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OFFICIAL REPORT
(HANSARD)

Monday, November 21, 2005

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Monday, November 21, 2005

The House met at 11 a.m.

Prayers

● (1100)

[*English*]

POINTS OF ORDER

ORAL QUESTIONS

Hon. Scott Brison (Minister of Public Works and Government Services, Lib.): Mr. Speaker, this morning I rise on a point of order to clarify remarks that I made on November 4 in the House. I have sent the following letter to the member for Calgary Southwest and I would like to read that letter today for members:

> I am writing to you in connection with three statements made in a published press release on Friday, November 4, 2005.
>
> The three statements, which I now understand to be untrue, are:
>
> (1) "The NCC...has been charged six times under the Canada Elections Act of various malfeasances relating to third party advertising—many of these under [the Leader of the Opposition's] watch";
>
> (2) [The Leader of the Opposition's] "past is littered with examples of questionable if not illegal behaviour."; and
>
> (3) [The Leader of the Opposition] "was in contravention of the Lobbyist Registration Act."
>
> I make the following statements as a correction and by way of apology.
>
> Yours very truly....

I am pleased to table a copy of this letter.

● (1105)

The Speaker: Is the hon. member for Edmonton—Sherwood Park rising on the same point of order?

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): Mr. Speaker, I really must question this. The member has taken up time in private members' business, which I assume will be added to the time for it, and he seems to indicate very loosely that he may possibly be apologizing for the fact that he issued statements which were not accurate. I want to know whether he is ready to make a statement in the House that totally rescinds the bad and untrue things that he said.

The Speaker: I do not think the hon. member has a point of order. The member stood up and made some kind of retraction. I did not follow all the words, but he has tabled a letter and I urge the hon. member for Edmonton—Sherwood Park to have a look at the letter to see what it says. I do not believe the minister read the entire letter, but I do not know. I could not tell.

In any event, I am sure the hon. member can examine it. I think this is the first complaint we have heard about it, and if there is a further complaint, then of course the hon. member can get back to the House in due course.

PRIVATE MEMBERS' BUSINESS

[*Translation*]

PARLIAMENT OF CANADA ACT

The House resumed from October 7 consideration of the motion that Bill C-251, An Act to amend the Parliament of Canada Act (members who cross the floor), be now read the second time and referred to a committee.

Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, today, in this second hour of debate on Bill C-251, we are debating what is undoubtedly a very important issue for Parliament.

First, I certainly support fully the idea of strengthening the vitality of our democracy. This government has placed democratic renewal front and centre in its priorities, and it is also a matter that concerns us all, as members of this House.

There is a problem with this bill, however, in that the mechanism it proposes, namely forcing a member to vacate his or her seat upon crossing the floor of the House, leaves much to be desired. If passed, this bill will not strengthen democracy. I can only weaken it, by putting even more power in the hands of political parties at the expense of elected representatives.

[*English*]

The bill has been presented before, by the same hon. member for Sackville—Eastern Shore, and under the old rules in previous parliaments, it was not votable. As a result of the government's commitment to addressing democratic deficit, the Standing Orders were changed to make private members' business a more viable legislative tool. Today, as members know, most private members' bills and motions are votable and therefore have a real chance of becoming law.

The changes to how private members' business works make up just one of the changes made in this Parliament that have further empowered individual members of Parliament. Other changes initiated by our government include, for example, in our caucus, a three line whip system for votes, sending more bills to committee prior to second reading, encouraging members of Parliament to choose which committees they would like to sit on, and making government appointments available to committees for review. All of this has given members of Parliament more power in the House.

This bill, meanwhile, sends us in the opposite direction, taking the ultimate power away from individual members of Parliament and giving it, in many cases, to party leadership.

[*Translation*]

Bill C-251 overlooks the fact that, in order to play their role properly, members of Parliament have to do their best to represent their constituents well. If that means leaving their party, this is surely a decision individual members of Parliament may have to make, guided by their conscience and with the best interests of their people, their constituents, in mind.

[*English*]

Floor-crossing may be seen as a necessary last resort for members seeking better ways to represent their constituents. Over time, many parties have divided or transformed as they try to structure the best organization they believe will serve their voters. The creation of new parties to accommodate regional or grassroots interests is a prime example of democratic participation.

When the hon. member's bill was last being debated, it was a time of great transition for the far right of our political spectrum. The Reform Party was becoming the Alliance Party. That, in turn, lost some members to the democratic reform caucus. Later, the old Alliance Party came back together to join with some members of the previous Progressive Conservative Party to form the party that now makes up the official opposition.

If this bill had been in place over this transition period, during which there were no less than perhaps 76 party switches, the taxpayer would have had to pay over $14 million for various byelections, and arguably the transformation would never have taken place.

I find it ironic that the bill's own sponsor has been critical to some extent of a similar bill, Bill C-408, because he believes it strengthens the party structure at the expense of individual members of Parliament, while he would assert that Bill C-251 does not.

I have a different opinion than the member for Sackville—Eastern Shore. In the member's own speech in the first hour of debate, he might have in fact made an argument against his own bill. On the issue of sitting as an independent member, the member for Sackville—Eastern Shore said:

> Sitting as an independent in this House sometimes is not the greatest thing...It is not the best representation for constituents in some cases.

Forcing an MP who is at odds with his or her party to sit as an independent in fact contributes to disempowering that member.

In the first hour of debate, the member again made a startling admission when he said that:

> The bill would allow a leader of a party to deal with an individual member of a caucus who, for example, was being a bit of a rabble-rouser or detrimental to the caucus. The leader could make that person sit as an independent member....

I hope members will agree that this is somewhat surprising in suggesting as it does that we as members of the House support a bill that would force us to be silent when we disagree with the leadership of our party for fear of forcing a byelection or being made to sit as an independent.

The hon. member's party was perhaps attracted to the notion of strengthening its hold on dissenting members of the caucus, and even included, for example, a ban on floor crossing in its ethics package, but using legislative measures to limit dissent and the ultimate expression of dissent by members of a caucus does not seem, from my perspective, to form a very appropriate part of an ethics package.

Much has changed since this debate has taken place in previous Parliaments. Members have more power to influence governments than ever before. In this regard, Bill C-251 could be seen as a step backward.

● (1110)

[*Translation*]

Instead of consolidating partisan control, we should strengthen the ties between members of Parliament and their constituents, as well as their influence as representatives of these constituents. That is what the government is currently doing with its action plan for democratic renewal, while Bill C-251 would be a step backward.

[*English*]

It is with some regret that I must tell the hon. member for Sackville—Eastern Shore that I will not be supporting this private member's bill. I have great respect for the member for Sackville—Eastern Shore. He and I share similar views on many matters, certainly matters important in Atlantic Canada, such as the inshore fishery or regional development, for example, but with respect to democratic reform and taking power away from individual members of the House and consolidating it in the hands of party leadership, he and I will have to differ.

● (1115)

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): Mr. Speaker, I am delighted to speak to Bill C-251. I happened to be listening to the Rutherford show the day the hon. member introduced this bill. It was interesting that he was actually scheduled to be on this radio talk show in western Canada but he had to be in the House to introduce his bill. I noticed that the radio stations CHED in Edmonton and QR77 in Calgary broadcast live from the House a portion of his speech while he was introducing the bill. He therefore has received a good amount of publicity on this bill.

There are various ways of looking at this issue. When a member who is elected as a Liberal decides that the Liberal ways just do not cut it and decides to, say, join the Conservative Party, this bill would prevent that member from doing that.

My gut feeling says that I would rather not want to discourage that because, obviously, there are Liberals nowadays who are starting to see the light and are seeing that the direction their government is taking is not the right direction. I think that if they sincerely believe that the Liberals need to be defeated and they would like to give added strength to the Conservative Party, in a way I like that idea.

On the other hand, I can see where there are some problems with this. That member ran in the election as a Liberal candidate. During the election he said that he supported the policies and principles of the Liberal Party of Canada and, rightly or wrongly, the voters in that riding accepted that argument and elected him.

I am sure it would have been by a very narrow margin but he or she did get in. He or she comes to this place and sits in this Parliament on the government side because the Liberals got more seats than any of the other parties. Therefore the member represents what the plurality of the voters in his or her riding wanted. If during the time of that Parliament the member says that he or she can no longer sit here, that is a personal decision, a decision that says that he or she feels what happened is wrong and that he or she needs to do something about it.

I can see where that would present a real dilemma. In that sense, I have some reservation with a bill that says that when a person leaves the party to sit with another party that person should automatically lose his or her seat in Parliament and there should be a byelection. I know the intent is really well-founded.

Bill C-251 addresses that in allowing the member to sit as an independent. I sort of like that idea as a way of countering it. It is a reasonable solution in the sense that the person, as an independent, could then, probably even more than members of political parties, as we have seen in all parties, sometimes having to sort of bite their tongue and vote in a way which may be somewhat inconsistent with not only their personal beliefs but perhaps the desires of the people who elected them in the first place. That happens occasionally.

I know it happened big time in 1993 when a lot of members were chastized by the electorate because of their stand on the GST. It became quite a large issue, as members know.

If there were a crossing over from one party to another, or from a party to an independent, or from an independent position to join one of the parties, perhaps Parliament could respond to a petition in the riding. It could well be that the members of the voting public in the riding would support this position and then a byelection would actually be unnecessary.

● (1120)

If there were sufficient numbers of people in the riding who took umbrage at what the member had done, then, by a petition, which I will not speculate here on the number of names that would be required on such a petition, but a petition would return power back to the people. It would allow them to ask for a byelection so they could vote for a member who is with this party or that party, or even the same member under that party, but they would be able to reaffirm him or her. A byelection would have to take place because the people demanded it rather than it being triggered by some other process.

Another conundrum arises from both this bill and the one from one of my colleagues on this side, Bill C-408. Both of these bills address the issue of power of the leader.

I think one of the things that got me elected in 1993 was the stand of our party and me personally, that a member of Parliament has as a first obligation to represent the constituents who elected him or her. That is true.

I remember back in the old days, because I am old enough to remember this, that when the old CCF came in I believe it was a true grassroots party. It responded to the wishes of the people. I hesitate to say this but I think to some degree at least the NDP too has been greatly overtaken by the influence of special interest and lobby groups. I would mention unions for example and then there are others as well that I think have too great a control. However that is okay. If they can garner support from among union members I have no problem with that but I do have a problem when they get the support of the union leadership and the union then takes some of the union dues and gives it to that party. As an individual who never did support the socialistic side of the NDP in that sense, I took some objection to the fact that when I was a forced union member they took my dues and contributed them to members of the NDP to help them get elected. To me, that was a violation of my democratic right. We have these different issues.

It is important for us to remember, whether we are Conservatives, Liberals or NDP, that our strength and our legitimization comes from the support of our constituents, which is why I propose that the bill would be improved if there were a clause in it that said that a member who leaves a party may sit as an independent and perhaps not trigger a byelection as long as he or she remains independent and does not align with another party, which would be opposite.

Mr. Peter Julian: You've got to read the bill. That's what it says.

Mr. Ken Epp: I know that is exactly what it says. That may be okay. I could support that in principle but I think even then there might be times that the constituents would object to that and should, by way of referendum in the constituency, be able to trigger a byelection or at least a petition with sufficient names on it.

In conclusion I would simply like to say that it will be an interesting vote when the bill comes to a vote because I think a number of people will be on either side of it. My present inclination is that it will be about 60:40. Right now I am inclined to support it because it goes in the right direction. I believe the element of saying to the people that this person was elected under this banner and if he or she changes the banner then the constituents have the final say on it. Because I support that aspect of it I will probably vote for it, although I will still be doing a little thinking. I am sure the bill will be subject to intense lobbying from the hon. member to garner my support.

[*Translation*]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, I am pleased to speak on Bill C-251. First, I want to tell our NDP colleague, through the Chair, that we recognize that the whole issue of members who change parties is a matter of concern. We have a nice word to describe such people; we call them turncoats. However, there is a problem with the remedy suggested by our NDP colleague, just as there was with Bill C-408 introduced by the Conservative member for Simcoe—Grey.

In order to put this into context, we must recognize that, under Bill C-408, introduced by the Conservatives—and defeated in the House—any member switching parties automatically had to step down and that seat was then up for grabs. In this case, Bill C-251 states that, when a member changes political affiliation, that member becomes and must remain an independent for the rest of that legislature. This is somewhat problematic. Had that provision had been in place in 1992-93, the Bloc Québécois could not have been created by pioneering individuals.

Hon. members will recall that, when the Bloc Québécois was founded, there was not the required 12 members. Only nine MPs had left their original party, Progressive Conservative or Liberal. Recognition as a caucus required the magic number of 12. Had Bill C-251 been in effect at that time, they could not have sat under the Bloc Québécois banner but would have had to sit as independents until the end of the session.

This strikes us, therefore, as a serious problem, particularly where Bill C-408 is concerned. We see that as a rather vicious counterattack by the Conservatives. We might even consider it an act of revenge in reaction to the move by their former colleague, the hon. member for Newmarket—Aurora, who, as hon. members will recall, joined the ranks of the Liberal Party this past May. Once again, the Liberals are showing how low they will stoop in an attempt to buy votes. In that case, the current Prime Minister and leader of the Liberal party dangled a ministerial appointment as a lure to get the hon. member for Newmarket—Aurora to cross over to his party.

Under the guise of bolstering democracy, Bill C-251 can end up doing the reverse. It can, for instance, increase the pressure on members to toe the party line. Members who might sometimes stray from that line or sometimes criticize certain positions taken by their party, though not necessarily publicly, might end up under undue pressure from their caucus, their party, or their leader. They might be told that, if they are not happy, they might end up expelled and forced to sit as independents.

● (1125)

It must be remembered that to give this type of power to a caucus or the leader of a party can amount to virtually the opposite of having a member democratically elected by the constituents. In our opinion, this bill could further limit the political freedom of members, who are, in our democratic system of representation, the basis of the political system. The people elect the MP and should therefore judge his actions.

In the past two general elections, that of 2000 and of 2004, there were some 40 defectors. We should take a look at what happened with these defections, from a numbers standpoint.

We had such a situation in the riding of Châteauguay. We have to recognize the principle that the people are never wrong. The public as a whole is mature enough to decide in the next election whether it approves what a defector has done.

In this House, there was the case of Robert Lanctôt, who had originally been elected under the Bloc Québécois banner. Thanks to the dirty tricks and promises only the Liberal Party is capable of, Mr. Lanctôt crossed the floor of the House and for some time sat as a member of the Liberal Party of Canada. In the next election, he was defeated. The people of Châteauguay judged him. Another colleague is sitting now as the member for Châteauguay—Saint-Constant, the name of the riding having been changed.

In conclusion, we have to trust the public. It is never wrong. I want to reiterate what was said during the first hour of debate. Unfortunately, the Bloc Québécois cannot support this bill. We do recognize, however, that our NDP colleague deserves support for his bill and for examining the question. Forty defectors since 2000 would appear a fairly significant problem, but we consider the doctor's remedy a little stronger than the illness requires. Perhaps the MP will have time over the holidays to think up another formula that will produce the same results, but by different means.

● (1130)

[*English*]

Hon. Ed Broadbent (Ottawa Centre, NDP): Mr. Speaker, I am delighted to rise and speak in defence of Bill C-251. It is a bill designed to strengthen the rights of the citizens of Canada, the men and women who vote in all our various constituencies. The bill is not designed to strengthen the political authority of political parties as the parliamentary secretary said.

In fact, I was quite amused to hear the parliamentary secretary propose certain reform measures that would strengthen the role of MPs in committees. He said that the government had already done great things in this regard.

I can say to the hon. member that it is really bizarre to hear a member of the Liberal government talk about democratic reform. First of all, the reforms the member is talking about I first heard when I was here in 1968. Thirty-seven years ago the Liberals were talking about doing this, and the government is still talking about doing it.

As I recall, It is the same Liberal Party that when a candidate of Chinese Canadian background in Vancouver was all set to become a candidate through a democratic process in the recent election, the Prime Minister of Canada, Mr. Martin, named the president of the Liberal Party in British Columbia over—

● (1135)

The Acting Speaker (Mr. Marcel Proulx): Order. May I remind the hon. member to use their titles to refer to members in the House.

Hon. Ed Broadbent: That may be another reform we will come to one day, Mr. Speaker.

I expect the Prime Minister chose his candidate over the local democratically elected candidate.

I was glad to hear that my Conservative friend, the hon. member for Edmonton—Sherwood Park, is likely to vote for the bill. I am encouraged by that.

He made a references to unions somehow financing the NDP and that this is somehow a pernicious activity. I make the point that financing to the NDP was always done by democratic vote by the unions. Any member could have his or her funds democratically withdrawn from the supported party if he or she wanted to, and unlike the corporate donations to the Conservative Party or Liberal Party in the past, the union members had a say in it. Corporations decide unilaterally, whether or not the shareholders agree.

As for my friend from the Bloc, I listened with care and he said that the Bloc Québécois could not have come into being the way it did if the process my colleague is advocating had been in place. I say that is right, and so be it. It is democratic. Back in the 1990s the appropriate thing to have done, in my view, if those members were elected from other parties, was to do what my colleague has said; they should have resigned from the party they were in, in good conscience, sat as independents and then went back to the electorate that had voted for them as Conservatives before and had byelections.

That is what the bill is all about. It is bringing democracy as it affects MPs' behaviour in the House of Commons into the 21st century. We are proposing a change. There have been New Democrats who have crossed the floor, Liberals who have crossed the floor, Conservatives who have crossed the floor. Indeed, the Bloc came into formation because of it.

We are saying that the people of Canada in every constituency do not vote for the man or woman as an individual. I know we are all overcome by high levels of modesty as MPs. Every political scientist who has studied the situation knows that citizens vote 80% to 90% for the party. They believe in the party's program on the one hand or they disbelieve in another party's program and they want to vote against it. The key point in my colleague's bill is that these democratic wishes should be respected.

I refer to the case of the member for Newmarket—Aurora who was elected as a Conservative and ought to have remained a Conservative. If she wanted to leave in good faith, there was an option other than crossing the floor and becoming a cabinet minister, which breeds cynicism among the electorate. She should have resigned her party membership, if she felt that way, sat as an independent and then she could have voted with integrity, if she had wanted to, for the budget. She could have voted as an independent. It should not be the right of an MP to cross the floor, unless he or she is prepared to resign the seat, go to the electorate and let the constituents once again decide.

By the way, this is not abstract talk. I repeat, members of other parties, including ours in the past, have crossed the floor. We want to change that. Roy Romanow, the former premier of Saskatchewan, did what ought to have been done. There was a Liberal member in the Saskatchewan legislature who wanted to cross the floor and join his government. He politely, I am sure, but clearly denied that opportunity. He said to the member that if he resigned his seat, he should get a nomination as a New Democrat, be elected as a New Democrat and then they would talk about joining that party in the provincial legislature. That subsequently was done. That man acted with integrity. He resigned his seat as an MLA for the Liberal Party. He got the nomination as a New Democrat, was elected as a New Democrat by the voters in Saskatchewan, and then and only then was he entitled to be a member of cabinet.

I stress that the bill is designed to combat cynicism. The most pernicious form of cynicism in political life as citizens see it is that from time to time those of us who are elected to office act not in the public good, but in our own good. We act not in the public interest, but in self-interest. That is what we want to minimize, and get rid of whenever we can, in our democratic institutions.

● (1140)

Now that we can all vote as individuals on private member's bills, I urge my friends in all parties to give serious thought to this private member's bill and to vote favourably on this bill that will respect a member's integrity.

If a member has problems with his or her party, the member can leave that party and sit as an independent in good conscience. If the member wishes to go to another party, he or she ought to respect the democratic wishes of the citizens, resign his or her seat and ask the constituents to elect the individual under his or her new party. If that person is elected, he or she could then act as a member of the new party. If it means going into cabinet, so be it, but one would hope that would not be the motivation. If the member was elected simply to further the aims, goals and philosophies of that party, that is good.

That is the kind of system we need in Canada and it is long overdue.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I have listened carefully to this debate, which is an important debate from the standpoint of democratic reform, something the House should always look at.

The last speaker referred to respecting the wishes of the constituents. Today people often look at the plurality of individual members of Parliament. It is interesting to note that less than 25% of the members elected to this place actually receive more than 50% of the vote. That brings into question whether a member who is elected and receives less than 50% of the vote actually reflects the will of his or her constituents, in that simply because of the numbers in the election the member did not have a plurality.

The other thing I noticed in the debate was that there seemed to be a total discounting of the value of a member of Parliament. About two-thirds of my work has to do with the constituency and helping the people in my riding with their needs as they relate to areas of responsibility of the Government of Canada. Under this bill, if a member sat as an independent for 30 days and then a byelection was called, technically, a riding would have no active representation for a fairly long time. I am not sure whether or not the constituents of a riding association should be asked to be without that active representation which is so important.

In Alberta elections were held to nominate senators, which cost a couple of million dollars. Last May, in the case involving a person in the Conservative Party who crossed the floor to the Liberals, under this bill there would not have been any change in the vote.

Mr. Charlie Angus: What does it cost to buy people to get them to cross the floor?

Mr. David Christopherson: What did Belinda cost?

Mr. Charlie Angus: And was given a big payoff.

Mr. Pat Martin: She took your spot in cabinet.

Mr. David Christopherson: That was going to be your spot.

Mr. Dave Batters: She only crossed to become a cabinet minister.

Mr. Paul Szabo: Mr. Speaker, the members in this place generally—

The Acting Speaker (Mr. Marcel Proulx): Order. I would very much appreciate being able to listen to the hon. member. The hon. member for Mississauga—South.

● (1145)

Mr. Paul Szabo: Mr. Speaker, I also want to raise the issue of recall. The same arguments that we have with this bill relate to the debate on recall. That idea has been floated from time to time with the electorate. Provincially, it has exercised that kind of proposition.

When I suggest the vast majority of members do not have more than half the support from their own ridings, a day after the election people can start a petition. They can say that now they know the results of the election, they think they would do better if someone else was in there, so they come up with a petition and go through this process. That would be an abuse of the opportunity. There has to be more to it.

We also have in Canada rights and laws to which all people are entitled. Let us say that someone is in a particular caucus. I would think that not every issue to come up in a subsequent parliament would be dealt with in the platform of a party or in the policy of a particular party. Things happen. What happens if a significant item comes up such as missile defence? I do not think anyone had that in their last platform. If members felt very strongly about missile defence, could not support the positions of their parties and decided they want to make a change, why should they not exercise their right to have an opinion, their right to vote and their right to take action? It is not an indictment of their disregarding or disrespecting the electorate.

We have hundreds and hundreds of votes every Parliament. I am pretty sure that members do not consult with their constituents on each and every vote. Therefore, why do we rely mostly on the argument that we have to communicate the constituents' concerns? If less than 25% have a plurality of over 50% in the riding, if we cannot possibly communicate with our constituents, it is incumbent on members of Parliament to know their ridings, to know their people and to use their best judgment in an informed and professional way. If they make a vote or a move that in their best judgment does not seem to sit well with someone else, they should have an opportunity to go to their people and explain themselves.

I think we all have had that responsibility where we have voted on a particular item. I know many members of this place had numerous communications with regard to issues like civil marriage, income trusts, missile defence, the war in Iraq. How could we possibly go to our constituents on each and every one of these items?

I can look around this place and see many members of Parliament, notwithstanding their own party's position, who have taken a specific position. We can look at the voting record and see how many members have not followed the party position. Why? Is it because they do not want to be part of the team? No. I think in the vast majority of cases what they really wanted to do was to say that they looked at the situation, they made their best judgment and they were prepared to be accountable for that decision. The accountability of a member of Parliament to make that decision has to be respected.

I am not sure whether we have a situation where all of a sudden if I disagree with something and I feel strongly about it, if I am prepared to be—

An hon. member: Without respecting your voters.

The Acting Speaker (Mr. Marcel Proulx): Order, please. The hon. member for Mississauga South.

Mr. Paul Szabo: Mr. Speaker, I take this to heart. I do not dismiss the arguments that have been made by members. It is a good debate. In this Parliament we have had a particular strategic crossing, which makes it all the more interesting, but the bill would not have changed the voting results in that regard. The members specifically involved in that one case will be accountable to their constituents when they go to the electorate, presumably very soon.

When people make decisions, we all have to be responsible for the consequences. We have to give credit to members. By and large, I do not know of any member who did not come here in good faith, wanting to leave a fingerprint somewhere, wanting to make a difference and wanting to serve their constituents. At least two-thirds of the work we do has to do with the needs of the people in our communities.

It is extremely important for us not to discount the value of the rights of members to make decisions and to be accountable for their actions in this place. Some members are a little more aggressive than others and heckle a lot in this place. Nobody really knows about that. It does not show up in transcripts nor on TV, but it is part of the process.

How many members have had constituents say to them that they act like a bunch of children? People base that on what they see during question period, when the media is sitting here, the public is watching and the principal participants questioning people are seeking the headline for the news story of the day. It is not reflective of the work that is done in this place, the important debate that takes place after question period or in committees.

Members of Parliament have to be respected for the decisions taken. We cannot strip members of Parliament of the opportunity to make what they believe is an informed decision. In this case, mandating something would be saying that someone would be locked into a party or otherwise are going to be told that they will be are going into an election 30 days hence. I am not sure that kind of a draconian move is in the best interest of Canadians, or the House or of the rights and privileges of members of Parliament.

● (1150)

Mr. Pierre Poilievre (Nepean—Carleton, CPC): Mr. Speaker, it is an honour to rise today in support of a bill that I believe would restore some accountability around this place. I thank the hon. member across the way for having raised it.

When members of the House crosses the floor, I believe they break a contract, not with their political party but with their constituents. When a member of Parliament is elected to this place, he or she is elected with a party label, having made a commitment to serve with party's label attached to his or her name. Members of the public make their voting decision based on that commitment. Therefore, a contract is formed between the constituent and the member of Parliament.

As was the case for the member for Newmarket—Aurora, when a member crosses the floor, in particular to receive an inducement and be placed into cabinet and be given a promotion and a raise, that is an example of a broken contract with the constituents with whom that person was elected to represent. For example, in this case, the constituency elected a Conservative and it got a Liberal. That contract was broken with the constituents in Newmarket—Aurora.

I want to take this logic further. I have a private member's bill of my own before the House which would further tighten the bond between the constituents and the member of Parliament. It would allow constituents to fire a member of Parliament if that member of Parliament broke his or her word, lied, cheated or stole. It would be conducted through a petition system and would require that 50% of eligible voters sign the petition, in exchange for which the member of Parliament would have to resign his or her seat and the riding would reopen for a byelection.

