country in connection with the bill on first nations governance and specific land claims, we came to realize that DIAND employees in a number of communities acted as if they were the lord and master, and made decisions on the future of aboriginal communities that were often contrary to what the band councils had decided. We heard about a few such cases.

I have doubts about the good will of those who will have to apply this new legislation on the financial and statistical administration of the first nations.

When I spoke just now on the first group of amendments, the last point was the most urgent problems being faced by the first nations, those not dealt with in this bill, in the amendments, or in any other bills introduced so far by the government.

It seems that this government does not understand that there are a number of communities in Quebec and in Canada having to cope every day with problems that would cause us to immediately declare a state of emergency if they occurred in our communities.

The housing problem is probably the most urgent one at this time. For the benefit of those listening to us, I will take a few minutes to document the severity of this housing crisis in our first nations communities.

We are told that Indian reserves have slightly more than 93,000 housing units. There are 113,000 households for 93,000 units. Therefore, we have a 20,000 unit deficit, and 20,000 households are left without a home or are forced to share one with another household. In several first nations communities, we have seen occurrences where 12 to 15 people share two bedrooms. In certain communities, it defies imagination.

A few months ago, my colleague from Champlain and I went to Weymontachie, in my riding. This is an Attikamek community where housing needs are critical. Housing is inadequate, but that is not the only problem. All the houses in this reserve have a chronic problem of mould and mildew. They have to be torn down and rebuilt.

The situation is similar in many communities, but I am taking Weymontachie as an example because we went there a few months ago. To tear down these houses and build new ones, all they have is $35,000.

Just try to do that today: tear down a house, dispose of the rubble and build a new house for the modest sum of $35,000. It does not make sense. Just buying the materials and using the house building expertise of first nation people in this community to put up a new house would cost at least $85,000. And the house would be bought at cost. What can you do with $35,000?

● (1645)

These are buildings that will not stand the test of time. They are basic buildings made of materials that are often of very poor quality. Because they have to save money somewhere, the design is quite basic. The result is that a few years later the same problems resurface, because they could not get an adequate ventilation system or adequate windows to prevent mould and mildew.

It becomes a dead end. When we ask questions, departmental officials tell us that there is no budget for contingencies, there is no plan to make up for the time lost and deal with the shortage of 20,000 housing units in the short term, and there is no additional money earmarked to deal with problems such as mildew or inadequate water and sewage systems.

This is Canada, this is the 21st century and there are communities that are living like people did in the previous century. The government, which acts as a trustee for these communities, is not tackling the issues. It would rather introduce bills that are far from being unanimously supported by first nations, and it does not even think about helping them deal with glaring needs such as housing.

Earlier, I mentioned some figures that apply to Canada. The Quebec and Labrador chapter of the Assembly of First Nations also conducted a study recently. In fact, that study had to be adjusted with Statistics Canada as regards the methodology used, because there were discrepancies of up to 75% between the figures provided by Statistics Canada and those of the first nations. After consulting with Statistics Canada, it was determined that the first nations were right.

Why should this come as a surprise? Who is in a better position than a first nation member to explain what is going on among first nations? It is not Statistics Canada, here in downtown Ottawa, that is in a position to know what is going on in Weymontachie, in Winneway, in Mashteuiatsh, among the Six Nations or others across Quebec and Canada.

In Quebec and Labrador, it would take 8,700 housing units this year to meet the needs of first nations. However, only 450 units will be built this year. This does not make sense. There is no contingency plan. There is nothing. The government would rather not bother with such things. It is trying to impose legislation that is opposed by 61% of first nations communities, instead of trying to achieve a consensus and come up with a bill that will truly help first nations develop and settle issues such as the crying need for housing units.

They seem to be incapable of identifying the real needs. And yet, the first nations lobby and carry out studies. You have no idea how many studies they do, for free, to help the government. They have been doing them for decades in order to explain their situation. Despite everything, even after the Penner commission and the Erasmus-Dussault commission, the one element that would speed up implementation of measures to solve these problems has not been found.

Once again, I am disappointed, because I thought the new Minister of Indian Affairs and Northern Development was more open and more flexible on this, and that he was not like the former minister, whose mind was made up and who was not even aware of the needs of the communities. I am astonished to see that there is no amendment to satisfy the wishes of the majority—not a minority, but a large majority—of the first nations who do not want this bill.

It is not because it would have been impossible. It would have been possible to say that since some first nations, especially in British Columbia, wanted this bill, it would apply to them, correcting the point we mentioned about the fiduciary duties of the federal government. Arrangements could have been made. But instead there was nothing—no exceptions.

We know how things work at Indian Affairs. They use intimidation. If first nations do not want to come on side then they are intimidated, funding for their schools is delayed, for example. That is what happened in Winneway last year. We should have made interventions here in this House for the Winneway budget to be completed so that this Algonquin community could hire the teacher it needed to keep its school open.

● (1650)

It is inconceivable. Communities cannot be run like this. That is why I was saying, during the debate on the amendments in Group No. 1, that it is vital that we move more quickly toward self-government. It is the only solution.

We will, of course, vote against this bill.

[*English*]

Mr. Rick Laliberte (Churchill River, Lib.): Mr. Speaker, I must rise on this group of amendments to speak with my conscience. As I said before in previous debates, the intentions are well intended, but this relationship of first nations on finance authorities and tax commissions will be entrenched. They will be a guiding principle for on reserve taxation and on reserve borrowing.

The bill is designed to let people make their own decisions at the band council—and we must define it as a band council because that is what a first nation is defined as by the government. We cannot define it appropriately. The government should be defining first nations as who they are.

The first nations of this land are, unfortunately, not respected appropriately. If there was proper respect given among our own nations: the Oneida, the Cree, the Dene, the Mohawk, the Onondaga, and the Haida, there could be a fiscal relationship created. However, in the absence of those first nations being thoroughly recognized, accounted and respected, there is major uncertainty in the bill.

The bill is like: "Divided you will be conquered; united you will be strong". This is dividing our first nations. This division appears in the different definitions of band councils. Band councils would become borrowing members, but in order for a borrowing member to borrow—and I will read into the record what the bill says in clause 77:

The Authority shall not make a long-term loan to a borrowing member for the purpose of financing capital infrastructure—

Capital infrastructure can be anything from a band office, a health clinic, a school, a day care or a housing project. There is a major housing crisis in our communities because of our exploding population.

The government and the Indian affairs minister, in order to address these issues, will point to our band councils and our chiefs in council and say that if we want to address the economic and social dire straits of our people, if we have capital needs in our band councils, then we are to go and borrow money. But in order for us to borrow money, the tax commission must approve a law under subclause 4 (1).

In order for any band council to borrow money, it will have to assess its land first. It will have to mortgage its land and put value on that land before it borrows money for its schools, its clinics, or for water and sewers. Many of our communities have the worst water quality and the worst sewer services in Canada, but in order for them to upgrade those systems, they will have to ransom their children's future.

It will be easy to opt in, to come in and borrow money. It is like me. I can go and borrow money for a vehicle, but if tomorrow I lose my job and I have no more income, no more value to pay for that loan, who will pay for it? It will be my children. It is my children that I have to think about, and that is what I am speaking about today. I am speaking for the children of first nations of tomorrow. I speak from experience on this.

