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(HANSARD)

Monday, May 3, 2004

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Monday, May 3, 2004

The House met at 11 a.m.

Prayers

PRIVATE MEMBERS' BUSINESS

● (1100)

[*English*]

CONSTITUTION ACT

Mr. Pat O'Brien (London—Fanshawe, Lib.) moved that Bill C-486, an act to amend the Constitution Act, 1867, be read the second time and referred to a committee.

He said: Mr. Speaker,I am pleased to speak to my private member's bill, Bill C-486.

I decided that if one is to engage in the opportunity to have private members' bills, one ought to consider some pretty important topics to take up, so I have decided to propose that we should amend the Constitution Act of Canada, and not for a frivolous reason, but to cap the size of the House of Commons. With the past redistribution, once the writ is dropped, as we all know, it will mean that the House of Commons will increase from 301 members to 308 members.

It is my view and it has long been my view, as one who has studied Canadian government and history for many years, that, to put it mildly, we are a country that is rather over-governed. We have three levels of government in Canada, and that is certainly appropriate given the geographic size of this country, but we only have to look at the initiatives that are taking place at the other levels to see that it is time to consider the size of the House of Commons.

● (1105)

The past Government of Ontario did many things with which I disagreed, some vehemently, but one thing it did with which I agreed was to downsize the number of members in the Ontario legislature. It decided to peg it to be the same size as the House of Commons. When that took effect, it went from 130 MPPs in the Government of Ontario to 103 members that equaled the number of federal members in the House of Commons. The Government of Ontario saw the need and the importance to downsize.

Local municipalities throughout the country are engaged in the very same initiative. I can only look at my own city of London, Ontario, and recall that the city council is indeed into an important debate on the possibility and the advisability of downsizing the city council that represents the citizens of our city municipally. Many other municipalities in virtually every province have gone through the same process of amalgamation, of trying to streamline, of trying to avoid duplication and to be a more efficient and more effective government for the people.

This initiative has taken place at the municipal level, at the provincial level in some cases, and it is past due that we consider the same proposal at the federal level. Hence, I have put forward this bill which would cap the House of Commons at 308 members.

Let us look at the workload of members of Parliament. I have been here 11 years and I served on city council in London for 10 years. I do not need any reminder of the workload involved for members of Parliament. As a member of Parliament's riding would increase in size, which it inevitably would, one of two things would have to happen. Either the member would have to work harder to serve the people in the riding, which I do not think is realistic because I think members are working at pretty close to optimum level now in most cases, or, which is the more sensible action, increase the staff resources of the member of Parliament.

You represent a very large riding in northern Ontario, Mr. Speaker, so you know of what I speak. Let us just imagine for a moment that as the size or the population of your riding increased, you would be given larger staff resources, especially in a large riding. You could have smaller satellite offices and you could have an opportunity to serve your constituents through greater staff resources and a larger budget rather than trying to do it all by yourself.

We all know, whether one is from an urban riding like mine or a large rural riding like yours, Mr. Speaker, as a member of Parliament it is literally impossible for a person to serve the constituents directly, one on one. We have to rely on our staff and most of our constituents realize that. The member of Parliament becomes involved as necessary, such as if there is a log jam or he or she has to intervene in order to help move a file forward for a constituent. That is what we do.

● (1110)

I am proud, as most members are, of my excellent staff that manages most of the routine files, and I never have to get directly involved in them. This would be the case. If we were to cap the House of Commons at 308 members, then obviously, as the population of the country continued to grow, we would have to look at increasing staff resources for members of Parliament.

I look at the assessment of the minister's staff on this, and I am not surprised that the minister does not support the bill. It would be a significant change in a new direction.

Point 2 of the assessment deals with the United States, which has 435 members in the House of Representatives. It notes that Canada has less. That is true, but if we did the math under our current rules and if our population were the size of the United States of America, we would have some 3,000 members of Parliament, and that clearly would be ridiculous.

It does make the point that we cannot look at the United States and say that it has 100 more members than we do, therefore we are not bad at 308 members. The United States is 10 times the size of Canada in population, yet Canada is only a bit behind in our number of members of Parliament.

It makes my point that we ought to take a lesson from the Americans in this case. They do not increase the size of the House of Representatives as their population increases. The size is frozen and capped. As the population of the U.S. increases, staff resources to congressmen and senators increase as necessary, but not the numbers. The minister's analysis failed to mentioned that.

The size of the American Senate is frozen at two senators per state. For the whole of the United States, there are 535 elected representatives for a population ten times the size of Canada's. As a matter of fact, that was an argument speaking to the need to cap the size of the House of Commons. I would humbly submit it certainly is not an argument against doing so.

The minister's assessment acknowledged the fact that if Bill C-486 were passed, it will prevent the size of the House of Commons from growing too large. That is exactly my raison d'être in bringing the bill forward.

The bill would not attempt to undermine the constitutional guarantees to various provinces under the Constitution of Canada. The most striking example is Prince Edward Island which is guaranteed four members of Parliament. Some would say that if we looked at population, it should probably just have one member. As a student and teacher of history I would have to say no. When PEI joined Confederation in 1873, it was on the understanding that it would have four members of Parliament in perpetuity minimum. We would certainly have to honour that in perpetuity. The constitutional guarantees of a minimum number of seats to various provinces would not in any way be threatened.

The minister's analysis was very interesting. One of the points against Bill C-486, from the point of view of the minister's analysis, is that given the representational challenges many members already experience in terms of geography and population size of their riding, a cap would only exacerbate these concerns. That would be true if we did not increase the size of staff. If a member's staff is increased in a sensible way as the size of that population increased, that could be taken care of effectively.

I brought the bill forward after due consideration. I brought it forward in the last Parliament, but it was not drawn under the old rules. Knowing that under the new rules, with which I agree, there would be an opportunity to debate it, I took the opportunity to bring it forward in this Parliament. I have researched the issue carefully. While I understand it would be a new direction, it would be consistent with initiatives at the municipal and provincial levels to streamline the Government of Canada. We ought to do the same thing in the House of Commons. It would bring us much more in line with our neighbour to the south, which I repeat is ten times our size, and has a grand total of 535 elected members. If we take our 105 senators and add it to the 308, we see we not very much behind the size of the United States representative bodies. Yet we have a population of only one-tenth the size of that of the United States.

● (1115)

I am pleased to bring the bill forward and engage in the debate today. I look forward to any questions that members might have. I hope to see a time in our country when citizens will know and be able to say that this is the size of the House of Commons and that the same size as population shifts take place within the country. As the population of the country increases, which it surely will, then we will reflect that in another way, a very democratic way by adding resources to members of Parliament so they can provide the necessary services. However, we will not continue to add redistribution after redistribution and continue to add members.

If undertaken, I believe this initiative would cause less disruption in the country. We would probably need to have less frequent redistributions, which itself is an enormously expensive process and, as we know, quite disruptive. One only has to reflect upon the redistribution that has just taken place and the unhappy situation that has been created in many cases, with ridings totally disappearing. People have just learned the name of their riding and, now it has disappeared. We have members of Parliament fighting with each other to see who will represent another riding.

I would submit that this process would be more understandable for Canadians. It would streamline government at the federal level and make it more effective and efficient. It would probably mean that we would need less frequent redistributions, so there would be less expense that way and less disruption. One only has to reflect as a member of Parliament who has been through redistribution, and most of us have, to know that it can be very disruptive for our constitutions.

For those reasons, I am very pleased to put my bill forward, and I hope that it would find the favour of the members of Parliament.

[*Translation*]

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, I have a few questions. Section 52 of the Constitution reads, and I quote:

> The number of members of the House of Commons may be from time to time increased by the Parliament of Canada, provided the proportionate representation of the provinces prescribed by this Act is not thereby disturbed.

This bill violates the Constitution, which gives Parliament the power to increase the number of its members. This is one of the issues to which the hon. member alluded in his speech.

My second question has to do with electoral boundaries. Who will lose in all this? Will it be rural regions that will lose in terms of representation? We know that rural regions are losing members because they are moving to large centres. This is a problem.

I have another question. In his speech, the hon. member mentioned the changes that are currently occurring in the regions and in the cities. For example, there are people who move around. I wonder if he could explain what would happened in a region like Toronto if, on one side of the street, there were 200,000 people and, on the other side, only 50,000 people. Is the hon. member implying that things should be left as they are, because he does not want to be bothered?

This is how I understood his message.

[*English*]

Mr. Pat O'Brien: Mr. Speaker, the first point my colleague made was that my bill went against the Constitution. I guess it is a matter of semantics. My bill clearly states on the front page that it is an act to amend the Constitution Act of 1867. It certainly seeks to amend the Constitution to put forward a principle that I find more democratic and more effective and efficient for Canadians. That principle is to cap the size of the House of Commons rather than to continue to see it grow and grow.

As I said, under our current rules, had we the population of the United States, we would have some 3,000 MPs. One has to laugh at that because of course we all know how ridiculous that would be. We would have to hold our meetings in the Corel Centre, or Lansdowne Park or someplace.

There is no question that the bill does seek to amend the Constitution to bring a cap to the size of the House of Commons, that being 308 seats, as will happen after the next redistribution is effective the day the writ is dropped. That is the first point.

My colleague asked a very relevant question of who would lose under this kind of an idea. I would submit that the answer is no one. The basic principle of democratic representation, as we all know, is representation by population. That is the basic democratic principle on which the country tries to operate.

Given the size of our country, given the disparity and the size of some of the provinces and given the history of our country as it has evolved, we have to deviate somewhat significantly from this rep-by-pop democratic principle. However, one ought to adhere to it as much as possible. That is what the bill seeks to do. It seeks to put a cap on the size of the House of Commons.

As the bill says, if my colleague's riding were to increase in size in terms of population, there would not be a redistribution to split his riding. He would be allocated additional staff resources under an agreed upon formula, to allow him to serve that larger number of constituents. This also would avoid the disruption and expense of the redistributions that we so often have in this country, roughly every 10 years.

At some point, if his riding or my riding shrunk below a sensible minimum that it no longer justified having a member of Parliament, which does happen in Canada, then there would have to be a combination with another riding. However, the point is that redistribution, increases and decreases and shifting of population, would still be accommodated but within the principle of a cap on the size of the House of Commons.

● (1120)

Mr. Scott Reid (Lanark—Carleton, CPC): Mr. Speaker, there is a genuine problem with representation in Canada and with the loss of representation by population in the House of Commons.

As the formula is currently structured, all the provinces with the exception of Ontario, Alberta and B.C. have their numbers frozen due to a variety of formulae, one that says no province shall have fewer members of Parliament than it has senators and another that says no province shall have fewer members of Parliament than it had in 1985. Since seven provinces fit within the category covered by those two provisions, the result is that seven provinces are no longer under the representation by population formula. That is a very severe problem, and it is one which one might have hoped this bill would address.

However, it does not do so, quite frankly. Instead, it worries about what I regard as an almost immaterial problem: the problem of the number of members of Parliament. I am not sure on what basis we think it would be a problem if we had, as the sponsor of the bill says, the population of the United States, in how we would deal with formula.

We are not going to have the population of the United States, now or at any time in the near future. Given the fact that the representation formula has been amended on average once every decade or two over the past century, I am not too worried that by the time we achieve the population the Americans currently have, if we ever do, we will not have had an opportunity to come up with a formula to address it. But this formula does not do it. It worries about capping the numbers in the House of Commons at 308.

Just to give an idea of how bad the current formula is, right now Quebec's population is only marginally larger than the combined populations of British Columbia and Alberta. Quebec has 75 seats, but the two westernmost provinces have a combined total of only 64. Manitoba and Saskatchewan have the same number of seats that Alberta does despite the fact that their combined populations are a million less than Alberta's.

The right way to address this problem would be to change the formula to allow the size of the House of Commons to grow to ensure that Alberta, British Columbia and Ontario citizens are not underrepresented. That would involve a larger number of members of Parliament, not the astronomical number the member is talking about but a somewhat modestly larger number. That is all it would require.

That would produce representation by population for our larger provinces and their residents who are currently underrepresented, a matter about which I feel deeply because, in the entire country, I happen to represent the constituency in which the largest number of votes were cast in the last election, 63,600, which means that, by way of example, a vote in my riding of Lanark—Carleton was worth one-sixth as much it was in the riding of Labrador where only 10,300 votes were cast.

I do not mean to suggest that we ought to cut the number of seats for Newfoundland or adjust the boundaries of the riding of Labrador or in Prince Edward Island or any other province where the population is protected by existing formulae. What I do mean to suggest is that we ought to say representation by population is more important than some abstruse principle like the sacred size of the House of Commons at 308, which has grown to twice the size it had when Canada came into existence and which is only currently half the size of the House of Commons in London on which we are based, which incidentally is in a smaller room than this one. So it is very easy to deal with kind of thing in a fair and principled manner.

The bill says that rule 2 of the current law on representation, section 51 of the Constitution, would be changed, specifically, the rule that currently states that for the total number of the members of the House of Commons the formula will be adjusted to ensure that a bottom is kept for smaller provinces. That is to ensure that no province drops below the number of seats it had in 1985. The bill states that this rule will be removed and will be replaced by this cap of 308.

I tried doing a little calculation based on the member's bill. What we would have to do is use rule 1 of section 51 of the current Constitution, which is an odd rule. It says:

> There shall be assigned to each of the provinces a number of members equal to the number obtained by dividing the total population of the provinces by two hundred and seventy-nine—

Why 279? Because that was the number of members in the House of Commons at one point and the rule was fixed at that. Rule 1 continues:

> —and by dividing the population of each province by the quotient so obtained, counting any remainder in excess of 0.50 as one after the said process of division.

● (1125)

We need a calculator to go through this. Let us do this and then throw in the rule proposed by the hon. member, which would cap the number at 308. I tried working through his formula. There are several different ways to do formulae under his proposal and, presumably if this were passed, they would wind up being the source of constitutional litigation. But I think we can start by dividing the population of Canada, minus the territories, by 279. That gives us a quotient of 107,219. Then we divide the population of each province by the resulting number. But we have to start a secondary calculation in which we subtract the populations of provinces where the population is below a number that would result in them losing the protection they get by the guarantee in the Constitution that they will not have fewer seats in the House than they have in the Senate.

This is not said in his rule but I assume this is what is meant, because his amendment to the Constitution does not remove the Senate floor. So we would have to remove Nova Scotia, New Brunswick, P.E.I. and Newfoundland and Labrador from that total, recalculate, and also, I assume, subtract the number of seats they hold, although his amendment does not say that either. This means that now we would divide 27,628,586 by 275 with a resulting number of 100,467. That is the size of the average riding in all these provinces.

This produces the following results based on the 2001 census. There are some differences between the representation we currently have in the House. Instead of 7 seats in Newfoundland and Labrador, there would be 6. Instead of 11 seats in Nova Scotia, there would be 10. Instead of 75 seats in Quebec, there would be 72. In Ontario, we would go up from the 106 we now have to 113. Alberta would go up by one and British Columbia also would go up slightly.

I also took the liberty of taking a look at Statistics Canada projections for the year 2021, or what it refers to as its medium growth projections, for populations of the various provinces in the census that will take place 15 or 16 years from now, in order to get a sense of what results we would get at that time in terms of representation.

I will not go through a list of all the provinces, but I would point to a few highlights: Newfoundland and Labrador remains at 6 instead of the 7 it is at currently; Nova Scotia remains at 10 instead of the 11 it is at currently; Quebec drops from 75 seats to 59 seats; and Saskatchewan drops from its current 14 seats to 8 seats. Members get the picture. There is a substantial redistribution.

In a way, the member's bill would achieve part of what I have said we ought to have in our representation here in the House, which is representation by population. He has done it by capping the number of ridings, allowing their size to greatly increase and raising the size of ridings not merely in places like Ontario and B.C., where they are going to grow anyway, but also in Quebec, Saskatchewan and elsewhere.

I suggest, based upon our history, that this has never been acceptable to Canadians. The reason we have a provision in our Constitution that says there will be a floor on the number of seats based upon the number of seats in the Senate is that around the time of the first world war Prince Edward Island was on the verge of losing the number of seats it had. There was a great deal of consternation on the Island, so that rule was set in place.

The reason that we have 75 seats in Quebec right now is because of a problem that occurred in the 1940s, when Ontario's number of seats was going to decline unless the number of seats for Quebec was raised to 75 from the 65 it had been allocated. The number of seats was raised to permit Ontario's representation not to drop. The reason that Quebec has 75 instead of some smaller number now is because of a later change made in the 1970s to ensure that it would not drop.

What I am driving at here is that there is a legitimate problem with representation by population being lost. It already is lost in the House of Commons, to some degree. That problem gets worse and worse in the future under the current formula, but the proposal the member is putting forward I believe addresses this in a way that history shows is unacceptable to Canadians and, therefore, I suggest, would be rejected by them. And I will go further: I think it should be rejected by them.

● (1130)

Mr. Pat O'Brien: Mr. Speaker, I listened to my colleague's comments. I am not sure that he heard all of my comments, because I wonder if he heard that I said—

The Acting Speaker (Mr. Bélair): I am sorry to interrupt. You are the only one who got questions or comments; the other members did not. I am sorry. Resuming debate, the hon. member for Repentigny.

[*Translation*]

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, I must admit very candidly and humbly that I was a little thrown for a moment.

Now that I am back on my two feet, both figuratively and literally, I want to say that the Bloc Quebecois will oppose, as the hon. member for London—Fanshawe probably expected, his Bill C-486, and I will explain why.

First, we had an opportunity to discuss this when we debated the new electoral boundaries. I agree with the hon. member for London—Fanshawe that the current system is very flawed. However, this does not mean that the proposed solution is the ideal one in this case.

If Bill C-486 was passed in its present form, it would weaken the regions of Quebec, which are less populated. I will get back to this later on in my speech.

We also think this bill would reduce the weight of Quebec as a whole within the Canadian federation, with more power going to Ontario and the western provinces. Obviously, Quebec is going to become a sovereign nation very soon, but nevertheless, we must consider the fact that as long as Quebec is part of the Canadian federation, we must pay close attention to the relative weight of Quebec. The Conservative member has mentioned the number of ridings that could be lost.

I also see that the NDP whip appears to agree with me on the fact that Quebec will soon become a country. I would be pleased to hear his comments on that subject.

Moreover, we believe that in this bill we would be giving away the vested rights of Quebec. The clause that we call the Quebec grandfather clause is removed by this bill, and that would also wipe out certain ridings in Quebec.

The Bloc is here to defend the interests and demographic weight of Quebec. Therefore we cannot support a bill that would diminish or modify this demographic weight or presence within the Canadian federation.

Concluding my list of principal points that we oppose—which I will explain in detail presently—we are not here to reform the federal institutions, either. We agree, at least, to live with the rules now imposed on us, but we do not want to be involved in reforming them.

The summary of this bill reads, and I quote:

> Rule 2 of subsection 51(1) of the Constitution Act, 1867, provides that no province shall have fewer members of the House of Commons than were set after the 1981 decennial census. This could continue to force an increase in the size of the House as redistribution would have to proportionately reflect relative population changes between the provinces by increasing the number of members assigned to growing provinces.
>
> Rule 2 was enacted by the Constitution Act, 1985 (Representation).
>
> This enactment replaces that rule with a provision that the membership may not exceed 308, the number resulting from the 2001 decennial census.

Consequently, in 1985, the population count could be used to determine the minimum number of ridings for each province and territory. Since then, the only possibility—and what is being done at present—is to increase the number. So there will be seven ridings more at the next election, if I am not mistaken.

The bill gives us a cap on the number of representatives reflecting current demographics. Thus, with population variations, the cap having been reached, the worse that could happen is fewer representatives in certain provinces.

● (1135)

That is the objective of the bill before us, and I will quote from the speech by the Liberal member for London—Fanshawe when he introduced his bill on February 19, 2004.

> —this private member's bill seeks to cap the size of the House of Commons at what it will become after the next election, which is 308 seats.
>
> We do not need to be much of a mathematician to do the mathematics and realize that given our population, if we had the population of the United States, we would have some 3,000 members of Parliament. That would be patently ridiculous of course.

The member is mixing the republican system and the British parliamentary system here, but we will not argue that point. He continued by saying:

> The bill proposes to accommodate any future increase in population which will surely come, as we hope, and accommodate it within the cap of 308. Obviously, by law there has to be future redistributions. They would take place on course, but there would be a changing of the distribution of seats within the cap as per the new demographics of our country.
>
> We are one of the most over-governed countries in the world at all three levels of government, quite frankly, and this bill, if passed, would help address the over-government we have experienced at the federal level.

That was the conclusion of the member for London—Fanshawe.

It is important to remember that the Prime Minister decides the date of elections, but he does not get up one morning and decide that Quebec will have 75 seats, Prince Edward Island, four and the Northwest Territories, one. There is a mathematical formula to determine how many MPs each province or territory has. I will not lay out the whole formula—I believe you know it by heart and I do not want to be redundant—but I will give you some of the highlights.

The attribution of seats to the territories must be taken into account. The Northwest Territories, the Yukon and Nunavut have one seat each. Then one must calculate the electoral quota. To do so, one takes 279—the number of seats attributed under the 1985 Act—and divides it by the total population of the 10 provinces. The electoral quota is used to determine the number of seats for each province.

Then the seats must be distributed among the provinces. One takes the theoretical number of seats for each province. It is arrived at by dividing the total population of each province by the electoral quota calculated at the second stage. Adjustments must be made. Once the theoretical number of seats for each province has been determined, it is adjusted using the senatorial clause as well as the grandfather clause.

Since 1915, the senatorial clause has guaranteed that no province has fewer seats in the House of Commons than it has in the Senate. What does that mean? I will give a very concrete and funny example. Under this clause, Prince Edward Island, which had four senators in 1915, has four MPs now. In 1993, when I was first elected the member for Terrebonne, the population in Terrebonne, a riding geographically smaller than Prince Edward Island, was larger than that of the province, which had four MPs and four senators. That would have been different if the electoral quota had been applied. So to do the same job as I do in the riding of Terrebonne, the province of Prince Edward Island has four MPs and four senators. That is a lot of representatives indeed.

Furthermore, accepting the bill as it stands would decrease the number of MPs in Quebec by six or seven with the removal of vested rights. As a representative from Quebec, I would have a hard time supporting a bill that could diminish Quebec's representative weight in the Confederation. I think the Liberals from Quebec feel the same way.

In conclusion, we have to consider regions such as the North Shore and Saguenay—Lac-Saint-Jean, which have already lost two seats.

I think I have explained why the Bloc Quebecois cannot support the bill as it currently stands.

● (1140)

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, I am pleased to speak today on Bill C-486, introduced by the hon. member for London—Fanshawe, and at the same time, to have an opportunity to say something about boundary redistribution.

I shall speak against this bill as well. First, because, as the hon. member himself said in his speech, it runs counter to the Constitution. This is a bill that requires a constitutional change.

At the time, when it was enshrined in the Constitution that there would be a minimum number of people in each province, the regions had to be considered as well.

Today, even as we speak, it is 12:45 p.m. in New Brunswick and the Federal Court is hearing a complaint by New Brunswick's francophone municipalities who are opposed to boundary redistributions. This case will be heard for two days in Fredericton.

It is ironic, but the bill before us today deals with almost exactly the same subject—the number of persons per riding. In fact, the Elections Act gives the power to each commission, when determining the number of persons in each riding, to look at community of interest.

For example, I can guarantee that the New Brunswick Commission, chaired by Mr. Justice Guy A. Richard, has completely forgotten this part. Just to indicate how deep this is; the electors in the region want to have a certain kind of representation and they talk about community of interest, but I can guarantee that it is not related simply to the number of persons. There is more than that to a riding. It is all very well to consider the numbers, but we must also consider the people, the human beings, who are being represented.

I disagree with my colleague from London—Fanshawe when he says that we need only hire more staff members to help us fulfil our responsibilities. People want to speak to their MP, not to staff members.

We must consider what percentage of extra people a member can represent. For example, for now, my riding has 86,000 people. I can say that this size can be well represented. I am sure that some members are able to represent 100,000 people as well.

Yet, if we say that the number of MPs must not exceed 308, but people are leaving the regions while Toronto is growing, a member from Toronto could end up representing some 200,000 people. Realistically, many people would not have a chance to speak to their MP. That could be a real problem.

Look at the community of interest and what they are currently talking about in New Brunswick. There was a riding where 85% of the people were francophone. The Commission decided to take part of this riding and combine it with the Miramichi riding, which was mostly anglophone.

The people from Acadie—Bathurst signed 7,000 postcards, which they sent to the Speaker of the House of Commons, to say that they opposed the Acadie—Bathurst riding boundary. Just so voters know, this was a first in Canada. The reason they did this is because the Speaker of the House of Commons is the one who appoints commissioners to the Electoral Boundaries Commission.

Meanwhile, 2,600 people signed a petition, which they sent to Justice Richard, Chairman of the Commission, to say that they did not want to have this boundary because of the community of interest. Current legislation would allow Elections Canada to deviate from the electoral quota by 25%.

● (1145)

In New Brunswick, for example, if we divide 720,000 inhabitants by 10 MPs that makes 72,000 people per MP. It was decided they would try to be as close to the target figure as possible. This affected the regions. The legislation gives us the possibility to deviate by 25% specifically for such reasons, but the chairman or the commission refused.

Moreover, there are indeed problems with the electoral boundaries. Some 14 briefs were submitted to the commission calling for the status quo. Only one brief was submitted in another region by a former Liberal president who said, “I am a former Liberal president and I would like you to go even further than that. Take the region that goes to highway 11, the Robertville region and so forth, and annex it to the Miramichi”.

Do you know what the chairman of the commission said? He said it was the best brief he had received. Indeed, the brief said exactly what he wanted to hear, but it was unfortunate for the people.

As well, the Commissioner of Official Languages has told the commission that it was on the wrong track because of the community of interests aspect. The reason I have so much to say on this is that, in my opinion, we could lose the latitude relating to that community of interests. There will be figures brought up, and there are already problems with that aspect, such as the one I mentioned in connection with Acadie—Bathurst at this time. That problem would, in my opinion, be amplified by passage of this bill.

The Standing Committee on Procedure and House Affairs presented Elections Canada and Parliament with a ton of recommendations on changes. The point of those changes was to ensure people of fair representation, not only by number, but also by region and community as far as who represents them and how they want to be represented.

The Standing Committee on Official Languages had made the same recommendation as the Commissioner of Official Languages. All members of the Standing Committee on Procedure and House Affairs also recommended unanimously, regardless of political affiliation, that there be no change to Acadie—Bathurst, because of the community of interests. Yet the head of the commission, and the commission itself, totally ignored this. What occurred is absolutely regrettable.

Today is a historic moment because, for the first time in Canada, I believe, the representatives of a riding are going before the court to set the record straight and obtain justice for ridings. I am looking forward to the court's ruling.

The whole community has mobilized: 7,000 postcards were sent to Parliament; 2,600 people signed a petition; 14 briefs were submitted to the commission; the Commissioner of Official Languages got involved, as well as the Standing Committee on Official Languages and the Standing Committee on Procedure et House Affairs. Everybody said the same thing, but the commission ignored it all. Changes have to be made to the way Elections Canada, or the commission, makes decisions.

This bill will only make matters worse. There will not be additional members to represent the regions in the House of Commons. Let us not forget that people leave the regions to find work in large urban centres such as Toronto and Calgary.

Our conservative colleague said clearly that Alberta is not getting its fair share. He also said that Ontario is not getting its fair share. It has 105 members while another province has 10. Soon we will hear that Ontario wants ten premiers because we have one in New Brunswick. Some say that our province is poorly represented. They also say that a smaller, less populated province still has to have its say in this country, just as Ontario does with its 9 to 11 million inhabitants. Both provinces have the same political weight. How can Prince Edward Island have the same power as the more populated provinces around the premiers' table? That is the way Canada is. We must respect each other and acquire the tools to work together as provinces and as a country. It is true that we are not satisfied with the current formula, but I do not believe that the one suggested in the bill will solve the problem.

● (1150)

[*English*]

Hon. Roger Gallaway (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I am pleased to rise and speak to this bill, which was introduced by my colleague from London—Fanshawe on February 19.

In the summary of the explanatory notes attached to the bill, as we have heard, the bill would freeze or cap the number of members of this chamber at 308, notwithstanding population increases or demographic shifts in the country.

I have listened to the speeches of the members opposite and I certainly agree with much if not all that has been said in terms of this proposal as contained in the bill.

I think we have to go back and look at the principles around why the system exists as it does and the way it works. First, we need to go to the British North America Act because that is where this all emanates from originally.

In the preamble of the British North America Act of 1867 it talks about the provinces of Nova Scotia, New Brunswick, Quebec and Ontario, and their desire to be federally united into one that is called Dominion with, and this is the important part, a Constitution similar in principle to that of the United Kingdom.

Therefore, we are talking about the Constitution of the country and Bill C-486 purports to deal with the Constitution. Indeed, it is a constitutional act.

We need to talk about the principles of our Constitution. In doing so, we need to go back pre-1867 because our Constitution is similar in principle to that of the U.K. If we look at representation under the understanding of the British model, it started in 1832 with the Act of Settlement of William IV. Until that time, the British House of Commons was a much different institution than what it is today and what this place would be if it were 1831.

Up until 1832, as many as six people determined who a member of Parliament would be in the British House of Commons. In fact, at Trinity College, Oxford, in the late 1820s, eight people decided who their member of Parliament would be. Eight people could in fact decide.

Lord Melbourne, as British Prime Minister in 1832, after much struggle and political infighting cast the die which is the principle of our system today and that is, if we are to have representative democracy, there must be a formula based on population.

We inherited that in our constitutional principles. Our Constitution, we tend to think, is a series of written documents. However, our Constitution is both written and unwritten. In fact, I refer members to section 52 of the Constitution Act of 1982 where the Constitution is defined by referring to the specific act, but it does not say this is all of it. There are many other principles which are deemed to be conventions and which are deemed to be practices.

We have inherited, through the British North America Act of 1867, a series of principles that are based on representative democracy. This bill attempts to take us back to 1831 and say, sorry, this is the way it is. This is the cap; this is the number.

I have heard some members ask in this place, "What about the U.S.? It has a cap". That is an interesting assertion, but let us understand that if we are going to borrow one facet of the American system, we must borrow or in fact include an American system in this place.

Eugene Forsey, who was a great authority on the constitution of this place, wrote in 1982: "If you want to borrow American principles, you must borrow them all. You cannot borrow some of them".

● (1155)

First, the idea that because this is an American idea it would work here, begs the question: Are we a republic or are we in fact a British style parliamentary system? That is number one.

Second, we must go back and look at other documents and other discussions which occurred. I have heard the example that it is unfair that Prince Edward Island, having 130,000 or 135,000 people, has four members of Parliament and four senators, and of course the Senate rule is found in the rules appended to section 51 of the 1867 act.

However, Prince Edward Island entered into Canada in 1873. In fact, Prince Edward Island entered by order in council, which was called admitting the then colony of Prince Edward Island to the union. Prior to that, the Manitoba Act of 1870 admitted that province into the union. In the same year, by order in council, the Northwest Territories and what was then called Rupert's Land were admitted as a territory.

However, let us go back to 1865 and the Quebec conference because my friend from the Bloc talked about the sensitivity of representation in Quebec. All of these matters were discussed. All of these matters were in many respects foreseen, that there could be a time and indeed there was in 1870 and 1873, and in fact in 1867, of population imbalances in terms of the number of people who would represent those areas in the House. If one looks at the 1865 Quebec conference and, indeed, in the minutes which exist in the Library of Parliament, this matter was raised and there was an agreement struck which brought in section 51 in the 1867 act.

If one were to look at the admission of British Columbia, one would find that there were great discussions and debates in that province around how we could be certain we were going to get enough people in this place to be representative of us. That is part not just of history but of the constitutional convention to which we agreed upon the creation of this country and upon the addition of these former colonies at that time.

The end result is that Bill C-486 would in fact end 175-odd years of our understanding of what representation in this place ought to be and our understanding of what was agreed upon at several points in the past. We cannot say that it is our understanding of democracy today that it will be this way or that way. It does not work that way because this is part of the Constitution.

Members may not like the fact that Prince Edward Island has four members of Parliament with a simple population of 130,000 people. They may not like the fact that other areas of the country, perhaps the Province of Quebec, have what would appear to be an inordinate number of members of Parliament relative to its population, but this was a deal. It is more than a deal. It is the Constitution of the country and it ought not to be trifled with in this manner.

Mr. James Rajotte: It is not fair for the west.

Hon. Roger Gallaway: I am hearing from across the way that it is not fair to the west. I am not certain what is being said by the member opposite, but I understand his party opposes it.

The end result is that we have in this place, in our Constitution, a formula that was agreed upon. I do not think that it is simply a question of mathematical computation because there are many rules appended as part of section 51.

● (1200)

This bill would essentially do away with those rules. The end result is that when there is population growth, members are added to this place. I have also heard that there is the fear of this place growing too large.

Let us look at Great Britain where this principle has been in force and effect since at least 1832. Great Britain has a population, in nice round numbers, of roughly double that of Canada. After the next election there will be 308 members in this place. In Great Britain there are more than 650 members in its House of Commons.

I have a final comment that goes to the heart of the matter. Because this is a constitutional matter and because this is a matter that was agreed upon in 1867, 1870 and 1872 when various other former colonies were admitted into this place as part of Canada, we ought not trifle with or interfere with the principles that were laid down as part of our Constitution. I certainly intend to vote against this bill.

The Acting Speaker (Mr. Bélair): The time provided for the consideration of private members' business has now expired and the order is dropped to the bottom of the order of precedence on the Order Paper.