It would be a very difficult process. We have 87,000 eligible voters in my constituency. That would mean one would need roughly 44,000 signatures on that petition, meaning the individual would have to have engaged in a massive violation of trust. But still, that resource should be there. Why? Because everyone else in the country has to be accountable for the job they do for their employer. All my constituents go to work in the morning and if they lie, cheat or steal, they are fired. For elected officials, it is four years. In what other field could an employee lie, cheat or steal and then be fired only four or five years later? Why should we in the House of Commons, the House of the common people, live above the basic norms and rules that other employees live up to in their work? We should not. We should live by the same guidelines as everyone else.

Let me give a few examples of how this would make a difference.

We have a government across the way that came into office making certain promises. One of them was to protect agriculture. Yet, we see, with the upcoming summit before us in Hong Kong, the World Trade Organization conference, that Financial Secretary Henry Tang of the Hong Kong government has announced his support for eliminating all forms of supply management. The government has not responded. Nor has it made clear what its position would be at that WTO summit in Hong Kong. That means dairy producers across the country, who may have been duped by Liberal promises in the last election, now have at this point no recourse to hold the Liberal government accountable for abandoning them.

The reality is my constituents, who are dairy producers, rely on supply management for their security and their prosperity. That is why our party passed into its policy book the following policy on supply management:

> The Conservative Party of Canada believes it is in the best interest of Canada and Canadian agriculture that the industries under the protection of supply management remain viable. A Conservative government will support supply management and its goal to deliver a high quality product to consumers for a fair price with a reasonable return to the producer.

● (1155)

The government has not stated what its negotiating position will be going into these meetings. It is incumbent upon the agriculture minister and the trade minister to indicate clearly to this House and to all producers what they intend to do to uphold our system of supply management at those critical meetings. There has been nothing done so far. The producers are waiting and they have been given no assurances whatsoever.

This is a critical issue. Canada's dairy, poultry and egg farmers indicate that we in this country allow more imports of these supply managed products into Canada than the United States does. We also allow more of these products into Canada than the European Union permits.

Canada has already done its part to open its borders. It is now the responsibility of the United States, Europe and other countries, that are engaging in massive market distorting subsidies, to do their part. Yet, we do not see anything from this government advocating that position and defending Canada's national interest as it relates to agriculture.

For example, if we take the issue of child care. We have a Liberal government that claims it believes in human rights. Yet, the government is enacting a state controlled day care scheme that undermines basic human rights.

Mr. Peter Stoffer: Mr. Speaker, I rise on a point of order. It is not for me to indulge in the member's conversation, but we are not talking about cows crossing the border. We are talking about MPs crossing the floor. I wonder if you could get the member of Parliament to come back.

The Acting Speaker (Mr. Marcel Proulx): The hon. member for Sackville—Eastern Shore knows very well that this is not a point of order.

I have full confidence that the hon. member for Nepean—Carleton knows exactly what we are talking about here this morning. I will let him continue.

Mr. Pierre Poilievre: Mr. Speaker, frankly, I am shocked that the member over there would stand in this House and object to my use of this occasion to speak out in defence of our farmers. I cannot believe that he would take occasion to stand up and speak out against our farmers. Farmers more than anyone deserve accountability in this country. If we are to debate accountability, we ought to take their interests into account as well. I am proud to have done that.

As I was saying, there is another issue. There is the child care issue. The government stands in this House and puts forward a policy that discriminates against the vast majority of parents and children in invoking what will amount to a $10 billion a year state controlled day care bureaucracy. It will not provide any support to stay at home parents, private day cares, home day cares, or religious based day cares. It is an act of discrimination that will be condemned by the United Nations. That is not accountable.

Today, I am proud to have spoken out in favour of some remedies, including support for the member's bill, including a recall of members of Parliament who break their word, and instruments that will protect accountability and restore integrity to our democratic process.

● (1200)

The Acting Speaker (Mr. Marcel Proulx): The member moving the motion has a five minute right of reply to conclude the debate. The hon. member for Sackville—Eastern Shore.

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, I wish to thank every member of Parliament who spoke either against or for the bill. I want to give a special thanks to my great colleague and former leader of our party, the member for Ottawa Centre, for his speech on the bill.

His entire parliamentary and political life has been devoted to change this place, to make it more accountable to the people of Canada, so that they can vote in confidence and have faith in their members of Parliament, not just at a federal level but also at a provincial, municipal and school board level. Politics do matter. Ethics matter and the member for Ottawa Centre is a shining light in that regard, so I thank him for that.

However, my hon. colleague from the Liberal Party talked about taking away opportunity. I am trying to take away the opportunity to be an opportunist. That is what I am trying to stop. The member from the other side is very disingenuous to talk about farmers. I remember two years ago when the Conservatives did not even believe in supply management, but the NDP have firmly been behind supply management. However, that is another topic.

We are elected in the House of Commons as members of Parliament of particular political parties. Some of us are elected as independents. If we wish to change that status and go to another political party, I believe we should go back to the constituents and ask them to vote us in, in that other political party, or sit as an independent until the election and then make a choice.

We have had examples of people who have done that. The member for Esquimalt—Juan de Fuca could not live with the new Conservative Party. He sat as an independent, made his intentions known and did exactly that. We have other members of Parliament who have not done that. My hon. colleague from Winnipeg—Transcona said very clearly, this is not the no tell motel. We do not check in under an assumed name. We have accountability to our constituents.

This is not about one individual who crossed the floor. Members of Parliament from the NDP have crossed the floor and we have accepted that. However, it is time to change that, to end cynicism in this country, and to bring ourselves and our accountability back to the constituents.

If the Prime Minister honestly believes in democratic renewal, if the Conservative Party of Canada honestly believes in democratic renewal, and if my colleagues in the Bloc Québécois believe in being accountable to our constituents, then it should be a unanimous vote in the House on Wednesday. Unfortunately, I do not think that is going to happen.

Mark my words, the Canadian people will not forget. We are held to our word and to our vote. This is a very simple vote. It is not that complicated. Do we want to be accountable to our constituents, yes or no?

The Acting Speaker (Mr. Marcel Proulx): It being 12:04, the time provided for debate has expired.

Accordingly, the question is on the motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

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

Some hon. members: Yea.

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

Some hon. members: Nay.

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

And more than five members having risen:

The Acting Speaker (Mr. Marcel Proulx): Pursuant to Standing Order 93, the division stands deferred until Wednesday, November 23, immediately before the time provided for private members' business.

GOVERNMENT ORDERS

● (1205)

[*Translation*]

CRIMINAL CODE

The House proceeded to the consideration of Bill S-37, An Act to amend the Criminal Code and the Cultural Property Export and Import Act, as reported from committee without amendment.

Hon. Ken Dryden (for the Minister of Canadian Heritage) moved that the bill be concurred in at report stage.

(Motion agreed to)

The Acting Speaker (Mr. Marcel Proulx): When shall the bill be read the third time? By leave, now?

Some hon. members: Agreed.

Hon. Ken Dryden (for the Minister of Canadian Heritage) moved that the bill be read the third time and passed.

[*English*]

Hon. Sarmite Bulte (Parliamentary Secretary to the Minister of Canadian Heritage and Minister responsible for Status of Women and Minister responsible for Industry (Women Entrepreneurs), Lib.): Mr. Speaker, I am pleased to rise today to speak in favour of Bill S-37 which would allow Canada to move forward to accede to the two protocols to the Hague convention, and by doing so, it would be the first G-8 country to do so. Once again, Canada is leading by example and ensuring Canada's place in the world as one of pride and indeed influence.

The Government of Canada is committed to the protection and promotion of Canada's heritage. We possess a history and a cultural heritage of immeasurable richness, appreciated by all Canadians. In this Year of the Veteran, 60 years after the end of World War II, it is appropriate that Canada join the protocol to the UNESCO convention for the protection of cultural property in the event of armed conflict known as the 1954 Hague convention.

Canada is already a state party to this convention. Joining its two protocols would result in a comprehensive commitment to prohibiting and preventing destruction, damage, and looting of cultural heritage during conflicts throughout the world. The convention and its protocols are based on the principle that damage to cultural property of any nation diminishes the cultural heritage of all nations. These instruments provide for measures in peace time to ensure protection of cultural property and prevent damage, destruction and pillage of such property in the event of armed conflict.

A wide range of cultural property, both moveable and immovable, is protected under the Hague regime from sites, buildings and monuments to the collections of museums, archives and libraries.

Canada acceded to the convention in 1999 as part of its human security agenda at the international level and as a further step in our long standing commitment to international cooperation and the protection of cultural heritage. The Hague convention was developed in response to damage, destruction, and theft of cultural property during the second world war. Canadian peacekeepers operating abroad know that heritage continues to be at risk during conflict.

We have seen, particularly during the last decade, an increase in non-international conflicts that are often deeply rooted in religious and ethnic hatred. In these and conflicts of all kinds such as those in the former Yugoslavia, Afghanistan and Iraq, we are seeing an increase in the intentional targeting of cultural heritage.

The importance of the Hague convention is therefore all too evident. In this context, it is vital that Canada clearly affirm our determination to protect cultural heritage from deliberate attack. This brings me to the Hague protocols and Bill S-37.

There are two protocols to the convention. The first protocol was introduced in 1954 and concerns primarily the export of cultural property from occupied territories. The second protocol was developed in 1999 to rectify weaknesses in the convention and to introduce measures to strengthen it, including a range of specific obligations to prosecute those who damage, destroy or loot cultural property in violation of the convention and its protocols.

Canada played an important role in the development of the second protocol. Since its adoption by UNESCO, the government has been working to determine the necessary legislative requirements that would allow our ascension to the two Hague protocols. In fact, several factors have come together to suggest that the time is indeed right to move forward.

First, the loss of cultural heritage during armed conflict has been brought to the forefront of public attention during the recent conflicts in the former Yugoslavia, Afghanistan and Iraq. As a result, the importance and significance of Canada joining the protocols will now be more readily understood and indeed supported by the Canadian public. Further, thanks to the adoption in 2000 of the Crimes Against Humanity and War Crimes Act, almost everything that Canada would need to implement the protocols is already in place in Canadian law.

● (1210)

All that remains is for a number of small amendments to be made to the Criminal Code and the Canadian Cultural Property Export and Import Act.

Bill S-37 would amend the Criminal Code to prohibit acts of theft, robbery, vandalism, arson, fraud and fraudulent concealment against cultural property as defined by the 1954 Hague Convention. It would also provide for the prosecution of Canadians who commit such acts abroad.

Bill S-37 would amend the Canadian Cultural Property Export and Import Act to prohibit Canadians from illegally exporting or removing cultural property from occupied territories. It would amend the act to allow for prosecution of such acts and would establish a mechanism to return such cultural property to its country of origin.

Over the past months Canada was one of the countries that championed the development by UNESCO of a new convention on the protection of the diversity of cultural expressions.

Joining the Hague protocols can only strengthen Canada's overall position with respect to cultural diversity internationally and it would provide a further concrete demonstration of our commitment to UNESCO and its multilateral instruments. As a nation that is committed to support for multiculturalism and promotion of the rule of law, ascension to the protocols would reinforce those Canadian values on the world stage.

Finally, as a leader in the protection and preservation of heritage, Canada's ascension to the Hague protocols would be an important step in our continuing efforts to protect the world's cultural heritage. A vote for Bill S-37 is a vote for the protection of the world's cultural heritage.

[*Translation*]

Ms. Francine Lalonde (La Pointe-de-l'Île, BQ): Mr. Speaker, I would like the hon. member to explain why it took Canada so long to ratify the 1954 convention and protocols.

[*English*]

Hon. Sarmite Bulte: Mr. Speaker, it is important to understand that we have not taken that long at all. It was in 1999 with the second protocol that we were able to improve upon the first protocol. As I said during my discourse in the House, Canada was a leader in ensuring that it was done correctly.

Second, what is very important about the amendments that were being made to this legislation before is that we did not have in place the ability to prosecute Canadians who went to other countries, vandalized property or exported goods from there. Let us say that someone coming from Afghanistan who stops in London to drop off the cultural property and then goes back to Canada. We now have the ability to actually prosecute Canadians abroad for their intentional destruction of cultural property.

In terms of multilateral agreements, such as the agreement on cultural diversity, which was championed by the minister in Quebec's National Assembly, along with our Minister of Canadian Heritage, we moved very quickly from that in 1999. With Canada now being at the lead, just this year we were able to pass that convention at UNESCO.

I do not think it is fair to look at it as the exact date of 1954. In fact, it was not until 1999 when the second protocol strengthened the original protocol with the amendments that were made to the Criminal Code and putting in place a law to allow that to happen. We have actually moved quite quickly.

● (1215)

Ms. Bev Oda (Durham, CPC): Mr. Speaker, I rise today to speak to Bill S-37, an act to amend the Criminal Code and the Cultural Property Export and Import Act.

This is very important legislation, not only for Canadians but for Canada as part of a global community that believes in the protection of culture and heritage. It asserts Canada's position as a forerunner of multilateralism and a proponent of peace and civility. The bill would allow Canada to fulfil its obligations under the two protocols of the Hague Convention for the protection of cultural property in the event of armed conflict.

Born in the wake of the second world war, the Hague Convention serves as a reminder of the widespread destruction that was done to cultural properties during the two world wars. Much of that destruction was meant to wipe out the cultural heritage of certain groups and we as Canadians must be part of an effort to prevent the continuation of these acts of destruction and theft.

Since the middle of the last century, the Hague Convention has been applied to the 1967 Middle East conflict and to conflicts in Bosnia and Herzegovina, Cambodia, Croatia and Iraq according to the UNESCO, but it could also apply in other cases.

In 2001, the Taliban, Afghanistan's ruling party, destroyed two giant Buddhas in the Bamiyan Valley in its quest to wipe out all signs of pre-Islamic culture in that country. This was an act of brutality by a regime that has time and again proven its disregard for culture. The president of the World Monuments Fund has termed this an act of cultural terrorism.

The list goes on. During the Kosovo conflict it has been reported that archives were destroyed.

During the Iraq wars many ancient sites in the so-called cradle of civilization were badly damaged and looting has been documented. In Eritrea, the historic town of Massawa on the Red Sea sustained a great deal of damage during the war of independence with Ethiopia in 1991.

The destruction of cultural property is a common and widespread tactic during times of conflict used by aggressors to oppress and tyrannize by erasing the cultural heritage of a population, often a minority group.

Canada cannot stand by and allow these tactics to be used again. We must stand side by side with the international community in stamping out the theft and destruction of cultural property, the very pillar of a civilization.

This legislation allows states, in which arson or theft of cultural property have occurred, to have recourse against citizens or Canadian permanent residents and stateless individuals habitually residing in Canada who have perpetrated acts against cultural properties. For example, if a Canadian citizen commits an act of arson against cultural property in a certain state, that state will have recourse against the individual in a Canadian court under the Hague Convention.

I am certain that this legislation will garner the whole-hearted support of all my colleagues. This will facilitate the task of holding the perpetrators to account as it will be done in their countries of residence. It is an avenue to promote justice and lawfulness on an international scale, something with which we all agree very strongly given the turbulence that faces the international community today.

Any steps that Canada can take to bolster the rule of law on an international scale should be taken. It would strengthen our position internationally and allow us to continue our role as a global leader, leading by example. The convention defines cultural property broadly to include immovable and movable items of artistic, historic, scientific or other cultural value. This includes cultural objects, monuments, collections and the premises housing them, sites and archeological zones.

The definition of cultural property given by the convention has been repeated in the legislation tabled before the House. It is very important that the definition we give to cultural properties encompasses a broad range of items so that we can ensure maximum protection of the world's global heritage.

The protocols would also allow for the recovery of cultural property that was illegal exported from a state. This is an equally important provision. If that property ends up in Canada, the state from which it was legally removed will have recourse under the new legislation to recover it through the Canadian judicial system after all interested parties have been heard.

● (1220)

The legislation would allow Canada to play an essential role in returning stolen cultural property to its rightful owners. It would also guarantee that the cultural heritage of other countries is preserved for future generations to learn about and enjoy. As peacekeepers of the world, is this not the role that Canada has chosen to take on an international platform?

This is not to say that the cultural property would be taken away from a Canadian who has unknowingly purchased or acquired cultural property that has been stolen. The legislation provides that a judge may grant compensation to the purchaser of an item so long as they acted in good faith.

I think it is important to repeat that Canada must lead by way of example in the stamping out of illegal activities on an international scale. We have always been the initiators of such multilateral conventions and this is the time to continue that tradition for the sake of our global cultural heritage.

Finally, though not least important, the Hague Convention and its protocols allow Canada to benefit from the reciprocal recourse through other signatory state judicial systems in the event of a conflict on Canadian soil. That means that citizens, permanent residents and stateless individuals residing in a signatory state can be pursued through the state's courts and that Canadian cultural property can be repatriated.

The bill clearly enhances the wartime protection of cultural property in foreign countries and would give Canada another opportunity to demonstrate its respect for global cultural heritage as much as it respects and values its own cultural heritage and properties. It would allow Canada to maintain its position as a forerunner on the importance of multilateralism, creating increasingly strong ties with our global neighbours.

As we can all appreciate, cultural properties and cultural artifacts are of value to the citizens of every country and can never be replaced. We have a responsibility as a member of the global community to help every country protect its cultural properties and its artifacts. Therefore I ask the House to support the bill.

Hon. Sarmite Bulte (Parliamentary Secretary to the Minister of Canadian Heritage and Minister responsible for Status of Women and Minister responsible for Industry (Women Entrepreneurs), Lib.): Mr. Speaker, I thank my hon. colleague, the critic for the official opposition, for her support on the bill in committee. It gives me an opportunity to say that one of the wonderful things about sitting on the Standing Committee on Canadian Heritage is that we really look at how important heritage is to Canadians and internationally and that many times we are able to put our partisanship aside and concentrate on those things that are important to Canadians, heritage being one of them.

The hon. member for La Pointe-de-l'Île asked a very good question today. It was one of the questions that was raised at committee as to why it had taken us so long because it was 1954. It was an important question to discuss.

The heritage critic of the official opposition also raised a number of questions during committee, which I think would be important to share with colleagues and perhaps the Canadian public. One of the questions she asked had to do with the effect the legislation would have on the military.

Canadians and members of the House should also know that another question raised at committee concerned whether or not the legislation would somehow affect the Elgin marbles and whether retroactivity would be involved. It is important to look at that.

The committee also talked about the terrible image, which we will all remember, of the Buddhas being destroyed by the Taliban in Afghanistan.

Perhaps the hon. member could share some of the answers and some of the discussions we had at committee.

● (1225)

Ms. Bev Oda: Mr. Speaker, I thank the parliamentary secretary for this opportunity to expand on the discussion that occurred at the heritage committee.

We all agree that this is a very important piece of legislation that has to be passed. Consequently, I wanted to make sure that we had thoroughly explored all aspects of it.

I know that within the military there are obligations regarding cultural properties that already exist and therefore, I asked for clarification on how this bill would work with those existing obligations. We were told that this bill not only complements what the military has as an obligation, but it enhances the obligation of the military and of all Canadian citizens and the Canadian judicial system. That makes very good sense because we are not replacing one with the other. In fact, we are strengthening our obligations to the international community.

I was assured by the department and the people who have studied this piece of legislation thoroughly that the retroactivity would not necessarily apply. We all have heard stories about past conflicts where cultural objects have been seen under certain circumstances as trophies to bring home if people were able to access such objects from another country during times of conflict.

I suggest in the terms of this legislation that would be an acquisition in good faith and there would be no retroactivity for those properties.

When we look at this bill and the conflicts that are happening in various countries and states that have a rich tradition of cultural heritage, I think it will help the world enhance the protection going forward.

My party has no problem with this bill and is pleased to support it.

[*Translation*]

Ms. Francine Lalonde (La Pointe-de-l'Île, BQ): Mr. Speaker, I asked the hon. member a question earlier as to why it took Canada so long to adopt, sign and ratify the 1954 convention and protocols.

I asked this question because I was looking at the conventions and protocols a few weeks ago when we started talking about them. I noticed that Canada was missing from the May 14, 1954 convention until December 11, 1998, unlike countless other developing countries and European countries. Great Britain is missing from it. I know why.

The veil may have just been slightly lifted on the reasons why Canada did not ratify the convention sooner, but later I will ask my colleague to elaborate on why it took Canada so long to do so.

Canada, which says it took a leadership role in improving the protocol, had not taken adequate measures for signing it even though it was drafted in 1954, following World War II. I am not on the committee and have not done any in-depth research on the matter, so I would simply like to know why. This is the quite the opposite of taking a leadership role.

For the benefit of those who are listening to us, I want to talk about the significance of Bill S-37. This bill amends the Criminal Code and the Cultural Property Export and Import Act to allow Canada to fully implement the protocols and the convention that have been in effect since 1954 and 1999 respectively.

In its most recent version, this convention is a critical tool to protect the world's cultural heritage, which is constantly threatened by destruction or looting during armed conflicts.

The 1954 convention was established based on the problems experienced during the second world war, but since then other types of conflicts have developed and proliferated, either between countries, or internally between various groups representing different cultures. This is why, in some cases, the destruction and looting of cultural property was dramatic, as we saw in the Balkans, during the nineties.

The proposed legislation will allow the government to prosecute any Canadian who steals cultural property of great importance abroad, or who is responsible for its destruction.

The bill also provides a recovery process for cultural property that is illegally exported.

In so doing, this legislation is consistent with the Crimes Against Humanity and War Crimes Act, under which individuals who committed crimes during an armed conflict can be prosecuted.

Incidentally, the Bloc Québécois strongly supported that legislation, back in 2000. But I want to go back to my finding. While it is true that Canada was a leader in the establishment of the International Criminal Court, it remains a mystery to me why Canada has really been dragging its feet when it comes to amending Canadian laws, so that these protocols can be signed and ratified.

● (1230)

This enactment amends the Criminal Code to prohibit, in particular, robbery, mischief and arson against cultural property protected under the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict. The bill allows for the prosecution of such offences when committed outside Canada by Canadians. It also amends the Cultural Property Export and Import Act to prohibit Canadians from illegally exporting or otherwise removing protected cultural property from an occupied territory. Finally, the bill allows for the prosecution of such offences when committed outside Canada by Canadians and provides a mechanism for the restitution of cultural property.

In fact, there is a lot we could say about this unfortunate practice or tradition, which goes back to ancient times, of destroying or stealing cultural property by countries that took them supposedly to better ensure their protection. I have already spoken in the House on a bill to help Greece recover treasures that the British decided they were better able to protect. Clearly, the world's cultural heritage is threatened by wars and the multiplication and refinement of extremely destructive long-range and remote weapons. This was the case after the second world war—and that is why a convention was drafted. But this is also true since the definition of the new types of threats resulting from the significant increase in non-international conflicts.

I understand that, with regard to such non-international conflicts, it is essential for the countries whose nationals commit cultural property crimes to take action. I understand that the international community will increasingly demand this with regard to all types of crime committed abroad. This is desirable in many areas, including the misuse of water in Africa by mining companies that leave behind a trail of environmental destruction, when they have finished mining activities.

We remember what happened in the old city of Dubrovnik, during the Bosnian war, or rather the Balkan war, and the destruction of the Mostar bridge, churches, synagogues and mosques. These are not only exceptional world heritage cultural property sites, but they are closely linked to the cultural roots of a number of peoples.

So awareness of this new kind of war has led to changes in the Hague convention of 1954. Consequently, a second and stricter protocol, as my colleague said, was created in 1999.

● (1235)

The second protocol creates a new series of measures, including an intergovernmental committee for the protection of cultural property in the event of armed conflict, a fund to assist the states parties in implementing the protocol, and a new and stronger system for the protection of cultural property. As well, it makes some clarifications and sets out precise obligations as far as legal proceedings in the event of violations of the convention and its protocols are concerned.

The purpose of the bill we have before us is to modify the way Canada fulfills certain of its obligations under the convention and its protocols. A state party is, for example, required to adopt the following protective measures: forbid, prevent and put an end to any act of theft, pillage or misappropriation of, or acts of vandalism directed against cultural property protected under the convention; take any necessary penal or disciplinary measure against anyone who has committed or conspired to commit an offence under the convention; implement the penal provisions of chapter 4 and the second protocol; prevent any illicit export, other removal or transfer of ownership of cultural property; on cessation of hostilities, restore to the authorities of the country of origin the exported cultural property.

One may well wonder how any state party is going to be able to implement this protocol even with the act in place. For it to be implemented, embassies and consulates just about everywhere will have to be given more means. The armed forces will need to have clear directives. As well, those going into countries where there is armed conflict or war and who might want to bring home some souvenir to put on their own bookshelf or give to friends or grandchildren will need to be made aware of this.

This protocol is a long time coming, but we must pay tribute to the spirit and the law which will make it possible for Canada to ensure compliance by its citizens.

One of the main means for its application is, of course, clause 1 of the bill, which amends the definition of Attorney General in order to enable proceedings to be undertaken.

The definition of the offences is also important. I will read clause 2.01.

> Despite anything in this Act or any other Act, a person who commits an act or omission outside Canada that if committed in Canada would constitute an offence under section 322, 341, 344, 380, 430 or 434 in relation to cultural property as defined in Article 1 of the Convention, or a conspiracy or an attempt to commit such an offence, or being an accessory after the fact or counselling in relation to such an offence, is deemed to have committed that act or omission in Canada if the person
>
> (*a*) is a Canadian citizen;
>
> (*b*) is not a citizen of any state and ordinarily resides in Canada; or
>
> (*c*) is a permanent resident within the meaning of subsection 2(1) of the Immigration and Refugee Protection Act and is, after the commission of the act or omission, present in Canada.

This is a powerful clause, but it is demanding at the same time.

Clause 3 of the bill provides that everyone who commits mischief in relation to cultural property is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years, or guilty of an offence punishable on summary conviction.

● (1240)

Clause 4 adds a section to the Cultural Property Export and Import Act, entitled "Convention for the Protection of Cultural Property in the Event of Armed Conflict and its Protocols". It states that it is prohibited to export or remove cultural property from an occupied territory of a State party to the second protocol. It also describes action for the recovery of the cultural property, and the court may make an order in that regard.

Canada has more obligations, however. The convention and its two protocols do entail a number of obligations which are not set out in the bill, which only focusses on the criminal aspects of the protection of cultural property. Given that the government is likely not to consult Parliament before signing the protocol, consideration of this bill is the only opportunity afforded parliamentarians to examine Canada's preparedness to fulfil its obligations. Ultimately, we know that, for historical reasons, our time is short.