● (1655)

In 1983 my communities in northern Saskatchewan were finally given municipal status. I was one of the first tax collectors for my community. I became a village administrator. Right after that I sought election as a school trustee. I was a school board member as well. In my municipal communities we collect taxes from land for local improvement and schools. There are two tax collections. One tax is levied on the property and every year taxes are collected. It is like running sap from the maple trees for maple syrup. Every year that happens off our land; some revenue is reaped

However, what if the first nations taxpayers cannot pay for it? There are provisions in here and powers where property could be taken from people.

In Treaty No. 5, Treaty No. 6, Treaty No. 8 and Treaty No. 10, the very treaties that created this country, there were obligations by the Crown. We cannot forget these obligations. The obligations were to the people who lived on these reserves, the small little communities that they were left with after sharing the entire territory of this country.

Treaty No. 6 is the entire Saskatchewan river system. Treaty No. 10 is the entire Churchill river system. The first nations were willing to share these with few provisions for medicine, education, housing and tax exemption. Tax exemption was a treaty provision in the regions of my constituency. This bill is creating tax opportunities and defining taxpayers.

Where else in Canadian law, or even provincial law, are there three types of taxpayers? We are going to have taxpayers for residential purposes, taxpayers for commercial purposes, and taxpayers for utility purposes. Where else in Canadian law do we have three categories that will protect the interests of those taxpayers? It does not matter if it is some newcomers from, for example, Spain who invest in one of our first nations communities and says that now they are taxpayers in this community. They will have their interests protected under this bill.

My concern is, why are the interests of the first nations not protected? Where is the Cree nation? There is no protection of the Cree nation. There is no protection of the Okanagan nation, the Tlingit, or the Gwich'in. Why are we forgetting the very first nations that were part of this land before?

This is a tax commission that is well intended. It can exist. There is nothing wrong with having fiscal relations with first nations, but first we must establish the relationship between the first nations as governments. Right now, Canadian federal and provincial governments recognize aboriginal government as a band council, a chief in council, but they do not recognize the tribal councils. It stops at tribal councils because in most parts the tribal councils were formerly Indian Act district offices, for district reasons, and for district administration of programs and services. When will we fully extend and respect the first nations of this land?

When I see the Mohawk nation represented by elected and democratically selected people in the House, or a House in Parliament, then that fiscal relation, through these borrowing measures, can be created. There are major powers that the band councils will be transferring to the tax commission and finance management board. The bill would legitimize co-management and third parties. What if one of our band councils runs amok with the financial institutions?

I have seen in legislation, for the first time, that co-management and third party management can be fully implemented, and that the powers of a first nation can be adopted. One of the strongest indications of this power transfer is that these financial boards or tax commissions would have the power to change the bylaw of a first nation.

● (1700)

It is like Esso having the power to change the laws of Canada. It is like McDonald's having the power to change the laws of the provincial Government of Quebec.

Why would we allow a tax commission to have the power to change the bylaws of first nations? These are the small powers that they have. We must recognize the first nations. I urge members to send this back to committee.

● (1705)

The Speaker: Is the House ready for the question?

Some hon. members: Question.

The Speaker: The question is on Motion No. 3. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the yeas have it.

And more than five members having risen:

The Speaker: The recorded vote is deferred.

The next question is on Motion No. 4. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the yeas have it.

And more than five members having risen:

The Speaker: The recorded vote is deferred.

The recorded division will also apply to Motions Nos. 8, 10 and 17.

The next question is on Motion No. 5. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the yeas have it.

And more than five members having risen:

The Speaker: The recorded division is deferred.

The next question is on Motion No. 6. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

Some hon. members: On division.

The Speaker: Motion No. 6 carried. I therefore declare Motion No. 7 carried.

(Motions Nos. 6 and 7 agreed to)

The Speaker: The House will now proceed to the taking of the deferred recorded divisions at the report stage of the bill.

Call in the members.

And the bells having rung:

The Speaker: Accordingly, the divisions stand deferred until Monday, May 3.

[*Translation*]

Hon. Mauril Bélanger: Mr. Speaker, if you were to seek it, I think you would find unanimous consent to defer the votes already deferred to Monday at the expiry of the time provided for government orders to Tuesday following Question Period.

The Speaker: Is there unanimous consent regarding the government deputy whip's proposal?

Some hon. members: Agreed.

* * *

[*English*]

CRIMINAL CODE

(Bill C-29. On the Order: Government Orders)

March 29, 2004—the Minister of Justice and Attorney General of Canada—Second reading and reference to the Standing Committee on Justice, Human Rights, public Safety and Emergency Preparedness of Bill C-29, an act to amend the Criminal Code (mental disorder) and to make consequential amendments to other acts.

Hon. Lucienne Robillard (for the Minister of Justice and Attorney General of Canada) moved:

> That Bill C-29, an act to amend the Criminal Code (mental disorder) and to make consequential amendments to other acts,be referred forthwith to the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness.

Hon. Sue Barnes (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I am pleased to rise today to speak on Bill C-29, an act to amend the Criminal Code (mental disorder) and to make consequential amendments to other acts.

Bill C-29 proposes a range of reforms to the provisions of the criminal law to govern persons found unfit to stand trial and not criminally responsible on account of mental disorder.

Before highlighting the key features of the bill, I would like to provide members of the House some background, or history, of these provisions.

It is a longstanding principle of our criminal law that persons who suffer from mental disorder and do not understand the nature and quality of their acts or know that they are wrong should not be held criminally responsible. In 1991 Parliament made significant reforms to modernize the law that governed persons found not guilty by reason of insanity. The 1991 reforms reflected the need to balance the rights of the mentally ill and also to balance this with the protection of public safety.

The reforms included in Bill C-29 share the same goals as the 1991 reforms, to further modernize the law and to effectively balance the rights of the mentally ill who come into conflict with the law with the public's right to safety.

It is also worth noting that the 1991 amendments called for a parliamentary review of the legislation five years after proclamation. The Standing Committee on Justice and Human Rights conducted a comprehensive review of the legislation in the spring 2002. The committee received submissions and heard testimony from over 30 stakeholders, including members of the Bar, crown attorneys, psychiatric hospital administrators, review board chairpersons, service providers and mental health advocates.

It is fair to say that, in general, witnesses appearing before the committee agreed that the legislation was working very well. However, they noted that further refinements would ensure that the law continued to work very well to govern persons found unfit to stand trial and not criminally responsible on account of mental disorder.

In June 2002, the Standing Committee on Justice and Human Rights tabled its report and made recommendations calling for both legislative reform and other initiatives. Its report explains why reforms are needed and in some cases proposes a specific amendment.

The standing committee report included 19 recommendations. The key recommendations for Criminal Code reform called for, and this is in no particular order: the repeal of parts of the 1991 regime that were never proclaimed into forced, including the capping provisions that would have set the maximum time limit on the supervision or detention of the accused; streamlining the transfer of accused persons between provinces and territories; new provisions to deal with persons who are permanently unfit to stand trial; and enhanced protections for the victims of crime who attend review board hearings, for example, publication bans on their identity in appropriate circumstances and the opportunity to prepare a victim impact statement.

The committee also made recommendations calling for more indepth research and consultation on emerging issues, such as the appropriate standard to determine fitness to stand trial and whether professionals, other than psychiatrists, should conduct assessments.