GOVERNMENT ORDERS

[*English*]

CANADA NATIONAL PARKS ACT

The House resumed from April 30 consideration of the motion that Bill C-28, an act to amend the Canada National Parks Act, be read the third time and passed.

Mr. Bob Mills (Red Deer, CPC): Mr. Speaker, it is a privilege to speak to Bill C-28. As the environment critic for my party, I have several concerns with the bill.

The first thing is to understand what national parks are really for and what they are all about. As far as I and I think most Canadians understand, national parks are there to preserve the natural environment, which can then be enjoyed by future generations, our children, our grandchildren and so on.

I have great difficulty when I read that we may be taking part of a national park and using it for some other purpose. It goes against the very grain of why national parks were set up. It is strange that a government would be promoting taking parks out of existence when it talks in public so much about creating new parks. As far as the discussion at places like the United Nations, we brag about the fact that we are going to increase our parks system. The former prime minister created new parks which was one of his legacies.

Most of the world thinks of Canada as a natural place, as a place that preserves its water, air and natural environment. Therefore, as the parks critic I find it difficult to stand and speak about taking a park out of existence for any purpose.

It is not the tribe's fault that this 84 hectares will become part of the native reserve. It is something that started in 1971 that has been a misunderstanding for a number of years. In talking to their chief, his great concern is for the people he represents, their lack of housing and the crowding on that Indian reserve. However we are talking about a national park, the Pacific Rim National Park, which many tourists visit and which I am sure will become a much more valuable part of our environment in the future. We also see that Parks Canada calls it one of the most beautiful spots on the planet. Obviously, if it is one of the most beautiful spots on the planet, it is rather difficult to understand why we would be taking it away from a national park.

We then have this philosophical argument about what parks are and how we should be preserving them. We can also talk about the slippery slope that we are creating by taking this park out of existence. I do not think, if I were to speak to people in Halifax or in most parts of Canada, that they would understand or support that sort of a concept.

The real fault for this whole issue rests with the government. I will go through a bit of the chronology. Obviously the negotiations have stalled and have not gone ahead, and promises were made and broken.

The first time we were contacted as the official opposition was one day before the bill was introduced into the House. First reading was on March 26. Our first briefing on this whole concept was on March 25. As everyone can see, we had one day's notice. It was introduced into the House with no time to read what it was about or to get any background. The formal technical briefing for the bill was held on Tuesday, April 20, one day after the government sought unanimous consent for second reading on April 19. It received second reading in the House the day before the briefing occurred. This is a blatant abuse of what this Parliament should be about and it is an abuse of doing due diligence on a bill of this nature.

● (1205)

Carrying on with this abuse, the bill was sent to committee. The committee defeated a motion to call any witnesses, to hear any expert opinions or to hear what the people of the area thought about this. The motion was defeated in committee on April 26. Report stage of the bill was held on April 30, four days later. Here we are today after report stage on Friday and we are being asked to debate third reading, which the government will ram through.

What is the problem with that? It is not a matter of opposing the bill or the people or anything like that. It is the process that the government is using to ram this sort of bill through.

Future generations will want to know if Parliament did due diligence. They will want to know if Parliament checked with the people of the region. They will want to know if Parliament talked to Canadians about this issue. The answers to the questions, of course, will be no.

I have gone through the chronology for the House. We can see how blatant the whole process has been as far as the government is concerned. We have had no public hearings and no complete environmental impact study but here we are today being asked to approve this, vote on it and it is a done deal.

All of us in the House should take serious consideration of what we are about to do. We argue about the importance of having public hearings. What else are we here for other than to listen to the public and then carry out their will? I do not feel that this has been done on this bill. This bill is a promise in the dying days of this Parliament and it will be delivered. I know the government supports the bill and, in its normal dictatorial fashion, will ram it through and there it will be.

As the senior environment critic for the official opposition I want to have a clear conscience. I want to know what the rush is. We should make sure we do due diligence, that we ask the right questions and bring in the right witnesses. We should find out what local people think. Only after we have done all that should we support and move ahead with this bill.

I find it difficult sometimes to stand here and say that I want public hearings. As most members know, a number of us have attended government hearings and they are anything but always public. I will go back to my most famous example, the 14 Kyoto public hearings which had an invited guest list. No opposition members nor the media were allowed to attend. The only speakers were those on one side.

When I talk about public hearings I mean that we get out where the people are. We should go to Tofino and to places where this affects people and then let us look at the broader issues that affect parks.

What is there now to stop any group from simply saying, “All right, this national park is in the way of our development and so I think we should just take out a few hundred acres of this park and turn it into something else. Let us turn it into a nice summer village“. The government could decide down to road that if it we were to sell Banff or Jasper it could make a good profit.

This bill would set a precedent of being able to remove a national park from the status of being a national park. We would limit access to it and it would no longer become part of the public legacy that national parks are set out to be.

It is not so much that we oppose the dire situation that this band is in. It is just that the whole process has been one of lack of due diligence and lack of concern. I cannot say that enough times.

● (1210)

There are questions there. What does it mean that this understanding does not create legal, binding obligations on the parties? That is what it says in the bill. It sounds like we are going to do this but it is not legally binding. Would that not end up going to the courts and becoming another one of those huge expensive boondoggles in which the government gets involved?

It goes on to say:

> Nothing in this Understanding is intended to, nor is interpreted so as to create, recognize, affirm, limit, abrogate, derogate or deny aboriginal rights, including title or treaty rights.

I have had that interpreted for me because that is lawyer's talk. It means that no land claims would be affected by this and that other land claims of the same nature could simply be brought forward. Bill C-28 does not stop nor does it in any way change that.

This could in the future become a precedent to be used by others in taking national parks out of existence and using them for something else. No matter what that other use will be or how good it will be, I do not believe we can justify the removal of national parks from their prescribed use for future generations.

As the environment critic I have great difficulty understanding the issues and the dire crisis of the people to support something that would do something like this.

● (1215)

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I am happy to speak to the amendment to the Canada National Parks Act to remove lands from the Pacific Rim National Park Reserve and Riding Mountain National Park for the purposes of Indian reserves.

I want to give an overview for people so they know what we are debating today. Then I want to concentrate my speech on one topic: the ecological integrity of the Pacific Rim National Park.

Basically, the context for this is the removal of lands. These are very small portions of lands in comparison to the size of these parks. In Pacific Rim National Park, 86.37 hectares would be removed to expand the Esowista Indian Reserve. It responds to an acute housing shortage on the reserve adjacent. A removal of lands of 4.57 hectares from Riding Mountain National Park of Canada would rectify an error in implementing the 1994 specific land claim settlement agreement.

Mr. Monte Solberg: That is a really bad idea, Larry, I have to tell you.

Hon. Larry Bagnell: I look forward to hearing the discussion on it by the member for Medicine Hat.

These land removals can only be done by amending the National Parks Act, which is what we are discussing today.

There has been broad public support, including support from affected first nations, provincial first nation groups, provincial, regional and district governments, including environmental NGOs.

The environmental assessment suggests impacts can be mitigated and the removal of lands will not unduly compromise the ecological integrity of Pacific Rim. There will be no impact on Riding Mountain.

No additional funding is required by Parks Canada or DIAND, and a $2.5 million mitigation fund will be provided to Parks Canada by DIAND.

The outcome of these minor amendments will be that the removal of lands from Pacific Rim will resolve the critical housing problems in Esowista and improve the quality of life of its residents. The removal of lands from Riding Mountain Park will fulfil Canada's obligation to re-establish an Indian reserve. Of course, it will strengthen our relationships with those aboriginal communities.

As I said at the beginning, there will be a minimum impact on the ecological integrity of Pacific Rim Park. That is the one aspect I want to talk about today.

The excising of land from Pacific Rim National Park Reserve to provide for the expansion of the Esowista Indian Reserve has raised a question of whether this has implications for the ecological integrity of Pacific Rim. I am pleased to address this question directly.

Pacific Rim National Park Reserve is located on the beautiful western coast of Vancouver Island. It is a narrow strip of lush rain forest buffeted by Pacific winds and waves. It is a landscape intertwined with first nations' history and culture. This reality is embedded in the art of the west coast first nations. The representation of ecological elements of the forests as well as the adjoining waters is a characteristic of this art. One has only to recall the marvellous works at the hands of the late Bill Reid.

This is the culture that will dominate the management of the future Indian reserve lands currently within the park. It is a culture that matches with the primary purpose of all national parks, the maintenance or restoration of ecological integrity of national parks.

As was intended, the report was very frank in pointing out the challenges that face our national parks. It confirms that most of Canada's national parks have been progressively losing precisely those important natural components which they are dedicated to protect. Accordingly, the panel has called for a fundamental reaffirmation of the legislative framework that protects the parks, together with policies to conserve these places and the appropriation of funds necessary to support these efforts.

Parks Canada committed itself to implementing the report and the recommendations fully insofar as it was legislatively and fiscally possible. It is now being done with full dialogue with all affected parties and is helped tremendously by the funding announced in the budget of 2003.

Parks Canada's first priority is to maintain or restore the ecological integrity of our national parks. This was prescribed by the governing legislation, the Canada National Parks Act, proclaimed in February 2001. Clause 8 states:

● (1220)

> —the maintenance or restoration of ecological integrity through the protection of natural resources and processes, shall be the first priority when considering all aspects of the management of parks.

Why is ecological integrity so important? It is important because the loss of natural features and processes deprives Canadians of the opportunity to use and enjoy these places for the purposes for which they were intended. Loss of ecological integrity contradicts the very purposes for which our parks were set aside and constitutes an irreversible loss of heritage to both current and future generations.

[*Translation*]

Thus, by making ecological integrity our priority, we are also making people our priority by protecting our precious heritage places, now and forever.

[*English*]

Achieving the maintenance or restoration of ecological integrity also means putting science first. Parks Canada is committed to become a science-based organization. This includes traditional ecological knowledge.

Our parks and our national historic sites are very important symbols of Canada. Canadians, through personal visits and other learning mechanisms, can use these places to enhance their pride and knowledge of Canada and Canadians.

Parks Canada is committed to an expanded outreach program to convey accurate, interesting and up to date information to Canadians. I am sure many people have seen the tremendous visitor sites at Canada's national parks and the various interpretative programs for those visiting the parks. The provision of information by the Internet is a priority for Parks Canada. This approach is paying off, as millions are visiting the Parks Canada website on a monthly basis from not only Canada but also from countries such as Australia, Japan, Italy and Germany.

This type of proactive outreach continues to intensify and is aimed at our urban areas. The objective is, in effect, to bring our national parks and their values to people who may not otherwise have the opportunity to visit them or may visit them only infrequently.

Our marketing programs emphasize the primary conservation purposes of our national parks. Accordingly, visitors are encouraged to understand and respect these purposes and to plan their activities and visits to align with them.

Parks Canada is committed to improving ecological integrity in a number of ways: first, through communication, specifically, enhanced interpretation and educational activities; second, in reducing facility impacts; and third, by implementing up to date environmental management practices and technologies.

● (1225)

[*Translation*]

Within our tourism and marketing planning, it is important that we are fully aware of the huge economic value and significant social contribution of our parks, both on the local and the national levels.

[*English*]

I would stress that one cannot sustain economic benefits without enhancing both the natural environment of the parks and the visitors' enjoyment of them. It is only common sense that we must maintain or restore the ecological integrity of our parks. People will simply refuse to visit parks that are unacceptably degraded.

I would equally stress that any changes must and will be implemented in full consultation with partners, including provinces and territories, national and regional tourism, non-governmental bodies and of course first nations.

A priority area of the panel's report concerns the impact developments that have their origin in places external to park boundaries. To deal with such factors, the panel has called for renewed and extended partnerships. The proposed transfer of lands is one such partnership.

In this respect the panel was coming from a place of which we are all familiar, the notion that what I do in my own backyard can have significant effects in my neighbour's backyard. It is difficult to overestimate the importance of these issues. As we know, our national parks have many concerns which are shared in common by partners such as territories, provinces, aboriginal peoples, private landowners and various other interests.

In particular, I have never known nature to recognize or respect a human boundary. One day a grizzly bear may be in a national park and the next day in another jurisdiction. Rivers likewise flow through various jurisdictions. Acid rain from many kilometres away becomes a park problem when it impacts national park resources, and the list goes on.

Fundamentally, renewed and extended cooperation among neighbours who share common concerns is the only option toward maintaining ecological integrity. It is in this spirit that first nations and Parks Canada intend to work together to ensure that the ecological integrity of Pacific Rim is indeed a priority.

The bottom line is that we must improve the ways we work together if we are to safeguard the future of national parks. The nature of programs we devise will be so established in cooperation and consultation with interested partners. It is very important to keep good relations with those people on all sides of the park. They indeed are very important in helping to build the success of the park and to maintain its ecological integrity because of the effects they have on the park even though they are outside the borders.

Throughout this process the prerogatives of constitutionally defined jurisdictions, as well as the rights of private property owners, will be respected.

I will sketch a very broad overview of where Parks Canada is coming from and where it hopes to go. I am well aware of these types of considerations. In my own riding of Yukon we have some beautiful national parks, the last bastions of certain ecological protection of species. Therefore, it is very important that our partnerships with the adjacent people are good so we can protect that ecological integrity and some species that may not otherwise exist, right from the Arctic coast to Kluane National Park in the south.

In summary, first, the panel report on ecological integrity was an important milestone for the future of national parks in Canada. Parks Canada is taking it seriously and is moving forward implementing the directions it recommended. Its implementation in a purposeful yet sensitive way is bringing benefits to us all. Its neglect would have meant untold costs to all Canadians forever.

The provinces, territories and aboriginal peoples are and will be significant partners in achieving the protection of our national parks. Of course, because of the various interests and demands on those interests, this has to be done diplomatically and cooperatively with all stakeholders.

Viewed narrowly in terms of jurisdiction alone, Canada's national parks and other federally protected places, fall under the stewardship of the federal government, but they really belong to all of us. They are a legacy of each and every Canadian.

Let us enable future historians to say that on our watch we protected this precious legacy and even left it in better condition than we found it.

● (1230)

Let me assure members of the House that Bill C-28 would strengthen the relationship between Parks Canada and the first nations. In doing so, it would lead to the development of a model housing community living in harmony within the Pacific Rim National Park reserve.

I therefore urge all members to support passage of this bill. It would not only protect the ecological integrity of the parks involved but perform very important functions for adjoining first nations that need this very small amount of land so that they can be successful.

Mr. Bob Mills (Red Deer, CPC): Mr. Speaker, I would like to ask the member, how does he explain to people when they say that we took a national park and subdivided part of it out and in fact decreased that national park?

Now, we have another national park somewhere else in Canada and we have a good reason to take out that national park, and would a nice big hotel complex not be just great there, or the city really needs it because it has to grow, or whatever? How does this member answer those questions from the Canadian public?

I also want to know, why does the member think that the bill has been rammed through in a two week period, defeating all opportunity to have public hearings and ensuring we have done due diligence? How does he justify that to the Canadian public?

Hon. Larry Bagnell: Mr. Speaker, I am delighted to see the opposition is finally coming around to support parks in such a strong way. I wish that support had been there so strongly with the major additions we were making to national parks across the country and to new marine parks.

The Government of Canada, under our party, has made some major additions to national parks and just put in this new policy of ecological integrity. I am delighted that the member supports that.

In regard to the rest of his question, in his speech he spoke about the lack of negotiations and consultation. There was definitely significant negotiation between stakeholders, first nations, the mayors, NGOs and the provinces. It is not true that there was a lack of consultation. He talked about ramming it through in a two week period. However, he said that the bill was presented and briefed on in March. That was a lot longer than two weeks ago. We are in May.

He asked about the Canadian public. I have just discussed all the ways that the Canadian public was consulted. I certainly hope he is not removing the first nations, who are so affected and with whom this partnership is being made, from the Canadian public.

Ms. Sophia Leung (Vancouver Kingsway, Lib.): Mr. Speaker, it gives me great pleasure to rise today to speak to third reading of Bill C-28, an act to amend the Canada National Parks Act. This legislation would remove lands from the Pacific Rim National Park reserve and the Riding Mountain National Park for Indian reserve purposes.

Other hon. members have spoken to the specifics of this bill and about Parks Canada's national parks program and its celebration of our natural heritage. I would like to take a moment to speak about Parks Canada's cultural heritage program, the National Historic Site Program.

Based on its "National Historic Sites of Canada System Plan 2000", Parks Canada will continue to mark the historic achievements of Canadians, in particular aboriginal peoples, women and ethnocultural communities. Parks Canada's goal is to bring about 135 new designations of national historic significance within a five year window, including 55 destinations specifically commemorating the history of aboriginal people, ethnocultural communities and women.

It should be understood that while the Minister of the Environment and Parks Canada are responsible for officially honouring the designated places or people, the actual choice of designations is made by the minister on the advice of the independent Historic Sites and Monuments Board of Canada. Any Canadian individual, group or government can make a formal submission to the board. This is a very thoughtful process we have created.

That said, it takes time, effort and extensive know-how to learn about the process and to complete the requisite submission. The process is rigorous because Canadians expect any national historic recognition to have deep meaning and importance. Parks Canada has launched major efforts in the past few years to ensure that more Canadians know how to initiate and complete a submission.

A good example is a major outreach program to ethnocultural communities launched last year. The program consisted of both information meetings and user-friendly education material. Parks Canada is going to communities and asking for their participation rather than waiting for communities to come to it.

The agency's recent efforts have ensured that sufficient nominations have been submitted to the Historic Sites and Monuments Board to meet its overall goal of an annual average of 27 new designations. Parks Canada is confident that it will achieve its targeted goal of 11 new designations a year specifically related to the achievement of ethnocultural communities, women and aboriginal peoples.

To achieve the three strategic designation priorities—women, aboriginal and ethnocultural communities—identified in the system plan, Parks Canada will maintain its focus on partnership efforts with aboriginal people, build awareness of the commemoration program, expand its work with ethnocultural communities, and strengthen its planning related to the history of women. The target for designations will be reviewed annually with the aim to ensure that historic achievements of Canadians of both genders and from all backgrounds are appropriately honoured by the nation.

As it moves forward with its system plan, Parks Canada can take pride in the achievements to date in celebrating aboriginal people's history through commemoration of significant people, places and events.

● (1235)

Let us look at a number of these sites in more detail. Kay-Nah-Chi-Wah-Nung National Historic Site, also known as Manitou Mounds, is near Fort Frances, Ontario. Parks Canada's partnership with the Rainy River first nation will ensure that this site, an important aboriginal religious and ceremonial ground for 2,000 years, is conserved and presented to all Canadians.

Chiefswood National Historic Site on the Six Nations Grand River reserve in southwestern Ontario is the birthplace of famed poet-performer Pauline Johnson. Chiefswood is being developed as a museum by the Six Nations Council in partnership with Parks Canada. Pauline Johnson has also been designated a person of national historic significance.

Kejimkujik National Park in Nova Scotia is now also commemorated as a national historic site, recognizing first nations use and occupation of the land. The earliest inhabitants of this park were Maritime Archaic Indians about 4,500 years ago. They were followed by the nomadic Woodland Indians who set up seasonal campsites along Kejimkujik's rivers and lake shores.

The Mi'kmaq, descendants of these people, have called this area home for the last 2,000 years. It is they who have produced the park's famous petroglyphs that represent the lifestyle, art and observations of the Mi'kmaq people in the 18th and 19th centuries. The park is administered by Parks Canada for all Canadians, but a Mi'kmaq network has been established to provide Parks Canada with advice on Kejimkujik from band members, elders, and political and spiritual organizations.

Head-Smashed-In Buffalo Jump was designated a national historic site in 1968. It is one of the world's oldest, largest and best preserved buffalo jumps known to exist. In 1981 it was designated as a UNESCO World Heritage Site. Head-Smashed-In Buffalo Jump has been used continuously by aboriginal peoples of the plains for more than 5,500 years and is known around the world as a remarkable testimony to pre-contact life. As a world heritage site, the jump is among such other world attractions as the Egyptian pyramids, Stonehenge and the Galapagos Islands.

Parks Canada is only one of the circle of friends that has provided support for a first nations-owned national historic site in Saskatchewan. Wanuskewin Heritage Park was created to be both a heritage park and a first nations centre. Wanuskewin became a reality in June 1992 and hundreds of thousands of people have visited this model of cross cultural partnership since opening day. Over 14,000 school children participate in cultural and educational programs at Wanuskewin each year.

Batoche was declared a national historic site in 1923. Its commemoration initially focused on the armed conflict between the Canadian government and the Métis provisional government in 1885. Today, Batoche also commemorates the history of the Métis community and is the home of Métis culture and heritage.

● (1240)

Surviving portions of the Carlton Trail and river-lot system and the roles of first nations in the Northwest Rebellion resistance are also commemorated. Administered by Parks Canada, the site benefits from a formally established shared management board with the Métis Nation of Saskatchewan.

Among persons of national historic significance, we might mention Mokwina, not a single man but several who held the name as a hereditary title given to the chiefs of the Mowachaht First Nation confederacy in British Columbia.

Nagwichoonjik national historic site is in the Northwest Territories. It covers that part of the Mackenzie River between Thunder River and Point Separation. It is of national historic significance due to its prominent position within the Gwichya Gwich'in cultural landscape. The Mackenzie River flows through Gwichya Gwich'in traditional homeland and is culturally, socially and spiritually significant to the people. Gwichya Gwich'in express the importance of the river through their oral histories, which trace important events from the beginning of the land to the present.

Gwichya Gwich'in history is told through names given along the river, the history and stories associated with these areas, and the experience drawn from these stories. The river acted as a transportation route, allowing Gwichya Gwich'in to gather in large numbers to dance, feast and play games during the summer. Archaeological evidence supports Gwichya Gwich'in oral histories concerning the importance of the Mackenzie River. Sites along the river show extensive pre-contact fisheries and stone quarries, which have ensured Gwichya Gwich'in survival through the centuries.

Canada's national historic sites are part of a larger family of special heritage places which include national parks and national marine conservation areas. They stretch from coast to coast to coast, from the Arctic to the Great Lakes and from the Pacific to the Atlantic. Together, the national parks, national historic sites and national marine conservation areas tell the story of Canada, with each one contributing its own unique story and sense of place and time. These special places have been set aside for the benefit of all Canadians.

Protecting our heritage is a national enterprise and can only be achieved through collaborative relationships. Just as aboriginal people help Parks Canada advance its mandate, Parks Canada endeavours to assist aboriginal communities. Bill C-28 is a good example of just such an initiative and I ask all members of the House to give speedy passage to Bill C-28.

● (1245)

Hon. John Harvard (Parliamentary Secretary to the Minister of International Trade, Lib.): Mr. Speaker, I am pleased to address the House on the occasion of the third reading of Bill C-28.

Canada has the distinction of having established the first national park system in the world. Over the decades, this system has grown to 41 national parks and reserves, preserving for future generations almost 265,000 square kilometres of lands and waters, and there are plans to add an additional 100,000 square kilometres through the creation of eight more national parks. This legacy is possible because aboriginal people have worked with us to create many of these new national parks.

The creation and management of national parks is a delicate balance between preserving ecologically significant areas of importance to wildlife and meeting economic and social needs of communities, including those of aboriginal people. Parks Canada has increasingly worked in partnership with aboriginal people and communities to achieve these mutually supportive goals.

Bill C-28 is an important part of that effort, a bill which strives to provide for the aboriginal people of Esowista while working to maintain the ecological integrity of a national park whose focus is the preservation of the northern temperate rainforest, one of the earth's truly magnificent ecosystems.

The Government of Canada is committed to working with aboriginal people and other Canadians and stakeholders to protect other examples of our precious natural heritage through the creation of new national parks and national marine conservation areas.

In October 2002, the government announced an action plan to substantially complete Canada's system of national parks by creating 10 new parks over the next five years. This will expand the system by almost 50%, with the total area spanning nearly the size of Newfoundland and Labrador.

Five new national marine conservation areas will also be created.

Canada is blessed with exceptional natural treasures. We owe it to Canadians and to the world to protect these lands and waters.

This action plan calls on Parks Canada to work with all of our partners, the provinces and territories, aboriginal and rural communities, industry, and environmental groups and others, to complete this effort.

In March 2003, a little more than a year ago, the government allocated $144 million over five years and $29 million annually thereafter toward this effort.

This action plan has already produced two new national parks. The new Gulf Islands National Park Reserve of Canada protects 33 square kilometres of ecologically rare land in the southern Gulf Islands of British Columbia.

At over 20,000 square kilometres, Ukkusiksalik National Park of Canada protects virtually an entire watershed close to the Arctic circle in Nunavut. This park is the product of an agreement between the Government of Canada and the Inuit of Nunavut, forged over several decades of hard work, all focused on protecting land, water, caribou and polar bear for present and future generations.

Specific sites for more national parks have been selected in other natural regions across Canada: the southern Okanagan; lower Similkameen in interior British Columbia; Labrador's Torngat Mountains and Mealy Mountains; Manitoba's lowland boreal forests; Bathurst Island in Nunavut; and the east arm of Great Slave Lake in the Northwest Territories. Sites for the two remaining national parks are being identified by Parks Canada.

● (1250)

The government is also working with partners to establish five new national marine conservation areas, adding an estimated 15,000 square kilometres to the system. This will be a major step forward for global conservation of marine habitat. Canada has the world's longest coastline and 7% of its fresh water.

These national marine conservation areas will be located in ecologically unrepresented marine regions. Four sites have been identified, including Gwaii Haanas off British Columbia's Queen Charlotte Islands, western Lake Superior, British Columbia's southern Strait of Georgia and the waters off Îles de la Madeleine. A site for the remaining national marine conservation area has yet to be finalized.

In addition, the government will accelerate its actions over the next five years to improve the ecological integrity of Canada's 41 existing national parks. This will implement the action plan arising from the panel on the ecological integrity of Canada's national parks, whose report was endorsed by the government in April 2000, four years ago. Parks Canada, in order to achieve its mandate to protect ecological integrity, will have to work closely with aboriginal people and communities to ensure that we work toward common conservation goals.

Nowhere will this be more important than in the area of Pacific Rim National Park Reserve and the Esowista Indian reserve. Bill C-28 reflects our common goals of protecting the park while meeting the economic and social needs of the reserve's aboriginal people.

Bill C-28 reconciles the aspirations of Canadians for this national park and the aspirations of aboriginal people for their reserve. In the broader context, the government's action plan is the most ambitious action plan to expand and protect national parks and national marine conservation areas in over 100 years, since Banff National Park, Canada's first, was established way back in 1885.

It is a plan that requires the support of aboriginal people to achieve and I look forward to that day.

I urge the members of the House of Commons to give speedy passage to Bill C-28.

● (1255)

[*Translation*]

Mr. Christian Jobin (Lévis-et-Chutes-de-la-Chaudière, Lib.): Mr. Speaker, I am extremely pleased to share some thoughts with you on Bill C-28, the purpose of which is essentially, as other colleagues have pointed out, to transfer lands from two national parks to two adjacent Indian reserves.

Most Canadians are aware that Parks Canada is the agency to which the federal government has entrusted the mandate of protecting and showcasing examples representative of our unique natural and cultural heritage.

To that end, Parks Canada has created three major components. Two of these, National Parks of Canada and National Marine Conservation Areas of Canada, deal with representative examples of our natural heritage, land and marine respectively. The other, National Historic Sites and Historic Canals, is responsible for Canada's program of historical commemoration, which recognizes nationally significant places, persons and events.

That is not all. Parks Canada also directs or coordinates other programs aimed at preserving other aspects of Canada's heritage, including federal heritage buildings, heritage railway stations, heritage rivers, the gravesites of Canadian Prime Ministers, and archeology.

Activities associated with the management and operation of Parks Canada focus on maintaining the ecological integrity of our national parks, the commemorative integrity of our national historic sitesand the viable use of our national marine conservation areas.

This is consistent with the federal government's commitment to put the principles of sustainable development into action.

In its most recent action plan tabled in this House, Parks Canada also stated the major directions it would take over the next five years.

One of the fundamental elements is the commitment to get Canadians more involved in all facets of Parks Canada. This is a matter of shifting from a culture of consultation to a culture of involvement.

We also need to recognize the important economic contribution made by heritage areas. Almost one-quarter of Canadians visited a national park last year and 2.5 million visited a national historic site, contributing more than $1.2 billion to Canada’s gross domestic product.

Heritage places are often the main economic driver in many rural and isolated communities in particular. Every dollar the Government of Canada invests in Parks Canada generates economic spinoffs of $3.50. This certainly has a significant multiplier effect.

This is why Parks Canada, with the support of the Canadian tourism industry, is now putting the emphasis on the notion of sustainable tourism. This is perfectly compatible with the desire to provide visitors with the best possible experiences and with the agency's public education mandate. However, to achieve this goal, the agency must first be able to welcome these visitors.

The reality is that the heritage assets for which Parks Canada is responsible are deteriorating. The Auditor General pointed this out in her previous report. Close to two thirds of our national historic sites are in a state that ranges from poor to marginal. In light of these figures, the Auditor General reminded us that once a heritage asset is lost, it is lost forever.

The places that have marked Canada's history can take various forms. It can be a building, a battlefield, a shipwreck, a park, a sacred aboriginal site, a bridge, a house, a burial site, a railway station, a whole urban neighbourhood, ruins, a school, a channel, a court of justice, a theatre or even a market.

During the last generation, one fifth of these historic sites have disappeared. This is why the Government of Canada has launched a broad consultation process on how to best preserve and commemorate our country's historic sites. These consultations led to an exhaustive strategy for historic sites.

I should point out that the historic places initiative is mentioned as an excellent example of federal-provincial-territorial cooperation.

Parks Canada's business plan also reflects the agency's desire to put more emphasis on aboriginal people. Some of the places where the history of aboriginal people was written take us back up to 10,000 years.

● (1300)

Moreover, we must recognize that Parks Canada would be unable to establish and to manage the majority of new national parks and new national historic sites without their enthusiastic and committed help.

Parks Canada seeks to respond to this enthusiasm by working closely with aboriginals at the local, regional and national levels.

The CEO of the agency says that he is convinced that the wise counsel of elders and chiefs will make it possible to continue on the road of restoration and learning. The bill accomplishes just that.

By taking lands from national parks without affecting their ecological integrity to solve serious housing problems and to correct an ongoing irritant, the Government of Canada shows that it is firmly committed to improving the lot of aboriginals and that it wants to preserve the ecological health of the treasures that are our national parks.

I therefore invite my colleagues to join with me in passing Bill C-28.

[*English*]

Ms. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, the passing of Bill C-28 would rectify an error made to the detriment of the Keeseekoowenin First Nation and solve the acute housing shortage on the Esowista reserve of the Tla-o-qui-aht First Nation.

If its passing allows us to make progress on the quality of life and land claims of these first nations, it is largely thanks to Parks Canada's work, which has transformed the Canadian government's commitment to enhance its relationship with aboriginal peoples into reality.

In 2000, land from Riding Mountain National Park was removed and given to the Keeseekoowenin First Nation. At that time, the government was re-establishing that reserve. Subsequently, the government determined that a survey error had been made when five hectares were not returned with the original parcel. The government, through Bill C-28, is correcting that oversight now.

The Riding Mountain field unit consists of Riding Mountain National Park of Canada and the Riding Mountain East Gate Registration Complex national historic site of Canada. Established in 1929, Riding Mountain National Park protects approximately 3,000 square kilometres of ecosystems representative of the southern boreal plains and plateaux natural region of Canada.

Build in 1933-34, the Riding Mountain East Gate Registration Complex national historic site was designated in 1992 and is a significant example of the rustic design traditions and early auto tourism of the 1930s. The national park is a part of the Riding Mountain Biosphere Reserve, designated under UNESCO's "Man in the Biosphere" program in 1985.

In 2002, approximately 350,000 visitors took advantage of the programs and services delivered in the national park and national historic site in this field unit.

There are six first nations reserves within 100 kilometres of the park, falling geographically within three different treaty areas. Three of these reserves are located south of the national park boundary, with one, reserve 61A, falling within the national park on the northwest shore of Clear Lake. A ministerial agreement exists with Keeseekoowenin Ojibway First Nation for the Senior Officials Forum, whose objectives are to develop more positive, productive and mutually beneficial working relations.

The community of Wasagaming is located in Riding Mountain National Park and provides recreational, educational and cultural activity for visitors to the park. The community contains 525 cabins, 254 cottage lots and 37 commercial leases.

The Riding Mountain field unit employs 60 people year round and 170 people in the summer. It is estimated that the socio-economic benefits to the region are $50 million annually.

Employment of people of aboriginal heritage currently represents 15.7% of the field unit workforce, an increase from 7.2% in 1998 and exceeding the province of Manitoba workforce availability by 10%, the Parks Canada representation at 8.2% and the national aboriginal labour market availability at 2.5%. However—and we must work on this—the majority of these positions are entry level.

The Senior Officials Forum was established through ministerial agreement in 1998 between Parks Canada and the KOFN with the objective of achieving a mutually beneficial, positive and productive working relationship that would assist in resolving issues of common concern and common interest. A contribution agreement was approved in 1999 in support of the forum.

A concept for the establishment of a coalition of first nations with interests in Riding Mountain National Park is currently being discussed with nine first nations who are members of the West Region Tribal Council. The coalition, if successful, would provide opportunities for discussion and resolution of issues that are of mutual interest to both Parks Canada and the first nations.

● (1305)

In relation to Bill C-28, in 1896 land on the north shore of Clear Lake in the province of Manitoba was set aside as an Indian Reserve 61A to be used by the Keeseekoowenin Ojibway First Nation as a fishing station. The Indian reserve was located within a Dominion Timber Reserve.