I will provide an example of the obligations that Canada agrees to honour, which are not set out in the bills. Here then is one of the obligations the contracting parties must honour. They shall, for example, undertake to prepare for the safeguarding of cultural property situated within their own territory by taking inventories, planning emergency measures against the risk of fire or building collapse, preparing for the removal of moveable or immovable property, proper protection of it and the designation of competent authorities responsible for its safeguard. What has the government done in this regard?

Here is another obligation. In time of war, the contracting parties shall protect cultural property located in occupied territory, and, insofar as possible, take the measures needed to preserve it.

The Canadian armed forces are regularly required to operate in areas where there is a risk of pillage or destruction of cultural property. These duties require, therefore, that significant measures be taken to make the military familiar with the convention. More money will of course be required and, more importantly, the military will have to be accountable as will all persons entering these areas, given the obligation not only to prevent and remedy but to foresee as well.

So, this is an important moment. This Parliament is finally agreeing to acquire the means to comply with this second strengthened protocol to safeguard world cultural heritage threatened, not only by the environment, which is another dimension, but by wars and the various conflicts occurring in the world and some parties more than others. We might consider the example of Africa, whose cultural treasures were pillaged and not only during a time of conflict. Other continents besides Africa have also been pillaged, of course.

At the moment, we are concentrating on the huge damage caused by war and conflict, and we want to prevent it from recurring.

● (1245)

[*English*]

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Natural Resources, Lib.): Madam Speaker, I thank the member for her support for the bill.

I want to comment on the several reasons we had not signed earlier.

During the cold war we were not sure that eastern bloc countries in particular would live up to the terms and the spirit of such an agreement. In fact, they might have used it to inhibit our work and that of our other allies, the United States and the U.K., in times of conflict. They could have hidden behind the convention with respect to historic buildings.

As well, the second protocol was a very complicated legal format. We had check it with a number of existing laws, such as the Crimes against Humanity and War Crimes Act and the National Defence Act, which cover a number of the provisions. We had to make sure that we had the acts and legislation in place so that we could sign it. This is always the way that Canada enters into these international agreements.

It is not that we have not shown leadership. There have been other conventions and international agreements to protect heritage to which we have been a party. We are part of the Geneva Convention of 1949 and its protocol 1, which prohibits the international targeting of cultural property and its use in the support of military operations. Also, in terms of engagement for our military, there has always been very strong leadership and an understanding in their training that they cannot target cultural properties.

I hope that adds a bit more comfort to the member as to the evolution of Canada's support in an orderly fashion to these protocols.

● (1250)

[*Translation*]

Ms. Francine Lalonde: Madam Speaker, I thank the hon. member for his attempt at a justification. I understand that he is uncomfortable as well. If, like me, he has consulted the conventions, namely the Protocol for the Protection of Cultural Property in the Event of Armed Conflict, dated May 14, 1954, he will have noticed that Canada is not mentioned at all. There are three pages in the protocol listing the main European countries and the developing countries.

I used to be a history teacher. If I had the time, I would try to find out why Canada did not do what was legally necessary to ratify this protocol. I still have not gotten an answer and I would really like to. Perhaps my opposition colleagues have an answer.

Mr. Pierre Paquette (Joliette, BQ): Madam Speaker, I must say that, as usual, my colleague gave a very enlightening presentation. Not only was she once a history teacher, but she is now our resident historian.

In this context, I would like to expand the debate we are having on this protocol. She mentioned, and rightly so, that Canada dragged its feet. However, this is not the only area where Canada drags its feet. Look at the International Labour Organization conventions. The hon. member is well aware of what I am talking about since she was the vice-president of the Confederation of National Trade Unions.

Globally, despite what the Liberal government and the Minister of Foreign Affairs might say, Canada is far from being a leader. I would like the hon. member to elaborate on how the situation has changed. For instance, under the leadership of Mr. Pearson, Canada managed to achieve some renown, but now we are known as a country that is not even of moderate importance on the international scene.

I would like the hon. member to comment on that.

Ms. Francine Lalonde: Madam Speaker, my colleague thinks highly of me, but I cannot give him a specific answer. I can only share his observation.

I remember an individual who was once our colleague and whom I can now name: John Manley. At times, he had a very abrupt way of speaking. Quite rightly, he said that Canada's international reputation was based on its past efforts and that, now, it was nothing more than a pale reflection of what it once was.

In fact, the regret that many people have about Canada's former role as a leader can be heard not in official speeches but rather in numerous discussions behind the scenes. Just recently, the Minister of Foreign Affairs was talking forcefully about reforming the United Nations. International aid is an important issue. Kofi Annan has called on all nations to contribute 0.7% of GDP by 2015 in order to effectively fight poverty. Canada wanted to tell people how to reform the United Nations, but it has failed to make this commitment.

I want to thank my colleague for giving me the opportunity to repeat that fact.

● (1255)

[*English*]

Hon. Sarmite Bulte (Parliamentary Secretary to the Minister of Canadian Heritage and Minister responsible for Status of Women and Minister responsible for Industry (Women Entrepreneurs), Lib.): Madam Speaker, let me begin by thanking the member for her party's support on this legislation. I certainly have tremendous respect for the member opposite in her role as the foreign affairs critic for her party.

During her speech, the member noted that the U.K. has not signed this protocol. If we looked at the list, we would find that no other G-8 country has signed this protocol. Perhaps I could ask the member to look at that.

The member mentioned that we had passed the Crimes Against Humanity and War Crimes Act in 2002. It is important that members realize it was that piece of legislation that allowed us to put in place the legal framework to prosecute Canadians for committing acts outside our jurisdiction. To be fair, it is important to note that one of the reasons we could not sign this convention in 1954 was that we did not have the legal framework in place.

The U.K. has not signed the protocol, nor has the United States. I ask the member in her capacity as the foreign affairs critic for her party, does her party feel that because the U.S. has not signed the protocol, it will affect our relations with the United States? I would like her perception of the U.S. not signing this convention.

[*Translation*]

Ms. Francine Lalonde: Madam Speaker, I will, however, tell my colleague that France, Italy and Russia have signed it.

Here too, history is telling. The United States and Great Britain have not signed it, but I cannot understand why Canada failed to signed. No matter whether we refer to the Pearson years or the Trudeau years, Canada made a point of adopting its own foreign policy, and took significant risks. Why did Canada not sign, even if the United States and Great Britain did not? As I said, France and Italy did sign. There is no real reason. This Parliament, in any case, does not seem to know why, nor does my colleague opposite. We will ask the academics to enlighten us on this count.

One thing, however, is clear. Nothing explains Canada's failure to give a firm commitment to contribute 0.7% of GDP by 2015, to fight poverty and reach the millennium goals. No doubt, the member will agree with me on this.

[*English*]

Mr. Charlie Angus (Timmins—James Bay, NDP): Madam Speaker, it is a great honour for me to speak to Bill S-37, an act to amend the Criminal Code and the Cultural Property Export and Import Act.

Today's discussion is very profound in light of the circumstances in which we find ourselves internationally. What comes out of today's debate has to be the springboard to a larger discussion about how we are actually going to move forward as a country to ensure that what we bring forward in the House is implemented on an international scale.

We are discussing two issues in terms of the Hague protocol. One is the older issue of looting and war. Looting has been an intricate part of war since time immemorial. Many empires were built on the art brought back from war. This goes from Alexander's time on. Members know the old expression "to the victor goes the spoils". We have to put this in the context of modern looting which is much more deliberate and has to be looked at in terms of the breakdown of international order.

The other issue we are discussing today is the destruction of cultural identity and the planned and deliberate cultural destruction of memory. When we are talking about heritage and describing specific sites, we are talking about the repositories of a community or a social group's living memory. It is a very profound thing. To deliberately target and try to erase that memory has profound implications both politically and socially.

We are very much aware in the 20th century of the targeting of memory in order to control history and the future. This was very much a part of what the Nazis and the Communists did. Orwell wrote about the erasing of memory, the erasing of what happened and replacing it with fictitious facts. He talked about this in the context of Spain where the Communists and the Fascists first faced off against each other.

Orwell said that he who controls history controls the truth. We are now talking about something profoundly different. When we move from the battle of political ideologies or the battle between political nations toward the battle between cultural groups, the issue of erasing becomes much more important. It is not a matter of the old example of the May Day parade and who was cut out of the picture and erased from the Soviet general's staff never to be mentioned again. We are talking about removing the on the ground facts of an entire way of being. For example, in Dubrovnik a bridge that was built in the 1500s to represent the power of a civilization was deliberately targeted. That says to those people that they were never here. It says that they had no right to be here. It says that they have no claim on the land now. That is a very profound thing.

We talk about memory and identity. I would like to place this in context. Memory and identity are fundamental to the ability of a people to partake culturally and politically in their space in the world.

Neil Postman wrote in terms of our own culture that in the digital age of 24/7 television, we had basically lost our ability to look to cultural references or to look to history to have a context. He said that it is not that we refuse to remember; rather we are being rendered unfit to remember. For memory to have any value, it needs a context or a metaphor.

In cultures where their sense of memory is based on a building, a church, a synagogue, or a museum, where people can say that is the living repository of their memory, for another nation, another ethnic group or a banded army to deliberately attack and destroy that is not just an attack on that community but it is an attack on the fundamentals of human civilization. What we have seen since the second world war is a major transformation in how these wars are fought.

● (1300)

There was deliberate destruction of certain ethnic identities during the second world war, but on the whole, it was basically wholesale looting. What we have seen in the latter half of the 20th century and definitely going into the 21st century is deliberate destruction. The whole notion of ethnic cleansing is not simply to remove people from a village, but their well water is destroyed or poisoned, and their land is seeded with explosives so that they cannot return. Where there was a living community, a wasteland is created. Part of that process is the destruction of the libraries, the destruction of the churches, the mosques and the synagogues. Yes, we do need a law which says that these are crimes against humanity, that these are crimes that cannot stand. We should have the power as a nation to go after the perpetrators of these crimes.

In the modern age, the question we have to ask ourselves, and my one question with the bill is where are the teeth behind it? When we look at the nations and the bandit states that are perpetrating these atrocities, by the time we get down to the fact that they are destroying Buddhist temples that are a thousand years old or cultural artifacts, they have already committed so many crimes that we tend not to even place the cultural destruction on the level where it needs to be. That has to change. The destruction of cultural identity has to be a number one priority in dealing with the modern bandit states.

Another question I would like to raise, and this is where it becomes more germane to our own communities in Canada, is how are we dealing with international looting of cultural artifacts that have been obtained in war? This is a very profound issue because it puts us on a direct collision course with our two traditional allies. The two countries that will not sign on, the United States and the United Kingdom, are now overseeing the complete running of a country that was mercilessly looted.

If we are talking about cultural crimes in the last generation, the fact is that under shock and awe, the entire library, the historic memory of Iraq was allowed to be looted and destroyed while the U. S. army stood by. The U.S. army was securing the oil buildings, but it allowed the destruction of the Iraqi museum. We are not just talking about one museum. We are talking about the cradle of civilization, the original land of Ur, the land where writing first began, the land in the Mesopotamian Valley where the first seeds were sown and the agricultural economy was built up.

We read the stories, many of them written by Canadian journalists who were there at the time of the looting to see fragments of ancient artifacts spilled all over the ground. Artifacts that are irreplaceable, artifacts that no other civilization has managed to collect were basically thrown out on the streets while the U.S. army stood there and did nothing. We are talking about the destruction not just of Iraq's memory, but of our entire cultural memory going back to the beginning of civilization. That is a crime. It is a war crime.

We are also talking about the fact that only two nations, the United States and the U.K., are basically treating Iraq as their own personal fiefdom. There is no international body there to oversee, so what are we to expect? We are to expect that their soldiers, their officials can be part of this massive large scale looting of a cultural identity. Where do we stand up in terms of going after these people?

The hon. member from the Conservative Party said that we have to be careful about people who buy products in good faith. There is a black market for the illegal selling of historic artifacts. Buyers know what these artifacts are. They know their value and they know how to get them. In the same way we talk about blood diamonds, we are talking about blood artifacts, artifacts stolen from a culture and which are being sold on the international market and no one has the ability to intercede to protect these artifacts. We need some clear laws in place to go after those people. We should be able to go after them mercilessly.

The other issue that has to be raised in terms of the decisions that our southern neighbours are taking now toward unilateral invasions of other countries is that we need people on the ground to assess the cultural properties when these invasions occur or soon after the invasions occur to make sure that there is not a black market infrastructure that grows and sells these products to European, American or Canadian buyers. Once these products are stolen, once these collections are destroyed, there is no rebuilding of them.

● (1305)

The New Democratic Party will support Bill S-37. However, we would like to state that we need to take this bill seriously enough that we are actually going to put some teeth and some money behind it, so that our international presence is seen as protecting cultural identities. We have to ensure that the ongoing theft of artifacts from all over the world, including Kosovo, Bosnia and Iraq does not continue.

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, there was a quote earlier which basically stated the principle of importance, that the world's cultural heritage has to be preserved and passed on to future generations and will require a multilateral effort. Canada was not part of the agreement until 1999. The United States and the U.K. are still not part of the agreement.

I have a question for the hon. member. What message should Canada be giving to the Americans and the British in this regard to reinforce the messaging that it is going to take a multilateral effort, and that without their participation this is not going to happen as easily as it should?

● (1310)

Mr. Charlie Angus: Madam Speaker, again, there is no living in this 21st century world if we do not live multilaterally.

We need to be working together. We need the support of North America and Europe, basically as the bulwark, in order to protect cultural properties. If the United States and the U.K. continue to refuse to sign on, then we have to send a strong message that regardless, the rest of the global community will work together for the protection of property.

We should still be insisting that we have the power to go after these criminals, regardless of whether they are hiding out in the U.K. or they are coming home on leave from the U.S. If these people are engaged in the black market looting of cultural properties and their destruction, they still have to be accountable. We have to send a very clear message to our partners in this regard.

Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.): Madam Speaker, I would like to thank my colleague for giving such a great historical perspective and then bringing it to the present day.

My question is in terms of the death and destruction taking place in Iraq and the largely unreported tremendous cultural destruction that is taking place. When the Buddhas were being destroyed in Afghanistan, there was a tremendous amount of press regarding that one particular horrendous act. Yet, there have been a series of acts of destruction in Iraq that have largely gone unreported. What correlation does the member see between the lack of reporting with regard to Iraq and the fact that the United States and the U.K. are involved in the war in Iraq?

Mr. Charlie Angus: Madam Speaker, the member's question really strikes to the heart of what we are talking about. Earlier I spoke about the example of Orwell and the whole notion of erasing history and facts, so that people have no references to go return to.

What we have seen in the war in Iraq is the culpability, particularly of the U.S. media, in ignoring, erasing, and distorting the actual record of what is happening on the ground. We have seen the North American media's culpability in denying the reality of what was done in that country, the incredible international crime that was committed in that country.

As we see the destruction of cultural goods and institutions right across Iraq, it has profound implications. First, it has profound implications for the larger community because we do not even have the references to understand what has been lost.

Second, there will be profound long term implications in a country such as Iraq because when centres of identity and centres of community are broken down chaos is created. We have the example of 20 some years of destruction in Afghanistan and the break down of the village system, the break down of their traditional cultural identity by the relentless onslaught of the Soviets which created a generation that knew nothing but terror and responded with terror.

Unfortunately, Iraq, which is an even older civilization, is now undergoing this with the U.S.

Mr. Pat Martin (Winnipeg Centre, NDP): Madam Speaker, I want to thank my colleague, the hon. member for Timmins—James Bay, for his sensitivity to this issue and for the way that he outlined the importance of culture and heritage in this context.

I would ask him if Bill S-37 does anything to address one of the most egregious examples of looting of cultural heritage and religious properties that has ever been known? The looting of the Iraq museum is second only perhaps to the property of the west coast Indian tribes in Canada, the Haida, and those tribes whose potlatch ceremonies were outlawed. Now there are huge efforts being made for the repatriation of these cultural and heritage properties.

Would the member agree with me, first of all, that the looting of these artifacts is an element of cultural genocide in this example and is there anything in Bill S-37 that will help with the repatriation of these artifacts, so that these societies can be made whole?

● (1315)

Mr. Charlie Angus: Madam Speaker, this issue was raised by the member for Nanaimo—Cowichan who has been very concerned about the effect of the loss of cultural properties of the west coast natives.

When we are talking about this, we are continually putting this back in the context of the need for cultural memory. When we erase these memories from a society, when we take them away and then say that they never had anything great in the past, they were nothing, they were nobodies, this is the message that is continually done again and again in ethnic cleansing. This was done on the west coast. We have seen an amazing resurgence of community identity based on the return and the valuing of these properties because people identify with them in terms of their international significance from cultural and historical points of view.

In terms of our own Canadian experience, there has been a direct correlation between the return of identity and return of pride based on the return of these artifacts to their original owners.

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Natural Resources, Lib.): Mr. Speaker, I think the member made and excellent speech and brought forward a good point about protection and how it is implemented.

In my view, we have to get more people agreeing to things like the second protocol. On the second protocol there is an intergovernmental committee for the protection of cultural property. There is a new fund to assist states in implementing this convention. There is a new regime of enhanced protection. It clarifies and provides for more specific obligations in the pursuit of prosecutions and violations. For instance, Canadians can now be prosecuted in Canada for things they do overseas.

There are only 28 countries who are signatory to the second protocol. I think we have to keep up the fight, promote all the items in it and use the tools in it. If that turns out to be deficient and not working, then we should agree to a third protocol for the same reason that the first protocol was added to the original convention.

Mr. Charlie Angus: Madam Speaker, I agree. I think this is very important. I am saying this in the beginning of a new century when we have already seen so much barbarism and such an assent in the rise of bandit states where cultural identities that have existed for thousands of years are being arbitrarily erased.

As a general human community, we have to see the profound implications. We are being reduced to a genetic mono-cropping of Disney culture. To erase something that was built 2000 years ago by a small group because they are suddenly a political threat to whatever bandit power sees it, we have to see that as a larger threat to our overall cultural identity, and political and social ability to maintain a civilized society.

Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.): Madam Speaker, I am pleased to speak in favour of Bill S-37 which would provide the basis for Canada to go forward and join the two protocols to the Hague convention. Canada is already a state party to the convention. By joining the protocols Canada would strengthen its long held commitment to international cooperation in the protection of the world's heritage.

By joining the protocols and by ensuring that we can prosecute violations of the convention and protocols in Canadian law, we will send a message that Canada will not be a haven for those who destroy, damage, and loot cultural property abroad during armed conflict. The bill has now had the benefit of consideration by the Standing Committee on Canadian Heritage and I am pleased to say that during its discussions the committee acknowledged the importance and even the urgency of Canada joining the Hague protocols. The committee supported the intent of the bill.

A number of important issues were raised by the committee about the bill and about the implication of Canada's membership in the convention and its protocols. What have we learned? First, that the Hague convention and its two protocols reflect obligations toward cultural property that are already well enshrined in international law and in other treaties such as the additional first protocol to the 1949 Geneva convention. This means that Bill S-37 and Canada's proposed ascension to the protocols will not add new operational burdens or legal risk for our armed forces. Second, we have learned that the international community is increasingly ready to identify acts against cultural property during conflicts, as war crimes, and to punish those who commit such acts.

The more countries that adhere to agreements such as the Hague convention and its protocols, the more effective such efforts will be. We have also, thanks to the committee, learned more about the ramifications of the proposed amendments. For example, the new offences will not apply retroactively. We have learned that with Bill S-37 everything Canada will need to implement the Hague protocols will be in place in Canadian law. The amendments proposed by Bill S-37 would ensure that there are no gaps in our ability to implement our treaty obligations once we join these two important agreements.

The Standing Committee on Canadian Heritage voted unanimously to adopt Bill S-37 without amendment. This is an important step for Canada. It is a good bill. Let us give it our support.

● (1320)

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Natural Resources, Lib.): Madam Speaker, the member for Etobicoke Centre does a lot of work in our party related to foreign affairs. Although he is a new member, I compliment the tremendous initiatives he has already undertaken and had effect due to his diligence, passion, energy and experience on some of the international issues.

He has had experience in areas such as Ukraine, Somalia, Darfur and Sudan. Regarding the conflicts that are going on today that make it very urgent that we support this bill, does he have any examples of which he is aware that are at risk and could he discuss some of the international work in which he has partaken?

Mr. Borys Wrzesnewskyj: Madam Speaker, I thank the member for being very kind in his comments about my work. The work I have done over the last year has given me quite a perspective on some of the destruction that takes place in conflict zones around the world. The twentieth century was horrendous when it came to mass killings and cultural destruction. Some would argue it was a century of cultural genocide that often accompanied acts of human genocide.

The member mentioned Ukraine, which is part of my ancestry. It is fascinating because it ties back to the question of why, in the late 1940s to 1954, although a state party to these protocols, we did not sign on to them.

One of the signatories to these protocols was the Soviet Union. A number of vassal states in central and eastern Europe were newly enslaved. There was a great dilemma at that time. If we signed on, were we providing the Soviet Union with another method to go about the very cultural destruction that it had clearly demonstrated over the previous years and decades?

We have to remember that this was the Stalinist regime. Stalin was a party to signing these protocols at that time. It was mentioned that its recent history was 1954. While I was not born at that time, I have some knowledge of that history. It was this same regime that committed genocide through the Holodomor, the famine in Ukraine in the early thirties. It was the same regime that burned down hundreds of churches in Kiev and throughout Ukraine. It destroyed thousands and thousands of churches and libraries. It was the same regime that burned down the archival library in Kiev, which held manuscripts and archives going back to the tenth century.

There was no question why we were unable to sign on with partners such as the Soviet Union at that time. It was signing on because it saw a particular advantage. It could use cultural institutions as the premises for military intelligence operations. The same regime performed a similar trick with the Helsinki accords. After signing the Helsinki accords, it immediately sent numerous people into the gulags.

It provides a little historical context as to why Canada did not sign on at that point in time. However, today is the right time. We have seen the destruction that takes place during times of war, especially today in Iraq. It is a terrible situation in that country. Unfortunately, one of the things that is not discussed is once this conflict is over, a lot of that cultural history, the repository of thousands of years of history of a people and of all civilization, will have been destroyed.

● (1325)

Mr. Pat Martin (Winnipeg Centre, NDP): Madam Speaker, I have been quite moved by the debate. I want to thank my colleague for the points he has added from experience in his culture, his background and history and the obvious passion he holds for the subject.

I am interested in the bill itself. It originated in the Senate, so we have not had as much opportunity as we might have had to be involved as the bill evolved. The NDP generally objects to bills that originate in the unelected other place, but I will not dwell on that today.

I am more interested in an aspect of the bill which seems to, if I understand it correctly, extend the arm of the law beyond our geographic boundaries, much like the prosecution of Canadians abroad who sexually exploit children.

Is my understanding correct that the bill contemplates enforcement of these principles for Canadians operating abroad?

Mr. Borys Wrzesnewskyj: Madam Speaker, once in a while we get bills from the Senate, and it is encouraging. Although we may have various opinions on the role of the Senate and its effectiveness, in this case I think we can all agree that it has addressed a very important issue and it needs to be commended.

I do not know the intricacies of the law and how it would be applied when it comes to war crimes. From my understanding, Canadians who get involved, whether to culturally destroy or most likely in existing situations these days to get involved in looting and pillaging, that is the business of buying and selling the culture and history of peoples, unfortunately, have ended up in situations of conflict and wars.

Quite rightly, there should not be a situation where Canadians can feel that once they travel beyond the borders of Canada, what happens there is of no concern to Canadian law. At a point in time perhaps a majority of people held that point of view. I believe the member has brought up a great example when it comes to the abuse of children in countries overseas. The fact that it takes place somewhere other than Canada does not make the person less guilty or innocent. Abuse for profit of culture, cultural artifacts and records should be considered just as criminal should it happen in Canada or overseas.

● (1330)

Hon. Ed Broadbent (Ottawa Centre, NDP): Madam Speaker, I have a question and an observation for the hon. member. I too would like to praise everyone who has taken part in this debate. What is at root here is the profound importance of historical memory in relation to culture in the shaping of human identity. What we are all about as human beings at this point in the 21st century is, in one sense of the term, kind of an inevitable product of what has gone on in our past, broadly speaking, our cultural past.

Is the hon. member aware that in this context the bill amends the Criminal Code to make it an offence for Canadians abroad to indulge in theft of cultural property. For me that is a remarkable change in Canadian law and consistent with what we did in terms of the sex trade. Canadians can no longer go to any other country and abuse children.

In that context, recently in the House we adopted a recommendation of the foreign affairs committee that says that Canadian corporations in the mining sector can no longer do abroad what they have been stopped from doing here. It extends the Westray principle of health and safety, which is now embedded in Canadian law from Canadian corporations at home to Canadian corporations abroad.

I praise the government for extending our domestic law into these realms: cultural protection, sexual protection of children and the protection of workers abroad. I am sure the hon. member agrees with me on that.

Mr. Borys Wrzesnewskyj: Madam Speaker, I thank the hon. member for the kind comments about the government, through the Senate, having brought this bill forward.

A couple of interesting items were touched upon. Cultural destruction and genocide also deal with the tremendous hatred that the perpetrators feel toward the particular culture or peoples being destroyed. We could go on and on about this topic.

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Natural Resources, Lib.): Madam Speaker, before I get into main body of my speech, I would like to reply to a couple of items that came up during the debate.

First, in relation to the Senate, Yukon has a tremendous senator. He gives tremendous and careful consideration of legislation and brings forward issues related especially to the rural, northern and aboriginal nature of our area. When we have a constituency larger than virtually any country in Europe and there are only two of us, it is great to have the support of a very hard-working senator.

I believe the Bloc raised a question on examples of Canadian leadership in foreign affairs. The member mentioned that a past foreign affairs minister talked about our diminishing role in foreign affairs. I agree that this occurred. That is why we are so proud of the present Prime Minister. When he took leadership, he had three major goals. One was to reinstate Canada's standing in the world. He has undertaken and been successful in a number of areas, in particular related to heritage, to which I do not think anyone in the House would object.

Not only do we have the bill before us now, but we recently were elected to the UNESCO World Heritage Committee. We chair the UNESCO committee mediating disputes over cultural property. We championed the UNESCO convention on the protection and promotion of the diversity of cultural expressions. The U.K. and Japan have both sought advice from Canada on Hague and UNESCO conventions before joining them. The Canadian Conservation Institute is an international leader in the research and treatment of culture and property. The Canadian Heritage Information Network is an international leader in information systems for cultural collections, including recently providing advice to UNESCO on a new collection management system for the Baghdad museum.