The need to consult with provincial and territorial ministers of health was also recommended to review the resources available to meet the needs of the mentally disordered accused, and the availability of facilities for youth. This is very serious.

The standing committee should be commended for its thorough review of the mental disorder provisions. Bill C-29 reflects the advice and guidance provided by the committee and all of those who appeared before the committee.

Bill C-29 includes reforms that respond to the issues raised by the committee. In some cases the amendment is not exactly as the committee proposed. I am sure the committee will agree, following its consideration of Bill C-29, that its key recommendations have been addressed.

Bill C-29 also includes reforms that the committee did not specifically recommend, but that complement the committee's recommendations and also reflect issues raised in the case law, and also through very important consultations conducted by the Department of Justice with key stakeholders over the past 10 years.

● (1710)

The key features of Bill C-29 provide new powers for review boards that have been established in each province and territory to make key decisions governing mentally disordered and unfit accused. For example, review boards would be able to order an assessment of the mental condition of the accused to assist them in making the appropriate disposition. Victim impact statements could be read aloud by victims at review board hearings. The bill would be streamline transfer provisions to permit the safe and efficient transfer of a person found not criminally responsible on account of mental disorder or unfit from one province or territory to another. Courts would have new authority to determine whether a judicial stay of proceedings should be ordered for a permanently unfit accused who did not pose a significant threat to the safety of the public.

More options are in the bill for police to enforce disposition and assessment orders that take into account the need for the accused person's treatment to continue. The provisions of the 1991 law that were never proclaimed will be repealed; capping and the related dangerous mentally disordered accused provisions and the hospital orders provision. Also, there are a range of clarifying and procedural amendments to ensure the effective application of the goals of the law.

This bill is not a whole scale reform of the law. Rather, the bill is the next step in ensuring that our laws are effective, efficient and fair in governing mentally disordered accused.

This is a very complex area of the law. However, make no mistake, these reforms are necessary. The provisions of the code have remained the same since 1991, but the case law has evolved, as has the application of the code. The Supreme Court of Canada has stated in several recent cases, including Winko and Tulikorpi, that the code regime has two goals: protection of the rights of the mentally disordered accused and protection of public safety. Punishment is not one of the goals. As I indicated earlier, our law does not hold the mentally disordered accused criminally responsible.

I look forward to the prompt consideration of this bill by a committee of the House. It is my hope that the committee will support these amendments and see their hard work reflected in the bill. Very good work has been done by the committee before. The ultimate goal is the speedy passage of any of these bills by the House. I hope all members will support the amendments.

I thank the House for the opportunity to start the discussion. I know we will have important discussion on the bill. While this gets ready to go to committee, we can have more indepth discussion at committee. I thank all the members of the House for their consideration.

● (1715)

Mr. Vic Toews (Provencher, CPC): Mr. Speaker, I would like to add my comments to this very important bill. The stated purpose of the bill is to modernize the mental disorder provisions of the Criminal Code to make it both fairer and efficient while preserving the overall framework of these provisions.

In June 2002 the standing committee tabled its report, calling for legislative reforms and looking at Department of Justice consultations on the mental disorder provisions of the Criminal Code. The extensive committee review that was conducted was as a result of the statutory requirement under Bill C-30, which had been introduced in 1991, after many years of consultation.

The report that was put forward in 2002 was approved by all parties. In fact the results of this review is an important example of how committees, when they are focused on the issue rather than politics, can work in a cooperative fashion. This report is a demonstration of that.

Bill C-30 had a significant reform provision relating to persons not considered criminally responsible. That bill replaced references to terms such as "natural imbecility" or "disease of the mind" with the term "mental disorder". It extended its application to cover summary convictions for less serious offences as well. Instead of being found not guilty by reason of insanity, an accused could now be held not criminally responsible on account of mental disorder.

Such a finding no longer resulted in an automatic period in custody. That automatic period of custody was found to be unconstitutional in the Swain decision in 1991. Instead the court could choose an appropriate disposition or indeed defer the decision to a review board.

Furthermore, under that provision, the courts and the review boards were obliged to impose the least restrictive disposition necessary having regard to the goal of public safety, the mental condition of the accused and the goal of his or her reintegration into society.

Bill C-30 came into force in February 1992. The proclamation was delayed for three major initiatives. First was the capping provision that was referred to earlier. Second was the dangerously mental disordered accused provisions that would allow the courts to extend the cap to a life term. The third was the hospital orders provisions for convicted offenders who at the time of sentencing were in need of treatment for a mental disorder.

This bill takes into account the recommendations of the justice committee of June 2002. Bill C-29 addresses six key areas. These are all issues that were thoroughly considered by the committee. I understand that these are not necessarily exactly the way the committee has recommended them and that is why the committee will no doubt examine very carefully what has been put into the bill.

However, indeed the amendments address six key areas: first, the expansion of the review board powers; second, permitting the court to order a stay of proceedings for permanently unfit accused; third, allowing victim impact statements to be read; fourth, the repeal of unproclaimed provisions; fifth, streamlining of transfer provisions between provinces; and sixth, the expansion of police powers to enforce dispositions and assessment orders.

A couple of concerns have been raised with respect to some of these key areas, for example, the allowing of victim impact statements to be read.

In the case of a criminal trial where a person has been found guilty the concerns of the victim of course are very relevant. They are necessary in the sentencing provision to determine whether the impact on the victim should also be reflected in the sentencing.

● (1720)

Here we are dealing with a substantively different situation because we are not looking at the guilty mind of an accused. We are dealing with a mentally disordered person. We therefore have to be careful how we use these victim impact statements in this context. I think it is important for victims to have a voice but we have to remember that this does not form exactly the same role that it does in a criminal trial where a criminal may not express any regret after having been convicted and it is important for the victim to have his or her say in that context.

The streamlining of the transfer provisions between provinces is another issue. It is important that there be the appropriate consent of the jurisdiction to which the individual is being transferred. I understand the bill attempts to ensure that there is the appropriate consent in that context.

The repeal of the unproclaimed capping provisions and the like are important. Why were concerns raised over these sentencing provisions? They were raised because it seemed that where a person was found mentally disordered, the period of incarceration could be a lot longer than a comparable sentence in the criminal courts. Somehow there was a suggestion that maybe it would be unfair to have a mentally disordered person subject to a longer period of custody than someone who had been in fact convicted of a criminal offence.

Here again is the difference in the intent. With the criminal conviction, obviously punishment is a key goal of the criminal justice system, as well as rehabilitation. When we talk in the mentally disordered context, we are not talking punishment. We are not talking about rehabilitation in the same way where there is a cognitive element in terms of rehabilitating an accused. In the mentally disordered context we are trying to deal with the health of the individual. Therefore if it takes longer to help the person, so be it. The capping provision is simply not appropriate.

The Supreme Court of Canada ruled in the Winko decision that a potentially indefinite period of supervision of a mentally disordered person was not unconstitutional since it was not for the purposes of punishment. However there is the review process that provides a mentally disordered person with some safeguards.

On the issue of the stay of proceedings for the permanently unfit accused, there is some concern related to how the safety of the public can be guaranteed. I look forward to that particular discussion at the committee, because even if the person is not personally responsible for his or her actions because of the mental disorder, there is still an onus on society to ensure that the individual does not cause further damage to his or her fellow citizens.