When Riding Mountain National Park was created in 1929, it included most of the Dominion Timber Reserve and Indian Reserve 61A. The Keeseekoowenin Ojibway First Nation was relocated outside of the national park.

A specific land claim settlement agreement concluded in 1994 between Canada and the Keeseekoowenin Ojibway First Nation re-established 61A. Most of the associated lands were removed from Riding Mountain in 2000 with the passage of the Canada National Parks Act.

Due to an error in the preparation of the legal description for the land removal, a five hectare strip of land was omitted and remained within the park. The amendments to the Canada National Parks Act would fully re-establish Keeseekoowenin Ojibway First Nation Reserve 61A and rectify the error that occurred.

I think we are dealing with a pretty straightforward situation. The government made an error and Bill C-28 would rectify it.

In the case of the Esowista Reserve, lands are being removed to address a housing shortage on the reserve. The reserve was a seasonal reserve for fishing, which due to population growth has become a place of full time residence. Consultations were conducted with stakeholders, including local communities and environmental organizations, who recognized the unique nature of the situation and agreed the land must be provided to the first nations.

British Columbia agrees that the province and federal government must work together. Environmental assessments have been done and the area that will be given to first nations is the area that will be least impacted. Moreover, environmental assessments will continue to be done through the $2 million mitigation fund. In no way are parks being closed. The parks would remain open and available to all Canadians protecting the ecosystems these two parks represent.

It is time to correct the mistakes in Riding Mountain National Park and address the situation in the Esowista Reserve. I urge my colleagues to support the bill.

● (1310)

[*Translation*]

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.

An hon. member: On division.

(Motion agreed to, bill read the third time and passed)

* * *

[*English*]

CRIMINAL CODE

The House resumed from April 29 consideration of the motion.

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, it is a pleasure to speak to Bill C-29. I want to begin by saying we would like to see the bill returned to committee for further study.

The bill deals with accused who are basically unfit for trial, although it took a lot of reading to figure that out. I am not a lawyer and I do not think Parliament should be writing legislation that only lawyers can decipher. My colleague, the justice critic for the NDP, has put forward a bill asking for plain language policies in the House and in the drafting of our legislation.

Just very briefly, this is one of the most complex pieces of legislation before the House, mostly because of the intricate obtuse language in which it is written. The justice committee will need some time to review the bill to ensure that the offenders described in it do not lose the rights other offenders enjoy simply because they suffer from mental illness. It is a major concern because these are often the offenders who do not have adequate access to justice. I will borrow some information from my colleague from Regina—Qu'Appelle who has studied this problem in detail. Section 15 of the Canadian Charter of Rights and Freedoms states that:

> Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination....

Imagine that the rights conferred by the Charter of Rights and Freedoms were only available if they were affordable. Imagine if our rights to life, liberty and security were available only if we were sufficiently wealthy to secure them for ourselves. What if the right to have a court proceeding translated into a language that we understand were violated because the government stance is that only those who can afford to hire their own translators can enjoy these rights? What if our right to be fairly represented by counsel amounted to nothing more than our ability or inability to hire the best lawyer we could afford?

Naturally these requirements sound absurd, and so they should. Each of these situations is a violation in and of itself that no court of law should be allowed to tolerate. Luckily for Canadians the charter does not guarantee the rights and freedoms set out subject only to how much we could afford, at least not in theory. That is because the charter forms part of the Constitution, making it inviolable and uninfringeable. Truly it is the supreme law of Canada. Accordingly to this, then, none of the above mentioned absurdities could be allowed to arise or persist.

As with many things, that which is true in theory often fails to translate into truth in practice. In practice, the absurdities mentioned above represent realities for many Canadians who come into contact with the justice system. The reality is that governments at both the provincial and federal levels are currently subjecting our rights to their affordability.

This has been allowed to happen because disparities across the provinces, stemming directly from funding problems, are compromising our right to equal protection and benefit under the law. It is about time we actually practise what we codify as law. Pretty words will get chucked at the Bar and justice will too if we do not take action to restore accessible and affordable legal services across the provinces and territories.

Justice should not and cannot continue to be limited only to the rich and well off. If our legal system does not reflect that point, we run the risk of losing the validity of one of the most important pillars of a democratic society. The Constitution does not simply say that all Canadians are equal under the law. It also says that Canadians have the right to equal protection and equal benefit under the law.

Can it be said that a person who has a public defender appointed to them enjoys the same protection and benefit of the law as the defender who assembles a team of high profile lawyers? I would say not. It cannot be said that a person in British Columbia who is denied legal aid with their child custody and support claim receives the same protection and benefit of the law as the person in Manitoba, where those services are offered by legal aid. Nor can one pretend that the law offers equal protection and benefits to everyone when some people are forced to sacrifice more than others in order to have equal access to the courts. This, however, is a reality in Canada for far too many Canadians.

● (1315)

Therefore, this is what we believe needs to be done. First, we need to standardize legal aid coverage across the provinces. Differences between the provinces means differences between Canadians. Disparities in services mean that the likelihood of obtaining justice is dependent more on the administration of the law rather than the law itself.

If a service is offered in any of the provinces or territories, it should be available and in every other province and territory. This is not to say that legal aid has to cover every matter, but it does rightly require that a legal service provided for Canadians in one region be provided in every region, as provided for under the charter.

We believe also that we need to standardize legal aid eligibility across the provinces. To illustrate the disparities or arguably the injustices in legal aid, by way of example, assume that a Canadian earns $20,000 a year. If that Canadian lived in British Columbia or Manitoba where the financial eligibility criteria is capped at $23,000 and $27,000 respectively, they would be eligible for free legal services. If, however, the same Canadian lived in either Ontario or Quebec where the cap is $15,000 and $17,500 respectively, they would be denied these essential and otherwise unaffordable services. Therefore, access to the legal system should not be denied to Canadians based on their incomes.

We also need to revise the financial evaluation process so that it recognizes that families have priorities other than just paying to obtain justice, such as keeping their families fed and housed. Current guidelines for financial evaluation set aside a modest exemption for personal assets. After that, however, governments expect legal costs to be paid out of personal assets, such as one's bank account, car, RRSP or home.

Can it still be considered justice if a family is successful in their legal battle but has done so by losing their home, their vehicle or their retirement savings? Obviously not. That is why guidelines need to be more equitable and sensitive to an applicant's responsibility to feed, clothe and shelter their families.

For most Canadians, the barriers to obtaining justice is the sheer cost of legal services provided by lawyers. Rather than have the public engage the legal profession in an adversarial debate over how much lawyers should earn or what their services are worth, it should be recognized that the government and the legal profession are in the position to enter into a mutually beneficial relationship with the goal of providing the public with valuable services.

It is time to provide tuition credits as well for law school students. One way to provide more affordable, accessible counsel would be to increase the numbers of lawyers available. To this end, the government must recognize the increasing cost of law school and should explore the possibility of providing tuition credits or refunds to law school students who enter practice after graduation.

It is also time to provide tax incentives for pro bono work. In the interests of providing a greater number of lawyers to those who cannot afford it, the government should provide lawyers with greater incentives to represent those with lower incomes on a pro bono basis. This could be achieved by something as simple as a tax incentive or rebate for those lawyers who engage clients in the type of work.

Unless I have misread the charter, I thought the rights and freedoms of Canadians went far beyond provincial jurisdiction and I did not think we had to shell out our savings simply to look after inequitable legal costs in various provinces and not in others.

In closing, the NDP supports having this bill sent to committee for further study and further improvement, and we look forward to being involved in that process.

● (1320)

Mr. Paul Harold Macklin (Northumberland, Lib.): Mr. Speaker, it is my pleasure today to speak in support of Bill C-29, which is an act to amend the Criminal Code. It deals with the issue of mental disorder.

The current motion seeks to refer the bill to committee for review now. I am confident that all members should be able to support this motion.

As the Parliamentary Secretary to the Minister of Justice indicated on April 28, Bill C-29 is to a great extent the product of a study conducted by the Standing Committee on Justice and Human Rights, as it was then known. That committee recommended improvements to the criminal law governing persons found unfit to stand trial, or not criminally responsible on account of mental disorder.

The committee review will likely focus on how Bill C-29 responds to the issues that were raised before that standing committee by the many witnesses that it heard. Bill C-29 responds to those issues and includes additional amendments to ensure an effective, efficient and fair regime. There are a few aspects of Bill C-29 that I would draw to the attention of hon. members.

First, in dealing with persons found unfit to stand trial, under the current law a person found unfit to stand trial cannot be absolutely discharged. The law governing mental disorder requires an individual assessment of an accused to ensure that both the needs of the accused for treatment and rehabilitation and the need of the public for public safety are taken into account. An unfit accused person cannot be absolutely discharged because there has been no opportunity for the Crown to establish that they have committed an offence. However, the unfit accused who does not pose a risk can be placed on a conditional disposition with minimal restrictions, if appropriate.

Many persons found unfit will become fit through treatment and once fit, will proceed to trial. Some others will not become fit for years, or perhaps they will never become fit, and cannot be tried. Our law already includes many safeguards for this group.

Bill C-29 will provide an additional safeguard to ensure that persons found unfit to stand trial who are likely to remain unfit and who do not pose a significant threat to the safety of the public can have their situation reviewed by the court. The court, and only the court, will have the authority to order a judicial stay of the proceedings for the unfit accused.

I want to assure hon. members who have voiced their concerns about public safety that the government shares their concerns about public safety. Bill C-29 has been very carefully drafted to protect public safety. A judicial stay of proceedings for an unfit accused will not be an option where the accused poses a threat to public safety.

The amendments include new provisions to ensure that an unfit accused who is not likely to ever become fit to stand trial, for example, a person who has an organic brain injury, and who does not pose a significant threat to the safety of the public may be brought to the court's attention.

A review board will be able to make a recommendation to the court to hold an inquiry into the status of the unfit accused where, in their opinion, and based on an assessment, the accused is not likely to ever be fit to stand trial and does not pose a significant threat to the safety of the public.

The court may hold an inquiry, hear from all parties, particularly the Crown, and determine whether a judicial stay of proceedings should be ordered in the interests of the proper administration of justice. The court will consider several factors in deciding whether to order a stay, including whether the Crown has had an opportunity to make its prima facie case against the accused, as it is required to do every two years. This is the current requirement in our law, that the Crown does establish that sufficient evidence can be brought forward to put the accused on trial.

● (1325)

The proposed amendments will address the situation of the permanently unfit accused who poses no risk and will permit the court to order a stay of proceedings. However, an unfit accused who poses a risk to safety cannot—I repeat cannot—be granted such a stay. Our law must ensure that the rights of the accused and the rights of the public to safety are balanced. The proposed amendments will do so.

Bill C-29 sets out a very detailed scheme to permit a judicial stay for an unfit accused. First, the review board, after holding one or more annual review hearings for an unfit accused, must come to the opinion that the unfit accused is not likely to become fit and that the unfit accused does not pose a significant threat to the safety of the public. The review board can order that the accused person's mental condition be assessed by a psychiatrist to assist the board in making this recommendation.

The review board then may make a recommendation to the court to hold a hearing to determine whether a judicial stay of proceedings is in the interest of the proper administration of justice. Where the court agrees to hold such a hearing, the hearing will provide opportunities to all parties to make their submissions. The Crown, who represents the public interest, could make submissions on the nature of the case against the accused, public safety and the mental condition of the accused. The accused and the treating hospital or physician could also make submissions.

I would also highlight that where the court agrees to hold a hearing, the court must order yet another assessment of the mental condition of the accused. This requirement will ensure the court has the most up to date information about the accused when determining, first, that the accused is not likely to become fit to stand trial, and second, that the accused does not pose a significant threat to the safety of the public.

Ultimately, the court must decide whether the judicial stay of proceedings is necessary in the interest of the proper administration of justice. Bill C-29 sets out several factors for the court to consider in this process, including the nature and the seriousness of the offence committed. This new provision will address the concern that some people could be caught up in the criminal justice system because they are mentally ill, although they pose no threat to public safety.

Our law cannot permit the potential indefinite detention of persons who have not been tried and convicted. Bill C-29 provides a carefully crafted approach to prevent this indefinite detention, but only for those who do not pose a significant threat to the safety of the public.

I have one final point regarding the new provision. Where the court orders a judicial stay of proceedings for an unfit accused, the Crown may appeal the order. However, there is no right of appeal for the accused where the court does not order a judicial stay. This is because this is a discretionary provision. It is not a process that the accused can initiate. The review board must make a recommendation to the court and the court will then consider the issue.

In conclusion, I hope that my comments have addressed any concerns hon. members may have. I have highlighted why this new provision is necessary. Bill C-29 includes many reforms, all designed to address the balance between protecting the rights of the accused persons who are mentally ill with the rights of the public to public safety. Clearly, we have struggled with this issue over time. There is no question that this has challenged us, the judiciary and our social services within this country to properly deal with issues of this nature. I know that many hon. members have struggled with this, both here in the House and also at committee, to try to find ways and means to meet the needs of those who are mentally ill and yet face the justice system.

Clearly, from the perspective of those who are caught in what is sometimes described as a revolving door problem, there has to be a way to assess their ability to recover from their illness, to go forward and to face the charges that have been brought to bear within the court system.

● (1330)

As far as I am concerned, the bill moves forward the process of being able to deal with those who are mentally ill and find themselves before our criminal courts. I hope that hon. members will find that, in going forward to the committee, the bill will receive proper and due consideration and will come forward to the House for passage so that we may solve this problem.

Ms. Sarmite Bulte (Parkdale—High Park, Lib.): Mr. Speaker, it is my pleasure today to speak in support of Bill C-29 and to encourage all members of the House to support these reforms following the proposed review by the appropriate parliamentary committee. The need for these reforms are known to the hon. members who have participated in the review by the Standing Committee on Justice and Human Rights on the mental disorder provisions of the Criminal Code.

The criminal law governing persons found not criminally responsible on account of mental disorder and those found unfit to stand trial is not well known and in fact, is often misunderstood. Some may think that a person who commits an offence and is found not criminally responsible gets away with the crime. Some may think that there are in fact no consequences. However the law governing persons found unfit and not criminally responsible on account of mental disorder does provide for consequences. Usually those include treatment and also supervision.

The Criminal Code contains a whole section, part XX.1, dedicated to mental disorder. This part includes the law and procedure governing persons found not criminally responsible on account of mental disorder and now are found unfit for trial. Part XX.1 is complex and in parts is very technical. However this part of the Criminal Code provides a regime that fairly and effectively provides for the supervision and treatment of a mentally disordered accused and for the protection of public safety.

For victims of crime, the criminal law and the criminal justice system is confusing, complex and often quite unwelcoming. Where the accused is found unfit to stand trial or not criminally responsible on account of mental disorder, victims of crime face additional impediments to achieving a resolution of the offence. Victims of crime desire and deserve information about the justice system and about the case in which they are personally involved.

Law reforms coupled with changes in policies and expansion of services have given victims a greater role in criminal proceedings. For example, amendments to the Criminal Code back in 1988 introduced the notion of a victim impact statement as a mechanism for victims of crime to describe the harm and loss suffered because of the crime. Publication bans to protect the identity of sexual assault victims were also enacted in 1988. Subsequent amendments to the Criminal Code over the last 15 years have enhanced the role of victims of crime while respecting the rights of accused persons.

In response to the 1998 report of the Standing Committee on Justice and Human Rights, "Victims' Rights—A Voice, Not a Veto", the government enacted a package of reforms to the Criminal Code in 1999 to, among other things, ensure that victims were made aware of the opportunity to submit a victim impact statement; ensure that the safety of the victim was considered in judicial interim release decisions; fix the amount and clarify the automatic imposition of a victim surcharge; and allow judges a discretion to order a publication ban on the identity of any victim or witness where necessary for the proper administration of justice.

The 1999 amendments also provided for a victim impact statement to be prepared and submitted to the court or review board at a disposition hearing for an accused found not criminally responsible on account of mental disorder. The court or review board is required to consider the statement in determining the appropriate disposition or conditions of a disposition "to the extent the statement is relevant to its consideration as a criteria set out in section 672.54".

The victim impact statement is provided for in subsection 672.5 (14) which states:

> A victim of the offence may prepare and file with the court or review board a written statement describing the harm done to, or loss suffered by, the victim arising from the commission of the offence.

When an accused person is found not criminally responsible on account of mental disorder, the review board will decide how the accused is to be supervised. Victims of crime have been overlooked in many cases and receive little information about what will happen next, or whether they will have any role or access to any information.

● (1335)

The amendments included in Bill C-29 will enhance the role of victims of crime where the accused has been found not criminally responsible, but the new provisions for victims fully respect the differences between the laws that govern persons who are criminally responsible and convicted and those who are not criminally responsible.

The accused found not criminally responsible on account of mental disorder is not held accountable for his or her conduct. The appropriate disposition must take into account several factors, including the need to protect the public, the mental condition of the accused, and the reintegration of the accused into society.

The impact of the crime on the victim may be relevant to only some of the criteria. Where the court or review board is considering a conditional discharge, the victim's statement may be relevant to the crafting of particular conditions: for example, that the accused not contact the victim or that the accused not go certain places.

It should be noted again that the administration of justice is a matter of provincial responsibility. The provision of victims services as part of the administration of justice is also a matter of provincial responsibility. The provision of victim impact statement forms, assistance in preparing the statements, and the collection and submission of the statements to the Crown or the court are generally handled by the provinces' victims services programs, whether police based, court based or community based.

The standing committee recommended that courts or review boards conducting a review notify the victim where the victim has indicated interest in receiving such notification. It should be noted that after the initial disposition a review hearing would be held at least every 12 months. Review board administration varies from jurisdiction to jurisdiction and the capacity to advise victims as to the dates of review board hearings, locations, adjournments and outcomes will necessarily vary.

While similar provisions have been crafted to require a court conducting a disposition hearing pursuant to section 672.45, or a review board conducting a disposition hearing pursuant to section 672.47, to inquire of the Crown or the victim whether the victim has been advised of the opportunity to prepare a statement, other non-legislative initiatives are required to inform victims of crime about the provisions of the code which apply to them and about the relevant dates of proceedings, the terms of a disposition and other essential information.

In order to enhance the role of victims of crime, Bill C-29 includes the following provisions.

First, victims will be permitted to orally present their victim impact statement at the review board hearing. The statement would be prepared in advance and the victim could read it aloud or, in some cases, present it in another manner.

Second, following delivery of the verdict of not criminally responsible on account of mental disorder, the court or the review board chairperson must inquire whether the victim has been made aware that he or she indeed can submit a victim impact statement.

Third, the initial disposition hearing can be adjourned to permit the victim to prepare a victim impact statement if he or she so desires.

Finally, review boards will have new powers to impose a publication ban on the identity of victims and witnesses where such production is necessary for the proper administration of justice.

To the greatest extent possible, Bill C-29 includes provisions for victims which parallel Criminal Code provisions that apply where the accused is convicted and sentenced. The government places a high priority on addressing the concerns of victims of crime. The Bill C-29 amendments are a contribution of the evolution in our justice system that recognizes the role of the victims of crime.

I would also highlight the exceptional efforts of victims services agencies and both police based and court based services that are primarily provincial responsibilities. The Criminal Code cannot legislate all that is needed by victims. Provincial legislation governs services, and provinces are responsible for the administration of justice.

The standing committee, in its consideration of the mental disorder law, highlighted that victims of crime should receive notice of hearing dates, notices of disposition and information about the terms and conditions. There is no doubt that victims need all this information and even more.

Bill C-29 is a positive step for victims and that, I hope, will encourage our provincial counterparts to complement this legislation to address these information requirements.

In conclusion, I would encourage all hon. members to support Bill C-29. These amendments in fact provide greater protection for mentally disordered accused persons and, most important, a greater role for victims of crime in our society.

● (1340)

Mr. John Maloney (Erie—Lincoln, Lib.): Mr. Speaker, it is my pleasure to rise today and speak in support of Bill C-29, an act to amend the Criminal Code with regard to mental disorder. This bill seeks to make a range of improvements to the law governing those found unfit to stand trial and those found not criminally responsible on account of mental disorder.

I will be focusing my remarks on the provisions of Bill C-29 that seek to repeal provisions of the Criminal Code that in fact were never proclaimed in force.

Hon. members may be curious why it is even worth mentioning, since the repeal of unproclaimed provisions merely clarifies the status quo. It is true that the repeal of the unproclaimed provisions will not change the applicable law. However, these provisions are worth noting because the repeal reflects the government's belief that these provisions are not needed and will not be needed in the future. The repeal will bring certainty and clarity to those who may hold out hope for these old provisions, which we now agree do not reflect the goals of the regime governing mentally disordered accused.

Bill C-29 will repeal three provisions of the 1991 amending act that were never proclaimed. They are: capping, the dangerous mentally disordered accused, and the hospital order provisions.

Capping provisions were originally designed to ensure that the supervision of those found not criminally responsible would not be longer than the maximum sentence available through a criminal conviction. The maximum period or "caps" would depend on the offence committed and would range from life to two years or less.

Capping provisions were included as part of the 1992 reforms. The initial postponement in proclamation was necessary to permit a review of all persons held under a Lieutenant-Governor's warrant to determine whether they should be subject to an increased cap. The delay was also intended to allow the provinces to make necessary amendments to their mental health legislation to ensure that those discharged after a cap would be subject to such legislation where necessary. However, provincial mental health law is not designed to supervise potentially dangerous persons and amendments were not pursued.

The standing committee has called for the repeal of the capping provisions. The current regime, in the absence of capping, provides the appropriate balance between the accused's rights and the public's right to safety.

Several accused persons have appealed their dispositions, arguing that if they had been convicted they would have served a short sentence. The Supreme Court of Canada has clearly established that sentences for convicted offenders should not be compared with dispositions imposed where an accused is found not criminally responsible on account of mental disorder.

Accused persons found not criminally responsible on account of mental disorder are not punished. Rather, they are assessed, treated and supervised until they can be absolutely discharged. The absolute discharge may be appropriate soon after the verdict or years later, depending on the accused's mental condition and the risk to public safety. The nature of the offence may have no bearing on a disposition for those not criminally responsible on account of mental disorder. Capping should therefore be repealed once and for all.

The dangerous mentally disordered accused provisions were linked to the capping concept. They too should be and will be repealed. The DMDA provisions would have enabled the prosecutor to apply to the court after a finding of not criminally responsible, but before any disposition is made, to make a finding that the accused is a dangerous mentally disordered accused. The criteria and procedure parallel the dangerous offender provisions that apply to sane convicted offenders. The court could have then increased a 10 year cap to a maximum of life, but only for serious personal injury offences, including various sexual and violent offences. However, the provisions were very narrow in application and would have permitted an extended cap for only some offences.

The DMDA provisions and capping provisions are interdependent and are therefore being repealed together. The repeal of capping and the related DMDA provisions, coupled with the amendments to better protect the rights of criminally unfit accused, will continue to reflect the goals of our criminal law, including that of protecting the public.

The hospital order provisions would have applied to convicted offenders, not those found not criminally responsible on account of mental disorder. These provisions are also proposed for repeal. Hospital orders were intended to provide a mechanism for short term treatment of a convicted offender who at the time of sentencing was in an acute phase of a mental disorder and in urgent need of treatment to prevent further mental deterioration. An offender meeting this criterion would be sent to a psychiatric facility for a period of up to 60 days rather than being jailed.

The provisions are being repealed because there is a general view among stakeholders that the current system can accomplish the intended purpose of hospital orders without a statutory provision. In addition, the code provisions were too narrow in their application to address the nature and range of mental disorder present in the convicted offender population. Proclamation of the hospital order provisions would not address the larger problem.

● (1345)

The repeal of these provisions reflects the government's commitment to fair and effective laws that are clear and up to date. I encourage all members to support Bill C-29.

[*Translation*]

Mrs. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, it is an honour and a privilege for me to rise in the House on the subject of the Criminal Code reforms introduced by the Minister of Justice and Solicitor General of Canada on March 29, 2004.

Specifically, these reforms to the Criminal Code affect people who are not criminally responsible or who have been deemed unfit to stand trial on account of mental disorder.

[*English*]

These provisions are quite important. Anyone who has looked at the Criminal Code provisions that apply to people who are not criminally responsible or who have been deemed unfit to stand trial on account of mental disorder, would see that some of those provisions are really out of date. Some of those provisions have never in fact been enacted. I also think there were some court judgments on some of those provisions that have provided clarity, and the government's amendments deal with that.

I would like to repeat a quote from the Minister of Justice and Attorney General of Canada when he tabled these amendments. He said:

> We are committed to ensuring the law protects the rights of mentally disordered persons, while at the same time protecting public safety. For this purpose, I am proposing changes that will not only modernize the law but make it more fair and efficient, while preserving the overall framework that governs those found unfit to stand trial or not criminally responsible on account of mental disorder

These were the words of the Minister of Justice and Attorney General of Canada.

For those who are not familiar with criminal law or with the Criminal Code, there are provisions that state that one may be found not criminally responsible on account of a mental disorder. When that happens it means that the accused is neither found guilty nor acquitted, and in fact is not even sentenced. Instead, a court or review board determines the appropriate disposition. It could be an absolute discharge, a discharge with conditions or an order that the individual be detained in hospital based on a series of criteria set out in the Criminal Code.

These amendments cover a broad base of issues dealing with those who have been found not criminally responsible following an actual trial or those who have been declared unfit to stand trial following evidence that has been brought before the judge at hand.

What are some of the amendments that the Minister of Justice has brought forward? On the one hand there are amendments that expand the powers of the provincial and territorial review boards. Why? They need to enhance their ability to fulfill their mandate. What is their mandate? These review boards of the provinces and territories have a legislated mandate which requires them to make decisions about detentions, the supervision or the release of someone who was found unfit to stand trial or not criminally responsible but who has been ordered to be detained for a period of time.

At various periods those review boards have to sit in judgment of individuals who have been ordered to be detained under these circumstances to determine whether they can be released and, if they can be released, under what conditions; whether they are a threat to society and, if they are, they evaluate the level of that risk. The amendments that the Minister of Justice has brought forward would enhance the ability of the review boards to make those decisions.

My colleague just finished speaking to another series of amendments. She made an entire speech on the issue of victim impact statements and did it very well. What she basically said, through everything she provided the House, was that it would allow for victim impact statements to be read by the victim at a review board hearing and would allow the review boards similar powers to that of the courts to protect the identity of the victims. As she herself stated, this is a major advance.

● (1350)

Up until now the Criminal Code provisions that allowed for victim impact statements did not deal with review boards that had to determine what to do with someone who had been found not criminally responsible but needed to be detained or someone who had been found unfit to stand trial because of his or her mental condition. Because the victims were not able to give victim impact statements in those cases, the review boards were not able to take into account the impact that the crime had on the victim. That is important.

These amendments would also permit the court to hold an inquiry and order a judicial stay of proceedings for an unfit accused who is not likely to ever become fit to stand trial and who poses no threat to public safety. This is important because to date the Criminal Code provisions did not allow for any mechanism. Even when we knew that the individual who was found unfit to stand trial posed no threat to public safety, there was no way for the courts to stay the proceedings or order an inquiry. Those individuals had to go through the trial. They would no longer have to do that.

Another amendment is to streamline transfer provisions. We already have provisions for individuals who have been found guilty of a crime and who have been sentenced to serve part or all of their sentence in detention, either in a provincial facility or in a federal facility, depending on whether they have been sentenced to two years less a day or to two years and more, to be transferred from one province to another or from a territory to a province or vice versa. In some cases they may wish to be transferred because there are certain educational possibilities that are available in another province's detention centres or penitentiaries that we do not have in the province where they are detained. In other cases it may be because they would be closer to friends and family.

If a person committed a crime, say in Quebec, but the person was actually from Alberta, which is where his family, his network is, if he were transferred to his own province he could receive the support of his family and friends which may contribute to his rehabilitation. Under the Criminal Code provisions as they now stand, for those who have been found not criminally responsible following a trial or for those who have been found unfit to stand trial, given their mental disorders that have been proven, the transfer provisions were quite wieldy and not very effective or efficient.

One of the amendments the Minister of Justice has made to the legislation would actually streamline those transfer provisions. It would allow a person found not criminally responsible on account of mental disorder to be relocated from one province to another when it is in the best interests of rehabilitation.

I wish to underline that these reforms that the Minister of Justice and Attorney General has brought before the House are outlined in the Government of Canada's November 2002 response to the report of the House of Commons Standing Committee on Justice and Human Rights review of the mental disorder provisions of the Criminal Code. The proposed amendments also reflect current case law, as I mentioned at the beginning of my comments.

I would ask that all members of the House support these amendments. Let us get them adopted and through the House so they can actually be proclaimed and come into effect.

STATEMENTS BY MEMBERS

● (1355)

[*Translation*]

GENIE AWARDS

Mr. Christian Jobin (Lévis-et-Chutes-de-la-Chaudière, Lib.): Mr. Speaker, on Saturday evening, the Genie Awards celebrated Canadian films. I would like to congratulate our Canadian filmmakers, to whom we owe our nation's film industry.

This year's Genie Awards have recognized the fantastic year French-Canadian film had in 2003: *Les Invasions barbares* took six Genies, including best motion picture, best original screenplay, and achievement in direction. *La grande séduction*, with 11 nominations, and *Séraphin: un homme et son péché*, winner of the Golden Reel for best box office results, were celebrated as well.

I also want to mention the success of the film, *The Saddest Music in the World*, which received three Genie awards.

The achievements of Canadian cinema demonstrate the great talent, energy and vitality of our motion picture industry. This was an exceptional year for Canadian motion pictures, which are reaching growing audiences across Canada.

The Government of Canada is very proud to support our film industry. With pride, I invite all Canadians to celebrate these achievements. Let us join together to send them our most sincere congratulations.

* * *

[*English*]

FISHING INDUSTRY

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Mr. Speaker, men and women who enjoy fishing are on the Liberal hit list. Decades of Liberal red tape has been killing hunting and shooting sports in Canada. Now the Liberals have picked the fishing industry as their next target.

A few weeks ago the environment minister tried to quietly announce his proposal to ban all lead sinkers and brass fishing lures.

He plans to put his plan into place in October, after the election. There are about eight million men and women in Canada who enjoy fishing and the Liberal government is going after them just like it went after firearms owners.

The Liberals have driven hundreds of thousands of responsible firearms owners out of their sports and have cost the Canadian economy more than 10,000 businesses and the thousands of jobs that go with them.

Now they have a plan to do the same thing to the fishing industry by banning fishing tackle. All this is being done without sufficient scientific evidence that there is even a problem. It is about time we gave Liberals the hook.

* * *

● (1400)

UNIVERSITY OF PRINCE EDWARD ISLAND

Hon. Shawn Murphy (Hillsborough, Lib.): Mr. Speaker, this Saturday, May 8, the University of Prince Edward Island will confer honourary degrees upon three outstanding members of Canada's Acadian community.

As members know, 2004 marks the 400th anniversary of the first Acadian settlement here in North America.

The individuals being honoured have each made exceptional contributions to the continued strength and richness of Acadian culture. They are: Mr. George Arsenault, a writer, broadcaster, historian and folklorist from Charlottetown, Prince Edward Island; noted author, Dr. Antonine Maillet, former chancellor of the University of New Brunswick, who won the prestigious prize in French literature, "le Prix Goncour", in 1979; and historian and community volunteer, Francis Blanchard, of Charlottetown.

I have no doubt that the members of this House will join me in congratulating these three outstanding citizens for this award.

* * *

[*Translation*]

FIREARMS ACT

Mr. Guy St-Julien (Abitibi—Baie-James—Nunavik, Lib.): Mr. Speaker, many hunters in the vast riding of Abitibi—Baie-James—Nunavik are calling on the Government of Canada to make changes to the Firearms Act to allow Canadian hunters to hold lifetime certificates for the possession and acquisition of valid firearms in order to legally possess or acquire a firearm and buy ammunition.

The Government of Canada should sit down with the Government of Quebec in order to come up with a lifetime certificate that would be issued to Quebec hunters for a one-time fee, and maintain a Canadian licence for restricted firearms, in other words, handguns or prohibited firearms.

Quebec hunters obey hunting regulations and store their firearms safely as required by law.

S. O. 31

NATIONAL FOREST WEEK

Hon. André Harvey (Chicoutimi—Le Fjord, Lib.): Mr. Speaker, this week is National Forest Week, and therefore an appropriate time for reflecting on the essential role our forests play in our daily lives.

Canada's Forests: A Fine Balance, is the slogan selected by the Canadian Forestry Association for this year's National Forest Week. This slogan is a clear reflection of the necessity of preserving this precious resource while working unceasingly to maintain a proper balance between our needs and the capacity of our forests to fulfill their ecological role.

Our forests meet our needs on the economic, esthetic and environmental levels. This week, let us think of our forests as a source of income but also as peaceful havens, and let us take a few moments to reflect, as Canadians, on the various ways we can preserve their health and their resources for the benefit of all the generations to come.

* * *

[*English*]

THE ENVIRONMENT

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Mr. Speaker, the announcement by Ontario Liberals to implement the Kyoto accord comes at a high price to the environment and taxpayers.

The decision to tax the growing forest with current market assessment means rural woodlot owners are faced with the decision to either clear cut the forest or get taxed off their land.

Forcing restaurants, country churches, trailer parks and children's camps to spend tens of thousands of dollars to chlorinate fresh, safe, and tested well water violates the federal chlorinated substances action plan and the Canada-United States Great Lakes water quality agreement to sunset the use of chlorine in the Great Lakes watershed.

The Liberal plan to charge businesses and farmers for water, and the eventual metering of residential wells will be another GST tax grab just like the GST paid on electricity bills, a tax the former finance minister and now Prime Minister promised to scrap.