In other areas of creating our place in the world, in respect to the member's question, we have expanded our consulates across the United States. In particular, I am proud of the one in Alaska. We have been one of the leaders in providing assistance to the African Union in Darfur. We have done tremendous work, everyone here would agree, in Haiti. We are taking an even more dangerous role in Afghanistan, moving our troops from Kabul to Kandahar. I have been over there and seen the tremendous work Canada is doing on the international stage and the leadership role it is taking.

We have the new Canada-Mexico Partnership Agreement. We have played a tremendous leadership role in providing money for AIDS in Africa, the Canada Corps in elections in Ukraine and Lebanon and the $70 million global fund for malaria, AIDS and TB. There was a time when the world effort in polio was collapsing. Canada came to the rescue. The Rotary Clubs across Canada have thanked the government for that. We have provided third world debt relief and tsunami relief. We have worked with other institutions like the G-20 in times when the United Nations did not work.

One thing I am most proud of as a Canadian, as I am sure all Canadians are, is when we were at the recent 60th anniversary of the UN. I was there in September when Canada finally got the responsibility to protect agreed to by signatories of members of the United Nations. This is a fantastic achievement. There was a great celebration of the Canadian delegation, the Prime Minister, our ambassador and the foreign affairs minister in New York. Citizens of nations that do not protect them can now be protected with the responsibility to protect agreement. We are now working hard on implementing systems for that.

A member of the Bloc also asked was how well we fulfilled our obligations for preparations of protection of cultural heritage in peacetime. There are a number of areas where we are working during peacetime to provide this protection. We are not waiting for a catastrophe to occur or for something to be destroyed.

● (1335)

I thought it was very important that the member from Winnipeg and some of the NDP members mentioned that the conflicts around the world now are different. They are not always about two nations warring over property. There are religious disputes. There are non-international terrorism types of disputes. There is an intentional targeting of cultural property for the purpose of trying to suggest that a people or their history did not exist. Of course, it does not matter what the cause of destruction of cultural heritage or property is, but these matters just make the problem ever more complex. That is why during peacetime we have to do our duty to get ready and put everything in provisions for protecting this.

What we are doing is that, first, we have disaster preparedness training by the Canadian Conservation Institute. Also, most Canadian museums are now developing disaster plans. The government's new critical infrastructure assurance program of Public Safety and Emergency Preparedness Canada will include in its plans the key national symbols, such as buildings and monuments and important heritage property. We also have an elaborate new system of training military personnel in regard to cultural property. As well, the Hague convention is already in place, without need of additional resources.

For years we have been onside with the other efforts related to the protection of cultural property, obviously, and this is not the first convention or the first international initiative. We have always been onside and in the spirit of this. Our military has always been carefully trained. In the training of every member of the military there is included the understanding of the importance of cultural and religious property, buildings and artifacts so that our troops can do their best, first, to be in line with international law and follow international law and conventions, but also simply in the spirit of protecting something so important to the existence of peoples on earth so that the immeasurable loss of property does not occur.

Bill S-37 would basically provide a basis for Canada to go forward in joining the two protocols of the Hague convention. As I mentioned earlier, before Canada joins conventions we always do a legal analysis before we sign to ensure that we have the legal tools in place so that we can implement those conventions.

In regard to this bill, although we have a lot of the items and the resources in place and obviously the goodwill and spirit in place, we do need to make some amendments to the Criminal Code and the Cultural Property Export and Import Act. We already have a number of provisions in place, some of which I have already referred to, in the National Defence Act and the Crimes Against Humanity and War Crimes Act, which would help us implement this convention.

One of the major benefits of the second protocol we would be assenting to, as I think the speaker from Oshawa mentioned, is that we would be able to prosecute Canadians. It is a very strong initiative of this bill. We would actually be able to prosecute Canadians when they commit crimes overseas. If some rogue Canadian or organized crime group from Canada were to go overseas and commit these offences against cultural property or try to repatriate them to Canada during a conflict, not only would be able to prosecute them in Canada through the second protocol and the amendments we are making, but we could send that property back to its rightful owners.

The 1954 Hague convention was a reaction by the international community to the terrible damage inflicted on cultural sites, monuments and buildings during the course of World War II. Of course, there were treaties going back to the beginning of the 20th century and even earlier that condemned the international destruction of cultural sites during war, but the experience of World War II demonstrated that more needed to be done to prohibit and prevent such acts.

● (1340)

Why? Because we understand today that the loss of important cultural heritage is a loss that reaches across time and robs future generations of a legacy that is rightfully theirs.

UNESCO took action and in 1954 adopted the Hague convention for the protection of cultural property in the event of armed conflict. UNESCO celebrated its 60th anniversary this past week. In a speech marking that occasion, the director general of UNESCO said:

> What we are celebrating today is not so much the commemoration of a past event but pride in our capacity to respond with courage, energy and commitment to the challenges of our time.

That is also what we are here to do today: to respond with courage, energy and commitment to the challenges of our time. We certainly appreciate the support of all speakers from the other parties in the spirit of international protection of cultural property, the legacy of us all.

In addition to the Hague convention itself, UNESCO has also established two protocols to the convention. The second protocol in particular came about partly because of the changes that we have seen in conflicts and the risk to cultural heritage in the years since the convention was adopted.

We know that the first protocol prohibited the illegal export of cultural property from occupied territories and required the return of such property in the event of illegal export, and it allowed for the safekeeping of cultural property by a state party at the request of another state party in the event of an armed conflict. I believe there are currently 91 state parties that are signatories to the first convention.

As we are all aware, since September 11 the nature of conflict has changed and brings even more complicated dangers to the cultural heritage that is so important to history, to all of us and to the various culture and peoples of the world. We have seen an increase in non-international ethnic or religion based conflicts. These sorts of conflicts have included more intentional targeting of cultural property than ever before.

We saw this during the war in the former Yugoslavia, which included widespread destruction of cultural sites, such as the 1991 attack on the world heritage city of Dubrovnik. To illustrate the magnitude of the destruction that the Hague protocol seeks to prevent, let me turn members' attention to the example of the destruction of the library in Sarajevo. The library contained 1.5 million books and virtually the country's entire national archives. Let us think of a library containing all of Canada's historical documents and all our national archives. That particular library was bombarded for three days in August 1992. The building was gutted by fire and 80% of the collection was destroyed. One witness said that even though it was late August, it felt like premature fall, when, for a period of almost a week, charred bits of books fell like leaves as ashes from the sky.

If there is anything that Canada could do as a nation to make sure that such a terrible event is not repeated, it is our duty as a civilized country to do it.

What have we done? Canada is a party to the Hague convention. We are also a member of other international treaties governing conflict, including the Geneva conventions of 1949, and in particular an additional protocol to those conventions which prohibits the international targeting of cultural property and its use in the support of military operations. As I have said, because of the Geneva convention of 1949, its protocol and our military training, this is another additional step that Canada is taking in the protection of cultural property.

● (1345)

This aspect of international law is deeply ingrained in the training and conduct of our military. Rule 9 of the code of conduct of Canada's military forces is the requirement to respect all cultural objects and places of worship. This is basic training for every member of our military. Additional training on the law of armed conflict and on international humanitarian law, including the Hague convention, is also offered during officer training and to senior officers every year across the country.

In advance of every deployment, our troops are given mission specific training on the law of armed conflict. I do not think I would be overstating the case by saying that Canada's armed forces are among the best trained—if not the best—of any nation's troops when it comes to understanding international laws and obligations that apply to conflict and military activity. Within our military, there is also a very sophisticated legal mechanism within our military checks and balances, which ensures that targets are not chosen in violation of international law, including the Hague convention, which we have been discussing at length today, and of course its two protocols.

Our legal expertise is well recognized. It was a member of Canada's armed forces who led the UN war crimes investigation team investigating war crimes in former Yugoslavia and in particular the attack on the historic city of Dubrovnik. For that act, the former members of the Yugoslav military were recently convicted of war crimes related to the destruction of cultural heritage.

When I was commenting on Canada's recent valuable contributions in international affairs in the world, I should have added the tremendous support and leadership we had related to the international court. Also, several of my constituents have written to me just this week about the great Canadian leadership in the banning of landmines, which have such destructive effects on innocent civilians far past the original conflict.

Canada's commitment to protecting cultural heritage during conflict is steadfast. With the passage of Bill S-37, we have an opportunity to strengthen that commitment even further by joining the Hague protocols, because we know how important heritage is and how devastating the loss can be and because we have a military that is second to none and it has contributions to make.

We are also exceedingly happy that the international world now has progressed to such a level and that there are so many signatories, in the order of 90. It was 91 for the first protocol and a few less for the second protocol. We do not have to worry about states using this against us, using it against freedom loving countries to hide behind, which was the case when the original protocols came out.

Other countries thought that the eastern bloc countries in particular would not live up to the spirit or the responsibility and in fact might use some important historic buildings as a shield to protect themselves, their illicit activities, their oppression and their dictatorships so that no one could attack them, so that we would helping their criminal regimes and dictatorships exist longer because of a protocol that they would inappropriately use to protect certain buildings. There were certain countries whose headquarters for such actions actually did exist in very historic buildings with a long history of important cultural heritage over the generations for those countries, but those buildings had been taken over by particularly aggressive regimes.

Let us respond with courage and commitment to the challenges of our time. I urge us to join the Hague protocols. I appreciate the support of all the parties. Let us clear the way to supporting Bill S-37.

● (1350)

Mr. Pat Martin (Winnipeg Centre, NDP): Madam Speaker, it was an interesting and well delivered speech by my colleague from Yukon. We have stirred up a great deal of interest in this issue. My colleagues from Timmins—James Bay and from Ottawa Centre and now my colleague from Yukon have all spoken to this issue which speaks to something deep inside. This resonates with a basic sense of Canadian fairness.

Perhaps my colleague could expand on an aspect of the bill that I find most interesting. It extends Canadian law beyond our domestic jurisdiction into the international arena. It might be one of those cases where Canada could lead by example, at least with the countries that are signatory to the protocol which is affected by this.

I think of Greece and its struggle to have the Elgin marbles repatriated to that country. I think of the Royal Museum in London, England which is the repository of literally thousands of cultural and religious artifacts from all around the world. I am not trying to overstate this, but they are being held selfishly by the British people with full recognition and knowledge of the cultural and heritage importance of those pieces.

My question for my colleague from the Yukon is more about a pattern that we see developing here, the precedent of extending Canadian values and Canadian laws beyond our domestic jurisdiction into the international arena.

I cite the one example of the tourism sex trade. Canadians can now be prosecuted under Canadian law in foreign lands if they are engaged in the sexual exploitation of children. I for one celebrate this idea and it is an excellent practice.

I would ask my colleague if he would agree with me that the principles such as those found in the Westray bill regarding criminal culpability for workplace accidents, that kind of legislation should apply to Canadian mining companies operating abroad in foreign countries. In other words, would he be willing to extend the same logic that applies to what we in this country believe is wrong to the foreign activities of Canadian mining companies when they are engaged abroad?

● (1355)

Hon. Larry Bagnell: Madam Speaker, I basically agree with the member. His colleague from the New Democratic Party talked about this new trend in certain situations of extending Canadian jurisdiction.

In relation to mining, I would like to commend the Mining Association of Canada for developing international standards so that such things do not happen. In relation to international law, he is right that we have extended the provisions internationally so that Canadians cannot escape. These are very powerful restrictions for Canadians. This just fills in the gaps, because the Crimes Against Humanity and War Crimes Act allows prosecution in Canada of Canadians committing crimes overseas. We have been moving in this direction since 2000. This fills in the gaps for armed conflict. I agree with the member that this is a great asset.

The Acting Speaker (Hon. Jean Augustine): Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: On division.

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

STATEMENTS BY MEMBERS

[*English*]

RODD HOTELS AND RESORTS

Hon. Lawrence MacAulay (Cardigan, Lib.): Madam Speaker, I would like to congratulate Rodd Hotels and Resorts for winning the APR media Business of the Year award for multiple unit properties at the TIAC National Awards for Tourism Excellence held in Quebec City.

The Rodd family's long term commitment to the tourism industry and their important contributions to its development in Prince Edward Island began when Sally and Wally Rodd built guest cottages on their farm in Winsloe, Prince Edward Island. They founded Rodd Hotels and Resorts in 1935. The company has become Atlantic Canada's largest privately owned hotel chain, with 13 properties in Atlantic Canada.

Its focus on customer service and satisfaction is supported by employee training and certification, customer feedback and a mystery shopper program.

Tourism plays an important role in my riding of Cardigan, Prince Edward Island. I am pleased to see that Rodd Hotels and Resorts are nationally recognized.

* * *

● (1400)

LANDFILL SITE

Mr. James Moore (Port Moody—Westwood—Port Coquitlam, CPC): Madam Speaker, for months I have received complaints from countless constituents of mine in Port Coquitlam who are fed up with the excessive noise and traffic disruptions and have environmental concerns regarding the landfill on the Kwikwetlem First Nation lands for which the Liberal government has issued a permit.

The City of Port Coquitlam and area residents have informed me that the hours of operation listed in the permit are not being obeyed. The surrounding community is being disrupted in the early morning and well into the evening with dump trucks rumbling up and down residential streets leaving a muddy mess. Also, constituents tell me of rotten smells emanating from the site that suggest organic material is being dumped without authorization.

The City of Port Coquitlam has also informed me that proper environmental assessments of material being dumped is not being shared with local governments.

The landfill site has become an eyesore in my community. So far, the Liberals have turned a blind eye to our concerns.

On behalf of my constituents, I call on the government to enforce our laws, respect my community and constituents, or shut down this landfill from damaging my community any further.

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GUN VIOLENCE

Mr. Mario Silva (Davenport, Lib.): Madam Speaker, last week in Toronto a young man, Amon Beckles, just 18 years of age, lost his life to gun violence. What was particularly sad about the killing was that it took place in a church, a place where God's voice should be heard and not the evil whisper of a flying bullet.

In today's *Toronto Star*, columnist Royson James notes that the lessons of the streets too often displace those taught in Sunday school.

These tragic events, repeated all too often, are a call not to fear but to action.

Initiatives like the $50 million gun violence and gangs prevention fund are but the beginning. If we are to end this senseless violence, we must come together, all of us, united in one objective: to protect our most precious resource, our nation's young people.

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JOHN JUNIOR HANNA

Hon. Mark Eyking (Sydney—Victoria, Lib.): Madam Speaker, one of Cape Breton's hockey legends has passed away. John Junior Hanna lost his battle with cancer this weekend with his family by his side.

Junior Hanna was considered one of the greatest Nova Scotians to ever play in the Original Six. Junior Hanna was a proud and respected member of the Syrian and Lebanese communities in Sydney. As an icon in hockey circles, Junior Hanna was a mentor to many young players.

Junior Hanna turned professional in 1958 and joined the New York Rangers. He also played with the Montreal Canadiens and Philadelphia Flyers over his 17 year career.

Junior Hanna became a professional player-coach in the AHL in 1973, with his coaching career spanning four seasons. Junior Hanna is a member of both the Nova Scotia Hall of Fame and the Cape Breton Sport Hall of Fame.

Junior Hanna was always straightforward. As a true lover of the game, he was always available to talk hockey. As a community leader, Junior Hanna will be remembered for his kindness, hard work, talent and respect for others.

I know I speak for many in the House when I send condolences to John Junior Hanna's family.

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[*Translation*]

LA SEIGNEURIE

Ms. Caroline St-Hilaire (Longueuil—Pierre-Boucher, BQ): Mr. Speaker, I am pleased to acknowledge today the 40th anniversary of the newspaper *La Seigneurie*, in the town of Boucherville, which is located in my riding.

Thanks to its rigorous writing and information policies, *La Seigneurie* remains, for me and the whole community, an indispensable vehicle for informing us about the political, cultural, economic and social life in our region.

I am also taking this opportunity to congratulate the editor of *La Seigneurie*, Nathalie Gilbert, who just won two awards at the ceremony held by the Quebec recreation council to recognize journalists who write about recreational activities.

This evening, the newspaper *La Seigneurie* will publish a special section commemorating its 40 years of existence. Bravo for those 40 years, all the best for the future, and congratulations to Serge Landry, the managing director of this regional information medium, and to his whole team.

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[*English*]

AGRICULTURE

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Mr. Speaker, last week the Minister of Finance released his "please vote for me" mini-budget.

Canadian farmers are asking why they were not included in the Liberals' vision. The answer is plain and simple. The Liberal Party has never cared about Canadian farm families.

In fact, agriculture was continuously cut and ignored while the Prime Minister was finance minister. If we look in this fall's mini-budget, we will find no money for farmers, and the word "agriculture" is not even mentioned.

Meanwhile, the Liberals' ineffective support programs, increased costs and high taxes have forced farmers out of business.

Farm families across Elgin—Middlesex—London and this country are wondering when they will see a government that understands their concerns. I can tell them it is only days away.

● (1405)

[*Translation*]

A. M. SORMANY HIGH SCHOOL

Mr. Jean-Claude D'Amours (Madawaska—Restigouche, Lib.): Mr. Speaker, during the recent week of parliamentary recess, I visited two classrooms at A. M. Sormany High School, in Edmundston, during a course on political, economic and legal institutions.

The students of teacher Simon Nadeau had invited me to meet with them to discuss my role as a member of Parliament and the work that is being accomplished here, in the House of Commons.

I must say that these courses given to New Brunswick's young people are essential to prepare tomorrow's leaders and to ensure that our young people fully understand the issues surrounding our country's governance system.

I was surprised by the quality of the comments made by these students, who closely follow political life.

In conclusion, I wish to thank Angie Bonenfant and Eric Therrien for welcoming me at the school, and teacher Simon Nadeau and his students for giving me this opportunity to meet with them.

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CENTENARIANS

Mr. Réal Lapierre (Lévis—Bellechasse, BQ): Mr. Speaker, I would like to tell the House about some exceptional people from all walks of life in my riding.

I have the immense privilege of paying tribute to six constituents who are turning 100 years of age this year, including Alphonsine Bolduc-Corriveau of Levis; Juliette Carrier of Levis; Marguerite Santerre of Saint-Michel-de-Bellechasse; Alexina Therrien-Lamontagne of La Durantaye; and Alice Savard of Saint-Gervais, whose birthday is today. Next Monday, Sylvio Godbout of Saint-Damien will be joining the centenarian club.

The Bloc Québécois wants to extend its best wishes of joy, happiness and health to all of them. We salute the exceptional contribution each of them has made to our communities.

Let us hope that the secret of their longevity can be passed on to all our fellow citizens.

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[*English*]

NATIONAL CHILD DAY

Mrs. Susan Kadis (Thornhill, Lib.): Mr. Speaker, yesterday was National Child Day. First enacted by the Government of Canada in 1993, this day commemorates the unanimous adoption by the United Nations General Assembly of the Convention on the Rights of the Child.

The Liberal government is working hard to improve opportunities for children and families by building a national early learning and child care program, by supporting social programs and by increasing access to post-secondary education.

Each year the Government of Canada invests more than $13 billion in children, including over $8 billion through the Canada child tax benefit. The child tax benefit is the most significant national social program created since medicare. We have just introduced further tax measures to significantly increase our support for low income families, as well as the families of children with disabilities.

This Liberal government is committed to ensuring that Canada's children have the opportunities that they need to achieve their full potential.

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PEARSON AIRPORT

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, I rise today to address an important issue for my riding.

Toronto's Lester B. Pearson International Airport is not only the busiest airport in Canada and an international gateway into this country, it is also one of the largest employers for the riding of Dufferin—Caledon.

Recently, however, the citizens of my riding have become increasingly alarmed at the significant fee hikes at Pearson and what this will mean for the airport's national and global competitiveness.

The Greater Toronto Airports Authority reports that these fee hikes are necessary because of the federal government's unreasonable rent charges. These landing fees will increase by 6.9% and general terminal charges by 8.9% by 2006.

This is a serious problem for ridings like Dufferin—Caledon. Canada's largest international airport needs to be globally competitive and everyone, from the ground services personnel and ramp crews to the passenger service agents and flight crews, depend on the government to facilitate this. It is time the—

The Speaker: The hon. member for Saint Boniface.

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FEDERAL GAS TAX FUNDING

Hon. Raymond Simard (Saint Boniface, Lib.): Mr. Speaker, last Friday, the government signed a deal with Manitoba on delivering $167.3 million in federal gas tax funding over five years. Another $29.3 million in public transit funding is set to flow to Manitoba over the next two years.

As Winnipeg Mayor Sam Katz stated, “This is a phenomenal first step. I thank everybody for being part of something wonderful”.

I could not agree more. I would like to thank the Prime Minister, the Minister of State for Infrastructure and Communities, the regional minister and our Manitoba caucus for their hard work in ensuring a made in Manitoba approach that builds on national priorities while meeting local infrastructure needs.

This is the 10th gas tax deal signed since April and over 95% of Canada's population now benefits from these agreements.

When it comes to the new deal, our government is demonstrating the leadership to get the job done but, unfortunately, the opposition continues to put partisan pursuits ahead of opportunities for Canada's cities and communities.

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● (1410)

AUTOMOBILE INDUSTRY

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, today, General Motors announced it would be cutting 30,000 jobs worldwide. Thousands of those lost jobs will be in Oshawa, St. Catharines and Windsor.

Unfortunately, we are witnessing the impact of 12 years of Liberal inaction on auto policy. North American automakers have cut jobs, opened no new production facilities in the last decade and smaller auto plants, like the one in my area, the Fleetwood plant, have closed. It begs the question: Are we ever going to have an auto policy?

During election campaigns and in the lead up to voting, the Liberals certainly promised action. They did so in the elections of 1993, 1997, 2000 and 2004 and we are still waiting.

Twelve years of inaction by the Liberals cannot be fixed with the same old promises days before the next election.

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MAYOR OF VANCOUVER

Mr. Steven Fletcher (Charleswood—St. James—Assiniboia, CPC): Mr. Speaker, today I wish to congratulate my friend, Sam Sullivan, on his election as mayor of Vancouver. I have known Sam for eight years. We both have similar interests in the outdoors, politics and we both happen to be quadriplegics.

Sam made a name for himself when he co-invented equipment that allows people with disabilities to enjoy outdoor activities, such as hiking and sailing. He was also a city councillor for 12 years and now he is the first quadriplegic to be mayor of a major Canadian city.

I am very pleased to have gone to Vancouver to help Sam win. Sam Sullivan's victory is great for Vancouver and all of B.C. because, unlike the former mayor who used his mayoral seat to campaign for a Senate seat he now occupies, Sam will put Vancouver first. He is independent, thoughtful and will work with, not against, the upcoming Conservative government for the benefit of Vancouver.

Perhaps one moral of our story is that one should never underestimate the ability of a quadriplegic. I say way to go to Sam. His friends and all Canadians are very proud of his success.

[*Translation*]

HENRI TRANQUILLE

Mr. Maka Kotto (Saint-Lambert, BQ): Mr. Speaker, we were saddened to learn of the passing, yesterday morning, of Henri Tranquille, a pioneer in Quebec's bookselling world.

A cultural institution in itself, from 1937 to 1975, his library was a stepping stone for many intellectual and literary figures in Quebec.

A freethinker and book enthusiast, he promoted books and reading all his life. He did not hesitate to launch the Refus global manifesto and to give exposure to such avant-garde artists as Alfred Pellan and Marcelle Ferron.

Faithful to the Montreal book fair, he was in attendance last Thursday. Henri Tranquille was truly a lover of books till the very end.

The Bloc Québécois pays tribute to this exceptional man for his generous contribution to Quebec's society and offers its condolences to his family and friends.

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[*English*]

CHILD CARE

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, CPC): Mr. Speaker, family rallies took place this past weekend from coast to coast. Parents gathered to demand that the Liberals respect the need for choices in child care.

Today some of those same parents who came here on their own money attempted to meet with the Minister of Social Development but he refused.

While the Liberals continue to impose their one size fits all institutional day care scheme, Canadians demand better. Not all families are the same and not all communities are the same. Parents are the child care experts in this country and they are demanding choice. This choice is best achieved through direct universal assistance to all parents, not through a restrictive program that benefits a lucky few.

This next election will offer Canadians clear choice: Conservatives who respect parents and their families and Liberals who do not.

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[*Translation*]

HOUSE OF COMMONS

Ms. Françoise Boivin (Gatineau, Lib.): Mr. Speaker, an article on the front page of this Saturday's *Le Devoir* reported on the allowances paid to members of this House to reimburse certain expenses incurred.

In addition to revisiting the impressive travel claim made by the member for Montcalm—but never made public by the Bloc Québécois whip—the article also pointed out that MPs' expenditures reimbursed by this House are exempt from the Access to Information Act.

I would remind hon. members that the member for Repentigny, who admitted in February that he had been living in a hotel for 12 years to avoid having to make his bed in the morning—believes the present rules "comply sufficiently with transparency". I personally would consider them more elastic than transparent.

It is time for Quebec to be un-Blocked.

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● (1415)

SAINT-FRANÇOIS FORESTRY COOPERATIVE

Mr. André Bellavance (Richmond—Arthabaska, BQ): Mr. Speaker, I would like to congratulate the Saint-François Forestry Cooperative of Windsor on its recent achievement. It was given the award of excellence, agricultural or forestry sector, at the 12th environmental awards gala of the Eastern townships environmental foundation.

This well-deserved honour recognizes its environmental activities, in particular integrating wildlife management and environmental protection with conventional forestry practices.

The cooperative successfully exploits forest resources while respecting the need to maintain biodiversity and existing ecological processes. Their environmental commitment is a tribute to the vitality of the community.

Congratulations, and best wishes for continued success in our community.

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[*English*]

ABORIGINAL AFFAIRS

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, high ranking officials at Health Canada have mishandled tens of millions of dollars in public funds in their dealings with the Virginia Fontaine Addictions Foundation.

A former assistant deputy minister of Health Canada, Paul Cochrane, was recently found guilty of fraud and income tax evasion. Last week, a Health Canada director, Patrick Nottingham, was convicted of influence peddling and fraud. One received a fine and served three months of a total one and a half year jail sentence. The other received a two year house arrest. So much for the Liberal promise to severely punish anyone responsible for abusing public funds.

No doubt it makes the government look better for someone else to take the fall but this is not about Liberal image. It is about government officials who put their own greed ahead of a first nations community desperately in need of government support for health programs for its people. It is about a Liberal government that is so steeped in a culture of entitlement, so ethically bankrupt that it cannot see, let alone judge, its own criminal behaviour.

Never has the need been greater for an independent inquiry.