As I indicated, the objectives of the bill are generally consistent with the recommendations of the June 2002 committee report, a report which members of both the former Canadian Alliance and the Progressive Conservative Parties approved. I look forward to having the discussion in committee.

● (1725)

[*Translation*]

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, I too am pleased to rise on behalf of my party to speak to Bill C-29. I will say right away that the Bloc Quebecois supports Bill C-29.

Often people who listen to us, even the Conservatives, believe that the Bloc Quebecois, being in the opposition, is always opposed to everything coming from the Liberal Party or the government. Today we are proving it is not so.

The Deputy Speaker: On a point of order, the honourable chief government whip.

* * *

FIRST NATIONS FISCAL AND STATISTICAL MANAGEMENT ACT

The House resumed consideration of Bill C-23, an act to provide for real property taxation powers of first nations, to create a First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority and First Nations Statistical Institute and to make consequential amendments to other acts, as reported (with amendments) from the committee; and of motions Nos. 3, 4 and 5 in Group No. 2.

Hon. Mauril Bélanger (Deputy Leader of the Government in the House of Commons, Lib.): Mr. Speaker, discussions have taken place between all parties and there is an agreement. If you were to seek it, I believe you would find unanimous consent for the following motion I move:

> That Motions Nos 3, 4 and 5 of Bill C-23 be deemed agreed to on division, and that the motion for concurrence at report stage be deemed put and a recorded division deemed deferred until Tuesday, May 4, 2004, at the expiry of Question Period.

[*English*]

The Deputy Speaker: Does the hon. chief government whip have the consent of the House to propose the motion?

Some hon. members: Agreed.

The Deputy Speaker: The House has heard to the terms of the motion. Does the House give its consent to the motion?

Some hon. members: Agreed.

(Motion agreed to)

(Motions Nos. 3, 4, 5 agreed to)

* * *

[*Translation*]

CRIMINAL CODE

The House resumed consideration of the motion.

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, I thank the whip for having corrected this small error on our part.

I was saying that people might be surprised to see the Bloc Quebecois supporting a government bill. When it is a good piece of legislation that needs no changes because it is done properly, we can support it.

The Bloc Quebecois is in favour of the principle of Bill C-29, however we must ensure that the proposed amendments will effectively protect the rights of people suffering from mental illness, while protecting society.

To do this, we must understand why the federal government did not adopt all the recommendations of the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness.

At this point, I want to make a comment and propose that the government, through its committee on the democratic deficit, consider what happens to unanimous committee reports. We are talking about addressing the democratic deficit and increasing the role and responsibilities of members in the House; all too often, unanimous reports are written and voted on after the committee has heard from numerous witnesses and often after the members have travelled across Canada to consult lobbyists and the public.

This afternoon, we were discussing the budget for the committee dealing with prebudget consultations. After spending $100,000, $200,000 or $500,000, after working on a report for one, two or six months, when all the parties recognize that the recommendations are supported unanimously, why is the government all too often taking this committee report and shelving it? In this case, I think that the recommendations are almost totally supported.

However, I am talking in general terms, but, in the committee study on the democratic deficit, I think that we should focus on the use that we are making or not making of unanimous reports of the House. I believe this is like when there is a vote on a motion where two-thirds of members in the House are in favour—such as the motion on the Armenian genocide—and the government says: "We will not change our position on this situation or issue". The democratic deficit is there and can be corrected. I will now return to Bill C-29 to give a little background.

On March 29, the Minister of Justice introduced BillC-29, an act to amend the Criminal Code (mental disorder) and to make consequential amendments to other acts in the House of Commons. The purpose of this bill is to modernize the Criminal Code provisions respecting persons not criminally responsible or found unfit to stand trial on account of mental disorder. This bill is in response to the recommendations made by the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness, which examined the Criminal Code provisions relating to mental disorder in a report tabled in the House of Commons on June 10, 2002.

At the time, the Bloc did not produce a dissenting report. In conclusion, I want to recognize the enormous work done by the member for Charlesbourg—Jacques-Cartier on the issues examined by the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness and, among others, on Bill C-29.

● (1730)

The Deputy Speaker: It being 5.30 p.m., the House will now proceed to the consideration of private members' business as listed on today's Order Paper.

PRIVATE MEMBERS' BUSINESS

[*English*]

CANADA MARRIAGE ACT

Mr. Jim Pankiw (Saskatoon—Humboldt, Ind.), seconded by the member for Elk Island, moved that Bill C-450, an act to amend the Marriage (Prohibited Degrees) Act in order to protect the legal definition of "marriage" by invoking section 33 of the Canadian Charter of Rights and Freedoms, be read the second time and referred to a committee.

He said: Mr. Speaker,I would like to thank my colleague from Elk Island for seconding the bill. Despite any political differences he or the leader of his party may have, he certainly is very respectful of democracy in seconding my bill and allowing it to come forward for second reading debate in the House.

The definition of marriage in the dictionary is "the legal union of a man and a woman". To propose changing that definition we are actually trying to change the English language and what marriage actually is. I have always defended the legal definition of marriage as the union of a man and a woman, which is why I tabled Bill C-450 in Parliament: to protect the legal definition of marriage from being changed by taxpayer funded court challenges and special interest groups.

The method by which the bill would seek to do that is to invoke the notwithstanding clause of the Constitution, in other words, allowing Parliament to exercise its supreme authority over activists, courts and judges and taxpayer funded lobby groups which we do not see enough of.

I would also like to note for the record that I have voted in Parliament to preserve the current legal definition of marriage on two occasions. I am opposed to efforts that would force religious organizations to perform same sex marriage ceremonies if that is against their wishes.

I would like to highlight what the political parties' positions are on changing the legal definition of marriage and what their leaders have had to say. I will quote directly from a policy document of the New Democratic Party at page 31. This was moved by the NDP's lesbian, gay and bi-sexual committee and ratified by NDP convention delegates and MPs. It states:

> THEREFORE BE IT RESOLVED that the NDP fully supports same-sex marriage—
>
> BE IT FURTHER RESOLVED that an NDP federal government would, within its first mandate, introduce legislation, without a free vote, to make same-sex marriage legal; and—
>
> BE IT FURTHER RESOLVED that should the issue come before the House, members of the NDP caucus shall vote in favour of same-sex marriage—

Just before I move on to the other leaders, I would like to note that the portion of the NDP policy document that states "without a free vote" is italicized and underlined. That is a highly contradictory policy because how can it be a democratic party if its policy is to not allow free votes?

With respect to the Conservative Party, their leader said that he could support codifying civil unions in law for same sex couples. He was quoted as saying on August 13, 2003 "I think that would be a reasonable compromise". On March 23, 2004, he said that he would accept the concept of same sex civil unions under provincial laws.

With respect to the Liberal Party, former Prime Minister Jean Chrétien on August 13, 2003, said "We want to legalize the union of homosexuals".

The current Prime Minister on March 13, 2004, said "In all likelihood I will probably support same sex marriage". On January 29 of this year the current Prime Minister promised that he would follow through on his predecessor's bill to legalize gay marriage.

Despite what misleading media reports want us to believe, recent polls show that a clear majority of Canadians, 67%, want the legal definition of marriage preserved. Unfortunately, none of the political parties are prepared to stand up and defend traditional family values or prevent the courts from taking the next step and ordering religious organizations to perform same sex ceremonies.