Only a new national Conservative government will stop this latest assault on rural Canada.

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EUROPEAN UNION

Ms. Sarmite Bulte (Parkdale—High Park, Lib.): Mr. Speaker, today is the 213th anniversary of the Polish constitution which is the oldest constitution in Europe and second in the world only to the American constitution.

To celebrate this event, yesterday I attended mass at St. Casimir's Church in my riding which was followed by ceremonies at the parish hall hosted by the Toronto branch of the Canadian Polish Congress.

This year, the Canadian Polish community also celebrated the ascension of Poland, along with nine other countries, to the European Union on May 1, 2004.

Generations of talented and hardworking immigrants from Poland, Hungary, the Czech Republic, Slovakia, Lithuania, Latvia, Estonia, Slovenia, Malta and Cyprus arrived in Canada escaping the ravages of the Cold War.

Today, the European Union, like Canada, is continuing with the bold experiment of building a multicultural society based on the principles of democracy, freedom and peace.

I would like to invite all members of the House to join me in saluting the European Union on this historic decision and this historic day.

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● (1405)

[*Translation*]

PAY EQUITY

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, pay equity is no more than a theory in the federal government. Female workers are still only earning 72% of what their male counterparts are making.

The existing provisions of the Canadian Human Rights Act on pay equity have not allowed us to bridge the gap. The system in place is forcing women who are discriminated against to use the legal system to obtain justice.

For example, how long have female employees at Bell Canada, Canada Post and the CBC waited, and how much longer will they have to wait before finally getting fair pay? All the federal pay equity cases that are currently before the human rights tribunal go back more than 10 years. Does this mean that female workers must wait more than 10 years to obtain justice? And what about those who are not protected by a union?

The government should not wait for the courts to force it to take action. It is its duty to do so now.

The Bloc Quebecois is asking the federal government to do the right thing by Canada's female workers and put in place proactive equal pay legislation.

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WORLD PRESS FREEDOM DAY

Hon. Stéphane Dion (Saint-Laurent—Cartierville, Lib.): Mr. Speaker, on this World Press Freedom Day, it is very important to remember that freedom of the press is a basic right and essential to democracy.

[*English*]

One may say that democracy is the daughter of the press.

[*Translation*]

During the French Revolution, people were so hungry for information in their new found freedom that they fought over any kind of written material.

On this day when freedom of the press is under attack in many places in the world, the Government of Canada wants to reiterate its strong commitment to a free press throughout the world, and to defending the rights of journalists and the freedom of expression, a fundamental value of democracy.

* * *

[*English*]

PERSONS WITH DISABILITIES

Mr. Richard Harris (Prince George—Bulkley Valley, CPC): Mr. Speaker, because Liberals historically have problems of actually earning votes of Canadians, their chosen alternative has been to try and buy or even extort votes, or a combination of both.

The Prime Minister's target this time is Canadians with disabilities, and this is sleazy politics at its worse. Using it as a photo op, the Prime Minister is re-announcing some budget provisions for disabled training and programs. While this may sound nice, this is the same Prime Minister who, as finance minister, slashed around $25 billion from health funding to the provinces, severely impacting the disabled.

This is the same person who imposed punitive changes to the disability tax credit, forcing disabled persons to again prove that they were disabled and forcing thousands of previous legitimate disabled persons out of the tax credit provision.

This "snatch then bait" election strategy is utterly shameful.

* * *

STEVIE CAMERON

Ms. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, today one of Canada's most notable journalists receives an honorary Doctor of Divinity from the Vancouver School of Theology at UBC. While known across the country as a consummate investigative reporter and former editor of *Elm Street* magazine, Stevie Cameron's deep commitment to working with the homeless and hungry across Canada is less well known.

An elder with St. Andrew's Presbyterian Church in Toronto and the coordinator of the "Out of the Cold" program within that parish, she has worked on behalf of the homeless and poor in downtown Toronto for the past 12 years. Stevie has helped many other groups across Canada start their own "Out of the Cold" programs.

For the past two years, much of Stevie's efforts have also focused on Vancouver, where she has been researching the Port Coquitlam murders for her new book. The story of the missing women of Vancouver will serve as a study of poverty, homelessness and addictions, and the response or lack thereof of public systems to the needs of these women and their families.

I wish to congratulate a multi-talented Canadian woman who makes a difference on the Canadian landscape.

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● (1410)

HEALTH

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I was proud to join thousands of British Columbians on May Day to send a powerful message to Gordon Campbell and the federal Liberals. Stop the privatization of our public health care and the trampling of workers' rights.

HEU members and thousands of trade unionists who supported them are on the front line to force back Bill 37, the most draconian piece of legislation that slashes wages and privatizes our health care.

Jack Layton and federal New Democrats are taking on the federal Liberals, who are giving Gordon Campbell the green light to push privatization. We stand with our provincial colleagues, leader Carole James, and MLA's Joy MacPhail and Jenny Kwan. Their tireless work was part of a massive campaign, along with the B.C. Federation of Labour and the community, to push back Gordon Campbell's anti-worker and anti-health care agenda.

The power of people united for the dignity of workers and our public health care system is something that we are proud to be a part of.

* * *

[*Translation*]

FOREIGN AFFAIRS

Ms. Francine Lalonde (Mercier, BQ): Mr. Speaker, the Prime Minister of Canada has come back empty-handed from Washington. There was no commitment from President Bush about the unjust and shocking dispute over softwood lumber, despite the NAFTA tribunal's decision in favour of Canada.

The Prime Minister has come home empty-handed on the issue of mad cow as well; President Bush told him that, someday, perhaps, the American border might reopen. What a firm commitment.

Meanwhile, thousands of dairy and beef farmers are suffering from the overall drop in the price of beef. The Prime Minister did not even get any hints from the American government that it might reduce its grain subsidies, which are killing our producers.

Finally, the Prime Minister was caught in a flagrant contradiction. While he is in favour of putting the coordination of the missile defence shield in the hands of Norad, he told President Bush that he was opposed to the weaponization of space but that, ultimately, the decision would be made in the fall, that is, after the election.

What a lovely example of democracy, and what a fine mess.

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CANADIAN FOUNDATION FOR INNOVATION

Mr. Gilbert Barrette (Témiscamingue, Lib.): Mr. Speaker, on April 26, the Minister of Industry and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec announced an investment of $311,856 under the Canadian Foundation for Innovation for research at the Université du Québec en Abitibi-Témiscamingue.

This investment will create research infrastructure for new researchers in silviculture and wildlife management.

One of the purposes of the CFI is to enhance the capacity of universities to pursue research activities and develop technology in world-class facilities to benefit all Canadians.

* * *

[*English*]

WORLD PRESS FREEDOM DAY

Mr. John Reynolds (West Vancouver—Sunshine Coast, CPC): Mr. Speaker, today we celebrate World Press Freedom Day and in particular freedom of the press in those parts of the world where that freedom exists.

At noon today, dozens of journalists and others who cherish freedom of the press gathered at the National Press Club of Canada on Wellington Street across from Parliament Hill.

Among those attending to celebrate freedom of the press were those who remember Zahra Kazemi, a Canadian photojournalist who was murdered in Iran. She was accused of spying while doing her job, and then tortured and beaten to death. Her treatment was a flagrant violation of her rights and a reminder that freedom of the press is not guaranteed anywhere on the planet.

I would recommend to anyone in Ottawa that they visit the National Press Club on Wellington Street to see how others around the world define freedom of the press.

There are 40 award winning newspaper cartoons on display relating to freedom of the press. It is enlightening to see how others around the world are still defining and fighting for freedom of the press. It is a struggle we should all join and support.

* * *

SCIENCE AND TECHNOLOGY

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Speaker, last Friday, Ophelia and Mike Lazaridis of Blackberry fame anchored a $100 million quantum computing initiative at the University of Waterloo with a $33.3 million donation.

Using quantum information will result in developing computers unimaginable until now, encrypt information with unbreakable security, and discover a range of quantum enabled devices that would transform our economy and society.

As Paul Davies, author of "New Physics" stated: "I believe the twenty first century will be the quantum age". Our Prime Minister, in commending Ophelia and Mike's efforts, stated: "This initiative will help make Canada a world leader in the sector. The significance of this endeavour cannot be overstated".

This is Canada at its best. Ophelia and Mike's generosity in the pursuit of excellence in expanding the boundaries of science is an inspiration to us all.

● (1415)

TRANSPORTATION

Mr. John Duncan (Vancouver Island North, CPC): Mr. Speaker, the communities of the Comox Valley authorized local spending of $6 million to build a new air terminal. The sparkling new terminal opened April 16. This will serve to retain direct WestJet connections between Comox, Calgary and Edmonton.

The local communities have a further financial burden now because the plan is to begin international service this fall and as a result they will have to pay $250,000 a year for customs staff.

The Liberal government airport policy creates winners and losers. Federal policy charges customs fees for terminals built since 1994, which discriminates against small communities most in need of economic diversification.

Customs and immigration is a federal responsibility with security implications. The federal government must stop imposing these costs on to local airport authorities.

ORAL QUESTION PERIOD

[*English*]

HEALTH

Mr. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, the Minister of Health made a number of statements on health care over the past couple of weeks. On Thursday, he appeared to backtrack on those statements in a public statement, but he never said what his position actually was. One of his lines was the following, "The Canada Health Act does not preclude delivery of services by private delivery".

My question for the government is simple. Does the Canada Health Act provide flexibility on private delivery?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, our government has been absolutely clear, as have Canadians been absolutely clear. They believe in a publicly funded health care system. They also expect their Government of Canada to defend and enforce the five principles of the Canada Health Act. That is exactly what the government will do.

Mr. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, I asked the government a reasonably simple question and it should have been able to give a simple answer. I will ask the Minister of Health directly. The Minister of Health said, "The Canada Health Act already provides flexibility on private delivery". Does the Canada Health Act already provide flexibility on private delivery?

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, our government is working very hard with the provinces at this time. We will cooperate with the provinces. We will engage in discussions with them, but there is one thing I can say. Let me quote the position of the leader of the Conservative Alliance, who has this to say about health care, "The solution is to have a health care system where people pay some of the costs themselves". This is not the position of this government.

Mr. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, as a private citizen in the past few years, I paid a lot of my own health care bills and that is the case today with a lot of Canadians, if the Minister of Health does not already know it.

[*Translation*]

The Minister of Health also said, "If some provinces want to experiment with the private delivery option, my view is that as long as they respect the single-payer, public payer, we should be examining these efforts".

Does the Minister of Health continue to believe that the provinces will need to have this flexibility? Yes or no?

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, it is very obvious that our government wants to work with the provinces. We want to do so in a spirit of cooperation. One thing is absolutely clear: we want Canadians to never have to pay with anything other than their health card. We want Canadians to use their health card, not their credit card, to have access to health care.

[*English*]

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, CPC): Mr. Speaker, rather than governing, the Prime Minister continues his touring, pre-election. The Prime Minister, shipping magnate, millionaire, champion of the poor, defender, creator of the democratic deficit, now healer of health care is in Toronto today announcing $10 million to help the disabled.

The Prime Minister is a walking contradiction. While he was minister of finance, he inflicted the deepest cuts in Canadian history.

Some hon. members: Oh, oh.

The Speaker: Order, please. The hon. member for Pictou—Antigonish—Guysborough has the floor.

Mr. Peter MacKay: Let me repeat, Mr. Speaker. There is the Prime Minister, the biggest contradicter of the Canada Health Act. While he was minister of finance, he inflicted the deepest cuts in Canadian history to Canadian health care. Now he wants Canadians to rejoice because he may give some of it back.

The government says that it has a 10 year health plan. Where is it and will we see it before the next election?

● (1420)

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, we are transferring $36.8 billion up to 2007-08. We have the health accord of 2003, which we are working on with the provinces at this time. We are trying to build on the health accord of 2003 for a 10 year plan that will last a generation.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, CPC): Mr. Speaker, health care and Canadians cannot afford another 10 years of this government in health care. The Prime Minister's true colours came through when he was minister of finance. He decimated health care more than anybody else. He is the one to blame for the long lineups and the underfunding.

Health Canada is in worse shape today than it was under the previous government. The Prime Minister has made it harder to access disability tax credits.

When will the government reveal this much publicized health care plan for the next 10 years? Will it come before the next election?

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, there are 34.8 billion of new dollars and another $2 billion in this year's budget. There is dialogue with the provinces in which we will be building, in cooperation with the provinces, a plan. We are working very hard at this very time because Canadians deserve certainly better than what the Alliance would like to propose to them. Canadians will pay for health care with their health cards, not with their credit cards.

* * *

[*Translation*]

GOVERNMENT CONTRACTS

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, in 1998, the Auditor General came up against a brick wall at Canadian Heritage in his attempts to find out what use was made of the $5 million spent by Option Canada. We still do not know who benefited from that money, but we do know that the funds allocated to Option Canada were allocated under the guise of official languages.

Can the minister confirm that the official languages program was used as a channel to conceal the payment of $5 million to Option Canada?

Hon. Hélène Scherrer (Minister of Canadian Heritage, Lib.): Mr. Speaker, the Option Canada situation referred to is past history. My predecessor has already answered all the questions concerning this matter. All documents are public and have been published.

If my colleague wishes to have more answers on all these options, I believe he is capable of looking for them in these public documents himself.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, I thought it would be a good idea to ask the minister, because she is the minister, but it seems she does not know.

This money was diverted from the Official Languages program.

Can the minister deny—and it is her own answer I am seeking—that in the list of projects funded by the secret national unity fund, $5 million that appeared in 1995-96 under the heading of "Canadian Heritage: Unity—Quebec Referendum" was never used to promote official languages but rather to finance Option Canada? Can she deny that?

Hon. Hélène Scherrer (Minister of Canadian Heritage, Lib.): Mr. Speaker, my colleague seems to be very knowledgeable about where the money went. He probably has the relevant documents in his hands. I invite him to make them public so that we can all read them.

We replied to all these questions between 1995 and 2000. I believe all Canadians and Quebeckers got the answers they needed and can examine these documents, since they are public documents.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, even the Auditor General and her predecessor do not know where that money went and what was done with it.

It is the minister who is responsible for her budget. The fact that these events took place seven or nine years ago and that these millions may have disappeared does not mean that the government is no longer accountable.

I have a question for the minister. Have the $5 million taken from the official languages program been used to fund the love-in that took place in Montreal just before the referendum? This is what we want to know.

Hon. Hélène Scherrer (Minister of Canadian Heritage, Lib.): Mr. Speaker, I will repeat the exact same answer I gave before. These questions have been put over and over to my predecessor. The answers are all on the public record. The documents are available and they are relevant.

If hon. members have additional information, I urge them to make this information public, so that we can take a look at it.

● (1425)

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, this is just unbelievable. I have never heard such an answer. It does not make any sense.

The minister is responsible. The government is responsible. Millions of dollars have disappeared. The Auditor General does not know where that money went. We think it was used to fund the love-in. We are putting a very clear question to the minister and the government. If they want to be transparent, let them prove it.

Where does the $5 million come from and was it used to fund the love-in held in Quebec just before the referendum? That is what we want to know.

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, what I can say is that this government has never put in jeopardy the $17 billion in savings from Quebeckers for its political option. This government has always assumed its responsibilities and protected the unity of our country in an open and transparent fashion.

All the figures are in the public accounts. We have not jeopardized the $17 billion in savings from Quebeckers as these people have, in case their option was approved by Quebeckers, something which was supposed to be a mere formality.

Some hon. members: Oh, oh.

The Speaker: Order, please. We will now move on to another question. The hon. member for Winnipeg—Transcona.

* * *

[*English*]

HEALTH

Hon. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, the Liberals, when it comes to health care, are just unbelievable. The Minister of Health says that he does not want Canadians paying for their health care with their credit card. He wants them to pay for it with their health card. Yet over the last 10 years of the Liberal government, more and more Canadians have been paying for medically necessary services with their credit card under the watch of the Liberals.

What the minister said last week was not an aberration. In speech after speech these people will not say that they want to protect public delivery of health care.

I want to ask the Deputy Prime Minister this. Was the Minister of Health's speech on April 20, in which he basically said what he said last week, vetted by the PMO?

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, I simply challenge the question of the leader of the NDP. This is simply not true. There has been complete support for the public health service by the Government of Canada. We are investing 36.8 billion new dollars over and above what we have been investing. We are committed to a public health system in Canada.

We will be working with the provinces to maintain and enforce the Canada Health Act and promote the five principles of that act.

Hon. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, just over 20 years ago medicare was threatened by extra billing and user fees. When I was going after the then minister of health, Monique Bégin, to do something about extra billing and user fees, she did not get up and say "We are not going to promote user fees and we are not going to promote extra billing. We are just going to allow them". She brought in legislation to deal with it.

That is what we want the government to do with privatization. It should do something about what is happening to medicare and just not say that it will not promote it.

Hon. Pierre Pettigrew (Minister of Health, Minister of Intergovernmental Affairs and Minister responsible for Official Languages, Lib.): Mr. Speaker, we are working cooperatively with the provinces that deliver health care in the country, that have embarked upon some difficult reforms. They will find this government on their side, not trying to put a stick in the wheel of progress but help them and support them in their effort for reform, for innovation, for the best health system in the world.

GOVERNMENT CONTRACTS

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, CPC): Mr. Speaker, helping the provinces with health care? That is the same government that cut $25 billion. I think the minister will understand that the provinces are just a little suspicious of the Liberal government.

Earnscliffe got a untendered contract. There is no news there. What is news is that Earnscliffe got a contract based on false information.

It appears, according to a government contract, that Earnscliffe Research and Communications has exclusive rights to the perception analyzer. Department of Justice Canada intends to award a sole source contract to this firm. It turns out that Earnscliffe does not have the sole source rights to this.

Given that the information was faulty, why did the government give it the money? Taxpayer money should be held with a little more esteem than that.

Hon. Stephen Owen (Minister of Public Works and Government Services, Lib.): Mr. Speaker, it is true that Earnscliffe received a sole source contract for this technology, which was understood at the time by the Department of Justice to be technology owned solely by Earnscliffe.

The government prefers to have contracts competitively bid for in all cases where it is possible. An advance contract award notice was posted on the website so that anyone who might have challenged its sole source to that technology could have done so. None did so, and so the contract was completed.

● (1430)

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, CPC): Mr. Speaker, Earnscliffe got over $33,000 from taxpayers, and somebody lied. Either Earnscliffe lied by saying that it had exclusive rights to this technology or, frankly, maybe the government did not do its due diligence. However the bottom line is that it got a contract on pretences that it had sole source access to this perception analyzer technology.

Taxpayers want to know why it got the contract. They were not the only people who had access to the technology. Earnscliffe got over $33,000 in taxpayer money and we want to know why. Is it because it is best friends of the Prime Minister? Could that maybe just be the case?

Hon. Stephen Owen (Minister of Public Works and Government Services, Lib.): Mr. Speaker, this is a very straightforward issue. The contract requirements were posted on the advance contract award notice. There was a preliminary opportunity for any other company that had access to this technology or wished to bid on the contract to do so. None did and so the contract was completed.

Mr. Jason Kenney (Calgary Southeast, CPC): The minister has been half right, Mr. Speaker. It is very straightforward, very straightforward money from the government to its buddies at Earnscliffe, breaking the rules based on a lie.

Given that someone lied about Earnscliffe having the only rights to the so-called perception analyzer, maybe the minister could help us analyze the perception that the government is breaking the rules to benefit its cronies at Earnscliffe.

Hon. Stephen Owen (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the hon. member perhaps did not listen to the answer to the other hon. member's question. The point was that this was put on the government website for the advance contract award notice, so that anybody who had access to the technology and wished to bid on the contract could have come forward and done so. None did.

Mr. Jason Kenney (Calgary Southeast, CPC): Mr. Speaker, here are the facts. The Prime Minister's brains trust at Earnscliffe gets an over $30,000 contract for sole source access to technology that anybody can rent, including the department itself, without giving Liberal hacks a cut.

Given that this contract was based on a lie, will the government demand to get its money back from the Prime Minister's millionaire friends over at Earnscliffe?

Hon. Stephen Owen (Minister of Public Works and Government Services, Lib.): Mr. Speaker, the facts are these. Services were required from a specialized source. An advance contract award notice was put on the government website. No other competitors came forward. The contract was awarded to the company that was available. Services were provided for money on behalf of the public of Canada. This was not a sole source contract. It was an advance contract award notice, which is a competitive process.

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[*Translation*]

NATIONAL DEFENCE

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, the Prime Minister indicated to President Bush that he would agree to allow Norad to coordinate the missile defence shield plan. However, he says he disagrees with the weaponization of space.

How can he claim to disagree with the weaponization of space and yet agree with having Norad coordinate the missile defence shield plan? Is that not saying one thing and meaning another?

[*English*]

Hon. David Pratt (Minister of National Defence, Lib.): Mr. Speaker, the hon. member is in error. In fact, we have not committed to a Norad amendment at this point. The Prime Minister made it clear in Washington last week when he indicated that there are two decision points here, one in June or July with respect to a possible Norad amendment, and the other to follow in the fall.

[*Translation*]

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, is the Prime Minister himself not causing confusion in the missile defence shield file? Will he admit that his mind is made up and that he does not want to make his decision public before an election? That explains his ambiguity on this issue.

[*English*]

Hon. David Pratt (Minister of National Defence, Lib.): Mr. Speaker, we are in the process of discussing with the Americans some very complex topics related to missile defence. No decision has been made. I repeat that with respect to the Norad amendment.

With respect to the hon. member's assertions about the weaponization of space, I think we have dealt with that question many times in the past, but let me say again that the Prime Minister, the Minister of Foreign Affairs and I and the rest of the government are opposed to the weaponization of space.

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[*Translation*]

AIR CANADA

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, we have learned that the company involved in the rescue of Air Canada proposes to dispose of almost all its subsidiaries in favour of a new holding company to be called Air Canada Enterprises. As a result, these subsidiaries would be in an arms-length relationship with Air Canada and no longer required to respect its obligations, particularly the obligation to provide service in French and the one relating to the location of its headquarters.

Can the Minister of Transport confirm to us that the obligations imposed on Air Canada and its subsidiaries will continue after restructuring?

● (1435)

[*English*]

Hon. Tony Valeri (Minister of Transport, Lib.): Mr. Speaker, I would expect that Air Canada would continue to meet its obligations under the Air Canada Public Participation Act and any other applicable legislation.

[*Translation*]

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, to paraphrase the Prime Minister, let us be clear. The restructuring of Air Canada might involve disengagement from its responsibilities under the Official Languages Act and its obligations to Montreal.

Will the government make a clear commitment that the conditions on head office location and official languages will continue to apply not only to Air Canada but also to the new holding company, Air Canada Enterprises, and all of its subsidiaries?

[*English*]

Hon. Tony Valeri (Minister of Transport, Lib.): Mr. Speaker, again, I would expect that Air Canada would meet all of its obligations under the Air Canada Public Participation Act and all applicable legislation. What the hon. member is describing is in fact what is in the Air Canada Public Participation Act.

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FOUNDATIONS

Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC): Mr. Speaker, in 1997 this Liberal government began to transfer billions of dollars to foundations. By 2003, around $8 billion was sitting in foundation bank accounts.

Even if foundations do good work, the Auditor General has raised serious concerns that these billions go out every year with no ministerial oversight, no accountability, no access to information and no review by Parliament.

Why do we keep finding out that these Liberals cannot be trusted to manage tax money?

Hon. John McKay (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, what is true is that this government has founded a lot of very important initiatives through foundations. If we speak to people like Bob Birgeneau at the University of Toronto, he will tell us that the foundations have put the universities back in the game for research and innovation. This has been a tremendous innovation on the part of this government in the access of Canadians to important research funds.

Mrs. Diane Ablonczy (Calgary—Nose Hill, CPC): How does the government know that, Mr. Speaker? The Auditor General says there is no independent, credible review and evaluation of this envelope of spending.

That is $8 billion in spending and no credible review, so how can the government say this is well spent money? We do not know. The respected C.D. Howe Institute studied these transfers to foundations and titled its report, "Hiding the Good News: Ottawa's Book-Cooking Is a Troubling Sign for the Future".

Is this not yet another example of behind the scenes Liberal manipulation of public money?

Hon. John McKay (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, one wonders how to respond to that question in a credible fashion.

These are audited statements. They are readily available. Anyone who cares to read about the statements can read the statements. They are accessible to everyone in this chamber and they are accessible to the Auditor General. If she has any questions, I am sure she will raise them.

Mr. Monte Solberg (Medicine Hat, CPC): Mr. Speaker, the fact is that these foundations are beyond the reach of both Parliament and the Auditor General. For instance, $1.2 billion has gone into the Canada Health Infoway, which is now on its fourth CEO since 2001. I would think there should be some red flags going up.

Given what has happened in the sponsorship scandal, why does the Prime Minister not let the Auditor General audit these foundations?

Hon. John McKay (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, the hon. member has a rather impoverished understanding of what is within the purview of Parliament. Everything is within the purview of Parliament. If Parliament wishes to review the books of foundation X or foundation Y, it can be done, with or without the Auditor General. So also can the Auditor General call for a review.

Mr. Monte Solberg (Medicine Hat, CPC): Mr. Speaker, obviously the parliamentary secretary does not know what he is talking about. The Auditor General has been calling for and demanding that she have the ability to scrutinize some of these foundations. This government has stonewalled those efforts.

We are talking about $8.7 billion that this Prime Minister helped siphon off into these foundations, away from the prying eyes of the Auditor General. That is a disgrace. This member should be ashamed of hiding that kind of money from the scrutiny of the Auditor General. Why do they do that?

● (1440)

Hon. John McKay (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, the hyperbole of the hon. member's question begs the issue. This money has been very well spent on behalf of Canadians. It has been documented amply in audited reports.

Equally, the Auditor General or any other person can call for those reports at any time because it is within the purview of Parliament.

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FISHERIES

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, my question is for the Minister of Fisheries. It regards the species at risk legislation.

Given that endangered species need to be officially listed in order to develop a proper action plan, why has the minister requested the suspension of the scientific panel's recommendations and thus delayed the necessary and urgent action to protect endangered species such as the Atlantic cod?

Hon. Geoff Regan (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I can assure my colleague that this government is committed to implementing the species at risk act. My first priority is conservation and the sustainable use of all marine resources.

Listing decisions on these populations could have significant impacts on many coastal communities. For this reason, an extended nine month consultation period will take place to find ways to minimize the impact on most communities while rebuilding stocks.

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INFRASTRUCTURE

Mr. Joe Comartin (Windsor—St. Clair, NDP): Mr. Speak, my question is for the parliamentary secretary for P3s. For 10 years we have watched as corporate scandals have cost investors and pension plans money while this Liberal government has done nothing. The most recent example was Borealis Capital exploiting the Ontario municipal employees' pension plan.

How convenient that the Prime Minister's friend, Richard Mahoney, has close ties to Borealis, a company that is trying to make a quick buck at taxpayer expense for a P3 tunnel in Windsor.

Why are the Liberals willing to hand over public infrastructure to their friends when it is so clear that their friends keep showing they cannot be trusted with public money?

Hon. John McKay (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, the financing ability of P3s is something that needs to be explored seriously by the hon. member opposite. If he looks at it, it is partnerships, partnerships between the private sector and the public sector, which can in fact unlock huge pools of capital to the benefit of Canadians.

That is what P3s are about. There are tremendous success stories out there that enable P3s to allow public infrastructure to be of benefit to Canadians. I would think that the hon. member should encourage that rather than discourage it.

TAXATION

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, the Liberals continue to allow their tax fugitive buddies to shift profits to paper companies in Barbados and avoid paying their fair share of taxes in this country. Not only do we lose billions in tax revenue, but it is another reason that investors cannot trust financial statements anymore.

Why will the government not finally outlaw these blatant tax havens or, at the very least, will it follow the United States example and bar these tax fugitives from bidding on any government contracts until they repatriate their companies and start paying their fair share of taxes in Canada?

[*Translation*]

Hon. Denis Paradis (Minister of State (Financial Institutions), Lib.): Mr. Speaker, we have many treaties with a number of countries. The purpose of these treaties is to prevent double taxation and to ensure that all citizens pay their fair share of income tax. We are constantly reviewing these treaties, and it is no different for the countries my hon. friend has mentioned.

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[*English*]

TECHNOLOGY PARTNERSHIPS CANADA

Mr. James Rajotte (Edmonton Southwest, CPC): Mr. Speaker, the government recently made an interesting $30 million dollar announcement.

Was this $30 million for health care? No.

Was it for our honourable men and women serving us so well? No.

It was $30 million for Rolls-Royce Canada. In fact, over the past four years, the government has given over $80 million to Rolls-Royce Canada. This money is going to a profitable company and will not create one new job in Canada. How can the government justify giving over $80 million to Rolls-Royce Canada?

[*Translation*]

Hon. Lucienne Robillard (Minister of Industry and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec, Lib.): Mr. Speaker, the Technology Partnerships Canada program helps us invest in Canadian ideas, carry out strategic research and develop new technologies, not only in large companies, but also in small ones. In fact, 87% of our projects in this country are in small and medium-sized firms that are developing new technology for the benefit of all Canadians.

[*English*]

Mr. James Rajotte (Edmonton Southwest, CPC): Mr. Speaker, the government continues to insist that subsidies to Rolls-Royce are actually investments and will be paid back. That is absolute nonsense.

In fact, since 1996, the government has doled out subsidies in excess of $2.5 billion and has recovered less than 2% of that money. That is absolutely shameless. That is a scandal for the taxpayer.

How can the government continue to justify ignoring Canadian patients, ignoring our soldiers and doling over $80 million to Rolls-Royce Canada?

● (1445)

[*Translation*]

Hon. Lucienne Robillard (Minister of Industry and Minister responsible for the Economic Development Agency of Canada for the Regions of Quebec, Lib.): Mr. Speaker, anyone with a proper grasp of what it means to invest in new technology will be well aware that paybacks take place in the long term and not in the short term. For most projects, paybacks begin after five years. That is absolutely normal.

Many projects have been approved in Alberta and British Columbia. I take it that the hon. member opposite is even against projects that help develop technology in businesses with the potential to succeed on the international level—even those located in western Canada.

* * *

[*English*]

PORT SECURITY

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, rather than close all security gaps, as recommended by the Auditor General in her report, the Minister of Public Safety and Emergency Preparedness has in effect created a system of two tier security at our marine ports. The RCMP national ports enforcement teams will only be established at the three major ports.

Why is the Minister of Public Safety and Emergency Preparedness failing to provide the same level of security at all our marine ports?

Hon. Tony Valeri (Minister of Transport, Lib.): Mr. Speaker, the Government of Canada's six-point plan to strengthen marine security in fact illustrates our continued commitment to better detect, assess and respond to marine threats. This is working toward a North American solution on security which will ensure that our Canadian ports remain competitive with our U.S. neighbours.

As I said last week, in the coming days I will have the opportunity to announce a contribution plan which would assist our ports in ensuring that they can meet the security they need to do in order to maintain our international standard and our competitiveness in North America.

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, the Canadian public wants to see more than six-point plans. They want to see action and we have not seen action from the government.

Without the same level of security at all ports, terrorists and organized crime will target the port of least resistance. Second class ports, those without the RCMP, will be their chosen port of entry. Not just some, but all marine ports must have RCMP presence.

Will the Minister of Public Safety and Emergency Preparedness ensure that the RCMP national ports enforcement teams are established at all major marine ports?

Hon. Tony Valeri (Minister of Transport, Lib.): Mr. Speaker, on July 1 there is an international standard that we are expected to meet. We have gone further and have created a North American standard in working very closely with the United States with respect to marine security.

We will meet that July 1 standard. I will continue to work with the stakeholders with respect to marine ports and facilities. We will ensure that we meet the international standard. We will announce a contribution plan in order to assist port authorities and facilities in meeting that international standard.

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[*Translation*]

PUBLIC SERVICE

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, the Supreme Court has recognized public servants' right to engage in legitimate political activities, and Canadian Heritage has been unable to demonstrate convincingly that Ms. Gendron's political activities brought her into any conflict with her departmental duties.

Does the minister's silence not indicate complicity with the arbitrary decision reached by her departmental management?

Hon. Hélène Scherrer (Minister of Canadian Heritage, Lib.): Mr. Speaker, I will say again what I said all last week. This is a labour relations matter. I have given no directive and I have not interfered in any way. The matter has been handled in compliance with the rules applicable to the public service. I believe that what needs to be looked at now might well be who is trying to use this matter for political gain.

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, the government has already intervened successfully in order to get a decision by the Museum of Civilization changed in connection with an Arab art exhibit. Where there is a will, there is a way.

Is the minister's refusal to get involved this time not an indication that she supports the arbitrary decision by her departmental staff with respect to a sovereignist, which is in violation of Charter rights?

Hon. Hélène Scherrer (Minister of Canadian Heritage, Lib.): Mr. Speaker, on the contrary. In ensuring that this is a matter of labour relations, I believe that, at this time, we are complying with the standards put forward by the public service. This is in no way a political matter. It is a labour relations matter and, therefore, great care must be taken to comply with the standards put forward by the public service.

● (1450)

[*English*]

FISHERIES AND OCEANS

Mr. Loyola Hearn (St. John's West, CPC): Mr. Speaker, the Fisheries Resource Conservation Council has made recommendations to the minister about the state of the groundfish stocks in the Gulf of St. Lawrence for 2004-05. Based on this advice, does the minister intend to approve a fishery in both the northern gulf and the southern gulf for the coming fishing season?

Hon. Geoff Regan (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, the FRCC is an arm's length, independent conservation council, as my friend knows.