ORAL QUESTIONS

[*English*]

AUTOMOBILE INDUSTRY

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, thousands of Canadian auto workers woke up today to find out that General Motors is cutting thousands of jobs and closing plants in this country. In March of this year, the government poured $200 million into General Motors, assuring us all that it would lead to job increases.

Did the Prime Minister, when he made his $200 million deal with General Motors, get assurances that it would not cut jobs in Canada?

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, the Beacon project was in fact a fundamentally important investment made by the government. This is why the GM complex in Oshawa will continue to receive massive investments of over $400 million.

GM announced just last week that it was putting investments in Oshawa of more than $400 million in addition to the Beacon project. The Beacon project is a fundamental reason why there will not be any pink slips given out by General Motors in Canada.

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FEDERAL-PROVINCIAL RELATIONS

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, I guess that is a no.

[*Translation*]

On another matter, a few days before an election is to be called, the Prime Minister prefers to criticize the leader of the Parti Québécois rather than work with the federalist Premier of Quebec. He is trying to pass himself off as the champion of federalism by citing the Clarity Act.

How can a party that has acted illegally for years now claim to be the guardian of the law in Quebec?

Hon. Lucienne Robillard (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, the leader of the Conservative Party will immediately tell us whether he supports the statement by the new leader of the Parti Québécois, who does not respect the rule of law in this country. In a democracy, we must follow the rule of law and the decisions of the Supreme Court. Is the leader of the Conservative Party telling us that he agrees with unilateral secession? If so, he will pay the price with the voters.

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[*English*]

GOVERNMENT POLICIES

Hon. Stephen Harper (Leader of the Opposition, CPC): Mr. Speaker, what I know is that a party that broke every single law in Quebec has no credibility saying it will enforce the law.

On another subject, the Prime Minister is going around the country saying that if there is an election, he will take away increases to seniors pensions, he will take away pay raises for our armed forces and public servants, and he will take away infrastructure money for cities.

Will the Prime Minister simply admit that Parliament has already passed legislation on these matters and people will get these benefits whether the Liberal Party wants them to have them or not?

● (1420)

Hon. Tony Valeri (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, first, what is absolutely clear is that the opposition party is causing a premature election.

Second, the opposition is causing a premature election in the face of Canadians. Two-thirds of Canadians have in fact said that they would prefer a spring election.

Third, it is the opposition parties that are leaving important work left undone in this Parliament. This is work that Canadians want to see continued. The opposition will have to take 100% of that responsibility.

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SENIORS

Mr. Monte Solberg (Medicine Hat, CPC): Mr. Speaker, we all understand why the Liberals are afraid of an election. Justice Gomery was so right. Canadians cannot trust what the Liberals are saying.

The Prime Minister is telling Canadians that if we were to have an election now, seniors would not get their GIS increase. The Prime Minister knows better. The GIS increase was part of the first of his three budgets in the last eight months. That budget passed long ago. The Prime Minister knows that nothing can stop it from being paid out on schedule.

Either the Prime Minister has sunk to the point where he is trying to scare seniors into voting for him or he would cancel their GIS increase if re-elected. Which is it?

Hon. Tony Ianno (Minister of State (Families and Caregivers), Lib.): Mr. Speaker, unlike the opposite party, this party and this government truly believes in seniors and what they have done for us.

With the increase in the guaranteed income supplement, after nine years of Conservative rule, we will see an increase for our low income seniors of $433 when fully implemented. The heating rebate that will not be passed by this Parliament right now if it things go as planned is for the most vulnerable in our society to receiver $125 starting in January or February. So there is a lot more that we are doing for—-

The Speaker: The hon. member for Medicine Hat.

* * *

GOVERNMENT POLICIES

Mr. Monte Solberg (Medicine Hat, CPC): Mr. Speaker, 12 years of inaction speaks more loudly than the protests from that member.

Justice Gomery was completely right. We just cannot trust what they are saying over there. The Liberals will say anything to stay in power. They are saying that people will not get their heating rebate.

Liberals members know that in the 2001 election the government was unable to get its heating rebate legislation passed, so it used special warrants to get these rebates through.

Is the government saying to low income Canadians that it will refuse to use special warrants to pass the heating rebate legislation that Canadians need this winter?

Hon. Tony Ianno (Minister of State (Families and Caregivers), Lib.): Mr. Speaker, that party voted against the budget that gave the seniors the increase. That party voted against the budget that voted for a seniors secretariat, for an increase in new horizons, for rent supplements in housing, and for affordable housing for our low income seniors.

This government talks the talk and actually walks the walk to ensure that our low income seniors and the most vulnerable in our society receive all that is due to them after all they have done to build this great country.

* * *

[*Translation*]

SOFTWOOD LUMBER

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Bloc Québécois recently met with representatives of the Quebec softwood lumber industry. They are united in calling for loan guarantees to help them get through this interminable crisis.

Since implementing such an aid measure does not require passing legislation, the Prime Minister can act immediately, election or not.

Will the Prime Minister finally put his money where his mouth is and grant the loan guarantees the softwood lumber industry so desperately needs?

Hon. Jacques Saada (Minister of the Economic Development Agency of Canada for the Regions of Quebec and Minister responsible for the Francophonie, Lib.): Mr. Speaker, as far as I am concerned, that party has no credibility when it comes to regional development.

Voting against a bill that would have enabled us to intervene does nothing for their credibility. Voting against a budget that would have protected regional development—as that party did—does nothing for their credibility.

We are working diligently and intelligently on this highly complex issue with the full intention of helping our people, but not with the grandstanding approach the Bloc members would like.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, everyone knows how much credibility the Liberals have in Quebec.

That said, if the Liberals want a little more credibility, perhaps the minister could start by answering the questions.

I am asking him about loan guarantees for the softwood lumber industry. All the companies are asking for that. I met with representatives from the major companies on Friday. They are asking for the same thing the Bloc has been for years. The unions are asking for the same thing.

Could the minister give a clear answer, without grandstanding, to this one very specific question only: will they grant loan guarantees this week? The question is clear.

● (1425)

Hon. John McCallum (Minister of National Revenue, Lib.): Mr. Speaker, the loan guarantee idea did not come from the Bloc. It has been on the back burner for months and months and it is an option the government is considering.

It is a very big problem. We have consulted the industry, the associations and Liberal MPs. No Bloc MP has approached me. I think this is petty politics.

Mr. Marc Boulianne (Mégantic—L'Érable, BQ): Mr. Speaker, the federal government had promised $20 million to the forestry associations to cover legal fees incurred defending their position in the softwood lumber crisis. The associations are in need of a commitment if they are to convince their bankers of the government's intentions.

Could the government make a commitment today to write a letter immediately to the forestry associations confirming its intention to provide this assistance?

Hon. Jim Peterson (Minister of International Trade, Lib.): Mr. Speaker, we have, of course, promised $20 million to the forestry industries to help them meet their legal fees, and we will keep that promise.

Mr. Marc Boulianne (Mégantic—L'Érable, BQ): Mr. Speaker, the forestry industry has been left to its own devices since the conflict began. Already, $400 million in legal fees have been expended by the industry's companies and associations in order to gain recognition of their rights.

Does the government not feel it is necessary to assume immediate responsibility for those costs?

Hon. Jim Peterson (Minister of International Trade, Lib.): Yes, Mr. Speaker.

[*English*]

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the Bush administration keeps up its attack on Canadian softwood jobs and industries, yet there is absolutely no movement whatsoever. We do not have any of the $5 billion. Jobs are disappearing from northern Ontario, Quebec, British Columbia and beyond.

Why does Canada get no respect from the Bush administration? Why are we shipping so much oil and getting so little respect? Can the Prime Minister explain that?

Hon. Jim Peterson (Minister of International Trade, Lib.): Mr. Speaker, we have made it very clear in this House and elsewhere that number one, the NAFTA has to be respected. After all, we are a rules-based trading nation. The world depends on respect for the rules, be it the WTO or be it the NAFTA. We insist on it.

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, some insistence.

We continue to get absolutely zero respect from the administration and no wonder. The Prime Minister refuses to do anything to insist on it. In fact, it is worse. He is engaged and the government is engaged in discussions with the Americans on how to expand NAFTA, so that we can build a stronger American economy built on cheap Mexican labour and cheap Canadian oil. No wonder the President does not listen to the Prime Minister. He is doing everything that President Bush wants.

When are we going to withdraw from talks to expand NAFTA?

Hon. Jim Peterson (Minister of International Trade, Lib.): Mr. Speaker, first of all, at the APEC meetings the Prime Minister made it very clear that the world was watching the American administration and whether or not it was living up to the NAFTA. He made a very strong statement.

Second, it is absolutely critical that we have a trading relationship with the biggest economy in the world that is based on rules. We are always ready to make those rules even better.

The hon. member has to remember that fully 96% of our trade with the United States is dispute-free. We want to make it 100% and we want to make that trade even better.

* * *

[*Translation*]

SPONSORSHIP PROGRAM

Mr. James Moore (Port Moody—Westwood—Port Coquitlam, CPC): Mr. Speaker, although the reasons for doing so are obvious, the Prime Minister is incapable of properly dismissing the key figures in the sponsorship scandal whom Justice Gomery has clearly fingered in his report. The Prime Minister had promised to clean house, yet we find him not even able to just dismiss Mr. Pelletier.

Will the Prime Minister force Jean Pelletier to step down from his duties at the head of VIA Rail, yes or no?

● (1430)

Hon. Jean Lapierre (Minister of Transport, Lib.): Mr. Speaker, the grounds on which Mr. Pelletier was dismissed in March 2004 are as valid as ever. That is why this morning I have initiated a process which will allow Mr. Pelletier to be heard and to provide us with reasons why he ought not to be dismissed on those grounds.

Obviously, Mr. Pelletier no longer has our confidence to chair the board at VIA Rail.

* * *

[*English*]

GOVERNMENT APPOINTMENTS

Mr. James Moore (Port Moody—Westwood—Port Coquitlam, CPC): Mr. Speaker, in the great taxpayer rip-off in the David Dingwall affair, Mr. Dingwall is negotiating hundreds of thousands of dollars in severance for quitting a job that paid hundreds of thousands of dollars a year. Now the Prime Minister and the transport minister are saying that they are still going to fire Jean Pelletier.

The question taxpayers want to know is a simple one. Which of these two Liberals, David Dingwall or Jean Pelletier, is going to get the biggest severance for leaving office in disgrace?

Hon. Jean Lapierre (Minister of Transport, Lib.): Mr. Speaker, the member should know that Mr. Pelletier has proceedings before the Superior Court of the Province of Quebec and the court will determine that. Those proceedings have been going on for a while now, so let the court decide. It is not for him or for myself to decide.

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GOVERNMENT CONTRACTS

Mr. Peter Van Loan (York—Simcoe, CPC): Mr. Speaker, Justice Gomery's main findings include a Liberal culture of entitlement using government contracts to pay "individuals who were, in effect, working on Liberal Party matters". That culture of entitlement is alive and well under this Prime Minister, who gave campaign chair David Herle an untendered government contract to write the Liberal campaign platform just unveiled by the Minister of Finance.

Why, immediately following the sponsorship scandal, do we find that absolutely nothing has changed in how the Liberal government uses public-funded contracts to finance Liberal Party activity?

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, the hon. gentleman's allegation is simply false. As a matter of fact, the contract was by and with the department. It was fully within all the rules that apply to these circumstances and, most important, it was fully published on the Internet.

Mr. Peter Van Loan (York—Simcoe, CPC): Mr. Speaker, in honour of tonight's traditional CBC pre-election documentary, perhaps I will paraphrase that there is no Herle like an old entitled Liberal Herle.

On behalf of all Canadians, I plead with the Prime Minister. We know the Liberal Party is deeply in debt but will the government please stop using the public treasury as the Liberal campaign fund?

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, again I repeat the point that the contract was conducted fully within all of the rules and as a matter of complete transparency that all of those details were duly and properly published on the Internet before any issue was raised by the opposition.

* * *

[*Translation*]

EMPLOYMENT INSURANCE

Mr. Yves Lessard (Chambly—Borduas, BQ): Mr. Speaker, in its last budgetary statement, the government gave the unemployed nothing, not a single thing.

How can the government ignore those who are losing their jobs while it continues to raid the EI fund day in and day out?

[*English*]

Hon. Belinda Stronach (Minister of Human Resources and Skills Development and Minister responsible for Democratic Renewal, Lib.): Mr. Speaker, in the last budget we made significant improvements to the EI fund including, which I think it is very important to note, the establishment of an independent EI commission to set those rates independently and ensure the inflows equal the outflows so that we can reduce the cost for both workers and for business.

[*Translation*]

Mr. Yves Lessard (Chambly—Borduas, BQ): Mr. Speaker, evidence of that is rare. If there is one group of people who have to be supported, it is workers over 55 who lose their jobs due to plant closures. The government has provided nothing for these people.

How can the government abandon older workers, when they should be among our priorities and have access to a new income support program like the one that used to be in place?

[*English*]

Hon. Belinda Stronach (Minister of Human Resources and Skills Development and Minister responsible for Democratic Renewal, Lib.): Mr. Speaker, the government is very sensitive to the needs of older workers. We have established a working committee in conjunction with Quebec that meets about every three weeks to come up with its final report. I am expecting that report this week and, in fact, I have invited the hon. member to review the report with us, to work together with us to ensure we develop a comprehensive strategy to address the needs of older workers.

* * *

● (1435)

[*Translation*]

FOREIGN AFFAIRS

Ms. Francine Lalonde (La Pointe-de-l'Île, BQ): Mr. Speaker, the possibility that U.S. prison planes used to transfer alleged terrorists landed at European airports without governments having been notified has elicited strong reactions from several European countries. Iceland in particular made its reaction clearly known to the U.S. government.

Did the Minister of Foreign Affairs do likewise with the U.S. government, given that prison planes reportedly land regularly at airports in Newfoundland?

[*English*]

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, I want to reassure the House that we have absolutely no reports or information regarding the allegations that have recently appeared in the press in relation to an alleged CIA plane landing in Canadian ports, the prospect of this in some way being implicated with extraordinary rendition. I can assure the House that we have absolutely no information nor any reason to believe that such an aircraft was involved in such a matter.

[*Translation*]

Ms. Francine Lalonde (La Pointe-de-l'Île, BQ): Mr. Speaker, we know that the Canadian government has been more than negligent in its responsibilities in the Maher Arar case. Such negligence must not be allowed in the case of these prison planes.

Will the minister make a firm commitment to question the U.S. government on this matter, as Iceland did and as other European countries are about to do?

[*English*]

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, I again want to reassure the hon. member that Canada is of course in full compliance with both domestic and international law as it relates to extraordinary rendition. We have never deported anyone to a country where they faced a substantial risk of torture. Our position is absolutely clear on this. We have no information regarding the alleged incident that would lead us to believe that it was in any way involved in extraordinary rendition.

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AUTOMOBILE INDUSTRY

Mr. Colin Carrie (Oshawa, CPC): Mr. Speaker, last fall, the Minister of Industry said:

> The government is developing a strategy for the Canadian automotive sector that will be the most dynamic strategy we have had in Canada for 50 years. The 80,000 workers in the automotive industry will still be there in 10 years. The number will actually grow.

It is now a year later and still no strategy.

Today 3,900 job losses at GM were announced which means 25,000 spinoff jobs lost, 25,000 mortgages and 25,000 families affected.

When will the minister admit that the government has failed auto workers and Liberal inaction is costing Canadians their livelihood?

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, for the information of the hon. member, Canada has actually gained something like 22,000 jobs in the last decade in the North American automotive sector. The American economy has lost 60,000 jobs. This government has invested over $400 million in the automotive assembly industry, and that has levered over $5 billion of private investment here in Canada, creating jobs here in Canada, and there will be more to come.

Ms. Bev Oda (Durham, CPC): Mr. Speaker, part of the government's promised auto strategy was its support for the Beacon project, a partnership between GM, UIT in Durham and other universities. This project means new innovative programs in research and development for Canada's auto industry.

We know GM has confirmed its commitment to the Beacon project. Will the minister confirm unequivocally his government's commitment to Beacon in the House today?

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, I am puzzled as to why the member would even ask the question. If we make a deal, we keep a deal. If GM makes a deal, we keep a deal. We are committed to GM.

I have spoken to the CEO of General Motors Canada and I have spoken to Buzz Hargrove, the head of the CAW. We are working together. We are committed. The automotive industry in Canada is going to become stronger.

Those people over there are the ones who refer to it as corporate welfare.

* * *

● (1440)

JUSTICE

Ms. Helena Guergis (Simcoe—Grey, CPC): Mr. Speaker, after 12 years, the Liberals' track record on violent crime is appalling. Their solution is to propose legalizing some drugs instead of imposing mandatory prison sentences. The Liberals fail to recognize the connection between the drug trade and violent gun crimes.

Why has it taken 48 gun deaths in Toronto, including the murder of an 18 year old boy attending the funeral of a slain friend, for the government to even call a meeting on the issue?

Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I do not know how many times we have to repeat the same thing. We already have a strong policy in place and it will be reinforced by the unanimous recommendation of the FPT. We will not engage in fearmongering and the exploitation of tragedy.

Hon. Rob Nicholson (Niagara Falls, CPC): Mr. Speaker, for the last 12 years the showpiece of the Liberal crime initiative has been the $2 billion long arm gun registry. I think most Canadians have figured out that this has nothing to do with fighting crime but has everything to do with creating a bureaucracy.

With violence now in Toronto reaching church doorsteps, have the Liberals figured out that more bureaucracy will not solve gun violence? Why have they been so opposed to putting victims first and bringing in the mandatory sentencing for violent criminals that we have been asking for and that Canadians have been demanding? Why?

Hon. Irwin Cotler (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I wonder why opposition members enjoy misleading Canadians by asking for mandatory minimums when they know that right now there are more serious mandatory minimums for gun-related crimes than any other crime in the Criminal Code. That is the message they should be taking to Canadians.

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[*Translation*]

INTERGOVERNMENTAL AFFAIRS

Ms. Raymonde Folco (Laval—Les Îles, Lib.): Mr. Speaker, my question is for the Minister of Intergovernmental Affairs.

Following a meeting between the new leader of the head office of the sovereignist forces in Quebec and his Ottawa lieutenant on the weekend, Mr. Boisclair said he saw no reason to comply with federal legislation on referendum clarity and that a PQ government would declare independence unilaterally following a "yes" victory in a referendum.

Can the minister tell this House whether this scenario might ensue?

Hon. Lucienne Robillard (President of the Queen's Privy Council for Canada and Minister of Intergovernmental Affairs, Lib.): Mr. Speaker, the answer is no. The statement is unacceptable. In a democracy, a person cannot act outside the law. Indeed, the Bloc leader has remained strangely silent over the remarks by his new ally, who does not wish to obey the laws of democracy.

The Supreme Court said very clearly that a constitutional amendment is required in matters of secession and must be negotiated with clear and unequivocal support, and the Clarity Act is based on the decision of the Supreme Court.

I as a Quebecker cannot have my rights or my Canada taken away unlawfully.

* * *

[*English*]

AUTOMOBILE INDUSTRY

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, back in November 2004, the Minister of Industry promised the following to a question I posed in the House of Commons:

> Over the next couple of weeks, we will be putting together the final touches on an automotive industrial strategy for all of Canada.

That was November 2004, more than one year ago. Where is our national auto policy? We are losing jobs. Where is the minister's credibility? When will he table the policy in the House?

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, the hon. member might ask himself why he and his party are so anxious to go to an election two weeks from the time when I told the hon. member that I was going to cabinet with an automotive strategy.

I will say that we have invested over $400 million in the automotive sector and levered over $5 billion of investment. Just this afternoon, DaimlerChrysler will be announcing another investment of over $800 million and the Government of Canada will be investing $46 million.

● (1445)

Mr. Brian Masse (Windsor West, NDP): Mr. Speaker, Canadians will not put up with this political blackmail any more.

Back in 1993, 1997, 2000 and 2004 the government promised a national auto strategy. It has not delivered and is playing politic with Canadian jobs.

Where is the minister's credibility? He has broken his promise in the House.

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, the hon. member might want to explain to Buzz Hargrove, the head of the Canadian Auto Workers Union, why his party will take this Parliament to an election at a time when we are making major investments for the betterment of Canadian auto workers.

The hon. member and his party ought to explain that because they have a lot of explaining to do.

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NATIONAL DEFENCE

Mr. Gordon O'Connor (Carleton—Mississippi Mills, CPC): Mr. Speaker, tomorrow the Minister of National Defence will be seeking approval from cabinet for the acquisition of 16 transport aircraft.

He claims that this is a competition. However he has fixed the requirements so there is only one possible outcome.

By declaring the budget firm and the total number of aircraft is 16, the Boeing C-17 will be eliminated. By demanding the aircraft must be certified at contract award and not delivery, they have eliminated the EADS A400M from competition.

Why is this sole source contract for the Lockheed C130J aircraft being spun as a competition when it is not?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, the hon. member prefaced his question by saying that I will be taking it to cabinet this afternoon.

When cabinet approves it, maybe the hon. member will then be in a position to either criticize it or comment on it. However, until it has been brought out by cabinet, I respectfully request the hon. member to wait and see what the proposal is.

I can assure the hon. member and members of the House that the proposal will be a performance based requirement and it will call for tenders that will allow ample competition in the bid.

Mr. Gordon O'Connor (Carleton—Mississippi Mills, CPC): Mr. Speaker, the minister knows that in the next two months nothing of substance will happen with respect to this project.

He also knows that a new Conservative government will move quickly to acquire airlift and yet he is rushing to get cabinet approval of this, hoping something will change the airlift situation dramatically. It will not.

The only practical reason that this project is being pushed before the election is that the military want the Liberal government's signature on a document so it cannot back out of the commitment.

The minister recently said that large procurement should be held off until after the election. What has changed? Are we seeing more Liberal electioneering?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, the hon. member is right about something. The military of this country does want its government's signature on something that will enable it to get the equipment it needs to do its job.

I ask the hon. members opposite why they are standing in the way and trying to stop, for political reasons, our ability to deliver to our military what it needs to do its job for its country, not for politics.

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CHILD CARE

Ms. Rona Ambrose (Edmonton—Spruce Grove, CPC): Mr. Speaker, the national Fund the Child Coalition is made up of an alliance of grassroots organizations that held rallies in 17 cities across Canada this weekend. The coalition represents the millions of families who feel excluded by the Liberal day care plan. They are concerned that this plan has been pushed through without a debate.

Today this coalition of women from across Canada is here in Ottawa and is challenging the minister to hold a nationally televised debate on child care. Will the minister agree?

Hon. Ken Dryden (Minister of Social Development, Lib.): Mr. Speaker, the member opposite should know that in terms of benefits for stay at home parents, the Canadian child tax benefit and the spousal tax benefit, on average, mean more than $2,000 a year for stay at home parents. Parental leaves and maternity benefits are 50 weeks. For the average family this means more than $15,000. The cost to the government is over $2 billion a year, and that is only for stay at home parents.

As well as that, we want to do is support parents who want their children in good quality developmental child care.

Ms. Rona Ambrose (Edmonton—Spruce Grove, CPC): Mr. Speaker, I will let the women know that he would be happy to debate them.

Women from the national Fund the Child Coalition are in Ottawa today to ask this government for choice in child care. These women receive no funding and are solely motivated by their belief in equality and choice. They say that the Liberal one size fits all day care plan discriminates against millions of Canadian families. They are asking for a progressive, flexible plan which sees funding go straight to the child.

When will the minister acknowledge the voices of women from across the country and offer them choice in child care?

● (1450)

Hon. Ken Dryden (Minister of Social Development, Lib.): Mr. Speaker, I wonder why the party opposite has chosen to pit one style of family life against another? The great majority of parents, even with young children, are both in the workplace, and that is a fact. Is the member suggesting that this great majority of parents who have their children in child care are wrong? Are they self-indulgent, are they selfish or are they just plain stupid?

[*Translation*]

ABORIGINAL AFFAIRS

Mr. Jim Prentice (Calgary Centre-North, CPC): Mr. Speaker, the Liberal government has long spoken of a historic meeting in Kelowna. The department is saying it works in collaboration with the native peoples. What collaboration? The native peoples of Quebec do not even want to participate. Why? Because after the dozen years it took to prepare this meeting, the Liberal agenda remains unclear. What a surprise. The Liberal agenda is never clear.

How will the Prime Minister resolve the problems of Canadian native peoples without having all first nations at the table?

[*English*]

Hon. Sue Barnes (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, no one should prejudge the outcome of a meeting. The meeting that will take place is an historic one. The Government of Canada has acknowledged that the living conditions on many reserves are unacceptable. That is why we have been working for two years with many organizations and the leadership to get to this historic conference this week. They will have the plans that will affect the lives of Canadians.

May I remind the members opposite, when Canadians look to a government, they look for a vision. The do not look for negative comments all the time.

Mrs. Lynne Yelich (Blackstrap, CPC): Mr. Speaker, last Thursday the Minister responsible for Status of Women claimed that her government provided $12 million to a domestic violence prevention initiative run by the Native Women's Association of Canada. This is not true.

The only funding given to the Native Women's Association is $5 million spread over five years. Oddly enough, that funding did not start until last Thursday, over half a year after it was promised.

The minister's own department has confirmed in writing that no further funding has gone to the organization. There was no additional $7 million given from her department. Why did the minister say that there was?

[*Translation*]

Hon. Liza Frulla (Minister of Canadian Heritage and Minister responsible for Status of Women, Lib.): Mr. Speaker, if the hon. member understood French, she would have understood that I said that $5 million has already been given to Sisters in Spirit. In addition, Status of Women Canada has a $7 million program to prevent violence against women. Some money from this program is used to address violence against women, including those in native communities.

There is therefore some $12 million for the entire violence prevention program. In addition, a federal-provincial conference is at risk because—

The Speaker: The hon. member for Saint-Hyacinthe—Bagot.

TAXATION

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, in 2001, the government did something never before done in the history of Canada. Rather than repay what it owed school boards, in accordance with a ruling by the courts, it preferred to make a retroactive amendment to the Excise Tax Act.

If the Minister of Finance does not want education to suffer, why is he not repaying the school boards the full amount of their GST overpayments, instead of making retroactive changes to legislation in complete disregard for rulings by the courts and his own commitments?

[*English*]

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, the government assists education across the country in a variety of ways, some of it through the direct transfer system between levels of government and some through tax rebates. In the case of the elementary and secondary school system, a rebate is in place. It is not the full 100% that applies to municipalities, but it is at a very generous level. I believe the number is 68%.