It is therefore up to Canadians to send Ottawa a message. In the upcoming election, I urge the constituents of Saskatoon—Humboldt to analyze this very closely and carefully in terms of my strong defence of the legal definition of marriage to make sure their voices are heard.

More than a year ago, as members are well aware, the rules of the House of Commons changed and since that time all private member's bills before the House are automatically deemed votable.

Mr. Benoît Sauvageau: Except yours.

Mr. Jim Pankiw: Except for mine, that is right.

● (1735)

There is a subcommittee that reviewed my bill. All parties have participating members on the committee and their finding was that my bill should not be votable for the reason that it was unconstitutional. That was the reason given.

However, my bill proposes one thing and one thing only and that is to invoke the notwithstanding clause of the Constitution to protect the legal definition of marriage. It is highly preposterous to suggest that a bill that proposes using a section of the Constitution could be unconstitutional. That is absolutely ridiculous.

What this amounts to is a lack of willingness by politicians to stand and be held accountable. Clearly they can see where the public is on the issue, but they do not want it to come to a vote in Parliament.

Mr. Speaker, I am seeking unanimous consent of the House to override the ruling of that subcommittee and deem my bill votable.

The Deputy Speaker: Does the hon. member for Saskatoon—Humboldt have the consent of the House to propose this motion?

Some hon. members: Agreed.

Some hon. members: No.

Mr. Jim Pankiw: Mr. Speaker, that is what I expected.

Did the current Prime Minister not say that he wanted to bring more democratic reform to the House of Commons? How democratic is it when there is one bill out of all the private members' bills that the parties collectively deem should not be votable? What are they afraid of? Why are they not willing to stand before their constituents and be held accountable for their actions?

The House of Commons is in serious need of some democratic reform and it is clear that the current Prime Minister is not going to be able to make good on his words on improving democracy in the House of Commons.

I will conclude by saying this. Marriage between a woman and a man constitutes a unique good for all society. It has a fundamental and irreplaceable role in building societies and civilizations. The social value of marriage comes from its role as a stabilizing force for the family, which in turn is the basic unit of our society.

Hon. Sue Barnes (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the private member's bill before us today, Bill C-450, an act to amend the Marriage (Prohibited Degrees) Act, addresses a subject matter with which the House is becoming very familiar. It seeks to re-enact the former common law requirement that marriage is "a legal union of one man and one woman as husband and wife".

What makes this subject so familiar? The definition of marriage was voted on by the House last fall in an opposition day motion, and then in another private member's bill, Bill C-447, six weeks later. The response then was the same response that we have now. This bill is premature.

The government has set in place a full and responsible approach to this important question of marriage, one which both addresses its complexities and allows for a fully informed discussion. Marriage is an important cornerstone of our society and the expansion to include same sex couples has important consequences both for marriage and for the protection of minorities. It is deserving of this comprehensive and thoughtful approach.

Bill C-450, on the other hand, is simply another attempt to short-circuit that approach and bring the issue forward in a rushed manner that does a disservice to parliamentarians. Members of the House will have an opportunity for a full and informed debate on this very issue, but the time for that debate is not now, because at this time the debate cannot be a fully informed one as we do not yet have the guidance of the highest court in the land.

Let me briefly review the process the government is following to ensure that the debate is a fully informed one and, in so doing, to respect both the role of Parliament and the role of the courts.

Under our Constitution, courts have the mandate to examine laws to determine if they meet the requirements of the Canadian Charter of Rights and Freedoms, which was itself, I would remind all members of the House, passed by Parliament in a democratic process. As members will recall, courts in three provinces, British Columbia, Ontario and Quebec, have now ruled that, based on the equality guarantees of the charter, the law restricting civil marriage to opposite sex couples only is discriminatory to gay and lesbian Canadians who wish to demonstrate the same degree of commitment.

Based on these new interpretations of the charter equality guarantees, the government was faced with a choice. Either we could continue appealing to the courts or we could review the earlier approach of restricting the definition of marriage to opposite sex couples.

Rather than leaving this important social policy issue to the courts alone to decide by appealing the unanimous opinions of two appellate courts, the government decided to take a responsible leadership role and proposed legislation that would respect the ruling of both courts.

It did this by drafting a bill with two provisions. The first defines marriage to be "the lawful union of two persons to the exclusion of all others". The second states, "Nothing in this Act affects the freedom of officials of religious groups to refuse to perform marriages that are not in accordance with their religious beliefs".

Unlike the bill before us today, the government's draft bill fully respects two fundamental principles: equality based on personal characteristics, in this case the sexual orientation, and freedom of religion. The government believes that it is essential to ensure full respect for both and to ensure that all religious groups continue to have the right to refuse to perform marriages for any couple that does not meet the requirements of their respective faiths.

This is not new. Religious officials have always had the authority to add qualifications, such as attending marriage courses, or refusing to marry couples where it would be against their religious beliefs, such as some religions refusing to marry divorced people or refusing interfaith couples. Because of the importance of religious freedom, the government wanted to ensure that this authority to refuse would also apply in cases of marriages for same sex couples, as we believe that it would.

Because of this, the government decided to refer the draft bill to the Supreme Court of Canada prior to its introduction in Parliament. This was not done to in any way preclude the parliamentary process. Rather, it is to clarify for members of Parliament their choices within the framework of the charter and, in particular, the freedom of religion.

● (1740)

Initially, last July the government asked the court to provide information on three key questions. First, is the draft bill within the exclusive legislative authority of the Parliament of Canada?

Second, if the answer to question number one is yes, is the proposal in the draft bill to extend capacity to marry to persons of the same sex consistent with the Canadian Charter of Rights and Freedoms?

Finally, does the freedom of religion guaranteed in the charter protect religious officials from being compelled to perform a marriage between two persons of the same sex, a marriage that is contrary to their religious beliefs?

Then, at the beginning of this year, the new administration, the new government, reviewed these questions and made a decision to add a fourth question that would specifically ask about the constitutionality of the opposite sex requirement for marriage. In so doing, the government wanted to respond to concern of many Canadians and members of this House that the views of the highest court in the land on this central question are important to the eventual debate that will take place in this chamber.

It was also consistent with the response of the government to broader concerns over democratic process and with the goal of providing this House with as much information as possible to support parliamentarians, who took part in that debate and in that eventual vote, in their decisions on a very complex issue.

The Supreme Court of Canada will now hear arguments on all four questions this fall, over three days from October 6 to October 8. The court has granted intervener status to 18 non-governmental groups and individuals. Three provincial Attorneys General will also participate in the hearing. In this way, the court will have the advantage of a full range of opinions and submissions before it, and a decision would likely be rendered sometime next spring, although that is not in Parliament's domain but the court's.

It is at this point that the government will table its draft legislation and a full and informed debate will ensue in this House. Members will have before them the analysis of the legal issues by the Supreme Court of Canada and will be aware of the impact of the constitutional and legal framework on the choices available to them. They will also then be in a position to know the court's views on the ability of religions to set their own terms in accordance with their religious beliefs.

Responsible leadership calls for the approach we have chosen: a proposed legislative approach that the government believes meets both of the important charter guarantees of equality and religious freedom; the reference to the Supreme Court of Canada of that proposed legislative approach for its considered legal opinion so that questions and concerns of Canadians can be resolved before the legislation is considered in Parliament; and then a full debate in Parliament culminating in a free vote, at least on this side.