I received the report last week and would like to thank the council for its good work. I will review the recommendations and make my decision in the near future.

Mr. Loyola Hearn (St. John's West, CPC): Mr. Speaker, last year the FRCC recommended a small fishery in both areas. The former minister refused to open the north gulf but he opened the southern gulf, even opening 4Vn to dragging. So much for conservation.

Will the minister guarantee he will make his decision based on the advice of the FRCC and other scientific sources to help fishermen, and not political opportunism to help his friends as we have seen done before, especially as we approach an election?

Hon. Geoff Regan (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I thank my hon. colleague for the question which I know is of great interest to people in Newfoundland and Labrador and elsewhere in Atlantic Canada.

As I indicated earlier, I appreciate the work of the FRCC. I am considering its recommendations and I will be making a decision and announcing it very shortly.

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[*Translation*]

AIR CANADA

Mr. Christian Jobin (Lévis-et-Chutes-de-la-Chaudière, Lib.): Mr. Speaker, the minister responsible for official languages announced to us in this House last week that a restructured Air Canada would have to continue to comply with the Official Languages Act. That is, in itself, good news.

What I would like to know from the Minister of Transport, however, is whether WestJet and Jetsgo, two other Canadian companies that have started to provide services in Quebec, are subject to this same legislation. Does he intend to apply the same intensity as he did to Air Canada to ensuring their compliance with the Official Languages Act?

Hon. Tony Valeri (Minister of Transport, Lib.): Mr. Speaker, my expectation is that Air Canada will meet its obligations under the Air Canada Public Participation Act, as well as any other applicable legislation.

[*English*]

All Canadian carriers, including Jetsgo, WestJet and Air Canada, are obliged by regulations to provide passengers with information in both official languages as to the safety procedures and what to do in the event of an emergency situation.

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NATIONAL DEFENCE

Mr. Jay Hill (Prince George—Peace River, CPC): Mr. Speaker, over a month ago when the minister appeared before the Standing Committee on National Defence and Veterans Affairs, I specifically asked him about the deplorable conditions of many homes on our Canadian Forces bases across Canada, and about the ever increasing rent his government charges the families. I am still waiting for an answer.

Over 80% of the private married quarters were built pre-1960s and still contain toxic substances such as asbestos and lead. Rather than continuing its decade of neglect of our military families, why will the government not commit the necessary funding to improve their homes?

Hon. David Pratt (Minister of National Defence, Lib.): Mr. Speaker, the government remains committed to a good quality of life for members of the Canadian Forces. We have taken some significant steps to improve the housing for members of the Canadian Forces.

Since 1998 for instance, the government has spent something in the order of $400 million to improve the housing stock of members of the forces. As well, over the next three years we expect to spend another $120 million. Those houses that are deemed to be substandard are taken off the market as quickly as possible.

Mr. Jay Hill (Prince George—Peace River, CPC): Mr. Speaker, the Prime Minister has stated repeatedly that he will not deploy our troops overseas without proper equipment, yet he was the one who reluctantly agreed to replace some of the buildings that he himself slashed from past Canadian Forces budgets.

What about addressing the basic needs of the unfortunate families left behind living in substandard, unsafe houses? They are living in those houses today. The houses are not off the market. Those families are living in them now.

When will the government commit the necessary money to address the current needs of our military families?

Hon. David Pratt (Minister of National Defence, Lib.): Mr. Speaker, as I have already indicated, the government has made substantial investments and will continue to make substantial investments in terms of the housing stock at Canadian Forces bases.

I should say as well that as part of the plan, in terms of the $120 million that we are going to be spending over the next number of years, there will be approximately 190 units on nine bases dealt with this summer.

● (1455)

[*Translation*]

SHIPBUILDING

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, two weeks ago, the Minister of National Defence refused to confirm that three joint support ships would be built in Canada, and his colleague at Industry Canada was no more forthcoming during her visit to the shipyard in Lauzon last Friday.

Will the government make a commitment to having these ships built in Canada, and in Lauzon in particular, to ensure the survival of the shipbuilding industry, as the stakeholders in the industry have been asking it to do?

[*English*]

Hon. David Pratt (Minister of National Defence, Lib.): Mr. Speaker, the government has indicated and I have indicated in the past in connection with the announcement on the joint support ships that we are committed to building these ships in Canada if a competitive environment exists.

Having said that, I think that all of us are very interested in seeing what sort of proposals may come forward from the shipbuilding industry in Canada. It is an exciting time for the shipbuilding industry. I would say as well that it is an exciting time for the navy, because these ships are going to be providing a transformational capability for the Canadian navy.

* * *

MULTICULTURALISM

Ms. Sophia Leung (Vancouver Kingsway, Lib.): Mr. Speaker, my question is for the Minister of State for the Status of Women and Multiculturalism.

This month is Asian Heritage Month which we observe every year. According to Statistics Canada, we have around a 10% population of Asian descent in Canada. Indeed Asians have enriched our diversity. How has the Government of Canada chosen to recognize Asian Heritage Month this month?

Hon. Jean Augustine (Minister of State (Multiculturalism and Status of Women), Lib.): Mr. Speaker, I want to compliment the member for her interest in helping us to ensure that we recognize Asian Heritage Month.

Through Asian Heritage Month and its many activities, which can be found on the Canadian Heritage website, we are saying to members of the community that there are opportunities to get deeper inside the Asian heritage and Asian culture, which is part of our multicultural heritage. We are making a huge contribution to every aspect of life in Canada when we celebrate with members of the Asian community.

* * *

HEALTH

Right Hon. Joe Clark (Calgary Centre, PC): Mr. Speaker, I have a question for the Deputy Prime Minister that is supplemental to those put by the member for Medicine Hat.

The Auditor General has automatic access to the books of government agencies and departments. She is denied automatic access to so-called arm's length corporations like Health Infoway, Innovation Canada, Genome Canada and others.

Why the double standard? Why does the government not fight the democratic deficit by giving the Auditor General automatic access to those entities which she seeks?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, I would hope that the hon. member knows that those institutions that have been established do incredible work across this country. I would like to give him one example.

Last Thursday I had the opportunity to be in Edmonton, Alberta with the capital health authority, with the premier of the province of Alberta and many other health care professionals. What we saw there was Health Infoway dollars at work. This will be the first health authority in the country to develop an integrated electronic patient record.

That is how we transform the health care system. That is a good expenditure of taxpayer dollars.

* * *

ATOMIC ENERGY OF CANADA LIMITED

Mr. Joe Comartin (Windsor—St. Clair, NDP): Mr. Speaker, the Minister of Natural Resources indicated last week that the RCMP was investigating allegations against Atomic Energy of Canada and its agents regarding bribes and kickbacks in its attempt to obtain a contract to construct Candu reactors in Bulgaria.

Could the government confirm that the RCMP is in fact investigating this matter, and whether any steps have been made to encourage the whistleblower to come forward by ensuring that person will not suffer penalties for so doing?

[*Translation*]

Hon. André Harvey (Parliamentary Secretary to the Minister of Natural Resources, Lib.): Absolutely, Mr. Speaker.

* * *

[*English*]

JUSTICE

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, CPC): Mr. Speaker, the exploitation and abuse of children in the sex trade is a growing global problem. The government has failed to deal with the Canadian problem in the past 11 years.

When will the government deal with this and protect our children from this horrendous abuse?

● (1500)

Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, as soon as the opposition allows us to pass the legislation.

[*Translation*]

CINAR

Mr. Marceau (Charlesbourg—Jacques-Cartier): Mr. Speaker, we know that the Minister of Justice received the RCMP report on the CINAR production company on December 23, 2003. We know it is the responsibility of the Attorney General of Quebec or of Canada to initiate legal proceedings based on charges filed under the Criminal Code or a particular federal statute, in this case the Copyright Act.

Can the Minister of Justice tell us whether legal proceedings will soon begin in the CINAR case?

Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I cannot comment on any case and I have no knowledge of this specific case.

* * *

[*English*]

SHIPBUILDING INDUSTRY

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, when it comes to shipbuilding, the government completely ignores the interests of all of Canada.

With the recent announcement of the naval vessel replacement program, all the opposition has asked for is that the government commit over $2 billion worth of taxpayers' money to Canadian shipyards to build Canadian ships using the Canadian industry and Canadian workers.

Why is it so difficult for the government to say yes to the Canadian industry and Canadian workers?

Hon. David Pratt (Minister of National Defence, Lib.): Mr. Speaker, let me say once again that the government is committed to having the ships built in Canada if a competitive environment exists. I would suggest to the hon. member that with respect to this project, which as I indicated earlier is a very important project for the navy, that he have a bit more faith with respect to the Canadian industry and Canadian workers to be able to do the job.

ROUTINE PROCEEDINGS

[*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 16 petitions.

* * *

PETITIONS

POST-SECONDARY EDUCATION

Mr. Bob Mills (Red Deer, CPC): Mr. Speaker, it is my pleasure to present a petition from my constituency.

The petitioners call upon Parliament to enact legislation creating a new system of grants aimed at reducing financial barriers to

individuals so that Canadian colleges and universities receive sufficient resources to maintain a system of post-secondary education that is financially accessible to all qualified persons.

BEADS OF HOPE CAMPAIGN

Ms. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, I have the pleasure today to present a petition on behalf of the United Church of Canada's Beads of Hope Campaign.

The petition contains approximately 3,000 signatures requesting that the Parliament of Canada act on the HIV-AIDS pandemic. Those signatures represent part of the total of approximately 40,000 signatures that the Beads of Hope Campaign has received so far in support of this campaign.

● (1505)

LABELLING OF ALCOHOLIC BEVERAGES

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, I am pleased to table yet another petition based on concerns around the lack of labels on alcohol beverage containers warning of the dangers of fetal alcohol syndrome.

The petitioners point out that Parliament gave almost unanimous support for this matter back in April 2001. All this time has passed and yet there has been no action on the part of the government. The petitioners call upon Parliament to put pressure on the government to carry out the wishes of Parliament and the people of Canada.

* * *

QUESTIONS ON THE ORDER PAPER

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

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*Translation*]

CRIMINAL CODE

The House resumed consideration of the motion.

Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, I will only take a few minutes to conclude the debate on the bill which was before the House prior to oral question period. I simply want to say that I support the government bill we are debating today, namely Bill C-29.

This morning, on several occasions, our colleagues asked us to support the proposed amendments to the Criminal Code. Just before oral question period, one of our colleagues concluded his remarks on the bill regarding mental disorder. Later today, we will have the opportunity, I guess, to pass the bill either unanimously or through a recorded division.

The bill is entitled an act to amend the Criminal code (mental disorder) and to make consequential amendments to other acts. Some of the amendments were necessary, as you know, because certain acts that have been in force for a number of years have become obsolete or have never been used. And some were never promulgated even though they received the royal assent.

The department saw fit to take these housekeeping measures last spring. I was the Leader of the Government in the House of Commons when I first became aware of the bill. Unfortunately, its formal introduction in the House of Commons was delayed.

At that time, there were several justice bills before the House, which limited the amount of time we had to review it. Fortunately we now have a bit more time, so that members in the House can review it today.

I join all those, on this side of the House at least, who have indicated their support for Bill C-29 earlier today. I know that we will vote on it later today. Thus, since I will probably be the last one to speak on the bill, it will be put to a vote so that it can be referred to the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness.

Finally, I hope that the parliamentary committee will have the time, despite its very busy schedule, to study it very soon and to send it back to the House, so that we can proceed to its final adoption soon and refer it to the other house.

I conclude my comments by adding that I still support the bill.

● (1510)

[*English*]

The Speaker: Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

The Speaker: I declare the motion carried. Accordingly, the bill stands referred to the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness.

(Motion agreed to and bill referred to a committee)

* * *

CRIMINAL CODE

Bill C-32. On the Order: Government Orders

May 3, 2004—the Minister of Justice—Second reading and reference to the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness of Bill C-32, and act to amend the Criminal Code (drugs and impaired driving) and to make related and consequential amendments to other acts.

Hon. Lucienne Robillard (for the Minister of Justice) moved:

That Bill C-32, and act to amend the Criminal Code (drugs and impaired driving) and to make related and consequential amendments to other acts, be referred forthwith to the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness.

Mr. Paul Harold Macklin (Northumberland, Lib.): Mr. Speaker, I am pleased to support the motion to send Bill C-32 to the committee for review.

Bill C-32 fully responds to various parliamentary committees that have urged consideration of ways to improve legislation for the investigation of drug impaired driving.

In 2003 the special committee of the House that examined Bill C-38, that is cannabis reforms, now Bill C-10, recommended that the government consider amendments relating to drug recognition evaluation in order to aid in drug impaired driving investigations.

Earlier in the fall of 2003, the government had released a consultation paper on drug impaired driving to stakeholders and provinces that reflected discussions among federal and provincial officials. Those discussions had been recommended by the Standing Committee on Justice and Human Rights following its 1999 review of the impaired driving provisions in the Criminal Code.

Also in 2002, the Senate Special Committee on Illegal Drugs had recommended that consideration be given to amendments for drug recognition expert legislation.

Currently section 253(a) of the Criminal Code makes it an offence to drive while one's ability to operate is impaired by alcohol or a drug. This includes driving while impaired by a combination of alcohol and a drug. For alcohol there is a separate offence in section 253(b) for driving while over the legal limit, but there are no similar drug legal limits.

The drugs and driving committee of the Canadian Society of Forensic Science has indicated that for the vast majority of drugs there is no scientific agreement on the concentration threshold at which there is impairment that significantly increases collision risk.

The Criminal Code currently authorizes the police to make demands for alcohol breath tests. These readings are necessary to prove the alcohol legal limit offence in section 253(b) and refusal of the alcohol breath tests is an offence.

These provisions are very helpful in the investigation process that leads to dealing with the alcohol legal limit offence. For section 253 (a), drug impaired driving investigations, the police and the public are often less familiar with the physiological effects of drugs than those associated with alcohol. Bill C-32 would give the police the tools to better investigate section 253(a), drug impaired driving incidents.

Bill C-32 would authorize a peace officer, who reasonably suspects that a person has alcohol or a drug in the body, to demand that the person perform physical sobriety tests at the roadside. These involve a heel to toe walk and turn, following with the eyes the officer's hand movement, and standing on one leg. If the tests give the officer reasonable grounds to believe that the person has committed an alcohol involved driving offence, the officer can demand that the person provide a breath sample on the approved instrument. Typically an officer who has taken the necessary training does this testing at the police station.

If, after the roadside physical sobriety tests, the officer has reasonable grounds to believe that a drug impaired driving offence has occurred, the officer may demand that the person perform tests in a drug recognition expert evaluation back at the police station. The trained officer who conducts the evaluation will conduct the steps in the evaluation and classify the family of drugs, if any, that is causing impairment.

● (1515)

If no test has been done at the roadside for alcohol and no test was done at the police station for alcohol and the officer conducting the evaluation has reasonable suspicion of alcohol in the body, the officer may demand a sample of breath on an approved screening device in order to confirm whether alcohol is present. If the officer conducting the evaluation forms the opinion that a drug is causing impairment, the officer can then demand a sample of urine, saliva or blood. The sample will be tested. Where the result shows that the drug which the officer identified as causing impairment is present, a charge would proceed.

Once again, as with alcohol, refusal of any of the demands without reasonable excuse would be a Criminal Code offence carrying the same penalties that now exist for driving while impaired, driving while over the alcohol legal limit or refusing to provide a breath sample.

If the prosecution proceeds by summary conviction, which is of course the less serious type of charge that can be laid, the existing maximum is six months imprisonment. If the prosecution proceeds by indictment, the maximum is five years imprisonment. Where there is impaired driving that causes death, the maximum penalty is life imprisonment. Where there is impaired driving that causes bodily harm, the maximum penalty is 10 years of imprisonment.

On the first offence, the minimum penalty is a fine of $600. On a second offence, the minimum is 14 days of imprisonment. On a subsequent offence, the minimum penalty is 90 days of imprisonment. In addition, upon a conviction, the court must also impose a period of prohibition from driving anywhere in Canada. The minimum driving prohibition increases with repeat offences.

The courts have already found that under section 1 of the Charter of Rights and Freedoms the short detention at roadside for a breath test on an approved screening device, without the right to legal counsel is justifiable. Bill C-32 in its demand for physical sobriety tests at the roadside provides the police with a similar tool that, in my view, is equally justifiable.

Police currently give the right to counsel at the police station before the suspect performs an alcohol breath test on an approved instrument. It is anticipated that police would follow the same practice prior to a drug recognition expert evaluation.

In addition to the drug impaired driving elements of Bill C-32, the bill contains provisions that would correct some section numbering of Bill C-10, that is cannabis reforms. Bill C-32 also contains consequential amendments and coming into force provisions.

Currently, there are several provinces with police officers that have sobriety test and DRE training. However, these officers have no authority to make a demand for testing and can only conduct tests if a suspect voluntarily participates. Bill C-32 will, in that regard, be a giant step forward for police who investigate drug impaired driving incidents.

Clearly, the time has come for this type of legislation to be put in place. I urge all members to send the bill to committee for review. There we will be able to have all the stakeholders and the witnesses can come forward and make their perspectives known. Clearly, this area is an area that does present some difficulties. However, I believe this bill goes a long way toward bringing us to a point where drug impaired driving will bring the penalties to it that it deserves and will help in removing them from our roadways.

I encourage all members to support this going forward to committee for further review.

● (1520)

Mr. Scott Reid (Lanark—Carleton, CPC): Mr. Speaker, I rise to support the motion to send the bill to committee for further review and study.

Bill C-32, which is an act to amend the Criminal Code with regard to drugs and impaired driving, seeks to extend the testing provisions that currently exist for alcohol to also be used for other drugs. Alcohol testing can be done by police officers when an individual is pulled over to the side of the road with ease because of the fact that alcohol can be traced through breath and therefore a very non-intrusive breathalyzer test is possible.

This is not possible for other substances. Really law enforcement authorities frankly in Canada and elsewhere have been very lucky that alcohol is so easily tested through a breathalyzer device.

Therefore, what the proposed law does is allow police officers to require an individual to submit to a blood test and impose penalties for refusing to take that blood test to establish whether or not some degree of substance has been ingested that causes the individual to act in an impaired manner.

Significantly, this has nothing to do with whether is it an illegal substance. It has to do with whether the amount in the person's blood stream is sufficient to cause the person to act in a manner that essentially is negligent and endangers the general public through driving. On the whole that is a very good thing.

Right now the situation is there is no method legally available to police officers to allow them to require an individual to provide a blood sample in order for that sample to be tested to confirm whether the individual's driving is impaired.

The drug recognition expert test, to which my hon. colleague referred, is available and used in three provinces currently: Quebec, British Columbia and Manitoba. However, it is only where the driver voluntarily participates. As we can anticipate, those who themselves feel that they might be in violation of the impaired driving laws are the most likely to refuse compliance with the request of an officer. Therefore, in practice, we can prosecute for the use of a legal drug, alcohol, but not for the use of illegal drugs in a way that causes the individual to be impaired.

Police officers are typically put in a position where it is necessary for them to rely on external evidence; that is behaviour of the individual with erratic driving patterns prior to the automobile being pulled over or by witness testimony, if they can find where the individual came from and are able to have someone report that the individual was using some form of substance in a substantial enough quantity that an individual's driving behaviour was likely to be impaired. In other words, it makes it very difficult to actually carry out prosecutions of those who endanger the public.

This is significant. All of this is taking place to some degree in the context of a debate over another bill, Bill C-10, which would decriminalize the possession and therefore in practice the use of at least limited quantities marijuana. Therefore, as this discussion goes on, we are also talking about a semi-legal drug, its status and how we respond to that.

Sometimes there are individuals, myself included, who refer to the consumption and use of marijuana as a victimless crime; that is, someone uses marijuana but they do not create a victim out there. However, that stops when individuals use marijuana or some other substance, including a prescription drug, and proceed to put themselves essentially at the control of a large and dangerous machine and take actions which could endanger the safety of others. At that point, the public interest becomes involved and potentially there are victims of what essentially boils down to being at the very least a kind of gross negligence. In some cases we see impaired drivers going out when there is almost a certainty they will wind up having an accident. We can argue that when someone is harmed, it is a form of manslaughter.

● (1525)

When I have written on the subject of decriminalization of drugs in the past, I always have stressed the importance of ensuring that we have laws in place that guarantee that negative externalities, the imposition of pain or suffering upon others, are carefully prevented and any form of reduction in the penalties for the use of any mood or mind-altering substance ought to be accompanied by protections for the public.

In October 2001 I wrote an article on the subject of marijuana decriminalization and drugs in general. I wrote the following with reference to the public good and public interest. I said:

> —most of us would recognize the need for sanctions against violent behaviour and against the grossest forms of negligence towards others, and it is perfectly reasonable to expect some form of legislated limitation on what economists would describe as the "negative externalities" (harmful or annoying side effects to others) of all personal behaviours, including drug use. Which is, of course, precisely what the state does in the case of legal recreational drugs. Driving or boating while under the influence of alcohol is a criminal offence, as it ought to be.

The same would be true for driving or boating while under the influence of marijuana, a prescription drug, an illegal drug or some mix of those substances. The bill as it stands now would allow for this kind of rule to be enforced in a meaningful way, and that is a positive step.

There are some things, however, that deserve to be mentioned as caveats. One is the fact that it is not as easy to find a consensus on what represents a dangerous level of other substances in the bloodstream. Whereas we have a pretty clear consensus on what represents a dangerous level of alcohol in the bloodstream. That is work that I think we can achieve.

I have great hope that in committee hearings we will hear witnesses who can draw our attention to some of the science on this so we may begin to develop the necessary knowledge to allow ourselves to carry out this kind of law effectively and ensure that those who are not impaired are not facing prosecution and those who are genuinely impaired do not get away from facing prosecution. That is a balancing act and I have hope that we will be successful in finding the solution through this.

I also want to mention that we should not regard this law as being a panacea with regard to the problems raised by Bill C-10, the marijuana decriminalization law.

Bill C-10 has problems that are not addressed by this legislation. Most notable, it seems to me, Bill C-10 simultaneously reduces the penalties for the consumption of marijuana. That means inevitably the consumer demand would increase while at the same time it would increase the penalties for the possession of marijuana for production purposes as measured, for example, by the number of plants one has in one's possession. This could have the consequence of causing simultaneously demand to rise while the penalties also rise and the temptations of risking those penalties also rise, which may result in more prosecutions and more people being tempted into a position where they can be prosecuted than would otherwise be the case. I do not think that is a positive thing and it remains a real concern with Bill C-10. There are other concerns, as well.

However, this proposed and the measures it recommends are very positive. I would encourage members to send the bill forward to the committee.

● (1530)

[*Translation*]

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Speaker, of course, it is a great pleasure to speak to Bill C-32. It is somewhat the child of Bill C-10 and of Bill C-38, which was later called Bill C-10.

The House will remember that several witnesses who appeared before the committee pointed out the problem of driving while impaired by drugs. They raised this point to encourage us to oppose Bill C-10.

Following these presentations, I moved in committee an amendment aimed at doing almost what Bill C-32 does now. At the time, the committee chair rejected my amendment, because it was irrelevant to Bill C-10.

However, and I succeeded in getting the unanimous support of the committee on this, we tabled two reports on Bill C-10 in the House. The first report suggested some amendments to Bill C-10 and the other called on the government to move quickly to pass legislation to resolve the problem of driving while impaired by drugs.

So, Bill C-32, which is now before us, is in response to a request by the committee that reviewed Bill C-10.

As regards the bill per se, we have good news and bad news. The good news is that we support Bill C-32 at this stage and believe that it should be reviewed in committee as quickly as possible.

Now, let us turn to the bad news. The introduction of the bill at this stage of our proceedings, with an election campaign looming on the horizon, is a cheap election ploy on the part of the Liberals. They are trying to counter the attacks that they are anticipating from the Conservative Party of Canada and its right wing forces, which want a return to a more prohibitionist approach regarding the possession of marijuana.

When a measure as important as Bill C-32 is introduced in the House, an announcement is usually made regarding moneys that will be made available to implement the legislation. In this case, no money was earmarked, announced or set aside to implement Bill C-32. What is the point of tabling, and even voting on a measure such as Bill C-32 if the means to implement it are not there?

As we know, there are some 52,000 police officers in Canada. If my memory serves me correctly, we need to train about 40% of them so that they can conduct the standardized breath test announced in Bill C-32.

● (1535)

How does the government expect to train these 20,000 to 25,000 police officers if it does have the means to do so? How will these men and women, these police officers, be able to conduct standardized sobriety tests on people who are inebriated or under the influence of drugs, if they are not trained to do so?

I will conclude by saying that although we support Bill C-32, I think this is a cheap election ploy. I think the government is not sincere in its commitment to passing Bill C-32. If it were, it would have provided the means to implement it.

Unfortunately, nothing surprises me anymore with this government. I am beyond cynical about it. This government has no direction and does not know what it wants except to be re-elected. It thinks that by tabling Bill C-32 on the eve of an election, it is arming itself against possible attacks that might occur during an election campaign. For the public, it is very disappointing to see the government treat such an important issue this way.

I repeat, and I will conclude on this, I demand that the government table a concrete plan in the few days remaining before the federal election is called. The government has to tell us exactly how much money it will provide and put aside in order to train police officers to conduct standardized sobriety tests; otherwise this is all a sham.

[*English*]

Mr. Joe Comartin (Windsor—St. Clair, NDP): Mr. Speaker, the NDP is pleased to indicate to the House that we, like the other parties, are quite interested in having this bill referred to committee. We recognize that it has a significant role to play in dealing with drivers and conductors of other vehicles who are in an impaired condition, both in terms of identifying them and dealing with the results of them breaching the law.

There are clearly some positives in this bill, but there also are some negatives. This bill has become a pressing issue in the form of its necessity because of all the debate that we have had around Bill C-10, which would have the effect of decriminalizing small amounts of marijuana.

I must say that from my period of time when I was practising criminal law, I am not sure we are going to see any increase in the number of people driving while impaired due to the consumption of marijuana. That conduct is going on now. In many respects, because it is completely illegal now, I would suggest it is worse than it will be once it is legalized and have the result at that point of people knowing when and how much they can consume, and generate more appropriate conduct in terms of the safety of the general public.

I think because the maximum consumption allowed, in terms of possession, is 15 grams, people will know that is the limit. They will also know that because they are limiting themselves in that regard, they have to limit the consumption in terms of its impact if they are driving or, what would be obviously preferable, that they do not drive at all, or conduct any other types of mechanical devices on public roadways, waterways, or airways, if they have consumed any marijuana whatsoever.

I am actually looking for an improvement in the number of people who would be conducting themselves in more appropriate and safety conscious fashion.

The other point that I would like to make with regard to the legislation itself—and it is one concern that we have and I am not sure we are going to be able to overcome this as we go through the legislative process, it is one that will have to be overcome by changes in practice of law enforcement—is the fear we have that this type of legislation could in fact be used in a discriminating fashion against visible minorities, against the aboriginal Métis population, much as we are seeing some of that occurring now in other areas of law enforcement.

This one is much more open to that type of abuse because it would allow a police officer unreasonable grounds to stop someone, conduct the investigation, and then carry on to insist that they provide urine or blood samples, saliva samples, et cetera. So it is more open to abuse.

The use of the breathalyzer and the use of the assessment whether somebody is impaired due to alcohol is more clear-cut. The evidence that was heard at both Bill C-10 and other investigations into the legalization of marijuana made that quite clear. It is easier for a police officer to identify people who are under the influence of alcohol than if they are under the influence of marijuana or some other drug. However, because of that difficulty, it is then easier for police officers who are being abusive of their authority to camouflage the fact that they are in some way or another discriminating.

I do not want to suggest in any way that this is rampant in our society and certainly within our police forces, but we do have exceptions and we have seen that across the country, in a number of ways, over the last good number of years as we have followed those types of abuses. This legislation, therefore, will have to be closely analyzed to see if there are any ways that we can reduce that type of abuse flowing out of these amendments.

● (1540)

The other point I would like to make is with regard to how some of the tests actually would be conducted. This is one of our concerns with the legislation. The legislation as drafted provides that a blood sample would have to be taken by a qualified medical practitioner. Obviously of concern are the rules we are going to have to put in place under this legislation to guide how that blood sample is taken. They must be very clear cut and very directive and, as much as possible, limiting in terms of invasion of privacy and invasion of the body's well-being.

That wording is in the legislation. I applaud that. It specifically says that the medical practitioner has to do an analysis as to whether the sample taking will in any way cause further injury to the individual. That is important, but I think we have to go even further.

With regard to the taking of other samples, we run into all sorts of practical problems. The committee reviewing this will have to look at some of these issues. For instance, in taking urine samples, there is the whole issue of how one monitors the person. There is the whole issue of the invasion of privacy. Is there a full search of the individual, including body cavities, in case the person is carrying around a urine sample? These are all issues we have had to deal with in enforcement of drug laws in other areas and we are going to be confronting them again under this legislation.

We as parliamentarians will need to be conscious of those problems when drafting the legislation. As much as possible, we will need to be prepared to provide direction to the enforcing officers so that abuse does not occur but samples can still be obtained in a fair and just way.

The additional point I would like to raise, which is one that we heard earlier from the member from the Bloc Québécois, is the issue of funding. There is no provision in the legislation for cost sharing on the expenses that are inevitably going to come out of this, first with regard to training our police officers right across the country on what they are required to do and what they are entitled to do and in effect teaching them how to do it.

Based on my own experience when I was practising law, at the time when the breathalyzer was coming into effect we had a lot of difficulties with it, including a lot of litigation as to what was required for the person to be properly trained and for the equipment to be properly used.

It is an expensive process to prepare our police forces right across the country for what is being proposed under this legislation. It is being mandated by the federal government. While we might pass these amendments to the code, while doing that we are not providing any financial resources. That burden, then, as so often has happened with this government, is going to fall onto provincial and municipal governments. Neither one of those levels of government, with the exception of one or two of the provinces, is in any kind of shape to take on additional costs for their policing.

One of the results may very well be that municipal police forces simply may not even attempt to use the bill because they cannot afford to train their officers and may not be able to afford some of the necessary equipment. For example, there will be a need for specific storage facilities for keeping both blood and urine samples and that is going to be expensive. Other types of equipment may very well be necessary on site in the police stations across the country. If that is not provided for by at least some significant amount of funding from the federal government, we may see police forces across the country simply refusing to use this legislation because they cannot afford to.

We have these concerns. However, because of what we are doing with Bill C-10 and the need generally to bring under control the consumption of drugs of various sources and the conducting of vehicles, it is very important to proceed with this legislation.

● (1545)

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, I am happy to speak today to sending Bill C-32 to committee. I am delighted to hear all the other parties supporting it although I was a bit astounded by the Bloc's suggestion about rudderlessness. As we know, the government has a lot of bills on the list today. We are going to a fisheries bill next. We have had many bills related to self-government and first nations financial institutions and a huge agenda in the budget and the throne speech.

When reporters review question period since Christmas, they will find out that it is the Bloc members that are rudderless. What proposals have they provided to us for the betterment of Canada, for the betterment of and better programs for Canadians? If we were to look through the Bloc's questions in question period, we would see that there really are no proposals there. There are no questions on the very dramatic program we have in the throne speech and the budget for rebuilding the social foundations and reinvigorating Canada's educational system, to be prepared for the modern economy and to reinvigorate Canada's place in the world. There is nothing to that effect in the Bloc's agenda or the questions during question period. I do not think that Bloc members should suggest that others are rudderless.

Bill C-32, related to driving while impaired by alcohol or a drug, is a complex health, road safety and justice problem. Addressing it requires combined efforts of governments, police, schools, public and private organizations, families and individuals. Where legislation, whether provincial, territorial or federal, can contribute to fighting impaired driving, it should contribute.

Is there a gap in the impaired driving offences provided for in the Criminal Code? The answer is no. In fact, the Criminal Code has had an offence for driving under the effects of alcohol since 1921. The code also has an offence relating to drugs and driving since 1925. Driving while impaired by alcohol or a drug is already a serious Criminal Code offence with serious penalties, including a maximum of life imprisonment for impaired driving that causes death.

The offence of driving while impaired by alcohol or a drug includes driving while impaired by a combination of alcohol and drugs. The offence covers all kinds of drugs: illicit, prescription, and over-the-counter drugs. In order to prove the offence of driving while impaired by a drug, there is no requirement to show what the drug concentration level was while impaired by that drug. This is not as easy as it sounds, because it may be difficult for the untrained officer to recognize the physical effects of each drug found within the vast range of drugs other than alcohol.

Is there a difficulty in investigating drug-impaired driving incidents? The answer is clearly yes. Currently, where police officers do have training to administer roadside physical sobriety tests, or the more involved tests at the station, they can only seek the voluntary participation of a driver in these tests when conducting an investigation of a drug-impaired driving offence under the Criminal Code. If the driver refuses, there is no criminal law sanction.

Bill C-32 will give the police the authority they need to better investigate drug-impaired driving offences. It provides that a peace officer may demand physical sobriety tests at the roadside, more involved tests at the station, and a sample of urine, saliva or blood in order to test for the presence of drugs. Refusal of the demands would be a Criminal Code offence.

Since 1995, British Columbia has trained many police officers in standardized field sobriety tests that are used at the roadside and in drug recognition expert evaluations that are used at the police station. Several other provinces now have trained officers.

● (1550)

Some might ask what the federal government is doing. Some of the opposition members were asking questions about the money. Already to date, the government has committed more than $5 million toward drug recognition expert training. Training in standardized field sobriety tests and drug recognition expertise is already being rolled out nationally through a national coordinator who is an RCMP officer.