[*Translation*]

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, here is another example: the government is full of noble statements about education, but it does not hesitate to tax books. A tax on books is a tax on literacy, as they say.

Will the Minister of Finance agree that, if education were truly important to him, he would abolish the GST on books, as Quebec did with the QST?

● (1455)

[*English*]

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, the government tries to maintain consumption taxes at the lowest possible level. That involves having a tax base that is fairly broad to ensure that the rate can be as low as it can be. On the other hand, there are exemptions and exceptions. Exceptions are made in the case of certain materials that are used with respect to education.

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INTERNATIONAL TRADE

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, today's global marketplace is evolving at a swift pace and presenting new and exciting opportunities. Other nations are seizing these opportunities. Canada needs to do the same and it needs to do it better than its competitors.

How does the government's emergence market strategy address the needs of the business community, in particular our small and medium size enterprises?

Hon. Jim Peterson (Minister of International Trade, Lib.): Mr. Speaker, I thank the hon. member for her interest in helping SMEs.

In the economic update the finance minister made an unprecedented investment in helping small and medium sized enterprises cope with this rapidly changing global economy. In particular, we are going to put a lot more trade commissioners on the ground to help our SMEs in markets such as India and China and we are going to partner upfront with small and medium sized enterprises to help them defer the added cost of going overseas. We are there with them.

* * *

AGRICULTURE

Mr. David Anderson (Cypress Hills—Grasslands, CPC): Mr. Speaker, the Liberal culture of entitlement is alive and well as the government goes about treating public institutions as its own private assets. For six weeks, we have demanded that the government raise the Canadian Wheat Board initial prices for western farmers. The government will not give farmers their own money because it is too busy spreading it out to its friends.

Farmers have been paying for David Herle, the king of untendered contracts and the Prime Minister's campaign manager, to attend Canadian Wheat Board meetings. Farmers are going broke while the Prime Minister's friends belly up to the trough. Why is the Prime Minister making things so hard for farmers but so easy for his friends?

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, the Prime Minister has done more than most for farmers in the 24 months that he has been Prime Minister. Not only that, the Wheat Board, which the member would know if he spent any time paying attention to it, is a completely independent organization run by farmers who make all these choices. It is because of the hard work of those farmers that he will get some very good news shortly.

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EQUALIZATION

Mr. Andrew Scheer (Regina—Qu'Appelle, CPC): Mr. Speaker, in a moment the finance minister will get up and recite a litany of band-aid fixes for Saskatchewan, but do not be fooled. These fixes were all for errors his own department made in the first place. They all do not even come close to what a substantial and fair equalization agreement would amount to. Everyone in Saskatchewan knows we are not getting a fair deal. He is not fooling anyone.

Why should people in Saskatchewan see our oil and gas revenues clawed back when other provinces do not?

Hon. Ralph Goodale (Minister of Finance, Lib.): Mr. Speaker, the hon. gentleman is plainly, flatly false in his preamble. He says that the $799 million that has flowed to Saskatchewan over the last 18 months is just in respect of previous anomalies in the formula. That is not true. The amount of $126 million relates to previous anomalies, but $672 million represent an increased amount. The hon. gentleman is simply wrong.

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[*Translation*]

NATIONAL DEFENCE

Mr. Claude Bachand (Saint-Jean, BQ): Mr. Speaker, although everything was on hold last week, since the country is on the verge of an election, today we learn that the federal government is preparing to spend nearly $5 billion to purchase tactical aircraft.

Since over 50% of the aeronautics industry is concentrated in Quebec, Quebec companies in this sector are very keen to get a share of this huge contract.

Can the Minister of National Defence guarantee that no contracts will be awarded to the builders of such tactical aircraft unless they contain a Canadian content clause?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, all the members of the House want our Canadian forces to get the equipment they need and to do the work we—in other words, Canadians—are asking them to do.

Our aim in procurement is to optimize Canadian industry. We are working with the Canadian industry on all procurements in order to guarantee participation in the growth of that industry. However, we must, first and foremost, buy what is needed.

* * *

● (1500)

[*English*]

FISHERIES AND OCEANS

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, today is World Fisheries Day, and this is a resource that feeds millions of people around the world each and every day. However, more than 70% of the world's resources of fisheries are fully exploited or depleted.

More than a year ago the government embarked on a strategy to combat illegal overfishing on the Grand Banks off the coast of Newfoundland and Labrador. Could the minister please update the House on this initiative?

Hon. Geoff Regan (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, under the leadership of the Prime Minister, we continue to make the fight against overfishing a top priority, as we saw again last week at the APEC summit in Korea. We are also putting our words into action. Because of our enhanced enforcement on the Grand Banks, the number of vessels fishing groundfish last week was down by nearly 70% since over the last two years. There is more work to be done, but our strategy is working.

GOVERNMENT CONTRACTS

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, the Virginia Fontaine scandal goes to the highest levels of the federal government. The ringleaders, assistant deputy minister Paul Cochrane and director Patrick Nottingham, siphoned off millions of dollars for their personal use in the form of cars, cruises and condos, yet they received little slaps on the wrist for this criminality. Hard to imagine how the deputy minister at the time, David Dodge, or the minister at the time, Allan Rock, knew nothing about this scandal.

With no accountability in sight, will the government finally agree to an independent inquiry to get justice for those denied critical services by the government's actions?

Hon. Reg Alcock (President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Mr. Speaker, the member will try to hang anything she can on this event. The fact is the wrongdoing was identified. The person has been charged, disciplined and dismissed. This matter is at an end. The money was identified. We have been to court on that. The person has been penalized for it. I am not sure what else she wants to find out.

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[*Translation*]

SHIPBUILDING INDUSTRY

Mr. Jean-Yves Roy (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ): Mr. Speaker, the government is currently conducting a special review of its policy on the costs of ship transfers imposed during the assessment of bids relating to refitting work.

Considering that, when it comes to procurement, the federal government's responsibility is twofold, in that it must get the best value for taxpayers' money while also promoting economic development, does the minister not think that, in the name of regional equity, he should correct his policy, which systematically penalizes Quebec's shipbuilding industry?

[*English*]

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, there is a massive procurement program with DND and the Department of Fisheries and Oceans over the next 10 to 15 years. I am working right now with the industry ensuring that there is substantial Canadian content in those procurement initiatives going forward.

* * *

BUSINESS OF THE HOUSE

Hon. Tony Valeri (Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I think you would find unanimous consent for the following. I move:

That Bill C-53 be deemed to have been concurred in at report stage and read a third time and passed on division;

That Bill C-54 be deemed to have been read a third time and passed on division;

That Bill C-55 be deemed to have been reported from the committee with the following amendments presented by the government:

That Bill C-55, in clause 131, be amended by replacing line 41 on page 127 with the following:

as provided in this section or under the laws of the

That Bill C-55, in clause 131, be amended by adding after line 11 on page 129 the following:

(8) For greater certainty, any collective agreement that the company and the bargaining agent have not agreed to revise remains in force, and the court shall not alter its terms.

and that the said bill be deemed to have been concurred in at report stage and read a third time and passed on division;

That Bill C-66 be deemed to have been read a second time, referred to and reported from committee without amendment, concurred in at report stage and read a third time and passed on division.

● (1505)

The Speaker: Does the hon. government House leader have the unanimous consent of the House to propose this motion?

Some hon. members: Agreed.

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

Some hon. members: Agreed.

(Motion agreed to)

Hon. Tony Valeri: Mr. Speaker, I rise on a point of order. I would like to draw to your attention the fact that the House has just expressed confidence in this government once again through the passage of Bill C-66.

The Speaker: I am sure the House is glad to hear the news, but I do not think it is a point of order.

* * *

CRIMINAL CODE

(Bill C-53. On the Order: Government Orders:)

November 16, 2005—The Minister of Justice—Consideration at report stage and second reading of Bill C-53, An Act to Amend the Criminal Code (proceeds of crime) and the Controlled Drugs and Substances Act and to make consequential amendments to another Act, as reported by the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness, without amendment.

(Bill concurred in at report stage, read a third time and passed)

* * *

FIRST NATIONS OIL AND GAS AND MONEYS MANAGEMENT ACT

(Bill C-54. On the Order: Government Orders:)

November 3, 2005—Resuming consideration of the motion of the Minister of Indian Affairs and Northern Development that Bill C-54, An Act to provide first nations with the option of managing and regulating oil and gas exploration and exploitation and of receiving moneys otherwise held for them by Canada, be read the third time and passed.

(Bill read the third time and passed)

* * *

WAGE EARNER PROTECTION PROGRAM ACT

(Bill C-55. On the Order: Government Orders:)

October 5, 2005—Minister of Industry—An Act to establish the Wage Earner Protection Program Act, to amend the Bankruptcy and Insolvency Act and the Companies' Creditors Arrangement Act and to make consequential amendments to other Acts.

(Bill concurred in at report stage, read the third time and passed)

* * *

ENERGY COSTS ASSISTANCE MEASURES ACT

(Bill C-66. On the Order: Government Orders:)

November 1, 2005—Resuming consideration of the motion of the Minister of Finance that Bill C-66, An Act to authorize payments to provide assistance in relation to energy costs, housing energy consumption and public transit infrastructure, and to make consequential amendments to certain Acts, be now read a second time and referred to the Standing Committee on Finance.

(Bill read a second time, referred to and reported from committee without amendment, concurred in at report stage, read the third time and passed)

ROUTINE PROCEEDINGS

[*Translation*]

GLOBAL PARTNERSHIP PROGRAM

Hon. Pierre Pettigrew (Minister of Foreign Affairs, Lib.): Mr. Speaker, pursuant to Standing Order 32(2), I am pleased to table, in both official languages, the first annual report of the Global Partnership Program.

* * *

GOVERNMENT RESPONSE TO PETITIONS

Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I have the honour pursuant to Standing Order 36(8) to table, in both official languages, the government's response to 21 petitions.

* * *

COMMITTEES OF THE HOUSE

FINANCE

Mr. Massimo Pacetti (Saint-Léonard—Saint-Michel, Lib.): Mr. Speaker, I have the honour of presenting, in both official languages, the 19th report of the Standing Committee on Finance.

[*English*]

Your committee has considered Bill C-273, an act to amend the Income Tax Act (deduction for volunteer emergency service). Pursuant to Standing Order 97.1, your committee recommends that the House of Commons do not proceed further with the bill.

CITIZENSHIP AND IMMIGRATION

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Speaker, I have the honour to present in both official languages, from the

Standing Committee on Citizenship and Immigration, the 14th report, on Bill C-283, an act to amend the Immigration and Refugee Protection Act and the Immigration and refugee protection regulations; the 15th report, on a motion regarding commemorative postage stamps; and the 16th report on motions regarding temporary resident permits.

The issue related to stamps is that the Standing Committee on Citizenship and Immigration, in a unanimous motion, calls on Canada Post to issue a series of commemorative postage stamps marking significant refugee movements to Canada, and that the series begin by marking the 50th anniversary of the arrival of the Hungarian refugee movement, and including but not limited to those refugees from Uganda, Vietnam, Indo China, Croatia, Bosnia, Herzegovina, Slovenia, Yugoslavia and Macedonia to be considered.

ACCESS TO INFORMATION, PRIVACY AND ETHICS

Mr. David Tilson (Dufferin—Caledon, CPC): Mr. Speaker, I have the honour to present, in both official languages, the seventh report of the Standing Committee on Access to Information, Privacy and Ethics, entitled "Open Government Act".

Hon. Paddy Torsney: Mr. Speaker, I wish to seek unanimous consent to table a report from the Interparliamentary Union.

The Speaker: Is there unanimous consent to revert to reports from interparliamentary delegations?

Some hon. members: Agreed.

* * *

● (1510)

INTERPARLIAMENTARY DELEGATIONS

Hon. Paddy Torsney (Parliamentary Secretary to the Minister of International Cooperation, Lib.): Mr. Speaker, pursuant to Standing Order 34(1), I have the honour to present to the House, in both official languages, the report of the Canadian delegation to the Interparliamentary Union respecting its participation in the 112th assembly and related meetings of the Interparliamentary Union, held in Manila, Philippines, April 3 to 8, 2005.

[*Translation*]

Pursuant to Standing Order 34(1), I also have the honour to present, in both official languages, the report of the Delegation of the Canadian Group of the Inter-Parliamentary Union on its participation in the meeting of parliamentarians on innovative sources of financing for development, held in New York, on June 10, 2005.

* * *

[*English*]

ALTERNATIVE FUELS ACT

Mr. Mario Silva (Davenport, Lib.) moved for leave to introduce Bill C-450, An Act to amend the Alternative Fuels Act and the Excise Tax Act.

He said: Mr. Speaker, I am pleased to introduce my first private member's bill, an act to amend the Alternative Fuels Act and the Excise Tax Act. The bill is seconded by the member Bonavista—Gander—Grand Falls—Windsor. The bill would increase the percentage of motor vehicles owned by the federal government and operating on alternative fuels from 4% to 10% by the year 2009.

It would also offer incentives to private vehicle purchasers to acquire alternative fuel vehicles by offering rebates on the goods and services tax paid. The result would be reduced greenhouse gas emissions and, as such, a cleaner environment.

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

* * *

COMMITTEES OF THE HOUSE

PUBLIC ACCOUNTS

Mr. John Williams (Edmonton—St. Albert, CPC): Mr. Speaker, I move that the 10th report of the Standing Committee on Public Accounts, presented to the House on Tuesday, May 10, 2005, be concurred in.

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.

Some hon. members: No.

The Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the nays have it.

And more than five members having risen:

The Speaker: Call in the members.

And the bells having rung:

The Speaker: At the request of the chief opposition whip, the division demanded has been deferred until Tuesday at the conclusion of the time allotted for government orders.

* * *

PETITIONS

GOODS AND SERVICES TAX

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, I would like to present a petition from over 800 residents who are calling for the government to axe the GST from being charged on the federal and provincial excise tax on fuels.

BILL C-391

Mr. Inky Mark (Dauphin—Swan River—Marquette, CPC): Mr. Speaker, I have the honour of tabling three petitions, with hundreds of name, from the good people of Dauphin—Swan River—Marquette.

In the first petition, the petitioners call upon the House of Commons to enact Bill C-391, an act to recognize and protect Canada's hunting and fishing heritage to ensure that the rights of present and future Canadians who enjoy these activities are protected in law.

● (1515)

GOODS AND SERVICES TAX

Mr. Inky Mark (Dauphin—Swan River—Marquette, CPC): Mr. Speaker, in the second petition, the petitioners call on the House of Commons to enact legislation to eliminate the federal excise tax on diesel fuel and gasoline used in farming operations and commercial fisheries, to cap the amount of taxes the government collects on gasoline and to eliminate the practice of applying GST to provincial fuel tax and federal fuel excise tax, a practice that charges tax on top of tax.

MARRIAGE

Mr. Inky Mark (Dauphin—Swan River—Marquette, CPC): In the third petition, Mr. Speaker, the petitioners call upon the government to immediately renew debate on the definition of marriage and to reaffirm as it did in 1999 its commitment to take all necessary steps to preserve marriage as the union of one man and one woman to the exclusion of all others.

CHILD PORNOGRAPHY

Mr. Lee Richardson (Calgary Centre, CPC): Mr. Speaker, I have the pleasure today to table a petition from residents of Calgary Centre with particular regard to child pornography. The petitioners call upon Parliament to protect their children by taking all necessary steps to ensure that all materials which promote or glorify pedophilia or sado-masochistic activities involving children are outlawed.

GOODS AND SERVICES TAX

Mr. Lee Richardson (Calgary Centre, CPC): While I am on my feet, Mr. Speaker, I would also like to table a petition similar to that tabled earlier to ask the government to reduce the taxes on gasoline.

AUTISM

Mr. Stockwell Day (Okanagan—Coquihalla, CPC): Mr. Speaker, I am tabling a petition at the request of parents with children who have autism. They are requesting two things:, one, that the Canada Health Act be amended so that therapy for children with autism can be looked at and in fact provided for and requiring that all provinces provide or fund the essential treatment for autism; and two, that there be a contribution to the creation of academic chairs at universities so that the actual therapy can be taught and that no child or family would have to leave the country to receive therapy for autistic children.

INCOME TAX ACT

Mr. John Williams (Edmonton—St. Albert, CPC): Mr. Speaker, I would like to present petition on behalf of my constituents in and around Edmonton calling upon Parliament to take the necessary steps to change paragraph 118.2(2)(n) of the Income Tax Act to allow receipts for vitamins and supplements to be used as medical expense in personal income tax returns and be GST exempt.

INCOME TRUSTS

Mr. Dean Allison (Niagara West—Glanbrook, CPC): Mr. Speaker, I have a number of petitions from all across the country in regard to income trusts. The petitioners are asking the minister to remove the uncertainty about the future of income trusts, which has caused seniors and Canadians saving for retirement to lose thousands of dollars from their personal savings.

* * *

QUESTIONS PASSED AS ORDERS FOR RETURNS

Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, if Questions Nos. 215, 216, 217 and 218 could be made orders for returns, these returns would be tabled immediately.

The Speaker: Is that agreed?

Some hon. members: Agreed.

[*Text*]

Question No. 215—**Mrs. Bev Desjarlais**:

With regard to federal actions concerning the town of Grand Rapids and the Grand Rapids First Nation in Manitoba: (*a*) with the planned construction of the hydro dam in the Grand Rapids area beginning in the 1950s and continuing into the 1960s and 1970s, what was the consultation process with the local aboriginal and non-aboriginal communities; (*b*) did the government take on the representation of the First Nation community; (*c*) what was the impact of the project on the surrounding communities; (*d*) what is the current status of the planned Manitoba Lowlands National Park; (*e*) who were the stakeholders identified in the establishment of the national park; (*f*) what consultations were undertaken with the communities regarding the establishment of the park; (*g*) what contacts were made with the Mayor and Council of the Town of Grand Rapids; (*h*) what contacts were made with the Chief and Council of the Grand Rapids First Nation; (*i*) what is the expected opening date of the park; (*j*) have there been any environmental studies done on the effects of the dam; (*k*) have there been any outstanding monetary or land claim issues related to the dam construction; and (*l*) what was the total cost of compensation paid by the government to the First Nation or the town?

(Return tabled)

Question No. 216—**Mrs. Bev Desjarlais**:

With regard to the use of federal money for First Nations communities in the riding of Churchill: (*a*) what is the amount spent in First Nations communities by each ministry, department, agency, Crown corporation and foundation over the past 10 years; (*b*) what are the projects and programs that have been supported by each ministry, department, agency, Crown corporation and Foundation over the past 10 years; and (*c*) what is the breakdown of these projects and programs and spending for every community?

(Return tabled)

Question No. 217—**Mrs. Bev Desjarlais**:

With regard to the relationship between the government and private banks: (*a*) what was the amount paid by the government last year for private banking services; (*b*) is MERX still the private contractor for dealing with public tenders; (*c*) during the sale of shares of Petro Canada, what bank handled the sale and how much was the government billed for the services; (*d*) what is the tendering process for Crown corporations when seeking private banking services; (*e*) what are the ethical guidelines for Crown corporations when dealing with banks; (*f*) what are the ethical guidelines for government departments when dealing with banks; (*g*) are the guidelines different for departments and Crown corporations when dealing with banks; and (*h*) how much interest is accrued on the public funds that the government is temporarily giving to banks?

(Return tabled)

Question No. 218—**Mr. Brian Fitzpatrick**:

With regard to internal government audits of Technology Partnership Canada programs, were there violations of government conditions on the payment of lobbyists and, if so: (*a*) what are the names of the firms; (*b*) how much money did each firm receive; (*c*) who were the lobbyists who received such payments; and (*d*) what was the specific dollar amount that each lobbyist received?

(Return tabled)

Hon. Dominic LeBlanc: Mr. Speaker, I ask that all remaining questions be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*Translation*]

EXPORT AND IMPORT OF ROUGH DIAMONDS ACT

The House resumed from October 25 consideration of the motion that Bill S-36, An Act to amend the Export and Import of Rough Diamonds Act, be read the second time and referred to a committee.

Ms. Francine Lalonde (La Pointe-de-l'Île, BQ): Mr. Speaker, the Senate bill, Bill S-36, is entitled An Act to amend the Export and Import of Rough Diamonds Act. This bill includes only a few clauses that are essentially of an administrative nature.

From the outset, the Bloc is quite sympathetic to this bill, but I would like to explain two important effects Bill S-36 will have.

First, Bill S-36 will authorize the government to compile and distribute data on international trade in diamonds. The adoption of this amendment, which would make the diamond trade more transparent and easier to control, is necessary for Canada to remain in compliance with its international obligations pursuant to the Kimberley process. I will say more on that later, but the Kimberley process is the action, past and present, taken by the international community to monitor the money earned from the mining of conflict diamonds.

Second, Bill S-36 will remove a formality associated with the Kimberley process as regards very small diamonds less than one millimetre in size. In number and in weight, the great majority of the diamonds dealt on the market are tiny. They are not used just to make jewellery, but have more of a utilitarian function. They are to be found, for example, in turntable needles, in watch-making or in certain industrial knives. Unlike large diamonds whose scarcity makes their price exorbitant, these diamonds are of no great value, and the administrative burden associated with the Kimberley process can be prohibitive. This proposed amendment will facilitate the diamond trade and is good news for the industry.

I might mention that Canada recently became the world's third largest diamond producer. In Quebec, even though no diamond mine is yet active, seven mining companies hold licences for such mines, mostly in Abitibi, Témiscamingue and in northwestern Quebec. Deposits of kimberlite, the ore in which diamonds are found, have been discovered in five sub-regions of Quebec.

As I said right from the start, the Bloc Québécois is not opposed to this new flexibility in principle, but it intends to ensure, in the course of review in committee, that it will not be introduced to the detriment of achievement of the objectives for which the act was passed, that is, the establishment of fairly tight control so as to prevent trade in what are and what must be called "conflict diamonds". These amendments are the result of decisions made by countries adhering to the Kimberly process and are essential for Canada's continued compliance.

I want to take a few minutes to talk about the Kimberly process and conflict diamonds. I was associated with a study conducted by the Standing Committee on Industry, Natural Resources, Science and Technology. This study was the result of pressure by international NGOs that realized just how much conflict diamonds, as they are called, contribute to the development, maintenance and continuation of wars that should never have happened. However, these wars were fostered and fueled by these diamonds.

I want to quote Mr. Ian Smillie of Partnership Africa Canada, as he really puts things into context:

● (1520)

> In 2000, the international diamond industry produced more than 120 million carats of rough diamonds with a market value of US$7.5 billion. At the end of the diamond chain this bounty was converted into 70 million pieces of jewelry worth close to US$58 billion. Of total world production, rebel armies in Sierra Leone, as well as in Angola and the Democratic Republic of Congo (DRC), are estimated by De Beers to traffic in about 4 per cent. Other estimates place the number higher. Although not a significant proportion of the overall industry, four per cent of $7.5 billion—or whatever other estimate one might use—can buy a lot of weapons.

This is particularly true in countries in which merchants take part in this traffic in order to finance wars between developing countries.

The Export and Import of Rough Diamonds Act ensures that Canada is in compliance with the Kimberley process, an international agreement which has established a process for certifying the origin of rough diamonds. This was to ensure that any diamonds traded by or transiting through signatory countries were not conflict diamonds.

The Kimberley process is basically designed to limit the trade in conflict diamonds, which are sold by armed factions to finance their wars.

Because the diamonds are small and highly valuable, they are easy to market and can be very profitable

In the 1980s, this trade was a veritable scourge, and a major component in the funding of wars that displaced about 10 million people in Sierra Leone, Liberia, Angola and the Democratic Republic of Congo, to name just a few.

At first, only a few NGOs were concerned about these conflicts and critical of the lucrative diamond trade that bankrolled them.

In 2000, the UN published a report on the funding of the war in Angola, confirming everything that the NGOs had been proclaiming for years: the diamond trade was being used to finance the war.

Also in 2000, the RUF, the Revolutionary United Front, an armed faction in Sierra Leone, stepped up its attacks on civilians, making Sierra Leone the country with the largest number of displaced persons in the world.

With these two events, the African conflicts and their link to the diamond trade left the back pages and made the headlines.

That is when the countries and the companies that produce diamonds began to get involved. The moment that diamonds become synonymous with war, rape and murder and not with dreams, wealth and eternal love, they lose their essential value.

Responding to the invitation of two NGO groups, Global Witness and Partnership Africa Canada, 37 countries and the principal diamond merchants agreed to sit down together with the NGOs to find a solution to the problem.

The first meeting was held in May 2002 in the city of Kimberley, South Africa, hence the name, the Kimberley process

At the end of a series of meetings, they agreed that the best way to civilize the diamond trade was to put in place a system for certifying the origin of diamonds. Certification of the diamond's origin was the only way this group of individuals and businesses could find to ensure that diamonds from companies using them to fund wars were not getting into the legal diamond trade.

Under this system, all diamonds, without exception, exported from a country participating in the Kimberley process must be placed in a sealed container and accompanied by a government-issued certificate of authenticity called a Kimberley certificate. Note that I said all diamonds.

● (1525)

Importing countries that are participants in the Kimberley process may import only diamonds that are placed in a sealed container and accompanied by this certificate. They may trade in diamonds only with participating countries.

Today the Kimberley process has 45 participants—all to their credit—including the European Union and its 25 members, for a total of 69 countries. These countries account for 99% of the legal international trade in diamonds.To the NGOs which started this initiative and succeeded in transforming an awareness campaign into binding rules of international law, the Bloc Québécois says: well done. I hope Parliament will agree with me in congratulating them.

Without taking anything away from the other NGOs that have joined the movement and made it the success it is, the Bloc Québécois wishes to specifically salute the work, clear-sightedness and tenacity of the two NGOs which got this initiative under way, Global Witness and Partnership Africa Canada.

That is a short summary of the Kimberley process, which might help our viewers.

From what I have read, there appears to be a need to amend the Export and Import of Rough Diamonds Act and to pass Bill S-36.

From the outset, the Bloc Québécois has demonstrated keen support for the Kimberley process. In the fall of 2002, it lent immediate support to the bill on the export and import of rough diamonds, Bill C-14, which was intended to bring Canadian practice into compliance with the Kimberley process. The Bloc Québécois continues to support the Kimberley process and will support the initiatives to make it more efficient and effective.

Many of the amendments contained in Bill S-36 are the product of the discussions of the plenary session of Kimberley process participants held at the Lac-Leamy Hilton in Gatineau in 2004. Their adoption is necessary for Canada to remain in compliance with the Kimberley obligations. Most of the amendments in Bill S-36 are in fact designed to facilitate application of the process.