Bill C-450 threatens to cut short this process. Consequently, it is not in the best interests of this House.

Canadians have indicated that the issue of extending marriage to same sex couples is both important to them and extremely divisive. Because of this, it is especially crucial to proceed in this comprehensive and balanced way which ensures that both the Supreme Court of Canada and the members of this House can fully benefit from the full range of opinion on the important aspects of this issue.

Once we have the advice of the Supreme Court of Canada on the legal questions, we can all be in a position to responsibly discharge our duty to our electorate and vote with what we believe is the right approach. At that time, it could be that some of the members of this House will agree that the approach in Bill C-450 is the only choice, although I hope that will not be the case.

Whatever one's position is on the issue, the process that we have outlined will serve us well, better than moving ahead today as a knee-jerk reaction that would render the entire Supreme Court of Canada reference process redundant and would short-circuit the carefully balanced and responsible approach of the government to this complex question. As I said in my opening remarks, this bill is a disservice to this House.

● (1745)

Mr. Vic Toews (Provencher, CPC): Mr. Speaker, I am pleased to add a few comments to this very important debate. I am somewhat surprised that there is no vote in respect of this bill. I think if the member opposite had the courage of her convictions, she would not have opposed a vote on this matter.

The bill's purpose is to negate the decisions of the British Columbia and Ontario courts of appeal that struck down as unconstitutional Canada's common law definition of marriage as an exclusively heterosexual institution. I think the approach, while admirable, is the wrong approach.

At the same time I want to say that the Liberal approach to this problem has in fact been manipulative and undemocratic from the beginning. Instead of holding a legitimate debate and a vote on a particular bill, in Parliament, where issues of social importance rightly belong, with legislation in front of it, the Liberals have abdicated their responsibility by leaving the issue in the hands of unelected judges.

My Liberal colleague has indicated that there is a bill, but it is a draft bill. Who gets to provide input on the draft bill? Certainly not I as a parliamentarian. I cannot speak to that bill. It is only the government ministers and staff who have had input on that particular bill. It is not in the House. It is going to the courts.

This is not a comprehensive process. This is a process that has been stood on its head.

The better approach is to put a proper bill before the House and have a vote on that bill after the debates have occurred. The Liberals, knowing that an election is coming, have decided to punt the bill in draft form over to the courts so that they will not have to debate this issue during the course of an election.

Liberals say that this is a comprehensive process. It could have been a very simple process. We had the B.C. Court of Appeal decision, we had the Ontario Court of Appeal decision and we had the Quebec Court of Appeal decision. We had all of the issues before us in the context of actual court cases. They could have simply appealed that decision. They chose not to. They chose to take an extraordinary, unusual step. Rather than appeal, they have created the device of a reference.

A reference has been used, especially in cases where there is no appropriate mechanism to bring all the issues before the court. It is especially difficult to get things before the Supreme Court in a hurry if advice needs to be provided, but none of the usual criteria for a reference are present here.

We had a court of appeal decision. It could have simply been appealed to the Supreme Court of Canada. We had all of the issues that are now set out in this reference document before the Supreme Court of Canada had there been an appeal. This is clearly an evasive measure in order to avoid political responsibility and to punt it to the next Parliament so that Canadians do not see where the Liberals stand on this particular issue. That is why I say it is manipulative, it is undemocratic and it is certainly an unusual process.

On January 28, 2004 it was referenced to the Supreme Court of Canada. References essentially are questions that are put to the Supreme Court of Canada, questions that could have been put to the Supreme Court of Canada in the context of an appeal with all of the necessary factual bases from the cases themselves. This reference was expanded to include the question of whether the traditional definition of marriage, that is, between a man and a woman, is constitutional. However because they expanded the questions, they had to delay the hearing until October, clearly after the anticipated election date.

● (1750)

The government is under an obligation to not interfere with the Minister of Justice and the Attorney General in terms of providing legal advice. What is telling about the government is that in this case it has instructed justice department lawyers arguing the case that the traditional definition of marriage is unconstitutional. Those are the directions that have been given to the justice department lawyers.

This is not some kind of discussion of the issues. The Liberal government, under the Prime Minister, has been very clear. He and the Minister of Justice have told Department of Justice lawyers to argue that the traditional definition of marriage is unconstitutional. That is an improper intervention by the Prime Minister in a constitutional case because the Minister of Justice and Attorney General does not speak for the government when it deals with the laws of this country. He speaks for the people of Canada and all parliamentarians here.

We see the reference in this case being used for crass political purposes in a subversion of the role of the Attorney General. The Minister of Justice has complied with that subversion. The Prime Minister has in fact instructed it.

The Minister of Justice has said that the government support of same sex marriage is unwavering. This is not going to be a full discussion of the issues, certainly not by the government. This is going straight to the Supreme Court of Canada and telling the Supreme Court of Canada that the Government of Canada, led by the Prime Minister and the Minister of Justice, declares the definition unconstitutional.

Here we have the unusual step of a Minister of Justice and the Prime Minister asking the court to strike down legislation. That is what they are doing because that is what they have asked their lawyers to do. Those are the comments that were made by the Minister of Justice and by the Prime Minister.

We know that the federal government's position on same sex marriage is that it should be within the definition of marriage and that the traditional limitation of marriage on a man and a woman is unconstitutional. As the Minister of Justice has said, the government's support of same sex marriage is "unwavering".

In light of the Supreme Court reference and the direction that the court is given by the government, any subsequent free vote in the House is laughable. It is a joke. The government knows, because it is cooking the books in the Supreme Court of Canada by the nature of the representations it is making, it is going to be rubber stamped by Parliament.

Parliamentarians are simply going to say, "The Supreme Court of Canada said so, so we are not going to have any debate. We are just going to rubber stamp this". That is what is so despicable about the entire process that the Liberals have adopted.

The court has the power to reject the reference. It can say, "We will not hear this reference". It has that discretion. This is not a hearing of the usual type.

● (1755)

With all due respect, what the Supreme Court of Canada should do is pump this matter right back to Parliament and say, "We will not be used as a political tool by the government to get it out of a jam". That is what the Supreme Court's obligation is in this respect. That is what it should do.

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, I rise today to speak against Bill C-450. The NDP supports the decision of the federal government to recognize the equal rights of same sex couples to marry in civil ceremonies. The NDP does not believe that the notwithstanding clause of the charter should be used to prevent the recognition of this happening.

I would like to go over some of the recent history of the greater debate around this issue. On June 17, 2003 the Prime Minister and the federal cabinet affirmed their commitment to recognize the equal rights of same sex couples to marry. This announcement came in response to both the judiciary and elected representatives urging the government to respect the charter of rights and ensure equality for gay and lesbian couples.

In a recent unanimous decision of the Ontario Court of Appeal, the current definition of marriage as the union of one man to one woman was deemed to be a breach of the charter as it is discriminatory against gay and lesbian couples. This decision followed the decisions of both the B.C. Court of Appeal and the Quebec Superior Court which also ruled that the current definition of marriage is discriminatory.

The federal government's move to allow same sex marriage also comes in response to a motion passed by the Standing Committee on Justice and Human Rights which called upon the government to support the ruling of the Ontario Court of Appeal.