The national drug recognition expert coordinator works with instructors from the RCMP and provincial, regional and municipal forces in an approach that will "train the trainers" in order to build the capacity to develop standardized field sobriety tests and drug recognition expert officers across the country. A mid-term evaluation that incorporates a national needs assessment for training is to be undertaken in the 2005-06 fiscal year.

Scientists are much more familiar with the effects of alcohol on driving than they are in relation to other drugs. Similarly, researchers are more familiar with alcohol in relation to driver fatality data because they have been at it far longer and coroners have a higher rate for alcohol testing of fatally injured drivers. What is interesting is that even without complete testing of fatally injured drivers for drugs in all provinces and territories and even without vast numbers of studies on the effects of each of many drugs upon the skills used for driving, there is broad agreement that drug-impaired driving presents a serious problem and that drug-impaired driving is appropriately among offences within the Criminal Code.

Over the coming years, I am sure that we will see more research that will help us to broaden our understanding of the problem of drug-related impaired driving. That understanding could help to focus other parts of the prevention puzzle, such as education and public information, along with rehabilitative measures.

Over the past two decades there has been an increasing awareness of the dangers of driving while impaired by alcohol and drugs. There is far less tolerance today for such alcohol-impaired driving than there was in the past. Undoubtedly this progress also has an effect on the twin problems of drug-impaired driving and driving while impaired by a drug-alcohol cocktail. Canadians are not willing to put up with the dangers posed by drug-impaired driving.

I am aware some would argue that we should have legal limits for each of the many drugs, just as we have a legal limit in the Criminal Code for alcohol. Alcohol has a steady rate of absorption and elimination. Scientists are readily agreed that a significant increase of crash risk occurs above .08 for drivers, regardless of age. For the vast majority of other drugs, it is not so easy to find agreement on the threshold at which crash risk assessment is significantly increased. That is why the support from the drugs and driving committee of the Canadian Society of Forensic Science has come for drug recognition expert programs rather than for drug legal limits.

Bill C-32 has benefited from feedback provided on a public consultation paper on drug-impaired driving, released last fall. Several provinces have provided comments. Some individual Canadians have commented, as have many organizations, including the Canadian Bar Association, the British Columbia Civil Liberties Association, the Canada Safety Council, Mothers Against Drunk Driving, the Canadian Association of Police Chiefs, the Canadian Association of Police Boards, the Canadian Professional Police Association, and the Canadian Medical Association. Bill C-32 incorporates a number of their suggestions.

I am aware that the legislation may be tested in the courts. In several ways it parallels the breath-testing legislation, which has withstood scrutiny. For example, reasonable suspicion is required prior to demands for roadside sobriety tests just as it is prior to demanding breath tests on an approved screening device. Police must have reasonable grounds to believe an offence is being committed before demanding DRE tests at the police station, just as they must have reasonable grounds before demanding a breath test on an approved instrument. I am confident that the bill is solid and that the limits it imposes are justifiable.

Bill C-32 will aid police in the investigation of drug-impaired driving offences. By itself it is not a panacea for the problem of drug-impaired driving. It is, however, a very important piece in the solution. I am asking all members to support the motion to send Bill C-32 to committee for review.

● (1555)

[*Translation*]

Ms. Yolande Thibeault (Saint-Lambert, Lib.): Mr. Speaker, I am pleased to rise today to speak on this motion to refer to committee Bill C-32, an act to amend the Criminal Code (drugs and impaired driving) and to make related and consequential amendments to other acts.

I am convinced that all members of this House want to pass the best possible legislation to fight the problem of drug-impaired driving. We know that the government's proposal is intended to amend the Criminal Code to give police the authority to demand that a person suspected of having drugs in his or her system submit to Standardized Field Sobriety Tests, or SFST.

If that person fails these tests, the police officer will have reason to believe that the person's faculties are impaired by drugs or by the combined effects of drugs and alcohol, and thus will be empowered to demand that the person accompany the officer to the police station, where the person will have to undergo other tests administered by a specially trained drug recognition expert, known as a DRE.

If the expert believes that the impairment is linked to a particular category of drugs, he or she will be authorized to require the person to furnish a sample of bodily fluids for analysis to confirm or refute the expert's opinion.

In one sense, this bill does not create a revolution. SFSTs and DREs are already being used in Canada. I understand that currently there are over 100 police officers trained as drug recognition experts. This phenomenon started in British Columbia in 1995 and now there are DREs in most provinces.

The RCMP is giving the training in conjunction with other police forces, and it is reasonable to expect that there will be DREs across the country within one or two years. Moreover, trial courts have accepted DREs' testimony in cases resulting in convictions.

Canada is not the only country to use DREs. As a matter of fact the first DREs were introduced in California in the early 1980s. Nowadays, they can be found in over 30 U.S. states as well as in Australia, New Zealand and several European countries. Training has been standardized by the International Association of Chiefs of Police over the past 10 years.

So if the program is already well in place in several Canadian provinces why do we need this bill? The answer is simple: We need it because currently a person suspected of drug-impaired driving is not obliged to take the tests.

In its report, the Senate Special Committee on Illegal Drugs devoted a chapter to driving under the influence of cannabis. The explanation given there applies to any police report of drug-impaired driving.

● (1600)

The Senate Committee summed up the situation as follows:

> The typical scenario for driving under the influence of psychoactive substances other than alcohol is as follows: a vehicle attracts the attention of a police officer, who pulls the vehicle over and questions the driver; if there are reasonable grounds to believe that the driver is intoxicated, a breathalyzer test is administered; however, when the test yields a result below the legal limit, the police officer may still not be convinced that the driver is capable of driving, but how is this to be proven? Before, more often than not, the police officer had to release the driver.

When the Senate committee says that "before the police officer had to release the driver" it refers to the situation that prevailed in the United States and in other countries before the law was amended to oblige suspected drivers to take the test.

Unfortunately, between now and when this bill is passed, we will continue to be in the same frustrating situation. The police officer suspects that the driver is impaired and presents a danger on the road, but since the impairment is not alcohol-related, which could be verified with an approved screening device or an approved breath test at the police station, he has to let the driver go and possibly kill or harm others. He can only detain the driver if he has solid evidence to arrest him and lay charges.

Bill C-32 will give police officers the tools they need to certify driving impaired by alcohol. First, the officer will be able to require the driver to take an SFST. This test takes roughly five minutes and is conducted on the spot. It consists in looking at the driver's eyes while slowly moving an object, such as a pen, in front of him and watching to see whether the eye movement is jerky. The driver is then asked to walk a straight line, heel to toe, and then turn around and come back. Then the person has to stand on one leg and hold the other leg straight, 15 centimetres from the ground, while counting to 30. Hon. members should try these tests. They will see that they are not difficult. Clearly, if the suspect has a handicap or a health problem that would prevent them from doing the test, they can refuse to do it. The legislation allows for the possibility of "reasonable excuse". Otherwise, police officers have reasonable grounds to believe that a driver who has failed to pass these tests is impaired. That is the prerequisite for requiring tests to be conducted by DREs.

> The evaluation is carried out by an officer trained in drug recognition. The drug-detection tests are based on medical and scientific knowledge. They are designed to identify the presence of seven classes of drugs: central nervous system depressants, better known as tranquilizers; inhalants, including solvents, aerosols and anesthetic gases; PCP, phencyclidine, a dissociative anesthetic; cannabis; central nervous system stimulants, such as speed or cocaine; hallucinogens such as LSD and ecstasy; and narcotics or opiates, like heroin and morphine.
>
> Officers trained in drug recognition can also recognize characteristics of consumption of various drugs.

The DRE evaluation consists of 12 steps. There are three tests of eye movement: horizontal nystagmus, vertical nystagmus and convergence. Nystagmus is an involuntary but observable jerk of the eyeball. Horizontal nystagmus is a jerk that occurs while a person is watching an object move from left to right and back again.

● (1605)

The DRE also administers a modified Romberg balance test, a walk-and-turn test, a one-leg stand, and finger-to-nose test. The DRE then takes three vital signs: blood pressure, body temperature and pulse.

[*English*]

Hon. Shawn Murphy (Parliamentary Secretary to the Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I am pleased to speak in the House today to the motion to refer Bill C-32, an act to amend the Criminal Code, drugs and impaired driving, and to make related and consequential amendments to other acts, to the committee for hearings.

I believe I speak for everyone in the House and for the Canadian public generally when I say that everyone wants to propose the best legislation in dealing with this particular issue. The core of the legislation which is before the House is to change the Criminal Code so that police officers would have the authority to demand that a person who is suspected of having drugs in his or her body participate in standardized field sobriety tests, known as the acronym SFST. I see this as one more step in a continuum of tools that our police officers have at their disposal to deal with drivers who are under the influence of alcohol and drugs.

I practised law for quite a few years in Atlantic Canada. When I first started, the breathalyzer had only been in for four or five years. Anyone who is a little older than me can recall the tools that the police officers had at that time to deal with alcohol. They were the very tests that we have talked about here: touching the nose, walking a straight line, stooping over and the different tests that the police officers did at the time. Those tests did not give a very consistent or standardized approach. The trials were complex and complicated. The test results usually were fought by the accused because the success rate was certainly significant.

However, as time progressed, technology came to be and we developed the breathalyzer. There were certain problems with that, and then we had the offence of refusing a breathalyzer. This is all in the continuum as we deal with this very serious offence but we have been dealing with it for 40 years.

Although I will be speaking to this legislation, which is good legislation and I would ask my colleagues in the House of Commons to support it, I will point out that the Canadian public has dealt with the whole issue, not successfully, but there have been some successful steps made on the issue of driving while under the influence of alcohol or drugs. We also have had the penal sanctions and the publicity surrounding it.

However, when I look back, the best tool that the Canadian public has used on these offences, which we see so much with younger people in society, is that we have made the offence socially unacceptable. The statistics prove that this has lowered the incidents of the offence over the last 20 years, and especially over the last 5 or 6 years. We see with the younger people in society and I believe in every province that it is not socially acceptable to operate a motor vehicle while under the influence of alcohol or drugs.

Getting back to the legislation, it is a serious issue and it would give the police more tools in their arsenal to deal with a situation where a person is not so much under the influence of alcohol but is under the influence of drugs. In this case, the core of the government's proposal is to change the Criminal Code so that police have the authority to demand that a person who is suspected of having drugs on his or her body participate in the standardized field sobriety tests which I have talked about before.

● (1610)

If the person failed these tests, the police officer would then, on a consistent basis, have reasonable grounds to believe that the person was impaired by a drug, or in some instances by a combination of a drug and alcohol. The police officer would be in a position to demand that the person accompany the police officer to a police station where the person would have to submit to further tests administered by a drug recognition expert.

The bottom line is that once that happened, a bodily fluid sample could be taken. Then and only then, if the final bodily fluid test indicated clearly what the drug was in the person's system, the concentration of the drug could be indicated. The expert could then form an opinion as to whether or not that concentration of the illegal drug was such that the person would be impaired pursuant to the Criminal Code of Canada. That would all go forward to the courts and if everything were done in proper order and the safeguards were there, the person would be convicted of that offence.

This is not a new technology. It is not a revolution of the law. It is just a further step. It continues the whole process that we are working on in society. I understand that this was developed in California in the early 1980s. It found its way into Canada quite some time ago, at least nine or ten years ago. It is my understanding that there is now in excess of 100 officers trained as drug recognition experts.

The program began in British Columbia in 1995 and some drug recognition experts are now present, I believe, in most of the 10 Canadian provinces. The RCMP, in cooperation with other police agencies, is conducting a training program. We can expect these training officers to be present throughout the land within the next year or so.

That follows on a trend that was started 30 or 35 years ago with the breathalyzer. That was a very complicated instrument when it first came into play. More police officers were trained in the use of that instrument and it is quite commonplace right now.

Dealing with the whole issue of drugs and alcohol, I want to point out to the House the incidence of drug users in fatal accidents. A Quebec study determined that in excess of 30% of fatal accidents in that province involved either drugs or the combination of drugs and alcohol.

As I already pointed out, we do have the offence within the Criminal Code right now. It has been there for as long as I can remember. Driving while impaired by alcohol or a drug is currently a criminal offence and can result in severe penalties. The maximum penalty, I believe, is life imprisonment if the offence causes the death of another individual.

We talked about the tests which are the first step in the three-pronged process leading to the conviction of a person who has in his or her body a concentration of illegal drugs that is causing impairment. Police officers across Canada need this tool in their arsenal because we are ploughing new ground, so to speak. The whole scientific literature, the decided cases and the jurisprudence involving alcohol is very well established but is a little behind with respect to drugs.

In a lot of cases there is no scientific consensus of the threshold of the drug concentration in the body which causes impairment and makes driving hazardous. It becomes difficult when there are drugs mixed with alcohol, drugs mixed with other drugs, and illegal drugs mixed with prescription drugs. There are all kinds of cocktails. That is why we need this legislation. It would be so beneficial.

● (1615)

I urge all members of the House to support the legislation. Let us refer this important piece of legislation to committee, so that the committee, the House and subsequently Senate can move quickly on it.

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.

The Acting Speaker (Mr. Bélair): I declare the motion carried. Accordingly the bill stands referred to the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness.

(Motion agreed to and bill referred to a committee)

* * *

● (1620)

FISHERIES ACT

Hon. Geoff Regan (Minister of Fisheries and Oceans, Lib.) moved that Bill C-33, an act to amend the Fisheries Act, be read the second time and referred to a committee.

He said: Mr. Speaker,I appreciate the opportunity to rise in the House today to speak to Bill C-33, an act to amend the Fisheries Act.

I would like to begin by recognizing the hard work of the members of the Standing Joint Committee on the Scrutiny of Regulations and thank them for their interest in bringing their concerns forward. I used to be a member of that esteemed committee in my first term between 1993 and 1997. The role of that committee is to examine regulations that have been put into force by order in council and to ensure that those regulations are authorized by an act of Parliament.

There have been times when disagreements have arisen between that committee and departments, or ministers and their offices about whether a particular regulation is duly authorized or not. There was one such disagreement in this case. I and my department have decided to bring forward Bill C-33 in response to the concerns brought forward nevertheless.

[*Translation*]

I greatly appreciate the advice and opinions of the committee members, who play a very important role in examining the existing regulations. Very often, their suggestions have proven extremely useful.

[*English*]

The committee set out its concerns in its reports on the Ontario fishery regulations and the aboriginal communal fishing licences regulations. More important, these reports brought forward a number of recommendations to provide greater clarity and certainty on matters of legislative authority with respect to these regulations. Because the government values the committee's role in providing parliamentary oversight, we have given serious consideration to the committee's views about these regulations.

Bill C-33 fulfills commitments that were made to the Standing Joint Committee on the Scrutiny of Regulations by the government. Our government strongly believes in increasing the participation of Canadians in politics. That is why in February the Leader of the Government in the House of Commons and Minister responsible for Democratic Reform, my colleague from Montreal, tabled an action plan for democratic reform.

The action plan was based on three pillars of democratic reform: improving ethics and integrity in government; restoring the role of members of Parliament in generating thought and ideas in debate; and increasing the accountability of our elected officials. Those are three key, very important pillars. I heard positive reaction to those from people in my part of the country.

[*Translation*]

Our government recognizes that members of Parliament are an essential link between citizens and the federal government and, as such, must play a key role in our parliamentary system.

We must therefore expand the role of our parliamentary committees to enable members to define more clearly their approach and influence on policy. We feel that all of this will enhance the role of members of Parliament, the efficiency of government, and Canadians' participation.

[*English*]

In other words, by giving members of Parliament a more effective role, making committees more effective, giving them more influence on the development of policies, on the development of legislation, we give more power to Canadians. That is what is important. That is what Canadians are asking for.

After close consultation with the members of the committee, I am confident that the amendments to the Fisheries Act that are being proposed will address their concerns.

However I would like to reiterate my belief that the regulations currently in place are sound and that they properly authorize the fishing under the Fisheries Act. They offer a flexible, balanced approach in accommodating fishing by aboriginal communities with the responsibility to effectively conserve and manage our fisheries on behalf of all Canadians. The regulations support the ability to manage the fishery consistently with the Sparrow decision of the Supreme Court of Canada, the Marshall decision and other important court decisions that have had quite an influence and have had lots of commentary in our country in recent years.

Having a single regime in place that is flexible enough to take all of the numerous factors that I have mentioned into account is certainly a challenge. I believe that the current regulations give the balanced and flexible approach that is needed.

The committee has requested further clarity on these matters and that is exactly what the bill is intended to do. That is why the amendments being proposed represent a range of changes that will provide greater clarity and certainty on matters of legislative authority, as the committee has requested.

In particular, Bill C-33 amends the Fisheries Act in a number of ways, but I will mention two. One, the bill expressly provides that the governor in council can make regulations respecting the method of designation where a licence is issued to an aboriginal organization. Two, the bill expressly provides that breach of a term or condition of licence issued under the Fisheries Act is an offence.

My department has been working with aboriginal groups and stakeholders. We feel it is imperative and very important that the proposed amendments to the Fisheries Act are well understood by our key stakeholders.

● (1625)

[*Translation*]

I am sure my colleagues can see how important this is. I am confident of their support of the idea that we need to take into consideration the point of view of those involved in the fisheries.

[*English*]

We have also been working with the provinces and territories on this matter. Provincial and territorial support has been fostered through a renewed working relationship in a spirit of cooperation between the Department of Fisheries and Oceans and provincial and territorial agencies that have responsibilities related to fisheries.

I want to point out that the passage of these amendments into law will not change the existing practices on the ground. It is important, if one is involved in the fisheries, to know that there is going to be consistency, stability and certainty as we go forward.

[*Translation*]

The aboriginal communal fishing licence regulations remain founded in law and continue to be enforced. They continue to provide valuable mechanisms for implementation of the aboriginal fisheries strategy and the Marshall response initiative in keeping with case law.

In my capacity as minister, I will continue to issue community licences to aboriginal communities under these regulations.

[*English*]

Bill C-33 would also support the continued involvement of aboriginal groups in the management of fisheries. We would continue to work cooperatively with aboriginal groups in this regard.

Over the last decade, aboriginal participation in the fisheries has grown. On the east coast, for example, the Marshall response initiative has led to the creation of a significant number of jobs. Using an average of three jobs per fishing enterprise, it can be estimated that about 1,250 direct full time and part time jobs have been created as a result of the Marshall response initiative. That is a big impact.

Jobs have also been created in managing and management administration, boat repair, science and habitat, monitoring and mentoring. These are all important areas. Most of my colleagues here will recognize that that is very valuable.

We think of the history of aboriginal communities and of the difficulties with which they have suffered for so long and the fact that they are now seeing and seizing these opportunities to fish and take part in this industry is a sign of great hope. It is one of the many things the government is doing to work with first nations to try and build a strong economic life in those communities.

We can speak of the progress that goes beyond the fishery, like the emergence of new leaders and the profits that are being invested in housing, infrastructure and other social priorities. These and other benefits are resulting in an improved quality of life for first nations.

An acceptance of the presence of first nations in the commercial fishery is also growing. Aboriginal and non-aboriginal fishers are fishing side by side. The Department of Fisheries and Oceans mentoring pilot project went a long way in strengthening this relationship as first nations and non-aboriginal fishers worked together to transfer skills and knowledge.

● (1630)

[*Translation*]

Agreements on fisheries and the development of a different kind of relationship on the water have made greater understanding and better communication between first nations people and DFO staff possible.

Consequently, the first nations have a say in the departmental decision-making process.

[*English*]

The Government of Canada has also announced a recent initiative to broaden our progress and to further develop collaborative relationships with aboriginal groups. It was a very important announcement that was made in October 2003 when the department and the minister at the time announced the aboriginal aquatic resource and oceans management program, and the aboriginal inland habitat program.

Earlier this year, in February 2004, I had the pleasure of announcing the at sea mentoring and the fisheries operating management initiatives, both of which are to be carried out over the next four years.

In my opinion this cooperative approach with not only the Department of Fisheries and Oceans but with aboriginal groups and people in the commercial fishery is a key component of a soundly managed fishery. The government recognizes the challenges faced by aboriginal Canadians and is committed to bringing about concrete improvements in the economic opportunities and living standards of aboriginal people in Canada.

There is no doubt in my mind that this is what the vast majority of Canadians want and want it very seriously. They see and hear of the difficult circumstances of people living on reserves in many cases. They are concerned and anxious to see steps taken to improve that situation. It is a real concern for many Canadians.

The Department of Fisheries and Oceans has been a key contributor to helping aboriginal people attain greater economic self-reliance and will continue to do so.

[*Translation*]

This bill will provide the legislative authority with greater transparency and assurance, both of which are vital to proper and orderly management of the fisheries sector.

It will make it possible for us to continue to work with aboriginal groups to enhance quality of life and promote the overall objectives of the Government of Canada.

[*English*]

Therefore, in view of all these points I have made, my colleagues will see that this is a valuable piece of legislation. While we already have regulations in place, those will remain in force, it is important to listen to committees of the House and in this case a joint committee of the Senate and the House of Commons.

The House may be aware that this committee is co-chaired by a Conservative member of the House and by a Liberal Senator. It is worthwhile for the public who might be watching, some of them at least, to be aware of the fact that we do have committees where members work in cooperation from all sides of the House. This is one such committee where members have concerns about regulations and have put them forward.

I therefore ask all members of the House to join me in supporting this important bill.

The Acting Speaker (Mr. Bélair): Before we proceed to questions or comments, it is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Davenport, International Trade; the hon. member for Cumberland—Colchester, Public Service of Canada.

Mr. Loyola Hearn (St. John's West, CPC): Mr. Speaker, the minister, when he introduced the bill, spoke about the committee on scrutiny of regulations. He spoke about the great job it had done and about all the consultation on the bill.

I wonder if the minister could tell us, how much consultation did he have on this specific bill with the committee, how often did he meet with them, and who specifically did he talk to in relation to this particular bill that we are now debating?

● (1635)

Hon. Geoff Regan: Mr. Speaker, I thank my hon. colleague for his question.

I would have to go back and review that. I can tell the hon. member that the hon. member for Surrey Central is the co-chair of that committee, along with Senator Hervieux-Payette. As I understand it, my office has been dealing with them and the department has been consulting with them. However, I would have to get back to the hon. member on the details of that consultation.

It is accurate to say that I misspoke myself and should have pointed out that in fact my officials and my assistants had been in contact with that committee. The hon. member has made a good point and I appreciate that.

Mr. Gerald Keddy (South Shore, CPC): Mr. Speaker, I have another question for the minister.

In the regulations that would be changed under this bill, it states that it provides that the terms and conditions of some licences to aboriginal organizations would prevail over certain regulations to the extent of any inconsistency. Could the minister explain that?

It provides that the terms and conditions of some licences to aboriginal organizations would prevail over certain regulations. I would like to know what those regulations are? Are they regulations on fish stocks? Are they regulations that concern conservation? Are they regulations over vessel size? There are hundreds of regulations that govern the fishery, so which regulations are we talking about?

Hon. Geoff Regan: Mr. Speaker, there are a variety of different kinds of agreements that are reached with aboriginal groups and they contain a variety of provisions.

In fact, it is important to have the flexibility to mould our agreements to each individual case, because as my hon. colleagues know, there are a wide variety of fisheries across our country and a wide variety of fisheries in which aboriginal groups are involved.

Therefore, it is important to have the flexibility to have licences that have a variety of provisions and respond to situations. That is why this provision is in place.

Mr. Loyola Hearn: Mr. Speaker, we have it clear and on the record that the minister himself did not talk to the people involved at the committee. If hon. members listened to him in the beginning when he introduced the bill, it sounded as if he had all these serious discussions and that he completely understood what went on here, and that the committee was in full support.

The scrutiny of regulations committee recommended the changes for the legality of the move that we see occurring here in the bill, which is an old bill, by the way. This is not something that was just introduced. This is an old bill that has been dusted off and brought back. I would like to ask the minister, did the scrutiny of regulations committee endorse the recommendations and the changes that the minister intends to make?

Hon. Geoff Regan: Mr. Speaker, the important thing to know about the whole nature of the bill is that it is brought forward in response to the concerns of the Standing Joint Committee for the Scrutiny of Regulations. It responds very well to those concerns.

My understanding is that the committee in fact endorses the vast majority of these provisions. It has some concerns about a couple of them and might have done them a little differently, but I am confident, having gone through the bill, that it responds to those concerns and does so in a way that meets the requirements of the law.

As I said earlier, it is our view that the regulations that are in place are already authorized under the Fisheries Act. While the bill responds to the concerns of the committee and does so in a way that is complete in my opinion and settles the issue, I hope, once and for all, the fact of the matter is that we have legislation and a regime in place that is already effective.

Mr. Gerald Keddy: Mr. Speaker, the issue here about regulations and the absolute necessity to have consistency in the regulatory package is a major fault of this bill. The minister certainly understands that the Department of Fisheries and Oceans is responsible for conservation. Quite often, when dealing with first nations, that is the overriding responsibility of DFO under the Sparrow decision.

However, my concern on the regulations is that they could further encourage inconsistency in the regulatory regime. For instance, in lobster fishing area 34 in southwest Nova Scotia, one could have a ministerial permit that would allow first nations to fish fewer traps than any other fisherman in that area, or they could perhaps fish more traps. They may be allowed to set those traps earlier. One could look at different seasons. There are a whole number of issues that are of great concern to myself and certainly a concern to fishermen.

More importantly, it takes a long time to train someone to be a capable fisherman. This is not something that just happens in a heartbeat. Quite often it takes generations. If these licences that the aboriginals will now have are not going to be passed on intergenerationally, we could be setting ourselves up to lose all of that knowledge that needs to be passed down from licence to licence in the fishery.

It is not only just a matter of being able to fish, it is a matter of being able to find one's way back to shore. It can be, quite frankly, a matter of life and death.

● (1640)

Hon. Geoff Regan: Mr. Speaker, I mentioned earlier during my comments the fact that we have the mentoring process. In fact, we have seen a successful development of the mentoring process and the relationships between first nations and commercial fishers. That has been very important in developing the aboriginal fishery.

My colleague stated that it takes a long time to learn to be a fisherman, and in fact that is true. If one wants to be successful and have a profitable fishery, one does not just get a licence, go out, and put a bunch of traps in the water. There are many skills that one has to learn. Whether fishing lobsters, mackerel, halibut or whatever it may be, it is important to learn those things and it takes time.

That is why we have put in place supports for things like the mentoring program that provides a mentoring process to aboriginal fishers and improves the linkages between the commercial fishing community and the aboriginal community. That is the kind of thing in which we can see positive results. My colleague would recognize the benefits of that kind of relationship.

In fact, by having regulations that allow the mentoring process and these licences to exist, we are going to be able to carry on that kind of mentoring in order to allow people in the aboriginal fishery who are getting started to have the time, which can take as much as 9 or 10 years, to learn to run a profitable fishery.

Mr. Loyola Hearn (St. John's West, CPC): Mr. Speaker, this is turning out to be a very interesting bill. When it was reintroduced, the impression was left that it was housekeeping and that there was nothing to it. We were to nod heads and off it would go. We have found out that a lot of people have concerns with the bill, and the minister will find that out over the next couple of weeks of debate on the bill.

Having said that, it might be interesting for us to sit back and assess what is going on in the House today.

The government kicked into its second phase early in the new year when it reopened the House under a new captain but with the same old crew. We saw absolutely nothing on the government's agenda. The new Prime Minister, with the old team and the old government, wanted a change of face. Who could blame him. Except for you, Mr. Speaker, if someone had to look at that some bunch every day, one would think it would be time to put a new look on government.

The Prime Minister wanted to do that. I always say to the Liberals, the only positive thing they have sitting on that side of the House is that they can look over here and see a real opposition. I even give credit to some of my colleagues to my left who have been very supportive on some of the issue we have raised in the House.

When the Liberals came back, the Prime Minister's intention was to put a new face on government, have a quick election and clean House. He was more interested in cleaning his own house than in cleaning the Houses of Parliament. However, it did not work, and for all kinds of reasons the election has dragged and dragged.

What happened was it was the continuation of the old government with absolutely no plan whatsoever. It had no agenda when it came to new legislation. There was absolutely nothing. For a number of weeks, it brought back and regurgitated old legislation, the same legislation that was under the previous leader.

Eventually it ran out of time because there was very little substance to anything it had and it flowed fairly quickly, seeing that we are so cooperative on this side of the House. The government was caught, first, by not being able to call an election because of what the people of the country thought about the Liberals. People began to find out about the scandal-ridden government being led by the Prime Minister, the person who led the Department of Finance and was supposed to be the boss in all of this.

What has happened? It is now scrambling to try to bring in old legislation again. However, some of the legislation is important and very pertinent to society today, such as the previous bill we discussed today on impaired driving under. That bill has been referred to committee. Why was it not brought in earlier? Why have people been asking for years to deal with such legislation? Because it was not a priority for the government. Only when it got stuck, did it start scrambling for legislation.

It is also looking at the possibility of an upcoming election. Therefore, the legislation it is bringing forth are pieces of legislation that it hopes will endear the Liberals to certain segments of society.

I hope people out there are more sensible than to be bought off by a bill that is introduced and may never see the light of day if we get a quick call. The government wants to be able to say that it has introduced legislation to deal with the problems and issues which people have been begging it to do for years, including the issue of driving while drunk.

We had another one earlier today that dealt with aboriginal issues. The government is starting to look at special interest groups, people concerned with driving while drunk and the aboriginals concerned about the way they have been treated over the years. To try to attract some attention and get some votes, the Liberals have rushed in a few of these bills and dusted off some of the old ones that have been ignored and put in the trunk.

● (1645)

Now this bill has come in and the government has said that we should not worry about it, that there is nothing to it and that it is a minor change of regulations. Because the scrutiny of regulations committee has told the government that the authority for implementing the regulations may not be vested in the minster, it has made some changes.

I asked the minister how much consultation he had. If we check *Hansard* and listen to the minister's remarks, we will easily see that he talked about the consultation with the scrutiny of regulations committee. He admitted afterward that he probably did not have any because he did not seem to know very much about it. Now he is only a minster for—

Hon. Geoff Regan: Mr. Speaker, I rise on a point of order. In fact in my speech I said that after close consultation with the committee, I was confident the amendments to the Fisheries Act that were being proposed would address their concerns. I want to table—

The Acting Speaker (Mr. Bélair): This is not a point of order. It is a point of debate. The hon. member for St. John's West.

Mr. Loyola Hearn: Mr. Speaker, I know what the minister is trying to say. He is trying to say that guy over there embarrassed him so he tried to clarify his position. He still talks about close consultation. I asked the minister specifically if he had meetings with the committee and with whom. He did not say he had, but that is the impression he left.

All I wanted to do was clarify the impression. The minister did that. I accepted his explanation earlier. I just wanted to get it on the record so the people across the country knew the kind of consultation the minister had.

I also asked the minister if the committee had given approval to the amendments. I do not want to misquote him because he can get the blues and correct me. Maybe the minister could read the exact words, but I think he said that he agreed with something.

I would like to put some comments on the record. It is a letter to the minister from the joint committee. It states:

> We thank you for your recent letter in relation to the reintroduction of legislative proposals included in—

It was the old Bill C-43 and now Bill C-33 I believe. I am interested in what is meant by "We thank you for your recent letter". I am wondering if that is the extent of the consultation. The letter goes on to say:

> You have asked for the Committee's views "on whether the amendments as proposed in Bill C-43 address the Committee's issues". We are pleased to confirm that the proposed amendments would, if adopted, remove the basis of the Joint Committee's objections to the Aboriginal Command Fishing Licences Regulations and to SOR/8993, the Ontario Fishery Regulations, 1989. We would appreciate your advice as to when you propose to reintroduced the proposed legislation.

The minister undoubtedly has reintroduced legislation and the committee members are asking about his views. The letter further states:

> Our acknowledgement that the amendments included in Bill C-43 would resolve the Committee's objections—

The committee members are saying, "Yes, our objections are met". The letter continues:

> —[in relation] to the legality of the relevant regulatory provisions does not imply an endorsement of those amendments....

Therefore, the committee is not endorsing the amendments that the minister proposed to make. The letter goes on:

> Particularly as regards the proposed section 10(1), which impose a legal duty to comply with the terms and conditions of a licence, we can conceive that some parliamentarians might object to subjecting such non-compliance to penal sanctions that include imprisonment. To deprive a citizen of his liberty on the ground that the citizen has failed to abide by requirement imposed by a public official in the exercise of an administrative power, such as a term or condition of licence, could be thought undesirable as a matter of legislative policy.
>
> Given that the matter is one of policy and, as such, lies beyond the remit of the Joint Committee, we do not wish to be perceived to be taking a position on the desirability of those legislative amendments. We trust that this will be satisfactory....

It is signed by the joint chairs and the vice-chair of the committee. One of the two joint chairs of course is one of our members and the vice-chair is a Liberal.

Therefore, the committee is raising a major concern about the amendments the minister intends to put forth. Will the minister during the debate over the next couple of weeks clarify for us why he is bringing in a bill that might have an adverse effect on the people who will be affected?

● (1650)

The minister talks about the scrutiny of regulations committee, and let me give him credit. He is a new minister and there are things he is doing and there are issues he has taken up. The way he is presenting himself on the issues is refreshing compared to what we have seen in the past. However, maybe it is time for this new minister to realize that he has a department under his thumb which, if properly run, and for which, if he does not let himself be run by some of the bureaucrats who have been around and if he wants to set a direction that should be set on fisheries in this country, we have a chance to take a renewable resource from the west to the east to the north and in the Great Lakes, of course, and at points in between, because we have tremendous fishery resources throughout the country.