For these reasons, the Bloc Québécois supports Bill S-36 in principle and will vote in favour of it at second reading.

However, there are shortcomings in Bill S-36. Bill S-36 was introduced before Parliament could do a serious review of the current control mechanism. Events will no doubt help the process unfold, as the Bloc Québécois would have liked at the outset.

The Export and Import of Rough Diamonds Act requires the government to carry out a complete review of the operation and effect of the act three years after its coming into force and submit a report to Parliament. Next January, the act will have been in effect for three years. The government will therefore submit a complete review of the act, its operation and its flaws. That is what we are expecting at least.

By then, Bill S-36 will probably have already been passed—and then again, maybe not, and that may be for the best—but, at any rate, the process has to go on because some of the provisions must be in force by January 1 for Canada to remain in compliance with the Kimberley process and be able to continue exporting diamonds. There is a problem, however.

The government is in a minority situation and can no longer allow itself to think that a majority of members in the House are at its command and will pass anything it proposes, even without being provided with appropriate information.

The Bloc Québécois expects the government to release its review of the Export and Import of Rough Diamonds Act and to submit it to Parliament before Bill S-36 is considered in committee. We hope that will be done shortly.

However, even under Bill S-36, Canada is content with the minimum obligations under the Kimberley process. That is what we find unfortunate.

● (1530)

Let me explain why this is unfortunate.

The Kimberley process sets forth a series of minimum obligations that participating countries have to adhere to and comply with.

First, exported diamonds must be placed in sealed, tamper-resistant containers. Then, the certificates of authenticity must contain certain information, such as the origin of the diamonds, the identity of the merchant, and the total weight of the lot in carats.

In the Export and Import of Rough Diamonds Act, Canada decided to content itself with meeting the minimal obligations under the Kimberley process, although it would have been at liberty to go further. For example, with respect to the information required on the Kimberley certificate, Canada is content to require the total weight of the lot. However, we had been told that there could be major problems associated with this obligation alone. Let me explain. It so happens that 20 ten-carat diamonds are worth 30 times as much as 400 diamonds of 0.5 carats, even though both lots add up to 200 carats. Canada is content with asking what the total weight of the lot is.

At present, an importer can very easily buy a lot of small diamonds on the legal market, replace them with large stones bought cheap on the black market, then sell them again with no problem, since his Kimberley certificate does not contain the information that could be used to spot the swindle. This dishonest importer will be able to make an enormous profit, while at the same time laundering an entire lot of conflict diamonds.

This situation was described in committee when members heard from witnesses. Has this in fact happened? We cannot know. What we do know, however, is that in 2003 Canada imported rough diamonds valued at $730,820, from India. It exported nearly $200,000 worth of them to the same country.

The import value per carat was $162; the export value was $392. While this may simply be explained by the return of undesired gems of great value, or by exports unrelated to the imports, there might also be something fishy going on here. If the Canadian certificate contained certain optional information provided for in the process, such as the number of stones over two carats in size, this sort of stratagem would no longer be possible.

The Bloc Québécois is counting on the committee hearings to see if it might be possible to make the act more effective and whether all the parties might be interested in doing so.

The real weakness of a Kimberley process is the lack of resources dedicated to control in the poor countries and the lack of assistance the latter are being offered by the rich countries. I rarely say such a thing.

I just want to say, in the last minute remaining, that it is absolutely unacceptable that blood diamonds are being used to finance conflicts. We all agree on that. We must take the necessary precautions for the Kimberley process to be more than a semblance of assurance. It must guarantee assurance.

We are committed to the Kimberley process because we think that if we succeed in the conflict diamond issue, then we can learn from that success to promote fair globalization. Countries, companies and NGOs have been able to sit down, identify a problem and find solutions for developing countries to stop being cannon fodder and stop contributing to the wealth of companies that might come from Canada or other developed nations.

● (1535)

[*English*]

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Natural Resources, Lib.): Mr. Speaker, the member made an excellent speech. She gave a great outline of the history of the Kimberley process. I would certainly like to thank the Bloc Québécois for its support for the Kimberley process and Bill S-36. I would like to help allay several fears the member has and explain why we proceeded in the way we did relating to some of her concerns.

She mentioned that she was hoping that the two elements which she outlined very nicely, to get rid of the small diamonds that do not cost very much and to publicize our stats, would not deter from the intent of the bill. I can certainly assure her that these will strengthen the way the bill enforces it because by publishing the statistics and making them transparent we will make sure there are no illegalities being done through Canada. In relation to eliminating the tiny diamonds that are measured in a few dollars or even cents, because people will not be working on the tiny ones that are not being used by dictators to fund wars, we will have time to put more resources and care into the really important ones.

The member made some very good suggestions for amendments. They make eminent sense on the surface to me. The question is why we are not bringing in some of the ideas now and in fact why we are bringing in a bill now when there is going to be a review in 2006. The items we are bringing in now, as I explained, are basically administrative. We want to get them in quickly because they are two items where we are not in compliance with the other countries. If we were not in compliance over the next couple of years while the review is going on, it could cause us to lose our diamond trade, which is a huge $2 billion industry in Canada providing 4,000 jobs. We cannot afford to lose that. It is not that there are not other things, like the member mentioned, that could be done, but we want to establish these bare minimum steps right away so we do not jeopardize our business.

People might ask why not wait then. It is true that there is the review in 2006 by the government and the Kimberley process meetings. They tentatively would be approved in 2007 by the plenary of the Kimberley process and maybe brought into law in Canada in 2008. That is why we want to get these basic needs items in quickly where we are out of whack with other countries. We need to finish with the administrative processes and then debate the good ideas during the mandated review.

Finally, I agree totally with the member's point that we need to continue to provide as much aid as possible. We have provided some consultative aid in enforcement to countries that cannot afford it. I certainly agree with the member that anything we can do to help those countries that do not have the resources or the political will to donate the resources for compliance in their countries will make the scheme foolproof. It has already done great work and hopefully these amendments will ensure that Canada remains part of it. Hopefully, we can do what the member says and support countries so they all have the resources to monitor carefully.

● (1540)

[*Translation*]

Ms. Francine Lalonde: Mr. Speaker, I thank the hon. member for his positive comments and for his obvious will to strengthen the process, assuming it is possible to do so.

He said there was some urgency, and it concerned the date, January 1. I will not be at the committee, but I am sure that Bloc members will want to ensure that the process is working properly at that point. Indeed, if there are already flaws regarding its implementation, we should identify them and amend the legislation accordingly. We must not let obvious major flaws continue to adversely affect the process. That is what we are concerned about.

This process is being implemented for the first time, and we do not know exactly how it is going to work. For example, the mere fact that Canada kept only the weight criterion could be a major drawback that we may identify.

Therefore, we would like to be able to make changes now. This is the point that I wanted to make.

[*English*]

Hon. Keith Martin (Parliamentary Secretary to the Minister of National Defence, Lib.): Mr. Speaker, diamonds are forever as they say, but life is not. Today we are speaking about a very important topic, Bill S-36, a bill to amend the Export and Import of Rough Diamonds Act.

This bill provides controls for the export, import and transit across Canada of rough diamonds. Most rough diamonds in the world are actually mined, bought and sold in very ethical ways and people are enriched by them. However, a small percentage of rough diamonds are behind devastating consequences in some of the poorest areas of the world. This causes incredible hardship. Death, murder, dismemberment, rape and torture are driven in part by the desire of some despotic leaders to use the diamonds, seldom legally, for their own ends. They have driven conflicts as far away as Sierra Leone, the Congo, Liberia and Angola. The consequence has been the murder of millions of people, and the torture, mutilation and rape of others.

I was in Sierra Leone a couple of years ago, and I will give an example of why we are here to pass Bill S-36. In Sierra Leone some years ago, the president of Liberia, Charles Taylor, a despotic murderous man hired a psychotic person by the name of Foday Sanko to march into Sierra Leone. With 700 people he marched into that impoverished country. He went through the villages and abducted the children. He indoctrinated those children to murder. He told them that if they did not do what he said, they would be beaten, raped or killed.

Those children became an army of child soldiers and caused the death in Sierra Leone of some quarter million people and the mutilation of many others. Those children were forced to march into villages. They would line up the villagers and ask them, “Right or left?” meaning which arm or leg should be chopped off. Those children would go down the line with machetes and hack off the arms or legs of those people, adults and children, young and old, and leave them bleeding to death on the ground.

Charles Taylor wanted to acquire the diamond resources of Sierra Leone for his own ends. These diamonds were trafficked around the world before the year 2000 and drove those conflicts. Diamonds from West Africa have also supported the coffers of al Qaeda and other terrorist organizations. This bill is intended to stop the moneys and resources from those blood diamonds driving terrorist activities and conflicts in other parts of the world.

I would like to give compliments and accolades to our ambassador Robert Fowler and his team from the Department of Foreign Affairs who worked tirelessly around the world in an exhaustive series of travels to countries to start what we now know as the Kimberley process. That process was started by Canada in conjunction with other countries that were also concerned about this, and indeed today we have this process. This bill will go a long way to strengthening that process.

In order for us as a country to follow through on our commitments and implement the Kimberley process certification scheme on a solid legal foundation, our government established the Export and Import of Rough Diamonds Act which came into force on January 1, 2003. The act provides the ability for us to verify natural rough diamonds that are exported from Canada and make sure that they are non-conflict. It also gives the authority to verify that every shipment of a natural rough diamond entering Canada is accompanied by a Kimberley certificate. This process now includes 45 participants around the world and it represents more than 99% of those that are dealing with diamonds.

● (1545)

The implementation of the Kimberley Process has demonstrated significant benefits. I refer again to Sierra Leone. In 2000 the value of diamonds sold by Sierra Leone was $10 million. In 2003 that number jumped to $130 million. Why? Because we can track those diamonds. Instead of diamonds leaving that impoverished country, they can now be used by the government of the country for the benefit of its people.

Tragically, this demonstrates that in sub-Saharan Africa, which controls 40% of the world's natural resources, an inverse relationship exists between resources and the wealth of the country and its people. The more natural resources a country generally has, the poorer the people because most of the resources are not used properly to benefit the people. They are not used for the infrastructure, health care and education needs of the populace. The moneys have generally been stolen.

The bill would enable countries to utilize their resources for poverty reduction, education, health care and infrastructure. Investments in these areas must occur in order to create the investment climate that would attract private resources to these countries.

Aid will not enable these countries to get out of poverty. They need stable government structure, anti-corruption activities, critical infrastructure development and a harnessing of the private sector to invest and utilize their resources. The profits could then be put toward the critical needs of their people. The poverty cycle will be broken that way. Developing countries will get off the aid bandwagon and provide for themselves, which is all their people want.

We started mine production in Canada a few years ago. By 2004, the net production of diamonds was an enormous $2.1 billion. We are now, by value, the third ranking country in the world in diamond production, and our diamond producing sector will increase as time passes.

This legislation also is important for our country in terms of where this resource is being utilized and who will benefit, the north in particular and aboriginal communities. It also is important for value-added production in polishing and cutting diamonds, which we have now started to do in places like Yellowknife, Vancouver and Toronto. A number of aboriginal apprentices also have been trained to do this. Not only are we mining diamonds, but we are also providing value-added here at home.

Because the Kimberley Process is in its early phase of operation, shortcomings occur. Our goal is to prevent those shortcomings from happening. That is why the government produced this bill.

There are two amendments to the act. The first one involves a provision to enable the publication of Canadian import-export statistics. The second amendment involves the definition of a rough diamond. Essentially, we will get the power to exclude certain diamonds, those being less than one millimetre, which have no bearing whatsoever on the illegal blood diamond trade. Canada was one of the first countries to start this process so we must lead by example. We need to implement these amendments to be in concert with other signatories.

This certification scheme is built on a consensus. There has been consultation with the private sector. A mining working group is involved right now in developing the standards. We have consulted with this group as part of the production of the bill.

Both the diamond industry and the diamond cutting and polishing industry are dependent on an export market. We need to ensure the bill passes forthwith for our own domestic needs. We need to understand that the bill is important for the mining industry. It also is important in terms of a humanitarian capacity.

When I was in Sierra Leone, I had a chance to visit an amputee clinic in Freetown. It is probably beyond the scope of most people to understand and envision what it is like to see hundreds of people living in abject squalor, many who have had their limbs cut off.

● (1550)

I remember visiting a woman in a hut. She had one child with her. The rest of her family, more than six people, had been murdered by child soldiers. People have been hacked to death. People who were in the amputee clinic in Sierra Leone had their limbs chopped off because of blood diamonds. They were working to simply eke out an existence. They had rudimentary prostheses for hands or stumps for either hands or legs. These people either died or were mutilated because of blood diamonds. It is happening again today.

If we look at the Congo, people are still being murdered. More than six countries have their fingers in the eastern Congo. These countries are there not only because they want diamonds, but they want to acquire, extract and hold on to the ample resources in that country as well, a country which has seen more than 2 million people murdered.

The reason for those conflicts is resources. Most of the conflicts taking place in sub-Sahara Africa today are not because of tribal differences, but because of resources.

While it has its religious overtones, the primary driver of the conflict in southern Sudan is resources. Oil, gold, timber and other natural resources can be found in there. The venal government in Khartoum wants to retain control over those resources, despite what we have heard of late.

This is what drove that conflict for 18 years and saw the murder of 2 million civilians and the expulsion of more than 4 million people. Six countries in the region of the Congo have their mucky hands in that area. They want to control the valuable natural resources in that part of the world. What happens to the civilians? The Congolese civilians are innocent people who simply want to lead their lives without conflict. However, they see the meddling from outside to acquire and control those resources. Those countries use those resources to fuel their own ends and to enrich their pockets.

This is not an academic exercise either for us in the west. We know the money that fuels al-Qaeda's ability to engage in terrorist activities all over the world is driven in part by the sale of blood diamonds from west Africa.

This is why we need to pass Bill S-36. The bill goes to the heart of a much larger initiative by the Government of Canada called the responsibility to protect. Our Prime Minister, the Minister of Foreign Affairs and Canada's team at the United Nations this year drove the responsibility to protect, much to the dismay and opposition of many who did not want the responsibility to protect. They do not want to be anywhere near the panoply of United Nations treaties that have been signed. They do not want to be held accountable in the world.

We have put forth the first step. Now the responsibility to protect must be married with something else, and that is an obligation to act and prevent genocide. We have to prevent the genocide that has occurred and will occur in the future. Genocide is one of the most vexing and challenging problems in the world today. The international community has signed a myriad of treaties, from the prevention of genocide, to covenants against torture, protecting children, against child soldiers. We have a responsibility to enforce those. Right now we do not have a responsibility to act or to enforce. This is the teeth required to save lives and prevent genocide.

We all know what has happened and continues to happen in Darfur today, where innocent people are being murdered, raped and tortured. Sudan is not alone.

● (1555)

Blood diamonds are being trafficked in the Ivory Coast. I was in the Ivory Coast this summer and it is apocalyptic. It was a jewel of West Africa. It was truly horrific to go through the streets of Abidjan. Everything was shut down. Children with automatic weapons are hauling people out every kilometre and taking their moneys. A conflict and a war will happen there within the next six months to a year. The world has an opportunity to prevent it.

Blood diamonds are being trafficked through Abidjan, through the Ivory Coast to fuel that and other conflicts. We cannot allow that to happen. That is why Bill S-36 is so critically important. That is why we take it to heart. That is why Parliament should adopt, embrace and pass the bill forthwith.

It is about Canada. It is about ensuring and enabling our mining industries to continue. It is about saving lives, not only here but half a world away as well. Those people are simply pawns caught in a bloody crossfire and they are subjected to the most heinous atrocities imaginable. We can help do that by not supporting terrorist activities that would use diamonds and other resources to fuel their anarchistic activities.

It may seem academic perhaps for us. It may seem trite perhaps or common for us to read about this. However, I can speak from personal experience. I met many child soldiers in southern Sudan, Sierra Leone and in other parts of the world. Those children are victims too. What they have been forced to do, in the name of acquiring blood diamonds and other resources for adult leaders, is heinous.

I am thankful, and I think most Canadians are too, that Ambassador Fowler and public servants of the Department of Foreign Affairs public took it upon themselves some years ago to try to address the issue. At that time, Angola, about which Ambassador Fowler felt very passionately, was an area with vast oil resources, and still is. However, it is an area that conflict has been destroying and eviscerating. Millions of people have died, or have been murdered or tortured. In part blood diamonds have driven that. The diamonds, which went through Antwerp and Tel Aviv, were sold and the money from them used to purchase arms.

I have seen young children with brand new automatic weapons that were purchased by these resources. This is a profound tragedy not only for them and the victims but for the countries as well. The resources are not being utilized for the benefit of their country.

We have had debates about the 0.7% in international aid. We know the real benefits for developing countries, most of which have vast resources, is not the aid that will go to them or 0.7%. It is about enabling those countries to have a stable government, good macro and micro economic policies and a judiciary that is fair, open and independent. It is about a country willing to have a regime that attracts foreign investment so the resources can be sustainably utilized, the profits of which can be used in large part to drive a sensible government and sensible policies for their people.

That direction is articulated a report commissioned by the United Nations about 2003. The report articulates the importance of the utilization of natural resources for the benefit of developing countries. In the confines of that document, exist the ways in which these countries can severe their ties to the west, the aid, and dependent cycle and become self-sufficient for their people. Botswana did it. It was able to utilize its diamonds in a responsible way by having a solid government that invested appropriately. It should be used as an example of a country that has utilized its resources wisely.

I beseech the House to pass the bill forthwith. It is critically important not only for our mining industry but to save lives in other parts of the world.

● (1600)

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Natural Resources, Lib.): Mr. Speaker, since coming to Parliament I have attended many meetings and dealt with many items within the parliamentary system and I must commend the member. He has done incredible work for the disadvantaged and those who are not protected by their own governments around the world, especially in Africa. He has been to many of the most dangerous spots in the world where people are being murdered, abducted and genocide is occurring. He has worked within the parliamentary system to bring attention to and action on these issues. I think few of us in this House have done as much work as he has in this area, and those people who cannot speak for themselves are very appreciative.

The member outlined the torture, the slaughter, the amputations and the rape of children and women that the quest for diamonds can cause. I thank all parties for their unanimous support of the bill which, administratively, puts Canada in line with all the other countries that are working on this in a system that is preventing this from happening.

● (1605)

Hon. Keith Martin: Mr. Speaker, I thank the hon. parliamentary secretary for his work. He has worked with the minister to craft the bill and, in conjunction with other parties, they have created a bill that is really apolitical by its very nature.

He comes from Yellowknife, an area where mining is extremely important. He has worked tirelessly to improve the socio-economic conditions of his constituents in the north. He has been a tireless advocate for the needs of the north which are vast and the bill would go a long way to enabling our mining industry in the north, which has just started to take off, to generate large amounts of resources that will be quite extraordinary for the people of the north.

I also join him in thanking the other political parties in the House for supporting the bill. They can go home and say to themselves and their constituents that they have been participants in passing a bill that will go part way in saving lives and choke off the supply of resources which despotic, venal, murderous thugs can actually utilize for their own nefarious ends. We can save many people's lives in many parts of the world who desperately need an opportunity to simply live in peace.

[*Translation*]

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

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: On division.

The Acting Speaker (Mr. Marcel Proulx): I declare the motion carried. Accordingly, the bill stands referred to the Standing Committee on Foreign Affairs and International Trade.

(Motion agreed to, bill read the second time and referred to a committee)

* * *

[*English*]

CRIMINAL CODE

(Bill C-72. On the Order: Government Orders:)

November 2, 2005—The Minister of Justice—Second reading and reference to the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness of Bill C-72, an act to amend certain acts in relation to DNA Identification.

Hon. David Emerson (for the Minister of Justice): Mr. Speaker, I move

That Bill C-72, an act to amend certain acts in relation to DNA identification, be referred forthwith to the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness.

Hon. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, as members are aware, Bill C-13, an act to amend the Criminal Code, DNA Identification Act and the National Defence Act was passed, one might say, with some haste by the House and the Senate last May.

Major amendments were adopted by the House standing committee, including amendments to effect a compromise among the parties, that expanded the definition of "designated offence" and the scope of the retroactive DNA data bank order provisions which were aimed at collecting DNA from offenders convicted of serious crimes prior to June 30, 2000. The bill, as amended, received the support of all parties.

The bill provided for a limited number of amendments to come into force on royal assent and the rest to come into force on proclamation. The important amendments in force are those that expand the retroactive DNA collection scheme in the Criminal Code and those that simplify communication of DNA profiles between laboratories to determine whether a crime scene profile matches another profile in the national DNA data bank.

The major amendments in Bill C-13 that have not yet been brought into force include the changes to the definitions of designated offences which will allow for the making of many more DNA data bank orders and will allow the police to apply for a DNA warrant in many more cases and the provisions allowing a judge to fix a time and place for taking a DNA sample from a convicted offender and authorizing the issuing of a warrant for the arrest of that offender if he does not show up as required.

Officials from Justice Canada, Public Safety and Emergency Preparedness Canada, Correctional Service Canada, the RCMP, the national DNA data bank and the provinces have been preparing for the proclamation of the remaining provisions. They have identified certain technical problems that should be corrected prior to proclamation and certain procedures that should be modified to increase the efficiency and reduce costs.

● (1610)

[*Translation*]

Because it is urgent to adopt this bill before the budget may be defeated, the changes were drafted and passed, even though their thorough examination, the review of the necessary consequential amendments and the identification of all the consequences and of the changes required, which took place at report stage, at third reading or in the other place, were not available.

[*English*]

I will not list all the technical problems in Bill C-13 that the officials have requested to be fixed and which have led to the amendments that have been incorporated in Bill C-72. However Bill C-72 includes provisions to amend the legislation to address the following problems.

First, the amendments to the definitions of primary designated offence and secondary designated offence do not fit together.

Second, the forms were not changed to reflect the changes made in the procedures for obtaining an order in retroactive proceedings and in the definition of secondary designated offence.

Third, the French and English versions of the clause in the DNA Identification Act authorizing the commissioner to provide further information in a moderate match case are different.

Fourth, the French and English versions of the section authorizing the international sharing of DNA profiles set out different information the commissioner can provide. The English version forbids the sending of profiles internationally, which could hamper Canada assisting its international partners through Interpol.

[*Translation*]

Bill C-72 also proposes changes requested by the provinces to streamline procedures and reduce costs.

The decision to amend Bill C-13 so that those convicted of murder, sexual offence or manslaughter are targeted by the provisions on the taking of DNA samples resulted in an additional 4,000 individuals being targeted by these provisions.

The Criminal Code provides that, in these cases, hearings are held ex parte. However, the Ontario Court of Appeal ruled that an offender has the right to get a notice of the order for retroactive application and to appear during the hearing for that application, unless there is a risk that the individual might flee.

● (1615)

[*English*]

Because a decision of the Supreme Court of Canada is not expected for more than a year, the other provinces have decided, as a precaution against an adverse judgment, to serve notice on all persons against whom they are seeking an authorization to take a DNA sample, including incarcerated offenders. Many offenders are incarcerated in a province other than the one where they committed the offence. The police and the Crown in the jurisdiction where the offence took place are best placed to make the application for the order.

There is concern that many of these offenders will seek to be represented. Transporting these incarcerated offenders around the country for hearings would be very expensive for Correctional Services Canada and could present serious risk of flight by offenders who are serving lengthy sentences with little prospect of being released. The officials have therefore proposed that the DNA legislation permit retroactive hearings by video link, and this change is proposed in Bill C-72.

Another procedural change that will simplify procedures and reduce costs is the amendment proposed by Bill C-72 with respect to the procedure respecting those cases where the national DNA data bank has received, for inclusion in the convicted offenders' index, a sample taken pursuant to an order that on its face does not refer to a conviction for a designated offence. As members know, the Criminal Code only authorizes the making of a DNA data bank order where the person has been convicted of a designated offence. Nevertheless, the data bank has now received more than 700 such orders and accompanying seized samples of body substances.

Section 5.1 of the DNA Identification Act, as enacted by the former bill, Bill C-13, provides that the commissioner of the RCMP is to return such orders to the attorney general for the province where the conviction was obtained or to the director of military prosecutions. They are to investigate the matter and if they conclude that the making of an order was, indeed, not authorized by the Criminal Code or the National Defence Act because the person had not been convicted of a designated offence, they are to seek from a judge of the appellate court an order quashing the authorization.

Last August, Ontario proposed a resolution in the criminal law section of the Uniform Law Conference that this procedure be changed so that:

> where the Attorney General agrees that the order was taken for a non-designated offence, the Attorney General confirms this in writing to the Commissioner of the National Databank who would then be authorized to destroy the sample.

This resolution was adopted and, having reviewed this matter in light of the discussions at the Uniform Law Conference, the government has concluded that it is not necessary to revoke the DNA data bank orders as they have been carried out precisely as the court had ordered.

The commissioner of the RCMP is not, however, blindly to process the bodily sample and enter the profile in accordance with the order that is received. He has an independent duty to decide whether the order meets the requirements of the DNA Identification Act.

The proposed amendment in Bill C-72 would simplify the procedure for the attorney general or the director of military prosecutions, setting out what they are to follow where the order should not have been made. Instead of having to make an application with its attendant costs and delays, the attorney general can confirm that the person was not convicted of a designated offence.

I believe members will agree that this procedure is appropriate as the question involves no legal issues to be decided by the appeal court but simply the question of fact of whether the offender was convicted of the designated offence, which can be answered simply by reviewing the file.

I believe Bill C-72 is an important bill which, if adopted, will greatly facilitate the implementation of Bill C-13. Accordingly, I would urge all parties of this House to adopt the bill as quickly as possible.

● (1620)

Mr. Vic Toews (Provencher, CPC): Mr. Speaker, I am pleased to rise today address Bill C-72, an act to amend certain acts in relation to DNA identification.

While I support this legislation, I want to place on the record some of my concerns generally with respect to DNA legislation. It has been a great source of frustration for many Canadians and particularly for law enforcement that the Liberal government has been dragging its feet on much needed DNA data bank legislation that would help safeguard our communities.

The use of forensic DNA analysis in solving crime is proving to be revolutionary. Biological samples collected from a crime scene can either help link to or eliminate a suspect from the crime scene. DNA donor suspects can help prove their innocence. Evidence from multiple crime scenes can be compared to link the same perpetrator to different offences in different locations. It can also identify a victim through DNA from close relatives.

Therefore, it is essential to have effective legislation in place so that our men and women in uniform can best serve to protect Canadian citizens.