It is important to note that the changes that will be made to the definition of marriage in the federal legislation will not affect religious traditions or the ability of faith organizations to sanctify marriage as they define it. The justices, writing in the unanimous Ontario Court of Appeal decision, stated, "We do not view this case as, in any way, dealing or interfering with the religious institution of marriage".

I would like to add that I fully support the right of churches, such as the Catholic church, to oppose an inclusive definition of marriage, just as it has the right to refuse to marry a divorced person. That is also respected. While there are a number of religious faiths that accept same sex marriage, others do not and their beliefs must be respected. A change in the law would only apply to civil ceremonies. I support the government's reference to the Supreme Court which would ensure that it is made very clear in the law that no religious institution should be forced to marry same sex couples.

I will close my comments by quoting Saskatchewan Premier Lorne Calvert, who said, "I neither believe that the civil law should dictate one's faith position, nor should a single faith position dictate the civil law" of this country.

● (1800)

Mr. Ken Epp (Elk Island, CPC): Mr. Speaker, this is another occasion where I was not on any speaker's list, but listening to the debate I have become rather interested in what is going on here. I have some comments I would like to add to this particular debate.

First, I would like to ask you, Mr. Speaker, whether you can accurately predict what will happen 22 years from now? In what state will the country of Canada be in? What will the world be like? Can you predict that? I venture to guess that you cannot and I would certainly confess quickly that I cannot.

If we look back at 1982 when the charter was put together, I believe that, with some wisdom, those people also said that they could not predict everything and anything that would be in place 22 years from then, in the year 2004.

There were some who recognized that giving unfettered power to the courts without any balance would be an error. Consequently, a section was put into the charter that said notwithstanding, which has come to be known as the notwithstanding clause. Notwithstanding what the charter says, we can do other things.

We do this regularly in this country. We have a law that says we cannot discriminate against a person with respect to race. It says that right in the charter. Yet, we have people, for example, in the Westbank in Kelowna living in a certain territory called the Westbank reserve who, because of their race, are not permitted to vote in the elections of the territory in which they live. There is a difference made based on race. In fact, the government quite happily approved that bill not long ago. It happened last week, I believe. That is considered to be okay, notwithstanding that the charter says otherwise.

I believe that the framers of the charter some 22 years ago, recognizing that there should not be unfettered power given to the courts without some kind of balance, put this notwithstanding clause into the charter.

I can think of another example. We have had quite a bit of debate lately about child pornography. There are some who claim that this comes under freedom of expression. I believe not. Even though the charter guarantees us freedom of expression, there are some limitations to it.

The very common one is that we cannot, in a crowded theatre, yell "fire", because that would put other people in danger. We can actually be charged if we were to do that because we could cause the death of some people if they were to crowd each other out and trample each other on the way out. We have limitations to every one of the freedoms which is given in the charter.

The bill before us today, as I understand it, simply states that in no way did the framers of the charter, by talking about equality, say that the courts could arbitrarily change the definition of marriage. I agree wholly with my colleague who spoke earlier. He said that this should be a decision of Parliament. It should be done democratically, not by an unelected court. It should be done by the people through their elected parliamentarians.

Since the courts are proceeding in this direction—and, in my view, in a direction which was certainly not envisioned as something which the original framers of the charter wanted to include—I believe that it would be totally appropriate for the Parliament of Canada to say that notwithstanding these court decisions, it wants to respect democracy.

● (1805)

We want to respect the historical meaning of the English word marriage and its equivalent in all the other languages. Notwithstanding that the court has done this, we would like to maintain the definition of marriage.

We are a bit shortsighted when we say that permitting the marriage of any two persons has no ramifications. What happens if someone wants to marry a 10 year old? The charter says we cannot discriminate based on age, but I think we should object to that. I am not sure that will ever be the case, but if the definition of marriage is between any two persons, then that is a possibility.

There is nothing wrong with having restrictions on who can marry. What happens if a man wants to marry someone, notwithstanding that he may already be married to someone else? How can we tell that person that he cannot marry the second woman, or the third, or the fourth? That is a violation of that freedom under the charter. We are going on a very dangerous path.

What societal benefit is there by changing the definition of marriage which promotes the union of a man and a woman? One of the obvious outcomes of that is the production of children and family. I am not denying the fact that there are other arrangements in which families are together. Why should we as a society, as a country, and as a government deviate from that?

I would like to come back to the issue of democracy. We have been deluged with petitions from Canadians. Many people have contacted every one of our offices with many petitions which have been tabled in the House. The petitioners ask that Parliament take all steps necessary to preserve the definition of marriage as the union of one man and one woman to the exclusion of all others. These petitions are not just from one religious group but from many, and they also come from non-religious persons.

There is another issue that we ought to take into account as well. When we propose to change the definition of marriage, we ought to look carefully at what the ramifications would be. One of them is the trampling of people's rights. I will give the House an example.

The British Columbia government has given a directive to all of its justices of the peace that they will either, when asked, perform same sex marriages or else resign. I find it difficult to believe that, without exception, every justice of the peace in that province would be comfortable doing that. There must be undoubtedly some people who, because of religious or other reasons, would not want to do it.

What we are proposing is that only people who have a so-called religious attachment have the right to make that choice. What about non-religious people? Will we trample on their freedom to make this choice? This has already occurred in the Province of British Columbia. People have been told to either do it or resign.

What we have here is a collision of competing ideas and forces. I would like to appeal to the House and to all Canadians to go slowly on this issue. Let us use our common sense and ensure that we do the right thing.

● (1810)

The Deputy Speaker: Taking note that no hon. members are rising, the House will recognize the hon. member for Saskatoon—Humboldt for no more than five minutes under the right of reply.

Mr. Jim Pankiw: Mr. Speaker, I would like to address the comments of the member from the Liberal Party who said that the House of Commons does not have the guidance of the highest court in the land, that any reference that has been made to the courts in respect to the legal definition of marriage would not matter if my private member's Bill C-450 was passed. She said it would shortcut the process and render the Supreme Court reference redundant.

That is the whole point of the bill. I am suggesting that this is such an obvious thing and that the will of the public is so clear and obvious. Certainly, that is the direction I am getting from my constituents. They do not want to see a reference to the Supreme Court because they do not care what will be said by the Supreme Court. They want Parliament to exercise its authority, its responsibility, and make a decision on this matter.

I would suggest that regardless of the arguments in opposition to the very clear and concise nature of my private member's bill, which would resolve this issue, by invoking the notwithstanding clause, the debate would end. Marriage would remain the union of a man and a woman. The Liberals are subverting democracy. There is no legitimate reason for them not to allow a vote.

In fact, I would suggest that not only are they making their intentions clear, clearly they do not intend to protect the legal definition of marriage or they would not be playing the charade that they are. By making the Supreme Court reference and by denying the right of every other member of Parliament in the House of Commons to have a private member's bill voted upon, they are interfering with my duty, my obligation, and my responsibility to my constituents to represent them by bringing forth issues that they want to see debated and voted on in the House of Commons. Constituents do not want to see their elected officials shirk their responsibility by shuffling these issues off to a court.

I think that the government's refusal to allow this to go to a vote in Parliament is shameful. It is a subversion of democracy and is making a mockery of the proceedings of the House of Commons.