If there is some proper management and if there are some proper regulations put in, if we eliminate, as we saw when I raised some of the points earlier in question period, the manipulation of that resource for the sake of friends and colleagues as we have seen in the past, if we properly manage and let this resource grow and multiply, if we see that it is harvested properly, if we see it is processed properly, and if we get the right markets, the amount of employment and the enhancement of the economy that could be derived from the proper care of this resource would be phenomenal.

We get caught up in the Atlantic provinces, and I look at my friend from Cape Breton, and off Nova Scotia in the minister's own province, off my province of Newfoundland and Labrador, where we have tremendous oil and gas resources. A lot of people look at us—and what is that old saying we cannot say anymore because it is not politically correct?—and say, "Why are you flogging a dead horse? Give up on the fishery, boy, it's a thing of the past. Oil and gas is the order of the day".

Oil only lasts for a while. Gas only lasts for a while. Eventually the oil will be gone and the gas will be gone. And we have seen some great mines come and go. We have seen places like Bell Island, and we can go across the country, pick a province, and pick an area or the mines. Certainly, again looking at my friend from Cape Breton, he knows all about it. People lived for years and raised their families based upon working the mine. Everybody was proud to be a miner. We had whole communities such as Buchans and Bell Island in particular, I think, wiped out when the mines closed. There is only so much ore in the ground and it does not grow. It may develop over hundreds and thousands and millions of years but it does not grow back.

Fish, on the other hand, can grow and multiply rapidly, but not if we pursue the direction we are seeing happen and not if we let every enemy of the cod, the salmon, the herring, the squid and the whole works, every enemy of the species, go out and just pursue that fish.

With the science we have today, with the big dragger stuff we have, with the technology we have, we can find every last fish in the ocean. Unless somebody manages that resource, and with some teeth, we will see that last fish being caught. That is a travesty and the minister has a heavy responsibility on his shoulders.

So when we talk about scrutiny, I believe that instead of worrying about rushing in bills that may cause all kinds of problems, we should be looking at the resource we have and trying to bring in some bills we can enact into law so that we can address what is happening to our renewable resources, so that we can address the predators, whether they be human or animal, so that we can make sure there is a balance in nature once again, and so that we can make sure that those from other countries who share that resource do so under the rules and regulations that are set out.

● (1655)

We have not seen any leadership in fisheries. Over the last number of years, way back, we have seen governments that have thought more about being friendly and appeasing their friends across the ocean than they have about the people who live within the borders and the boundaries of our country. That has to change.

Let me say this to the minister. There are so many games being played today within the fishery, many of them completely outside his control. There seems to be this big package of greed that has developed and everybody wants a piece of what is left. Nobody cares about the other person. Whether the plant workers get any more work does not matter as long as we can catch the fish, whether I can catch more than the next guy whether I can sell it or not, and if I can keep the other guy from getting any. All of this stuff is developing. That is terrible stuff. The only way this can be cured is with a firm hand at the helm. I believe that is the challenge to the minister.

I suggest to the minister that instead of worrying about little things, which may cause major problems, as the committee points out to him, he should start looking at the big things that could solve a lot of our problems.

In the two minutes that remain to me, let me pick up on another phrase that the minister talked about, "democratic reform", and letting committees have more say. If the minister had not used that phrase, I would not have asked him the questions I asked. We hear so much from this continuation government, the Liberal government continued, phase two. We hear so much from these Liberals about democratic reform and the democratic deficit. We certainly have a democratic deficit. We all realize that. We have a democratic deficit that is widening daily. We had a new Prime Minister come in with the old government and he talked about addressing the democratic deficit. In reality, that is the biggest joke we have heard for years, because all we have seen is a widening of the democratic deficit.

Ministers have been told to go out there and pretend the government is doing something. When the minister talks about the great work of committees and having to use committees more, and about how the government has to consult with them and it is consulting with them, and committees are advising, we find out that is really not the case. The minister writes a letter to the committee. The committee basically responds and says to him, "Mr. Minister, phase one, yes. The legislative part needs to be tightened up, but the amendment you want to make, we cannot say because it is not our job. We do not have the jurisdiction to say, but we would suggest to you that you are way off line and we think these amendments can cause irreparable harm".

So there are two things. Number one, there is no consultation. Number two, when committees talk to the government members, they ignore them. That is not correcting the democratic deficit. That is just digging a hole for themselves. It is like being down three to two and playing a bad game. We have to get our act together and try to turn it around. It can be done. We must have faith. It can be done, but it takes leadership.

My time is up, but I will say to the minister that he has a tremendous challenge ahead of him. He should forget the facade. He should forget about trying to appease government and just coming out with the little frills. Let us attack the big issues and, instead of making critical remarks from this side, we will work with him and applaud the efforts that he will put forward, I am sure, on behalf of the government and on behalf of our country.

● (1700)

Hon. Geoff Regan (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I appreciate my hon. colleague's comments. I also appreciate his offer of advice in the future. I listened carefully to his speech, and there were some complimentary words in it. I heard the word refreshing and so forth, and I appreciate the kind words, but I would not want him to leave the impression that there has not been substantial consultation on this bill with the Standing Joint Committee for the Scrutiny of Regulations.

It is important to comprehend that while my consultations with the committee were primarily through correspondence, I think leaving the impression that there has been substantial consultation is in fact quite accurate if we consider these facts: my predecessor and his staff in the department met with the Standing Joint Committee for the Scrutiny of Regulations on April 11, 2002; staff also met with the committee on two subsequent occasions; and the parliamentary secretary of the time went to two additional meetings. That is a long series of meetings.

I want to table the correspondence that I have had with the committee. I think it is important to note that the committee did say this bill would remove its objections. As I said earlier, the role of the committee is to examine the regulations. If it finds the regulations are not authorized by law, it can object to and disallow them. The committee did not disallow them.

The key point is that Bill C-33 has in fact met the objections of the committee, and that is what its role is. I gather the committee felt that every licence ought to be authorized itself in some way through regulation. I do not think my hon. colleague would suggest that this is reasonable. I do not think it is realistic at all for us to do that. I think he ought to examine the implications of what the committee is proposing.

The key question I have relates not so much to that, because I think it is clear and the member knows that this bill does not adversely affect the process of the way the fishery is managed. It does not change that process. It reinforces the existing provisions of the act. Bill C-33 reinforces the government's ability to make regulations.

However, there are members now in his party who were formerly in the Alliance and talked very negatively in the past about the government's efforts and the decision of the Supreme Court of Canada in the Marshall case. I would like to know if he shares their view that there is no basis for an aboriginal fishery. I wonder if he shares their view that there should not be what those in his party sometimes call a race-based fishery. How does he feel about the comments of his new colleagues toward this aboriginal fishery that is providing opportunity to these communities?

● (1705)

Mr. Loyola Hearn: Mr. Speaker, it is great to get questions from the minister. Maybe someday soon we will reverse the roles. We could have a lot of fun with it. One never knows what could happen.

Let me answer the last questions directly in case I am accused of avoiding them.

There are people in this country who were here before any white men came. They lived off the land and had access to the resources of the land historically. When the Europeans came and settled this country, they did not treat those people very well originally. History did strange things to a lot of people over the years. There is not one of us here in the House who is not aware of that. We could go back one or two generations in our ancestry, and some of us do not even have to go back one generation, to see how others in society were treated. However, dealing with events in history sometimes can be extremely dangerous because we are dealing with the events in the present day society and setting, but the events actually happened in an entirely different society and setting. We have to be aware of that.

Having said that, the aboriginals in our country always had and always should have proper access to the resources. Sometimes if the rules and regulations governing the resource are not properly put in place then it is open for abuse by all of us. We have to make sure that does not happen.

The Minister of the Department of Fisheries and Oceans dictates who can and cannot fish in this country. Earlier this year I asked the minister directly who is it that really determines who fishes because third parties were telling people who could fish and who could not fish. The minister made it clear that a person who has a valid licence and is given that licence has permission from the minister and the minister only.

Consequently, the result is a concern about blanket licences and third party decisions on who can participate and who cannot. We must control our resource. There has to be central control on that resource, in proper cooperation and consultation with the groups. That is one of the concerns I have about this whole issue.

The minister talked about consultation. First, we clarified the fact that the minister himself had done very little consultation. He wrote a letter and got an answer. That is not consultation with a committee. The former minister had a couple of meetings and the staff had a couple of meetings. It would have been interesting to know, and the minister might be able to provide this information, how many discussions were held with stakeholders. How many visits were made to where the regulations, these amendments, will have an effect on the people involved in the fishery? Do the people know that we are talking about such things as imprisonment for non-compliance? The committee raised that question. Do we deprive somebody of his freedom and stick him in prison because of non-compliance with some regulation?

There are questions that have not been answered. The minister has not answered them. The committee raised them. It has stated it is not in a position to do it.

This bill is opening up a can of worms. We have to get the whole issue clarified before we put people in the position of finding out that they are a lot worse off after the passage of the bill than they were before.

● (1710)

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, the hon. gentleman from Newfoundland likes to teach us all a little history. I am sure a little history that he probably does not wish to recall is that the Conservatives were in charge of the fisheries department between 1984 and 1993 and there were many problems back then.

That is not the whole premise. I agree with the hon. member when he talks about his distrust in the minister for introducing a bill now, just prior to an election. How committed is the minister and the government to the changes when it comes to aboriginal fisheries?

In committee the other day we heard witnesses from British Columbia who indicated a particular group of aboriginal people were drift netting within the Fraser River, an illegal act. DFO recognizes that it is an illegal act. It does great harm to the resource. We asked the department officials what they were doing to stop that, and their answer was, "We are working with them". I am sure that for anyone else, under any other circumstances, the letter of the law would have been thrown at them.

No one was arguing on our committee that aboriginal people have an access and a right to fisheries, as long as, and we have seen this on the east coast, the cooperation and acceptance is done in accordance with the rules that are in place. The law is the law of the land.

I would like the member to comment on what he thought of those comments, when the DFO officials said that they are working with people instead of actually enforcing it.

Also, the Marshall decision was a Supreme Court decision. The government forced aboriginal people to use the Supreme Court to ensure that. Instead of negotiating with them, it went to litigation. That ended up costing us $750 million. I would like the member's comments on that please.

Mr. Loyola Hearn: Mr. Speaker, very briefly to my colleague, certainly I am, as he is and everyone else is, very suspicious of the fact that a bill which may never see the light of day has been introduced so that the Liberals can have bragging rights about introducing the bill just before the election.

In relation to his last question about people breaking the law, the law does not look upon us differently where we live, whatever colour we are, whatever historic rights we have. There are certain provisions made for certain groups of individuals. Outside of that, we are all equal under the law, and the law cannot treat us differently. Everyone must be treated the same way. We saw in this case direct evidence of the law backing away for whatever reason. That encourages other people to break the law rather than deal with the issue. Having said that, I have no real problems with consultation and bringing in supportive groups. If we all understand how important it is to protect the resources and so on, then we will do a better job.

Very quickly, on the member's first question, yes, I am well aware of how the Conservative Party in the early days dealt with the fishery. In many cases it did not do much better than we see happening now, but I really dread to think what would have happened if the NDP ever had charge of it.

● (1715)

[*Translation*]

Mr. Jean-Yves Roy (Matapédia—Matane, BQ): Mr. Speaker, I hope you will be lenient with me and my colleagues who are rather noisy, in spite of the fact that our favourite hockey team lost. It got walloped yesterday.

I will start by saying that the Bloc Quebecois is in favour of the principle of Bill C-33 before us. I would like to emphasize that I listened intently to the minister earlier. I noticed that, as my colleague from St. John's West indicated, the minister digressed for a long time, talking about the so-called democratic reform. Almost four, five or six minutes of his speech dealt with the so-called democratic reform the government intends to carry out, instead of dealing directly with the bill before us.

I too was wondering. Like my colleague from St. John's West, I was wondering if there was a fundamental reason why the minister digressed and talked about the so-called democratic reform. He mentioned the Standing Committee on Procedure and House Affairs and the joint committee. I finally understood that the committee does not seem to be totally in agreement with the minister's proposal. In spite of the fact that the Bloc Quebecois supports the principle of Bill C-33, we realize that there is indeed a problem.

We realize that the Supreme Court ruling recognizes the power of the Minister of Fisheries and Oceans to regulate the fisheries. Moreover, the decision by the Supreme Court mentions that the primary purpose of the regulations should be conservation. That is where the problem lies.

The biggest flaw of the bill is the fact that it at no time mentions that, in its ruling, the Supreme Court said that restrictions imposed by the Minister of Fisheries and Oceans should be for conservation purposes only. For the most part, the decision to introduce new regulations should be based on the grounds of conservation. Is it truly for conservation purposes that Bill C-33 has been put forward today? I doubt it.

I want to go back in time and give a little history on the ruling made. This is another issue regarding which I have a lot of questions. There were other rulings before that one, but the Supreme Court decision known as the Marshall decision was handed down on September 17, 1999. This is now May 2004. This means that the Department of Fisheries and Oceans has not been able to clarify the situation since September 17, 1999. In other words, the department has not managed to do its job between 1999 and now.

As the hon. member for St. John's West said, the government is introducing a bill on the eve of an election. This bill may die on the Order Paper and never make it through third reading. Therefore, the decision to put this legislation before the House seems totally inappropriate and untimely, considering that the bill stands very little chance of being passed, which means that the situation will not be corrected.

This means that the situation will have remained uncorrected from September 17, 1999 until heaven knows when. This is a true reflection of the Department of Fisheries and Oceans, and the federal government's fishery management program. We must realize that, at present, the management process is a haphazard one. It is based on events and situations, as opposed to being planned with very specific objectives in mind.

● (1720)

We must always remember that the only real goal of the Department of Fisheries and Oceans must be the protection and conservation of the resource. That is its fundamental objective. We can see that this is not at all what has happened in the past, ever since the federal government took control of the management of the resource.

Going back to when Newfoundland entered Confederation in 1949, look at what happened at that time, when there was a viable and extremely profitable fishery, and when the resource was abundant. And then, look at what happened in 1992, with the first moratorium on groundfishing, and also in 2002, with the second moratorium.

We see that the federal government has not really managed the resource adequately. Historically, one day or another, renewal of the resource will be impossible, particularly with respect to groundfish and cod.

Some extremely important decisions must be taken, and they have not been taken. What we want, as representatives of all fishermen in Quebec and eastern Quebec, is that the Department of Fisheries and Oceans engage in predictable, transparent management, in harmony with the priorities of the provincial governments.

Earlier we were talking about consultation. It has come to our attention that the consultation on Bill C-33 was done in writing. Indeed, communication with the committee was all in the form of correspondence. There were not any true discussions on the possible impact of the amendment being proposed today.

It is important that this be taken a little further. But this should have been done in the past. As I was saying earlier, the Marshall decision dates back to 1999. Perhaps very few people know what this Supreme Court decision was about. This case was simply a lawsuit filed by the Department of Fisheries and Oceans against Donald Marshall Junior, who had been found guilty of catching and selling eel out of season with inappropriate fishing gear, and fishing without a licence. This was an aboriginal man who had been charged and convicted. The case went all the way to the Supreme Court, which decided—in what is now known as the Marshall decision—to disregard previous court rulings.

It is therefore our hope that there will be some predictability to fisheries management. Such is not the case at present, with the bill before us. Not only is there no predictability, but all of us here in the House are well aware that it is very likely to die on the Order Paper when the House is prorogued. So later on we will be back at this again, trying to clarify what the department is trying to clarify today, which is what regulations will govern aboriginal fishermen.

As my colleague for St. John's West has just pointed out, a person, individual or group could be charged under the regulations as presented. The fundamental question remains, however. If a person, individual, or group does not comply with the conditions of a permit or licence, or section 4, this is an offence.

Was there really any negotiation on this, and is the purpose of this document—and perhaps this is what is not clear and has not been made clear—to subject aboriginal people to the same law and same regulations as everyone else?

The minister's proposal is not clear at all. Perhaps the government should look into correcting this. I understand that it wishes to include in the department's regulations the definition of “aboriginal group” and “aboriginal band”, that it would issue the licence to an aboriginal band and that, finally, it would negotiate the powers of each fisherman with the band. The question is how the fishing must take place, the size of the boat, the type of fishing, the date, and so on. However, does the government want to do this in the same way as it negotiates, among other things, with fishermen's groups or associations?

● (1725)

We must always remember that, for fisheries as a whole, the principle of fisherman as owner must be respected. This must be taken into account if the regulations of the Department of Fisheries and Oceans are slightly amended for the benefit of aboriginal bands. In any event, I, as well as members of the Bloc Quebecois, are in favour of adapting fishing regulations for aboriginal peoples, who, according to the Supreme Court's decision, can and must have access to the resource, as do the rest of citizens.

We are in favour of the bill, but we must remember that, according to the Supreme Court's decision, the minister's regulatory authority must be based on specific reasons. One of the reasons that I mentioned earlier is conservation. This raises a significant question at this time. The bill does not specify in any way that the proposed regulations are based solely on the conservation principle.

The Supreme Court's decision forces the Minister of Fisheries and Oceans to justify his decisions about the restrictions that he may impose on treaty fishing. Specifically, the decision says this, and it is very important. My colleague from Saint-Jean talked about it earlier. It says:

> The Court was thus most explicit in confirming the regulatory authority of the federal and provincial governments within their respective legislative fields to regulate the exercise of the treaty right subject to the constitutional requirement that restraints on the exercise of the treaty right have to be justified on the basis of conservation—

This is the fundamental element that is not clarified in the bill now before us. In my view, it is a mistake. In any case, as the hon. member for Saint-Jean pointed out, it is highly unlikely that this legislation will ever be passed. Therefore, there should have been more consultation, to ensure that all would agree, instead of creating false expectations for aboriginal people, and to truly give them what they are entitled to, with their agreement and after consulting with them. This is very important.

I will conclude by saying that the Bloc Quebecois supports the principle of the bill. However, there are some serious flaws in this legislation. We would have liked to see more consultation, particularly with aboriginal people.

Mr. Speaker, I thank you and I wish you good luck for the next game.

[*English*]

Mr. Gerald Keddy (South Shore, CPC): Mr. Speaker, I listened very closely to the member for Matapédia—Matane's debate on Bill C-33. After listening to him, I am surprised the Bloc would consider supporting the bill. Like the Conservative Party, we agree with the principles of the bill to try to develop a fair and equitable fishery policy that works both for first nations and for non-first nation fishermen.

My great problem with the bill is the lack of consistency, especially in the regulations. The life of the fishery, the success of the fishery and the future of the fishery is based on fair rules and regulations that allow people to fish and that allow individual fishermen to provide for their families to make an income. However, of primary importance is that the rules and regulations are there to protect the stocks and the species. That way we are guaranteed a fishery in the future.

If we have one set of rules for one set of people and another set of rules for another group of people, we run into a very serious problem. It sounds to me as though a lot of this could have been settled if the minister would have gone to committee with this, put it on the table and negotiated the process whereby the stakeholders, both first nations and non-first nations fishermen, could have had some input about the rules. It would have gone a long way toward making this better legislation.

In closing, I would like to member to comment on this. For the life of me, this reminds me of the way we have been negotiating with NAFO. We allow anything to happen on the nose and tail of the Grand Banks and outside the 200 mile limit, but we have these great motherhood statements that say that we will protect the resource on our side, as if the fish did not swim over the line. We all know that the fish migrate across the north Atlantic.

The difficulty with the rules and regulations and the absolute authority of the minister of fisheries to be responsible for conservation and to ensure that the bands fall within that policy are the parts of the bill that I have not heard clearly enunciated by the minister.

● (1730)

[*Translation*]

Mr. Jean-Yves Roy: Mr. Speaker, I would not say that my colleague may have misinterpreted my words, but he seems to be thinking somewhat along the same lines.

What we are saying is that we support the principle of the bill. However, the Minister of Fisheries and Oceans must respond to the rulings that were imposed following the Marshall and Sparrow decisions. The department has no choice but to respond.

However, we must look at the way of responding or the deadline for responding. It says September 17, 1999, and we are in May 2004. The Department of Fisheries and Oceans would have had quite enough time to consult and to ensure that the regulations are tailored, appropriate and consistent. It would have had quite enough time, since September 17, 1999, to amend them.

This seems totally unacceptable and surprising to me. This reflects the importance that this government gives to fisheries. We can see that decisions regularly taken by the government are political decisions, not decisions to ensure the protection and conservation of the resource. This is the precautionary principle. It is the basic principle that should guide the department and the minister in the management of fishery resources.

It seems obvious to me that it is not how the resource has been managed in the past. It is far from obvious since we had two moratoriums. It is wrong to think that the government has managed the resource properly. Its management has been political. Over the past 10 years, the management of the fisheries, a resource belonging to the community, has been political.

Indeed, political decisions were made to grant privileges. I am not talking about privileges for the native peoples. They should have been included right from the start, which was not the case. From day one, since the federal government has been responsible for managing the resource, native peoples should have been considered as stakeholders in the harvesting of the resource, which is only right since they had access to it in the past.

It is because of the way the federal government has managed the fisheries in the past that today we have to make decisions such as this. It seems to me to have been taken in a hurry since the bill put forward is flawed. The government has waited five years after the Supreme Court rendered its decision to put forward this bill. It does not seem to make any sense. This is representative of the way the federal government has been managing the fisheries ever since it has been responsible for them.

● (1735)

Mr. Loyola Hearn (St. John's West, CPC): Mr. Speaker, I would like to put a question to my friend from Matapédia—Matane.

He is right. I would like to ask him if he believes that the minister is playing games with fishermen. I say that because I believe that Bill C-33 is bad.

[*English*]

It is a bad bill simply because proper discussions have not taken place with the people directly involved. We have seen how much consultation there has been. Now we know why there is such a rush. We know there is a rush because this bill is brought in for appeasement.

I agree with the member that it will never see the light of day because by the time it goes through the process, the House will be closed; however, the government can always say to look at all the bills it brought in, in order to appease everyone out there.

I think it is a bad bill simply because it has been rushed in without consultation. There was a letter to the committee. The committee responded and said that it had concerns. The minister did not go out to talk to the people involved. He just brought it here and tries to ram it through.

I would like to ask the member, does he also think it is a bad law, that we should slow it down, consult properly, and then bring it back and deal with it perhaps when we have a government over there that cares?

[*Translation*]

Mr. Jean-Yves Roy: Mr. Speaker, I thank the hon. member for St. John's West, who, by the way, is an active member of the Standing Committee on Fisheries and Oceans and very positive when it comes to protecting the resource.

I mentioned that the Marshall decision was rendered on September 17, 1999. This is now May 2004. I would like to repeat that; it is now the month of May, 2004, and as my colleague mentioned, there have not yet been enough consultations to draft a bill. Among other things, there is a need to clarify the fact that the Supreme Court decision imposes restrictions on the minister, requiring it to be justified for reasons of conservation. That is not mentioned in any way in the bill.

The new regulations do not appear to be justified and the bill is not justified for reasons of conservation. That is the very basis of the existence of the Department of Fisheries and Oceans. This department has one responsibility: the management and protection of the resource. That thought should govern all decisions and all amendments to regulations.

We are in favour of granting aboriginal people access to their resources; the Bloc Quebecois has been very clear about this. Nonetheless, there have to be certain conditions that are negotiable with the aboriginal people. Indeed, as fishers, we accept the fisher-owner principle, but there may be a difference with the aboriginal people.

It might be possible to issue a licence to an aboriginal band or group rather than issuing a licence to an individual. We cannot oppose such a thing. This must be negotiated in order to give aboriginal people access to the fisheries.

What bothers us in the decision before us is that no thought was given to protecting the resource.

● (1740)

[*English*]

Mr. Peter Stoffer (Sackville—Musquodoboit Valley—Eastern Shore, NDP): Mr. Speaker, it is unfortunate that we are debating Bill C-33 today. It is rather insulting that a temporary Minister of Fisheries and Oceans would introduce a bill this late in the mandate when we all know that an election could be called within a few weeks or even a few days.

The bill deals with aboriginal issues and should not be debated lightly. The issue of giving aboriginal people their rightful due access to the fishery resource has been quite a contentious issue throughout Canada for some time.

I could go back in history for quite a long time, but I will just go back as far as the Marshall decision. My colleague from the Bloc was right. In September 1999 the Supreme Court issued its decision in the Marshall case. Why did this issue go to the Supreme Court? It went because the Liberals refused to negotiate with aboriginal people at that time. They would not deal with them and suggested they take the matter to court. They took it to court and the aboriginal people won yet again.

The government took quite a long time to figure out how much that case cost Canadian taxpayers. The Marshall decision cost Canadian taxpayers $750 million. Would it have been more cost effective to the taxpayer if the government had negotiated with Donald Marshall and the aboriginal groups in Atlantic Canada, such as the Mi'kmaq, the Maliseet and Passamaquoddy? It probably would have. However, the Liberals did not do that. They decided to go to litigation instead.

The Liberal government is not a party of negotiation but rather a party of dictatorship. If people do not like the rules, the government urges them to go to court. In this particular case the aboriginal people won. As a little sidebar, disabled veterans took their case to court, but unfortunately, they lost and that decision has left a bitter pill in the mouths of many veterans in organizations throughout the country.

Bill C-33 basically corrects an addition that was done when the House of Commons Standing Joint Committee for the Scrutiny of Regulations reviewed the legislation. The committee has been at it for quite a while regarding some concerns brought up by aboriginals. Nobody on this side of the House is denying the inherent right of aboriginal people to aquatic resources in terms of the fishery.

We believe they should be equal partners in the debate. We believe they should be equal partners when it comes to access regarding quotas, and when they fish, how they fish, and with what they fish. They have an inherent right to be at the table when decisions are made.

The government has effectively split aboriginal communities against one another. We just need to look to the west coast for an example. The Native Brotherhood of British Columbia, an aboriginal group, fishes predominantly in the salt waters off the west coast. It has been pitted against aboriginal groups which fish, for example, on the Fraser River. There are two sets of rules. The government has pitted those aboriginal groups against one another. That is not negotiation. That is simply divide and conquer and is simply unacceptable.

We in the NDP have been saying for a long time that aboriginal people, along with non-aboriginal groups, regardless of whether they fish up river or in salt water, should be brought together to the table to negotiate these deals. This would finally provide a community-based and cooperative co-management of the fishery.

One of the problems we have is that management decisions are made in Ottawa at 200 Kent Street and brought down to the water, instead of having decisions brought from the water back to Ottawa. Decisions should not be made and then groups brought together to be asked what they think.

We know what to do with a particular species and how it should be fished. Aboriginal groups, non-aboriginal groups, and coastal communities should be brought together and allowed to be part of the decision making process. We have had success with that before.

● (1745)

The Fogo Island co-op is a fine example of a co-op that works quite well. In Sambro, Nova Scotia, there is a co-operative fishery going on there. There are a few hiccups here and there but it works fairly well. That is what happens when fishermen and their families are allowed to be part of the decision making process.

When I say fishermen and their families, I also include the aboriginal people. I do not differentiate when it comes to fishermen. I believe they have rights and access to the fishery but I believe they also have a right and responsibility in the decision making process of how those quotas are divvied up, what gear type should be used and when they should be fishing, et cetera.

What we have had for many years is a corporate concentration of the resource. We now have a company like the Fishing Alliance of Nova Scotia which represents approximately 60 small processors in the province. The processors are saying that they should have access to the quota in order for their businesses to stay alive. They make a very valid point but at the same time fishermen are saying that they should have the right to sell their fish wherever they want.

Again, this is a rather contentious debate. Both sides make valid points but the worry is that the resource will become concentrated in fewer hands, that there will be fewer voices at the table and that there will be less economic opportunity to access a renewable resource.

We are saying that DFO should facilitate those meetings and bring the people together so that a long term plan can be made in order to decide exactly what process we should be going through. It is not that difficult.

Officials at the Department of Fisheries and Oceans could make their lives a lot easier if they got out of 200 Kent Street and realized once and for all that the fishery is a renewable resource. However, if it were done correctly it could sustain economic livelihood in Canada for a long time. That includes the aboriginal communities, not just those aboriginal communities on the east or west coasts, but the aboriginal communities in Manitoba, Saskatchewan and other provinces where we have a great inland commercial fishery.

I have been to Prince Albert, Saskatchewan, and Flin Flon, Manitoba, where a large number of aboriginal people make their livelihood from fishing in the great lakes of the northern provinces. However the way in which DFO operates, it makes their lives much more difficult.

We are saying that aboriginal groups should be brought to the table when it comes to the decision making process on the quota and access, and exactly how it should go.

I have very little confidence in the government to enact any positive legislation. Iinstead of dividing and conquering fishing people, it should be bringing them together. Decisions are made in the ivory tower. They are vetted on down and people are more or less allowed to say what they would like, but the fact is that the decisions are already made and that is the end of it. That is wrong.

Ever since 1984, we have spent close to $4.5 billion of taxpayer money readjusting the east coast fishery, let alone how much we have spent on the west coast adjusting the west coast fishery. It is all because of mismanagement by the federal government.

What we are saying, quite clearly, is that if the government wants to save money and have a better fishery, it should invite all stakeholders of the resource together and treat them as equals. In my dealings with aboriginal people throughout the country, they are saying very clearly that they have an inherent right to access the resource. We agree with them. They are also saying that they want to work with their non-aboriginal brothers and sisters in the fishing industry. They want to work together were they can all share the country's bounty.

If this is done correctly, their great-great-grandkids will be able to access the resource. However the way it is going, with various species throughout the country, we are seeing the decline in major stocks throughout the country and, for that matter, around the world. It is obvious to the government that what it is doing is simply wrong.

The Standing Committee of Fisheries and Oceans came up with a unanimous report in regard to our outer 200-mile limit on the nose and the tail of the Grand Banks and the Flemish cap. Nine Liberals on the committee signed off on that report only to have the minister at that time completely reject the report out of hand.

● (1750)

The committee was trying to protect a renewable resource from overfishing, not only from the domestic side but from foreign overfishing. What we basically said in the report was that NAFO simply did not work, that is was broken, that it was costing us a lot of money and that we were not getting any effort for it.

In today's *Montreal Gazette* it indicates that 90% of overfishing violations are never charged. These are foreigners who come in, rape and pillage our waters and we let them get away with it. That is simply unacceptable. A fishing violation is a fishing violation. We cannot harm these stocks any more than we are already doing. We need to fish them in a sustainable manner. The best way to do that is by bringing groups together and working in a community based, co-operative co-management way. If we do that we will have great success in the future.

Ms. Val Meredith (South Surrey—White Rock—Langley, CPC): Mr. Speaker, I got the impression from my colleague's comments that the government's proposed legislation is not where the priority should be, that there are more important issues in the fishing file that should be addressed.

I would like the member to expound on that, please.

Mr. Peter Stoffer: Mr. Speaker, I may have been misunderstood in some of my comments. There is no question that it is a priority, but it is a delayed priority.

The government has introduced the bill, but if an election is called the bill will die on the Order Paper. The reality of what I am trying to stress is that we have many issues dealing with aboriginal and non-aboriginal people when it comes to access to the fisheries. I do not believe that introducing a bill at this late stage of the game is the way to do it. If the government were serious about this it would have introduced a bill of this nature a long time ago and put it forward for serious debate.

To have a debate of this nature this late in the game on such a serious issue just shows the government's priorities, which is that there is no priority when it comes to this issue. The government will say "Look what we are trying to do but unfortunately there is an election". We never heard the minister say that if the Liberals were re-elected they would reintroduce the bill. No, what we have, this is it.

I wish my colleague from British Columbia future good luck. She is a great member of the House of Commons but, unfortunately, circumstances dictate that she may not be back again. Although I am on the NDP side, I must say that it has been a pleasure working with her on many issues.

Mr. Gerald Keddy (South Shore, CPC): Mr. Speaker, I am not on the fisheries committee, but after listening to my colleague from the NDP, I got the feeling that maybe there was something in the bill that I had missed. The member was comparing a communal fishery and a co-operative fishery. It is my understanding that they would be two totally different things. I would like the member to clarify that first of all.

The second thing I would like the member to clarify is the term "aboriginal organization", which is explained in the regulations. The regulations define and provide express regulation making authority to cabinet for designating persons who can fish and vessels that can be used to fish under a licence issued to an aboriginal organization and for authorizing designations to be made through licence conditions.

My difficulty with that particular term and my reason for asking about it is that it is not clear to me whether the licence will be handed down through the communal aboriginal fishery and therefore determined by the chief or if the licence will be determined by DFO and it will tell the aboriginal community who will fish the licence.

I raised the point with the minister that it takes a long time for a fisherman to become trained and become an expert in the fishery. It is not just throwing a net in the water or throwing a couple of lobster traps overboard. It is a matter of knowing the currents, the fog conditions and the different smell in the air. There is also a safety component. It is a huge job to train expert fishermen, especially fishermen who are going to be involved in the offshore fishery.

My first question for my colleague from the NDP is most important. Could he explain the difference, as he sees it, between a co-operative fishery and a communal fishery. The second question is how this licensing will work under the bill, because I do not see how it can work.

● (1755)

Mr. Peter Stoffer: Mr. Speaker, yes, there is a difference between what I would interpret to be a co-operative fishery and a communal fishery.

A co-operative fishery would be the example on Fogo Island in Newfoundland where the people operate through a co-op, through a co-management basis, which means that decisions on the fishery are done mutually between DFO and the fishing community. As well, that fishing community has obligations to pay, for example, for monitoring, for science reports, et cetera, but DFO does have the final say in that regard.