The Deputy Speaker: The time provided for the consideration of private members' business has now expired. As the motion has not been designated as a votable item, the order is dropped from the Order Paper.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*English*]

THE ENVIRONMENT

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, on March 30, I asked the Minister of Natural Resources when he would recommend to cabinet the proclamation of the 1982 Motor Vehicle Consumption Standards Act. Given that reaching the Kyoto targets on climate change will require considerable improvement in automotive fuel efficiency, I thought that was an appropriate question at that time.

The minister's reply was not very encouraging. He provided no evidence of future regulation, but rather support toward the continued reliance on so called voluntary measures. It seems to me at this point that the reply given by the minister was not sufficient, given the following reasons.

First, according to a recent report by Environment Canada, greenhouse gas emissions from all personal vehicles has increased by 16% from 1990 to 2001, and within that figure, emissions from SUVs in particular, as well as pickup trucks and vans have increased by 79%.

Second, as verified by Transport Canada, Canadians are driving more than ever, with large relatively fuel-inefficient cars such as trucks, vans and SUVs becoming the fastest growing segment of the market. At the same time, rising gas prices have been met with popular demand for hybrid vehicles that has been outstripping current supply. That is an interesting development.

Third, if links with the automotive industry south of the border are an important consideration, it is interesting to note that both President Bush and likely presidential candidate Kerry have recently spoken out about promoting alternatively fuelled cars, with Mr. Kerry campaigning on increasing mandatory fuel economy standards to 6.5 litres per 100 kilometres by 2015. It is evident that without mandatory standards, the 12% of Canada's total greenhouse gas emissions attributed to automobiles and light trucks will only continue to grow.

This evening, could the Parliamentary Secretary to the Minister of Natural Resources tell us when a decision will be made to introduce mandatory standards for fuel efficiency?

Mandatory standards to substantially improve fuel efficiency in the automotive sector are indispensable. They can be particularly effective when accompanied by tax incentives. For example, British Columbia and Ontario already offer $1,000 to each purchaser of a new hybrid vehicle. Ottawa, namely the federal government, presently offers no incentive whatsoever.

The frequently mentioned reduction of fuel consumption by 25% by the year 2015 is possible, but industry needs a lead time to adjust production plans. Therefore, the government, namely the Departments of Transport, the Environment and Natural Resources need to make a decision this year or at the latest next year.

I therefore urge the government, because of its commitment to the Kyoto agreement, to announce a mandatory fuel efficiency program together with a national tax incentive program to encourage the purchase of hybrids and any other vehicle performing efficiently.

● (1815)

Hon. Sue Barnes (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, let me begin by giving a brief history of motor vehicle fuel efficiency in North America. The United States passed its corporate average fuel economy legislation in 1975 after the 1973 OPEC oil embargo and Congress set fuel economy standards for cars for every year from 1977 through 1985. Standards were added later for light trucks.

Canada's cabinet approved and announced automobile fuel consumption standards in 1976 that were based on the U.S. standards. Parliament subsequently passed the Motor Vehicle Fuel Consumption Standards Act in 1982 to enforce these standards. Vehicle manufacturers then committed to meet the standards voluntarily and proclamation of the act was postponed.

Canadian company average fuel consumption standards currently match U.S. standards. The standards are 8.6 litres per 100 kilometres for passenger cars and 11.4 litres per 100 kilometres for light trucks, including pick-ups, minivans and sport utility vehicles. The standards apply to the average fuel consumption of all new vehicles sold each year in Canada by every automobile company, no matter where the vehicles are manufactured.

Historically, vehicle manufacturers have not only met these standards, but they have exceeded them compared with the U.S. new vehicle fleet. Currently, new cars are 7% lower or better than the standard and new light trucks are 3% lower than the standard.

While the performance of Canadian manufacturers has been excellent in the past, fuel consumption standards have not improved for nearly 20 years for passenger cars and about 10 years for light trucks. There is a need for improvement. I know my colleague knows this.

Canada has ratified the Kyoto agreement and committed to reduce our greenhouse gas emissions. Because motor vehicles account for 11% of Canada's greenhouse gas emissions, improvements in vehicle fuel efficiency are an important element of any strategy to reduce emissions.

Given this, the motor vehicle fuel efficiency initiative was first announced in action plan 2000, and the 25% target was announced in the climate change plan of November 2002. Our goal with this initiative is to reach a voluntary agreement with manufacturers on a new target for 2010, based on a 25% improvement from our current voluntary company average fuel consumption standards.

We realize this target is challenging but believe it is feasible and cost effective for both manufacturers and for consumers. There are many currently available and upcoming technologies that can be used to improve fuel consumption by 25% by 2010. Moreover, recent Canadian and U.S. studies have shown that reducing fuel consumption does not require sacrifices in performance and other attributes consumers value, and the cost of most technologies will be paid for through fuel savings over the life of the vehicle.

Canadian consumers, by way of their purchasing choices, continually demonstrate that they value fuel efficiency. The Canadian vehicle market is quite different than the U.S. market in that Canadians mainly buy smaller vehicles with better fuel efficiency. A new fuel consumption agreement will stimulate fuel efficiency innovation and will therefore make more choices available to Canadians in these market segments, and improve technologies in all segments. With NRCan's enhanced programs in consumer education and awareness, we are optimistic that Canadians will respond positively to a wider range of fuel efficient vehicles.

We regard these consultations as a first step to addressing the longer term issue of reducing vehicle greenhouse gas emissions in North America. Improving vehicle fuel efficiency is a necessary step.

I have more information and perhaps I will pass it directly to the member.

● (1820)

Hon. Charles Caccia: Mr. Speaker, I thank the parliamentary secretary for giving us the brief history on this issue and the developments that have taken place over time. I am glad that she also included the fact that the legislation, which was approved by this chamber and by the Senate in 1982, was never proclaimed.

I would like to share her belief and the government's belief in the ability of voluntary agreements to reach the desired targets of reducing emissions by 25% by the year 2010, but I cannot share it. I am glad to hear that the parliamentary secretary in her intervention has recognized that there is a need for improvement. The question is how do we get to this reduction of 25%.

I would submit to the parliamentary secretary this observation. By relying on a voluntary agreement, we will not get to that destination and we will not achieve the desired results. We will discover that when it will be a little too late.

The tax incentives that have been provided by British Columbia and Ontario have not been matched or emulated by the federal government. I would ask the parliamentary secretary to comment on this aspect.

Hon. Sue Barnes: Mr. Speaker, I did want to talk about the fact that we have voluntary agreements. They have been successful in the past at reducing the fuel consumption of Canadian motor vehicles and are currently being used to improve fuel efficiency in other major markets. It is reasonable to make this the best choice for an agreement in Canada.

Voluntary agreements do have an advantage in terms of flexibility in design over regulated standards and ultimately the voluntary approach, which leaves the choice of vehicles and technologies to the marketplace, will lead to the most economic solutions for manufacturers and consumers alike.

While the government does have an authority to regulate vehicle efficiency, the government at this point in time would rather make serious efforts toward the voluntary approach, considering the potential benefits it offers. If we are unable to come to a mutually acceptable agreement, other approaches, including regulation, should and will be examined.

I hope that gives an indication to my hon. colleague who I know has worked very long and hard over many years in all the environmental areas.

[*Translation*]

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly, this House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24 (1).

(The House adjourned at 6.24 p.m.)

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