A communal fishery, as I see it, is where we have a group of people, for example in the Eskasoni Band in Nova Scotia. Let us say that band is issued 10 licences. It is then the band that decides which one of its people will be offered the rights to fishing and how that money, if there is any from the revenue sources of that, will go back into the band. That is my understanding of how that is supposed to work. However I have heard that there has been some favouritism as to who gets the licence and some of the difficulties with that.

My colleague from the south shore definitely brings up a very important point. We should not just give fishing licences and the ability to fish to just anybody off the street. It is a very hazardous and dangerous situation. He knows all too well, as I do in my riding, that every single year we lose people from our small coastal communities to the treacherous waters. These fishermen are experienced and even the most experienced fishermen can have great difficulty and risk their lives sometimes.

The lobster fishery, for example, is not an easy thing to partake in. It takes a lot of time to be properly trained and to understand the weather. One also needs the fishing gear and the ability to fish properly. This is why, when it comes to communal licences being issued, there should be opportunities for proper training and so on. We cannot just give someone a licence and tell him or her to go fish. It simply cannot be done.

The hon. gentleman also has other questions which I would have assumed would have been vetted by the department and the minister long before they introduced the bill. This shows us that the bill is a bit ad hoc. We also do not believe, because of this late stage in the game, that the government is very serious about it.

If we look at it objectively without dissecting it, we could almost say that we can understand what the government is trying to do. There are some good points and some other things that need to be rectified but by doing it at this late stage, we do not believe government members are very serious at all. They are just trying to muddy the waters for their own election benefits. Fortunately, we on this side of the House see through that and will be mentioning that on the doorsteps of Canada.

Mr. Rodger Cuzner (Bras d'Or—Cape Breton, Lib.): Mr. Speaker, it is indeed a pleasure to enter into the debate here today on Bill C-33. It has been a very engaging debate and much has been said from the opposition benches and many concerns rendered on this particular bill about the fishery in general. With all the talk in the air, one might think that some of it might even be rhetorical. We are not above that in the House.

I myself have been around the harbours in the last number of weeks and have been able to speak with a great number of fishing groups. In my constituency of Bras d'Or—Cape Breton, we start in the harbour of Glace Bay and run through to Morien around the Louisbourg-Gabarus coast and up to Richmond county, up the Strait of Canso, and then back around the other side of the island, the west side, Port Hood, Mabou, Inverness and up to Chéticamp. Like most MPs from the Atlantic, I will say that the fishery is the engine that drives the economy in coastal communities in Atlantic Canada.

I have been speaking with those fishermen and there is a great deal of enthusiasm. There is excitement and there is anticipation at this time of year. We have had a number of meetings with harbour authorities. This is the time of the year where we have had great success with some of the investments we have made through many harbour authorities in my constituency. I look at the jobs that have been done in Glace Bay, Morien and Louisbourg. There has been a major investment in Petit-de-Grat where the aboriginal fishery is fishing hand in hand with the traditional fishery with great success.

Going up the other side of the island, again we have had investments in a number of harbours, investments that have made those harbours safe, effective and great places for my constituents to ply their trade. We are hopeful. I just spoke today with a group from Grand Etang. It is the first time in over 50 years that a dredging project was done in Grand Etang. Over 50 years since that harbour was dredged and we got that done last year. We were very fortunate. Obviously as we go forward here over the next while, I think that some of the anticipation is banking on further announcements in the coming weeks.

Another reason for some of the anticipation and excitement is the FRCC's proposal coming forward to the minister. Today in the House the Minister of Fisheries responded to a question from the member for St. John's West. He is currently in receipt of the recommendations coming forward from the FRCC. Of course the FRCC is an independent body. The Fisheries Resource Conservation Council is primarily responsible for the science that surrounds the resource.

The minister will accept that report and study the recommendations put forward from the FRCC. He in turn will make allocations of the resource as we go forward into the season. Of course, the bottom line with the minister, when those decisions are made, is that the conservation of the resource and the orderly management of the fishery remain the priorities of not just the minister but the department. Certainly what we hope is that he will study the recommendations closely.

The decisions have to be science based, but the anecdotal information in our conversations with fishermen and fisheries groups is that the stocks on the east coast are subtly starting to grow. There are some very positive signs. I am not trying to dismiss the state of the fishery there. I am not trying to make light or say that we have fully recovered the cod stocks on the east coast, not at all. I would not want to mislead the House in that regard, but if we speak to the individual fishermen and to the crews that are on those boats, they will tell us that a lot of the signs have been encouraging. Some of the tows and some of the catches have been very surprising at times and very encouraging at the least. I would hope that the minister, as he goes forward to make his recommendations on this year's quotas, weighs these factors as well.

● (1800)

Of course there is a lot of excitement and anticipation. I have fishermen friends who are looking out at the pack ice each day hoping for a good wind to move the ice off so the crabbers and the lobster fishermen can get going. There are some very positive early indications that in several of the areas catches will be strong. This is a tribute to the conservation efforts that have been undertaken in some of the management areas. There has been a great deal of sacrifice in some of those areas over the last number of years. Looking at just outside of Glace Bay, for example, they have increased the carapace size over the last four years. They are in a four or five year management plan. They think this might be a year where they will see the benefit from that sacrifice and from those years of increased conservation. The price is still a little low, but that will come as the season progresses.

The other thing in speaking with the various fishermen from the different harbours is that what I have seen over the last number of years is the growth in acceptance, understanding and cooperation between our aboriginal and traditional fishers. I know that it varies from harbour to harbour. Experiences change from harbour to harbour, but overall I think we are starting to see through this. It has been much more accepted and it is very positive and encouraging to see these people fishing side by side as fishermen. I think we have come a long way and I think there is still a ways to go. Again, it varies from harbour to harbour, but overall we have made significant progress in the last number of years.

That brings us to one of the main reasons why we are speaking today, which is Bill C-33. As I have said, it is a pleasure to speak to Bill C-33, an act to amend the Fisheries Act.

The Government of Canada has been clear in its desire to increase the participation of citizens in the nation's business and to re-establish confidence in the federal government and in those who represent Canadians.

The bill being debated today is one example of how the government and the Minister of Fisheries and Oceans is reaching out to members of Parliament and, by extension, to Canadians.

By introducing Bill C-33, the government is responding to concerns raised by the Standing Joint Committee for the Scrutiny of Regulations. I know that the hon. Minister of Fisheries and Oceans appreciates the hard work of the committee. The issues are complex and the committee felt that they were important and worth studying.

Over the past few years, hon. members from both sides of the House and the Senate have spoken about the need for greater clarity on matters addressed in the bill. The Fisheries Act is a general piece of legislation that is used to conserve and protect the fisheries and to govern the way our government manages fishing. The amendments proposed add more detail to the broad general authorities in the Fisheries Act and address issues raised by the committee.

While the bill is limited in scope, it offers a range of changes that will provide greater clarity and certainty on matters of legislative authority. Quite simply, it is aimed at clarifying existing authorities.

For instance, the bill is intended to clarify the authority of the minister and aboriginal organizations to designate persons who may fish under the authority of a licence and vessels that may be used to fish. It will define what is meant by the term “aboriginal organization” and, to the extent that there may be inconsistency, provide the authority for licence conditions issued to an aboriginal organization to prevail over regulations.

These proposed amendments address very specific issues that were the subject of a commitment by the Government of Canada to the standing joint committee.

● (1805)

I think it is important to note at this point that these amendments will not change existing practices on the ground. Rather, they will provide greater clarity and certainty on matters of legislative authority with respect to regulations that govern Canada's fisheries.

As the February Speech from the Throne made clear, the Government of Canada is committed to helping aboriginal Canadians attain greater economic self-reliance and a better quality of life.

The Department of Fisheries and Oceans has been a key contributor to this long term, government-wide goal. For example, DFO's response to the 1999 Supreme Court of Canada Marshall decision served to increase opportunities for Canada's first nations to participate in the fisheries. I think the comment that was made by the Minister of Fisheries and Oceans earlier today in the House recognized that over 1,200 jobs have evolved as a result of this decision.

Every member of this House can be proud of the achievements realized through the Marshall response initiative. Today we have an orderly, regulated fishery, where hundreds of aboriginal fishers are learning new fishing skills, learning how to run a business and assuming their new role in the fishery. While there is still a great deal of work ahead, there has been measurable progress over the last four years. To build on this, the minister announced two new initiatives in February.

The new at-sea mentoring initiative, with total funding of $6 million over the next four years, will help the Mi'kmaq and Maliseet first nations in New Brunswick, Nova Scotia, Prince Edward Island and the Gaspé region of Quebec further develop skills to fish safely and effectively in various fisheries.

Trial and error is one way of learning, but trial and error is an inefficient and unsafe way to learn new skills. Mistakes at sea can be costly. They can be costly in loss of gear, costly in loss of revenue and, in extreme cases, costly in the loss of life.

I think the mentorship program will go a long way in continuing to bring the aboriginal community along. It will also assist first nations in diversifying the catch in these inshore fisheries and improving overall fishing skills in the midshore fishery as well as learning vessel maintenance.

The fisheries operations management initiative, with total funding of $1 million over the next four years, will support these first nations in learning more advanced skills to manage their communal fisheries assets with the objective of maximizing benefits for fishers and their communities.

DFO seeks to manage fisheries in a manner consistent with constitutional protection provided to aboriginal and treaty rights. Policies such as the aboriginal fisheries strategy and the Marshall response initiative, together with a legislative framework that includes the aboriginal communal fishing licence regulations, provide a flexible framework that assists DFO in this regard.

It is important to note that the minister will continue to issue communal licences to aboriginal organizations under the regulations should this bill pass. The aboriginal communal fishing licences regulations will continue to serve as an essential tool in the effective management of fishing by aboriginal groups while conserving the resource on behalf of all Canadians.

The minister and indeed the Government of Canada are committed to working cooperatively with aboriginal groups in the management of the fisheries. This is the best way to achieve the department's priorities of conservation and an orderly managed fishery.

Bill C-33 will provide clarity and certainty on matters of legislative authorities while supporting our government's ongoing work to improve the quality of life of aboriginal Canadians. This is why I encourage all my colleagues in the House to support these amendments.

● (1810)

Mr. Gerald Keddy (South Shore, CPC): Mr. Speaker, I listened closely to my hon. colleague's speech. To be honest, it kind of reminded me of the Prime Minister's trip to see President Bush. He promised that everything would be fixed, that softwood lumber would move, that cattle would move. However, when we read the fine print, nothing has changed and it is business as usual. The cattle are not moving. There is no progress and no future to see cattle moving. Softwood lumber had nothing to do with the Prime Minister. We would still be waiting for the wood to be sawn, if it did.

Now we have legislation here that has not been clearly thought out. The main difficulty I have with the bill is very simple. This legislation does precisely the opposite of what it is supposed to do. It allows certain aboriginal organizations to prevail over certain regulations.

It is important that all Canadians, especially Atlantic Canadians and Canadians who live in maritime regions, whether it is B.C. or Atlantic Canada, to know exactly what those regulations are.

The minister was having difficulty explaining the regulations. It is important to know if is it just a matter of licensing or if it is simply a matter of who will fish first. We live with that already. That is not a difficulty. Is there something else that we do not know about?

Under Marshall, we understand there is the right to fish. That is a given. Under Sparrow there is a right to fish. Those rights can be accommodated and they are being accommodated. What we need to know is exactly what they mean when certain aboriginal organizations have a right to prevail over certain regulations.

● (1815)

Mr. Rodger Cuzner: Mr. Speaker, first, I will address a comment made by my hon. colleague at the outset, that not much progress had been made. Particularly in the wake of Marshall, much progress has been made. What we have now is an almost fully engaged native fishery. As was mentioned in the House before, over 1,250 jobs have been created as a result of the initiatives undertaken by the department to deal with the Supreme Court ruling of Marshall.

As I made note of in my remarks, it is the growth within the different fishing communities and the harbours that has been most rewarding. We cannot expect the aboriginal community to come in and take part and engage in a commercial fishery.

I grew up in the fishing community of Glace Bay and in Port Morien. I have married into the fishing community. Fishing is a livelihood that has been handed down from father to son, from generation to generation. The skills acquired are ones that have evolved over the years and traditions have come down over the years.

It is a bit much for us to accept and expect that the aboriginal community will come in and experience tremendous success from the outset without any type of mentoring and without any type of patience or understanding from the outset.

That is why I support in the legislation the ability to deal with the regulations. There is enough latitude within those regulations so we can deal with the aboriginal community on a basis where it can go forward as it continues to gain capacity and experience. As its fishing community continues to grow, hopefully the legislation or the regulations as they evolve from this bill will allow the DFO officials to factor in those types of provisions.

Mr. Gerald Keddy: Mr. Speaker, I appreciate the hon. member's comments, but he is still not answering the question. The question is very simple. This is not about opportunities for first nations. This is quite simply not about even implementing Sparrow and Marshall. My question is on licensing and regulations and how they will be governed. What is the difference? How does one look at and pass down a communal licence?

I understand the mentoring, the training and the years it takes to be a professional fisherman. However, what happens if the chief of any of the bands decides that a licence will go to someone else and that someone else has no experience in the fishery? The success of the fishery is that family owned licence and the training that goes on from father to son or father to daughter. That success is the years of work and mentoring it takes to be a successful fisherman. What happens if there are no rules and no regulations in place to ensure that the first nations that get involved in the fishery can stay in the fishery?

Mr. Rodger Cuzner: Mr. Speaker, my friend has alluded to the fact that the cultures, the training and skills have been passed down from generation to generation within a family enterprise. Obviously, from the aboriginal communities that I know, they have a communal nature and that enterprise lies within that aboriginal community.

First, we should know that Bill C-33 does not compromise any of the practices that are on the ground as we speak. What it does is allow for the flexibility and the respect within the aboriginal community that would allow the regulations from the fishery to be applied in its specific case.

● (1820)

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development, Lib.): Mr. Speaker, my interest is with the aboriginal people and I want to ensure that I am on record. The NDP spoke about the consultations and suggested that two groups were being pitted against each other. I want everyone to know that all aboriginal groups across the country were consulted. They understand the situation will be better after this bill because certain regulations that would help them would have been disavowed. Now the exemptions will be in the act. It is a chance for the minister and cabinet to put into licences those things resulting from court cases.

Does the member want to add anything on the aboriginal front? I just wanted to ensure that was clarified.

Mr. Rodger Cuzner: Mr. Speaker, I appreciate the intervention of my colleague from Yukon. A number of consultations took place among department officials and representatives from the minister's office with the various stakeholders and committee members. From all indications, the consultations have been ongoing. They started back probably a couple years ago. That is why we are this juncture, where Bill C-33 has come forward.

Mr. Gerald Keddy (South Shore, CPC): Mr. Speaker, on the final comment of the member for Bras d'Or—Cape Breton's, it is my understanding, from what the Minister of Fisheries stated in the House, that he had not met with the fisheries committee on this legislation and that any consultation had occurred under a former minister some time ago.

Again, when bringing legislation into the House of this magnitude and importance, it is absolutely essential that the minister of the day meet with the committee of the day. Things change, issues change, dynamics change and it would have been important to at least have met with committee.

The basis of Bill C-33, an act to amend the Fisheries Act, we have had a long and prolonged debate over that. I think we all understand where the bill came from and why, and I will review that.

Before I do, let us go back and look at the original aboriginal fishery strategy of 1992 and the Sparrow decision of 1990. There has been nearly 14 years to bring the aboriginal community into the fishery. In Atlantic Canada, to a great degree, the aboriginal fishing strategy has worked well. Certainly, a majority of the bands have fishing licences, if not all, which range everywhere from mackerel, to crab, to offshore shrimp, to offshore clams, to the lucrative lobster industry and to the groundfishery. It is not as if suddenly today the aboriginal community will start to partake in this fishery.

Let us look at 12 years of an aboriginal fishing strategy. I just pulled a clip off the wire and the best comparison to that is the same amount of time, actually 13 years, or 12 years of this government dealing with the offshore, specifically the nose and tail of the Grand Banks and foreign overfishing.

I am not about to try and blame all the ills of the fishery upon the foreign fleet. It is not only the fault of the foreign fleet, it is our fault as well. However, it is important to be consistent with regulations and it is extremely important to be consistent with enforcement. I do not see any of that in this legislation, Bill C-33. I certainly have not seen any of it on the nose and tail of the Grand Banks for the last 12 years.

Newly released data shows that more than 90% of foreign ships caught illegally fishing on the Grand Banks of Newfoundland over the past decade got off scot free. Between 1992 and 2003, Canadian fisheries officers caught foreign ships illegally fishing 319 times on the nose and tail of the Grand Banks, but the foreign ships faced fines in only 21 cases. Basically it was carte blanche. They could do what they wanted and fish where they wanted. I am not certain we will see anything different here.

The success of the fishery is to base it on conservation, to have trained fishery officers and to have trained fishermen who understand the resource. There is a willingness to incorporate the aboriginal fishery, certainly there is in the South Shore. There is no question that the aboriginals have a stake in the fishery and they will be participants in that fishery.

The question is how does one bring legislation like this into being without talking to the fishery committee, without having committee hearings that include first nations and other stakeholders? How can that happen.

● (1825)

I agree with the member from Bras d'Or that absolutely, there is a very important economic component to this piece of legislation. It provides opportunity for first nations. It provides much needed opportunity for first nations entry into the fishery. What are the parameters of that opportunity? What are the rules and regulations that will govern it?

There is not even agreement among the individual Mi'kmaq, Maliseet, and Passamaquoddy bands. They have not all signed onto this. There are still a few of them that are holding out. There is far from unanimity on this subject. There is still division even among the first nations.

As was mentioned here a few times, the September 17, 1999 Marshall decision affirmed the treaty rights of the Mi'kmaq, Maliseet and the Passamaquoddy people to hunt, fish and gather in the pursuit of a moderate livelihood. That court agreement has come down. No one is arguing about that decision.

There needs to be open and intelligent discussion on how we can best incorporate first nations into the fishery. It was not DFO that said we are not going to have extra effort in the fishery. It was the first nations who put that idea forward because they and the non-native fishery saw the importance of not over-exploiting the resource.

There are a number of amendments. The bill amends the Fisheries Act to expressly provide that a breach of a term or condition of a permission granted under section 4 of the act or of a licence or lease issued under the act is an offence. That is a change to the Fisheries Act.

Changes to the Fisheries Act should not be brought in without having a debate, without trying to look 20 years into the future to see how it could affect the individuals involved. How will it affect the aboriginal fishery? That is the first component we are talking about. How will it affect the non-aboriginal fishery?

My great concern is the whole basis of a communal fishery. I am not proposing at all that a communal fishery cannot work. It probably could work and could work well. However, how do we enable the mentoring and training of fishermen to be passed on intergenerationally within the fishing family? I do not think that question has been answered at all, and it is an extremely important one.

In summary, I do believe the bill is being rushed through. I do believe it has been brought in late. It has not really been thought through. Unfortunately, we need this piece of legislation, but we cannot use it in its present form.

● (1830)

The Deputy Speaker: The hon. member for South Shore will have approximately 12 minutes remaining if he so chooses when the bill comes back before the House.

* * *

[*Translation*]

BUDGET IMPLEMENTATION ACT, 2004

The House resumed from April 30 consideration of the motion that Bill C-30, an act to implement certain provisions of the budget tabled in Parliament on March 23, 2004, be concurred in as amended.

The Deputy Speaker: It being 6:30 p.m., the House will now proceed to the taking of the deferred recorded division at report stage of Bill C-30.

Call in the members.

● (1855)

[*English*]

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

(Division No. 65)

YEAS

Members

Adams	Alcock
Allard	Assadourian
Augustine	Bagnell
Bakopanos	Barnes (London West)
Barrette	Bélanger
Bennett	Bertrand
Bevilacqua	Binet
Blondin-Andrew	Bonin
Boudria	Bradshaw
Brison	Brown
Bulte	Caccia
Calder	Carroll
Castonguay	Catterall
Chamberlain	Charbonneau
Coderre	Collenette
Comuzzi	Cotler
Cullen	Cuzner
DeVillers	Dion
Dromisky	Drouin
Duplain	Easter

Eggleton
Frulla
Godfrey
Guarnieri
Harvey
Jackson
Jobin
Karygiannis
Kilgour (Edmonton Southeast)
Kraft Sloan
LeBlanc
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Longfield
Macklin
Manley
Marleau
McCallum
McGuire
McLellan
Minna
Murphy
Neville
O'Reilly
Pagtakhan
Patry
Peschisolido
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Speller
St-Julien
Steckle
Szabo
Thibault (West Nova)
Tirabassi
Torsney
Valeri
Wappel
Wilfert

NAYS

Members

Abbott
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Blaikie
Breitkreuz
Casey
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Hill (Prince George—Peace River)
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Lalonde
Lunn (Saanich—Gulf Islands)
Marceau
McDonough
Meredith
Mills (Red Deer)
Obhrai
Plamondon
Rajotte
Reynolds
Rocheleau
Sauvageau
Skelton
Sorenson
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Benoit
Bourgeois
Cardin
Casson
Comartin
Dalphond-Guiral
Desjarlais
Doyle
Duncan
Gagnon (Québec)
Gallant
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Harper
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Picard (Drummond)
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The Deputy Speaker: I declare the motion carried.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

[*English*]

INTERNATIONAL TRADE

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, this exchange tonight has to do with genetically modified wheat.

On February 4 I asked the Minister of International Trade what he would do to prevent the loss of access for grain producers to premium foreign markets in view of the importance of non-genetically modified wheat given by prospective buyers abroad.

Unfortunately, the minister's response dealt only with the scientific aspect of the question, deferring the decision to Health Canada and its approval process. However, the decision to allow genetically modified wheat to be produced in Canada is made by the government as a whole and has widespread economic, ecological and political implications.

The question is, why should Canada take precautions with genetically modified grain? I submit that, increasingly, farmers in western Canada are urged by potential customers abroad to produce genetically modified free wheat. I am told that some 87% of all customers request a non-genetically modified guarantee. We are talking of an industry that is worth some $45 million which exports grain to 70 countries, including Japan, China, Mexico, the U.K., Italy, Indonesia and even the United States.

The Canadian Wheat Board is the largest wheat and barley marketer in the world and has repeatedly called on the federal government, first, to include a cost benefit analysis throughout the wheat value chain, placing particular emphasis on farmer income. Second, prior to unconfined release of genetically modified wheat and barley in Canada, the Canadian Wheat Board urges the government to examine market acceptance and tolerance levels of genetically modified products so as to ensure benefit to Canadian farmers.

Finally, because there are no genetically modified varieties of wheat and barley approved or registered for commercial production in Canada, the Canadian Wheat Board, in order to ensure the interests of farmers and customers, also calls for an effective segregation process that labels traditional varieties from genetically modified varieties should genetically modified products be released into the marketplace. Thus, accordingly to both the international market and the Canadian wheat producers alike, the introduction of genetically modified wheat poses substantial concern, ecologically and economically.

Could the Parliamentary Secretary to the Minister of International Trade please tell us why the government seems to be proceeding with letting genetically modified wheat into Canada and why it is indifferent to the requests made so far by farmers and the Canadian Wheat Board?

● (1900)

Hon. John Harvard (Parliamentary Secretary to the Minister of International Trade, Lib.): Mr. Speaker, I would like to thank the hon. member for Davenport for his interest on this important file, for his questions and suggestions.

At this time there are no transgenic varieties of wheat registered for commercial production in Canada. Monsanto Canada has applied to Government of Canada regulators for approval of Roundup Ready wheat. However, the three safety reviews: food, feed and the environment have not been completed.

In addition to the above food, feed and the environment safety reviews, Canada requires that wheat varieties be subjected to a rigorous analysis of end use quality, agronomic performance, and disease resistance for variety registration purposes prior to commercialization. Expert committees must judge these varieties to be equal to or better than the reference varieties before they can be registered by the federal government and sold as seed to commercial farmers.

The Government of Canada is aware of the concerns of many of Canada's international customers regarding GM crops and that the introduction of new plant varieties should be done in a manner that addresses those concerns.

Thus, Agriculture and Agri-Food Canada has launched an interdepartmental process to determine how best to ensure that the commercialization of products of agricultural innovation does not cause undue international market disruption, while balancing Canada's commitment to innovation and to science based regulation.

With respect to the labelling of genetically modified foods, Canada requires labelling where the foods have undergone significant nutritional or compositional changes, or where there may be health and safety concerns, such as allergenicity.

Canada supports a voluntary, industry based approach to labelling based on how a product was produced if it is not related to the product's characteristics, such as non-product related process and production methods.

In our view, mandatory labelling for non-product related process and production methods may constitute a technical barrier to trade and, therefore, contrary to our international trade obligations.

In this regard, Canadian industry has responded to consumer demand for labelling of GM foods and has developed a voluntary standard for GM products through the Canadian General Standards Board, CGSB.

The Canadian government has supported this broad based initiative and believes that a voluntary labelling standard would be the best way to provide important information about how a product is made while upholding our trade rights and obligations.

Both a comprehensive study by the Royal Society of Canada on "Biotechnology Regulation in Canada" and the Canadian Biotechnology Advisory Committee support a voluntary labelling scheme. The CGSB standard was recently referred to the Standards Council of Canada for final review and adoption as a national standard of Canada.

I would like to thank the hon. member for his comments and suggestions. As I have said, the government is well aware of the potential trade impact of the issue. This is why it is so important that the introduction of new plant varieties be done in a manner that addresses these concerns.

As I have said, Agriculture and Agri-Food Canada has launched an interdepartmental process to determine how best to ensure that the introduction of GM products does not cause undue international market disruption. As part of this process, we will ensure that the hon. member's comments and suggestion are taken fully into account.

Finally, I would emphasize again the importance of balancing Canada's commitment to innovation and to science based regulation. Ultimately, our ability to defend our access to foreign markets is based on our commitment to science based regulation.

As members will be aware, we are currently involved in a WTO panel against the European Union's moratorium on GM products on grounds that the moratorium is not based on science.

● (1905)

Hon. Charles Caccia: Mr. Speaker, I would like to thank the hon. parliamentary secretary for the sensitivity that he brings to this issue and his understanding as a champion in his career of consumers' rights.

I am sure that he is personally, at least, favourably inclined to the consumer's right to know as to whether or not a product contains genetically modified material. Therefore, his tendency will be in favour of a mandatory system, rather than a voluntary one.

The reasons given for not adopting the mandatory approach are far from being convincing, in view of the fact that there are a number of countries, including France, that do have mandatory labelling and let the consumer decide on this particular matter.

Hon. John Harvard: Mr. Speaker, I want to thank the hon. member for Davenport for his work on this particular file. He has established, over many long years, a reputation for concern about the environment and these kinds of issues. The House and the government, in fact the country, is better off because of his sensitivities, work and commitment.

I want to say that these are difficult issues, but the government is trying to strike a balance. The final chapter has not been written, but we will do whatever we can to achieve a balanced approach to this.

PUBLIC SERVICE OF CANADA

Mr. Bill Casey (Cumberland—Colchester, CPC): Mr. Speaker, on February 9, after several years of raising this issue, I rose to alert the House again about how the government discriminates by postal code when it advertises for jobs in Ottawa. I find this process and practice so offensive that I am going to stay at it until it fixes it.

I often think that if someone described a country and said a person could go to this country, but this country will not allow its citizens to work in its own capital city for its own government, one would find it offensive and think that person must be referring to a banana republic or something, but that is Canada.

The Canadian government has dozens and dozens of jobs in Ottawa all the time; however, they are only available to people in the immediate Ottawa area. Citizens in Stormont—Dundas—Charlottenburgh, Cumberland—Colchester and everywhere across the country cannot apply unless they have certain postal codes in the Ottawa area.

Just a couple of minutes ago I took a bunch of jobs off the Internet. There is a variety of about 15 to 20 jobs. It is not only an offensive policy but a poor policy to not bring people from across the country to the capital city of Canada to help create legislation, draft letters, and just be a part of the practice of governing this country.

When the government advertises jobs, it says that only people in certain postal codes around Ottawa and Hull can apply for these jobs in the capital city of their own country. Citizens of Canada are told they are not welcome in Ottawa and cannot work here because they do not live in the right postal code.

I want to go through a few that I picked off the Internet a minute ago. A correspondence officer for the Solicitor General pays $44,000. The education required is the completion of secondary school. There are a lot of people who would like to have a crack at this particular job. It is not a high education job and pays $44,000 a year, but people in most of our ridings cannot apply because they do not have the right postal code.

The next one is a job in foreign affairs. It is a research instruction and library web master. It requires graduation from a recognized university with a masters degree. We have one with a high school degree and one with a masters degree, and it is the same story. Who can apply? Only those people who live in this little circle around Ottawa in certain postal codes. This job pays $56,861 a year. Can people in Calgary apply for it? No. Can people in Charlottetown apply for it? No. Can people in Toronto apply for it? No, because these jobs with the Government of Canada are restricted to people in the postal codes I referred to.

Another one is reference librarian. It does not even say how many jobs there are. It says that currently there are several vacant positions. I do not know whether that is 5, 10, or 20. There are several vacant positions in the Departments of Foreign Affairs and International Trade. Who can apply? Only those people who live in these postal codes. Can people in Moncton, Halifax or Truro apply? No, they are not allowed to come to work in their own capital city. They cannot come here because of the discrimination policy of the federal government and it will not change it.

I met with the Public Service Commission and it wants to change it, but it is not given the resources to put in the equipment and technology to do it. Businesses do it, the private sector does it, and there is no reason why the Government of Canada cannot stop this offensive practice of discrimination by postal code.

Another says there are three permanent positions. This is the Royal Canadian Mounted Police civilian staff. Can people in Regina or Victoria apply for this job? They cannot even apply for it even if they are well prepared for it and qualified. This one requires a diploma from a recognized Canadian institute in interior design. There are three jobs and no one in my riding or anyone else's can apply.

It is an offensive policy. It is a poor policy and I want to know, why will the government not change the policy?

● (1910)

Hon. Joe Jordan (Parliamentary Secretary to the President of the Treasury Board, Lib.): Mr. Speaker, I rise to respond to the question about geographic eligibility criteria in public service recruitment.

I commend the member for his interest in this area and his desire to ensure that the public service recruiting policies are fair. I also want to assure him that the government shares his goal. Hence, the government initiated the public service human resource modernization which resulted in legislation that confirms the mandate of the Public Service Commission, the PSC, as the protector of merit in appointments.

Equitable access is central to any fair and transparent recruitment system based on merit. The PSC is committed to maintaining the best possible public service for Canadians, one that is competent, non-partisan, representative and able to provide service in both official languages. Therefore I can assure the House that the PSC is committed to expanding the use of a national area of selection as a means of enhancing Canadians' access to federal public service jobs.

I might add that since the PSC is responsible for recruitment, questions about specific cases are best addressed by its officials.

I am pleased to note, and the member referred to this, that a meeting did take place between himself and the president of the PSC, which no doubt has answered some of his questions. For example, I understand from the PSC that the area of selection used for the list of postings cited by the member was properly handled, with the exception of four postings for jobs in Afghanistan which were discussed in the House and revised on February 9.

There was a larger question of why the PSC continues to use geographic criteria at all. A quick look at the statistics tells the story. In 2002-03 the PSC processed over 3,020 competitions open to the public. There were 523,000 applications received. An average of 173 applications were received per competition. In January 2004 over 1.3 million visits were made to the jobs.gc.ca website. This means that it is currently impossible to offer every job nationally, given the PSC's limited systems.

Nevertheless, the PSC is working to open up more jobs nationally, which it reported to Parliament in the June 2003 report "Enhancing Canadians' Access to Federal Public Service Jobs". For example, since 2001 the PSC has opened up all senior level positions to national competition. In 2002 the PSC launched two pilot projects aimed at expanding the area of selection. In 2003 it launched the public service resourcing system to open up recruitment in the national capital and eastern Ontario region.

In short, the PSC is pursuing a responsible and measured approach to expanding the area of selection.

I thank the member for his interest in the PSC. I urge him and other members to support the Public Service Commission on improving the fairness and effectiveness of public service recruitment, for it is only by working together that we can ensure the continued excellent work of the public service and the quality of the PSC.

● (1915)

Mr. Bill Casey: Mr. Speaker, I appreciate the parliamentary secretary's answer but I do not agree with him. He said that the hiring practices are based on merit. He said that the merit appointments and jobs are based on merit. That just is not true.

People from my riding, from the riding of Blackstrap, if they are qualified still cannot apply for these jobs, yet unqualified people from certain postal code areas can apply for them. That does not make any sense and it certainly flies in the face of what the parliamentary secretary said, that these jobs were based on merit, because they not. They are based on postal codes.

The other silly thing is that someone from another country who lives within those certain postal codes, for example, a citizen of Slovenia who has a work permit and who meets the criteria can apply for any one of those jobs, but a citizen of Canada in another riding cannot apply for the jobs. It makes no sense.

Again, I ask the parliamentary secretary when will the government give the Public Service Commission the resources and money to put in the technology and equipment to fix this anomaly and aberration, this offensive policy?

Hon. Joe Jordan: Mr. Speaker, I think I did indicate that the process was underway.

The member constantly cited examples of jobs that are posted in Ottawa which are not available to people who live in other areas of the country. The geographical selection criteria applies to other areas of the country as well. There are jobs in the member's area that people from this region are not allowed to apply for.

At the end of the day, it comes down to the resources and the number of applications. The public service is aware of that. Certainly we are hopeful that the incorporation of new technologies will allow us to process them. I absolutely agree that the solution to the problem, when it is feasible, is to open every job to every Canadian. That is what we are working toward.

The bottleneck in the system now is one of sheer volume. The public service is committed to coming up with a process so that someday we achieve the goal which I think we share.

[*Translation*]

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. Accordingly, the House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24 (1).

(The House adjourned at 7:17 p.m.)

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