Canadian police have for some time called for the creation of an effective DNA data bank to assist police investigations. The government was slow to respond, but finally assented to the DNA Identification Act on December 10 1998. The legislation allowed a DNA data bank to be created and amended the Criminal Code to provide for justices to order persons convicted of DNA offences to provide DNA samples. However, the legislation only came into effect in June 2000 and unfortunately included many loopholes.

Bill C-13 ultimately received unanimous support by all parties because it expanded and altered the offences and the offenders on the secondary and primary designation list who could be compelled to provide samples both retroactively and concurrently and after sentencing. It also permitted the destruction of samples taken, and judicial discretion was curtailed.

As I stated at the time of the royal assent to Bill C-13:

> The success of this bill is a shining example of how a minority Parliament can work positively in the best interests of Canada. While everyone made compromises, I think we have a solid piece of legislation that will go a long way to address concerns about loopholes in our DNA law.

Bill C-13 still falls far short of the Conservative Party's expectations for appropriate legislation. Although DNA samples in Great Britain, and as is the case for fingerprinting in Canada, are taken at the time of charge, at a minimum all indictable offences should be deemed designated offences for DNA data banking and there should be no discretion for judges to decline to order a sample upon conviction.

The British experience shows that criminals who commit property offences are also involved in more serious indictable offences such as sexual assault and murder. There is no justification for excluding indictable offences such as break and enter from the mandatory taking of DNA samples, especially if there has been a conviction.

Moreover, the legislation has not yet been proclaimed into effect. The government has continued to delay this much needed piece of legislation because of allegedly necessary amendments to technical errors and omissions.

This excuse is weakened by the fact that Bill C-72 comes sandwiched between Bill C-13 and a review of the DNA act, mandated in the legislation and reiterated in a justice department press release, which was to have been undertaken in 2005. Technical errors and omissions should be dealt with in that review. What is needed now is not further delay but rather leadership from the government to help facilitate the apprehension of criminals by using DNA evidence.

● (1625)

On November 2, 2005, the government introduced Bill C-72 to deal with these technical omissions and errors in Bill C-13. Numbers of amendments were made, which I will not detail.

There was, however, one provision that caused me some concern. That was to provide discretionary powers to the attorney general or the director of military prosecutions; if in their opinion the bodily substance collected was for a non-designated offence then the Commissioner of the Royal Canadian Mounted Police must destroy the substance collected. I have in fact reviewed that amendment. I have received assurances that the discretion afforded to the attorney general and the director of military prosecutions is appropriate and that it is also supported by police and provincial attorneys general. Therefore, I am consenting to that amendment as well.

Although these amendments in the bill are in fact an improvement on the status quo, they do not address many of the concerns raised by police and by provincial attorneys general.

Police have asked for the ability to collect a DNA sample at the time of charge, as is done with fingerprints, instead of upon conviction. There is no evidence or jurisprudence suggesting that such provisions would be in violation of the Constitution. Indeed, my position is that, at a minimum, all indictable offences upon conviction should be subject to the mandatory taking of DNA. There clearly is no constitutional basis for suggesting that such a provision after a conviction could in any way be unconstitutional.

Indeed, in other western democracies such as Great Britain, DNA samples are taken at the time of charge, as opposed to conviction. That has proven to be highly successful, not only in deterring crime and capturing criminals but in ensuring that innocent people are not convicted.

I also want to point out that our DNA testing system is so backlogged that until sufficient resources are provided, any legislated changes made will not be significantly meaningful. They will not improve the operation of the system.

This legislation still does not address the issue of timely production of DNA results to bring dangerous offenders to justice and to ensure the safety of our communities.

The government has insisted that DNA legislation is of the utmost importance and that we must expedite the passing of Bill C-72. However, if this is the case, why has the government waited five months to table new legislation in order to enforce Bill C-13? These rectifications are, as the parliamentary secretary has said, technical amendments and omissions and in fact simply delay the actual implementation of Bill C-13.

If the Minister of Justice wanted to add amendments, these could have been dealt with in the requisite review of the DNA Identification Act set to occur this year. However, that DNA review never took place.

Let me say in conclusion that the national DNA data bank is an important example of the increasing significance of science and technology in modern law enforcement. To stay ahead of the criminals, we must make better use of cutting edge science such as forensic DNA.

Data as of November 14, 2005, shows that over 4,000 cases have successfully linked crime scene DNA to offenders. It is imperative that the government create the legislative framework and provide the resources necessary to use this great crime-fighting tool.

To date the government has put forward legislation that takes steps in the right direction, but clearly, in view of the success enjoyed in other jurisdictions, these steps do not go far enough. The government's slow approach in implementing this needed legislation is disheartening.

I can assure members that a Conservative government will stand up for more effective DNA data bank legislation. A Conservative government will increase the number of cases where a mandatory sample upon conviction will be included for DNA sampling. Also, a Conservative government will stand up for the tools needed by our law enforcement officers to fight crime by providing them with the resources in order to make legislative tools effective.

The Acting Speaker (Mr. Marcel Proulx): 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 Renfrew—Nipissing—Pembroke, National Defence; the hon. member for Charleswood St. James—Assiniboia, Health; the hon. member for Churchill, Aboriginal Affairs.

● (1630)

[*Translation*]

Mr. Mario Laframboise (Argenteuil—Papineau—Mirabel, BQ): Mr. Speaker, it is a pleasure for me to speak, on behalf of the Bloc Québécois, on Bill C-72. I will not read the entire bill, but, for the benefit of those listening, I want to read the bill summary:

> This enactment amends the Criminal Code, the DNA Identification Act and the National Defence Act to facilitate the implementation of An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act—

This act corresponds to Bill C-13, which is currently being considered by the Senate. So, Bill C-72 seeks to amend Bill C-13, or to apply that bill, which is currently before the Senate.

It makes technical changes to those acts and addresses five points:

> (*a*) allows a court to require a person who is given notice of an application under subsection 487.055(1) of the Criminal Code and who wishes to participate in the hearing to appear by closed-circuit television or a similar means of communication;
>
> (*b*) allows samples of bodily substances to be taken as soon as feasible after the time set by an order or a summons for the taking of the samples or, if no such time is set, as soon as feasible after the day on which an order is made or after an authorization is granted;
>
> (*c*) requires the Commissioner of the Royal Canadian Mounted Police to destroy the bodily substances collected under an order or authorization and the information transmitted with it if, in the opinion of the Attorney General or the Director of Military Prosecutions, as the case may be, the offence to which the order or authorization relates is not a designated offence;
>
> (*d*) enables the Commissioner to communicate internationally the information that may be communicated within Canada under subsection 6(1) of the DNA Identification Act; and
>
> (*e*) allows the Commissioner to communicate information for the purpose of the investigation of criminal offences, and allows the subsequent communication of that information for the purpose of the investigation and prosecution of criminal offences.

Bill C-72, which seeks to clarify Bill C-13, mainly focuses on the taking of samples of bodily substances. Bill C-13 was passed as a result of negotiations among all the parties in this House, including the Bloc Québécois. It was a compromise that was passed unanimously in order to give ensure the taking of samples of bodily substances after certain crimes.

Bill C-13, which received the unanimous consent of the House, is currently being considered by the Senate at first reading stage.

What does Bill C-13 have to add? That is an important question. I will explain how DNA samples could be taken before we had this bill. Previously, an order authorizing the taking of DNA could be issued when the offender was convicted of a designated offence. These designated offences were divided in two categories: primary offences and secondary offences. As long as Bill C-13 is not in effect —I mentioned earlier that is under consideration by the Senate—the list of primary offences will be limited and will include serious personal injury offences such as murder, aggravated assault or sexual assault, while the list of secondary offences will include crimes against persons as well as crimes against property causing danger to human life such as robbery, break and enter, assault or arson.

In the case of primary offences, that is the most serious cases, the collection order is virtually automatic. The judge is required to make an order for the collection of a DNA sample from the offender, unless the offender can convince the court that this would have an effect on his privacy and safety markedly out of proportion with the protection of society. On the other hand, for secondary offences, the sample will be ordered on request from the Crown provided it can convince the judge that this is necessary in the interest of justice. That is the way things are at present.

Put more succinctly, in serious crimes such as murders, aggravated assaults and sex crimes, the order has been virtually automatic until now, unless the accused has been able to prove that his privacy and safety were affected. For secondary offences, the order was made in response to a request from the Crown.

When Bill C-13 comes into effect, these rules will be substantially changed.

● (1635)

Bill C-72 applies Bill C-13. For better understanding, we need to know that Bill C-13 divides offences into two categories: primary and secondary, and provides lists for each. These are, therefore, list A and list B, and DNA samples are handled differently for each. The A list contains the most violent offences. Under Bill C-13, the judge is obliged to order that a sample be taken as soon as the individual is found guilty of one of the offences in list A. There will be no discretion. I will read that list of offences. It is important for those listening to us to hear them.

These offences are: living on the avails of prostitution of a person under 18; murder, manslaughter; attempted murder; assault with a weapon or causing bodily harm with intent; discharge of compressed air gun with intent to endanger life; administering a noxious thing with intent to endanger life or to cause bodily harm; overcoming resistance to the commission of an offence; aggravated assault; unlawfully causing bodily harm; sexual assault with a weapon, threats to a third party or causing bodily harm; aggravated sexual assault; kidnapping; robbery and extortion.

Therefore, in the context of C-13, these 16 offences will become primary designated offences for which a judge will be required to order a sample be taken following an individual's conviction.

Bill C-72 adds something. Under C-13, the judge must order a sample on conviction, while under C-72, bodily substances may be taken as soon as feasible after the time set by an order or a summons for the taking of the samples or, if no such time is set, as soon as feasible after the day on which an order is made or after an authorization is granted. That clarifies matters. Once an individual is convicted, a number of steps follow in a process. So this clarifies things and tells us that the sample will be taken as soon as it is feasible after the moment set by an order. Accordingly, once a charge has been laid, the sample may be taken. It will be mandatory in the case of the 16 offences I listed, the primary designated offences contained in list A.

In list B of the primary designated offences, the sampling order is almost automatic, unlike in the case of list A, where it is automatic. The judge is obliged to order DNA sampling, unless the offender can show that the sample would have an impact on his personal life or safety that would far outweigh any protection it would afford society.

List B includes some 20 offences for which the judge must authorize the sample unless the accused convinces him otherwise. The list includes sexual assault—except for aggravated sexual assault; hostage taking; breaking and entering a dwelling-house; intimidation of a justice system participant or journalist; attack on premises, residence or transport of an internationally protected person; attack on premises, accommodation or transport of United Nations or associated personnel; explosive or other lethal device; participation in activities of a criminal organization; commission of offence for a criminal organization; instructing commission of offence for a criminal organization; luring a child; child pornography; sexual exploitation of a person with disability; procuring; and offences historically of a sexual nature, in other words offences that have been replaced by modern crimes, including indecent assault.

For the primary offences mentioned in list A there will be an automatic requirement to take a sample. For the offences in list B, unless the accused manages to prove that this infringes upon his privacy, a sample will be taken. Furthermore, some secondary offences that are non designated offences in the primary categories are punishable by a maximum of imprisonment for five years.

● (1640)

Under the secondary offence system, the judge can authorize the taking of a DNA sample if the Crown proves it is in the interest of justice.

That means in 200 offences where a DNA sample is taken a series of 16 will be mandatory, as will a series of 20, unless the accused manages to prove that this infringes on his privacy and safety. As for the secondary offences, if ever the Crown proves it is in the interest of justice to proceed, DNA tests will be mandatory.

Clearly, the Bloc Québécois is in favour of Bill C-72. It clarifies Bill C-13 and allows, once and for all, for criminals not only to be able but to be required to give DNA samples, samples of bodily substances, so that we can confront them with their crimes.

[*English*]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, it is important that the House understand the history of our DNA legislation and how it applies as an investigative tool for our police forces across the country.

Approximately five years ago, after quite a long investigation by various parliamentary committees, we finally had legislation with regard to taking DNA samples. The justice committee spent a good deal of time during the spring and fall of 2004 analyzing a new bill, which passed in the spring of 2005. This issue is back before the House because a number of points were missed in that legislation. This may be the Irish in me coming out, but I want to say "I told you so" because we rammed the initial bill through too quickly.

When we went to implement that law, it became apparent that a number of points needed to be corrected. That has now been done in Bill C-72. A good deal of these points concern forms that have to be updated to comply with the new legislation. Most came to the attention of the government as a result of a federal-provincial conference of attorneys general and solicitors general that was held in the late spring. There really is nothing in this bill that would not have been in it in the spring. We are going to support these changes because they are badly needed.

It is hard to say how effective this technology has been without pointing to specific cases. Another case was broken this week concerning a murder that happened about 21 years ago in one of the western provinces. Officials were able to make a positive match as a result of a DNA sample that was made available as a result of the legislation we passed in the spring. The person, who is in custody in Ontario for other crimes, has been charged with that murder because of the DNA evidence. That is being repeated many times.

It is really important that this legislation be in an effective format so that it can be used efficiently by our police forces across the country. For all these reasons, we will be supporting Bill C-72.

● (1645)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, we have been seized with this bill for some time with regard to the former Bill C-13 and the upcoming review. An element in this particular bill which interests me has to do with the charter rights of individuals and privacy provisions, specifically with regard to bodily samples being taken as soon as possible.

The member is a learned individual in this area. I wonder if there are any risk areas with regard to charter provisions or with regard to privacy laws in Canada.

Mr. Joe Comartin: Mr. Speaker, these came out indirectly in the review of the prior piece of legislation in 2004-05. That piece of legislation was pressed forward because of Karla Homolka. She was one of the individuals, although not the only one, who was incarcerated at the time and was about to be released. As we know, she has since been released. Legislation was passed in 2005 and we did not have the right under the previous legislation to take a sample of her DNA. We had a number of other, what I would call hard core criminals, people with a history of crimes of some significant violence, who were about to be released as well and we needed to get those samples.

In the course of that review the requirement of meeting our charter responsibilities came up repeatedly from various groups who came forward. I have to say they were not addressed. Therefore, in response to the basic question, I do not believe they have been addressed at all in this piece of legislation. It is not what it is designed for.

We put those over for consideration. The 2000 legislation required a five year review. That obviously is now timely. In the course of that, it was understood we would be looking at some of the charter issues, including privacy issues. Those have not yet been addressed.

Mr. Paul Szabo: Mr. Speaker, as the member knows, for a bill to be tabled in this place at first reading, it has to have already received clearance in terms of the charter provisions. It strikes me that we may have to assume that. Since we are dealing with this bill in the first instance, I certainly hope that this matter will be flagged for the committee because we are going to be into a major review of this whole DNA data bank again.

It is important that there be a full understanding. If the public does not perceive this to be appropriate under whatever circumstances, it tends to cause some skepticism as to whether or not we are being careful with regard to the matters that relate to the charter. Time and time again in this place it comes up for debate in terms of charter issues. I would have thought that because those arguments are so fundamentally important in any piece of legislation, there would have been a position statement in the rationale with regard to matters which are of concern, rather than simply the bill and perhaps a press release generally outlining its provisions.

Parliamentarians speaking at second reading are really meant to provide some indication of the areas of concern that the committee may be able to address in its consideration of a bill. This is the way members who are not members of the committee have an opportunity to express their concerns. Quite frankly, even from reading the bill, I am not sure that I was satisfied that it provided the insights that I might need to otherwise do a full job. There is not even a legislative summary which we normally would receive, which is unfortunate.

I wanted to raise this because the government operations and estimates committee has in the past dealt with certain privacy issues. These are the kinds of matters that have come up. The issue obviously would be, are there are any risk areas or unintended consequences that may arise in the event that certain provisions are made and would they put us potentially on a slippery slope for other difficulties?

● (1650)

Mr. Joe Comartin: Mr. Speaker, I am comfortable in assuring the member for Mississauga South that Bill C-72, in my opinion, does not raise any charter issues. My reference to the charter issues still outstanding are as a result of the 2000 legislation and some argument with regard to the 2005 legislation that we passed in the spring. I certainly had a couple of concerns about the 2005 legislation and there were several other issues raised. I will give an example of one of the issues that was raised.

An hon. member: Members are not to leave their BlackBerries on their desks.

Mr. Joe Comartin: Mr. Speaker, I have turned it off for the member.

We have built up a number of samples in our database that should not have been taken or were mistakenly taken by our police forces across the country, which I suppose is inevitable when introducing new technology. Some of the crimes with which the accused persons were charged did not fall within the scope of the legislation and some crimes were of a more minor nature and the samples should not have been taken. However we have the samples and there is no provision within the legislation, either in 2000 or 2005, to dispose of them.

I have to add that there is a serious problem with our technology as to whether we are actually capable of disposing of those samples without damaging other samples that we are entitled to have within the data bank. It becomes a little complex but it is a problem and I will use it as one of the examples. It is one that we should be addressing when we eventually get around to reviewing the 2000 legislation.

However, to confirm for my friend from Mississauga South, this is very much a technical bill to correct a few errors that were made in the last legislation in the spring. I do not see any charter issues in any of the amendments that are being proposed in Bill C-72.

[*Translation*]

Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, I will be brief so as not to delay the adoption at second reading of this bill, which will undergo consideration in committee very shortly.

We know that this is the second attempt—if that is the right term —to legislate in this area . As other parliamentarians have noted, there was Bill C-13. The use of DNA to identify genetic ties and so forth is completely new to all of us, the criminal justice system and even other sectors.

This completely new technology has been used for such purposes for several years now. It has proved effective, to the point that it can now be integrated into our criminal law procedures, particularly with regard to taking DNA samples. Previously, for example, fingerprints were taken or other methods used. Now, of course, our methods are much more sophisticated and the applications very different from those in the past.

According to the bill summary, the bill seeks to amend the Criminal Code, the DNA Identification Act—meaning Bill C-13—and the National Defence Act to facilitate the implementation of the acts in question.

The first element is somewhat different from the others. It:

> (*a*) allows a court to require a person who is given notice of an application under subsection 487.055(1) of the Criminal Code and who wishes to participate in the hearing to appear by closed-circuit television or a similar means of communication;

Once again, this is very different, in technological terms, from the rest of the bill. However, this technology enables and allows Canadian criminal law to better function.

The second element also mentions the following:

● (1655)

[*English*]

> (b) allows samples of bodily substances to be taken as soon as feasible after the time set by an order or a summons for the taking of the samples....

This is very important in order for a proper inquiry to take place to have a summons and then be able to utilize that instrument to obtain bodily samples in order to make the later determinations that are required.

The next element of the bill reads:

> (c) requires the Commissioner of the Royal Canadian Mounted Policy to destroy the bodily substances collected under an order or authorization and the information transmitted with it if, in the opinion of the Attorney General or the Director of Military Prosecutions, as the case may be, the offence to which the order or authorization relates is not a designated offence;

In other words, if the material was accumulated and it was not one of the designated offences, this is an order to have what was acquired destroyed. I believe a colleague from the New Democratic Party referred to these data banks based on people not having been convicted of anything or at least not having been convicted of offences where this would normally be permitted. In other words, we do not utilize the process for an offence that is not covered, obtain the information and then keep it in case someone does commit an offence in which it would qualify. Obviously that would not be appropriate.

The next element reads:

> (d) enables the Commissioner to communicate internationally the information that may be communicated within Canada....

[*Translation*]

Consequently, if data has been collected in Canada in connection with what I have just listed, we are allowed, but only in keeping with Canadian legislation, to share that data with similar authorities in other countries. Once again, this is very logical, provided we keep within the guidelines we have set for ourselves in Canada, so as not to provide to a foreign authority information that it would not be acceptable to disclose within this country.

Lastly, the commissioner is authorized to communicate information for the purpose of the investigation of criminal offences, and to subsequently communicate that information for the purpose of the investigation and prosecution of criminal offences.

That is the main thrust of this bill, a bill I recommend to the House and will be pleased to support myself. I will not take up any more of the House's time, but will close by saying that I hope to see this bill passed in the very near future.

● (1700)

[*English*]

The Acting Speaker (Hon. Jean Augustine): Is the House ready for the question?

Some hon. members: Question.

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

Some hon. members: Agreed.

Some hon. members: On division.

The Acting Speaker (Hon. Jean Augustine): 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

The House resumed from November 14 consideration of the motion.

Hon. Keith Martin (Parliamentary Secretary to the Minister of National Defence, Lib.): Madam Speaker, it is a pleasure today to speak to Bill C-50, an act to amend the Criminal Code in respect to the cruelty of animals.

I know most of us in the House have been approached by many of our constituents profoundly and deeply concerned about the protection of animals, in particular cruelty to animals. I venture to say that all of us in the House are firmly opposed to the cruelty to animals. It is a motherhood and apple pie type of issue.

The challenge we had though was trying to ensure that we had a confined piece of legislation that worked and was able to prevent cruelty to animals. That it would prevent those heinous actions that are committed by people who must be psychologically deranged to harm animals in that way. However, we also wanted to have legislation that would enable us to protect and ensure that the normal use of animals, be it by farmers or in research, would be carried on without the fear of prosecution. That, indeed, was the challenge that we had.

I think we have come up with a bill that strikes a balance. Over the last while we have shared and worked with groups, be they in agriculture and farming, or in the scientific and research sector, or the pharmaceutical areas, to craft a bill that was able to balance those needs. Normal activities would not be prosecuted, but only those actions that are taken by certain individuals. I might add that we know that those individuals, particularly when they are younger and commit acts of violence against animals, torture or even killing animals in a heinous fashion, are actually harbingers of future psychological problems and in fact future violence.

In other words, the actions by the young who commit these atrocious acts of violence against animals is a red flag, a harbinger of things that could come in the future, and particularly more egregious violent acts that take place against humans.

Some interesting studies have been done in fact to map this out. Good scientific research has been done to demonstrate this, so we now watch for those children and young people who are engaging in acts of violence against animals. We now know that we have to be very careful and engage these young people in a way that should offset and prevent future violent actions that we see sometimes in adults.

They study looked at populations of sadistic murderers, sadists, those who have committed violent acts against adults. Research has found that a majority of those adults who were incarcerated in jails for committing those violent acts, if we look back in their history, started off committing violent acts against animals when they were younger. They would torture the family pet, kill the family pet or kill other pets in the areas. I think the public at long last will be very happy with this bill.

In 2003 the other place made two amendments that the House adopted on this particular initiative. These two amendments were specifically requested by industry organizations. The reason, as I said before, was that these two amendments were there to satisfy their comfort level and their fear of prosecution.

For example, with regard to these two amendments, Canadian farmers said that they were 100% behind these two amendments and that this amended legislation was technically sound and was as strong as ever. With that, the Canadian Federation of Agriculture encouraged Parliament to pass this legislation. Unfortunately, the legislation then died in the other place which is where it continued to be paid attention to and the amendments were not requested or supported.

Let me fast forward a year. In November 2004, several months after the opening of Parliament, the Minister of Justice received a letter from a large coalition of industry groups that explicitly requested retabling of the animal cruelty amendments that had died. This group included a variety of organizations including the B.C. Cattlemen's Association, the Ontario Farm Animal Council, the Manitoba Cattle Producers Association, and it also included organizations involved in trapping such as the Canada Mink Breeders Association and the Fur Council of Canada.

It was also supported by other groups such as the Canadian Animal Health Institute, the Canadian Association for Laboratory Animal Science, and Canadian research based pharmaceutical groups as well as the Canadian Veterinary Medical Association.

● (1705)

We have heard from a wide variety of groups. We have passed these amendments through those groups. They have gained support among these groups. That is why they are in the House today.

These industry organizations wrote to the Minister of Justice before the legislation was tabled and specifically requested that these amendments be tabled and passed. That is why I hope, at the end of the day, members of the House will see that these particular amendments are apolitical, but are intended to protect animals within our country and that they are reasonable and balanced.

When the bill is studied in committee, I am sure committee members will be interested to hear what those groups have to say. I am also certain that the groups involved will reiterate their positions and the points I made here.

It is true that the coalition does not include hunting and fishing organizations, and that the anglers and hunters continue to express concerns. As a matter of logic, we could ask how it could be that animal researchers, agriculturalists, trappers and veterinarians all feel adequately comfortable that these amendments manage to strike a balance that enables the normal use of animals for food and other needs while on the other hand ensuring that we have legislative capabilities to arrest, prosecute and have the full force of the law applied to those individuals who commit heinous acts against innocent animals?

The simple matter is that hunters, animal researchers, veterinarians, farmers and trappers alike do not need to invoke any defence to justify their activities, but let us be clear about what the law actually prohibits. It only prohibits the wilful, reckless or criminally negligent affliction of pain that is known to be avoidable and unnecessary. In the case of the new offence, the law prohibits the intentional killing of an animal with brutal or vicious intent.

Let us think about that for a moment. If a person were to knowingly cause more pain to an animal than is necessary, if a person were to fall significantly below the reasonable standard of care, and if a person were to brutally or viciously intend to kill an animal, how could we not say that this person is engaged in wrongdoing?

I want to emphasize that we are excluding from this the normal activities of hunting, trapping, fishing, research, and the production of food products that are a normal aspect of civilized society.

These acts, though, must be punished. The reason why we are bringing the bill forward is that we cannot have a loophole in the legislation. We need to enable the courts to prosecute adequately those individuals who do commit acts of wanton violence and torture against animals. There are no excuses for that kind of behaviour.

The reality is that the vast majority of all industry participants take great care and cause no more pain than is required to meet their objectives. When the killing of an animal is required, the intention of such a person is one of respect toward that animal and the humanity expressed by that person. They kill the animal with a method known to be effective, quick and relatively painless.

If this is the case, there is no cruelty and therefore there is no crime. The humane use and killing of animals is not a crime, but simply a fact of life since the beginning of time. The Menard case, the leading case on cruelty to animals, makes perfectly clear that in an industry setting, causing only necessary pain is not a crime.

Let me say a few words, if I may, about concerns that have been expressed about the offence of brutality or viciousness in the killing of an animal. It has been said that the phrase "regardless of whether the animal died instantly" must be removed because it precludes the person who caused immediate death as some kind of offence and could be charged.

Let me conclude by saying that I think in principle, most members, if they read the legislation, can see that we have tried to strike a balance. The objectivity of it can be found in the fact that groups that are involved in the use of animals and animal products, and in the killing of animals, support the bill. They recognize that on one hand we have to have the legislative capabilities to address and prosecute those who torture and kill animals needlessly and on the other hand protect those who kill animals under law abiding activities in this country, including hunting, fishing, trapping and research.

● (1710)

Mr. Barry Devolin (Haliburton—Kawartha Lakes—Brock, CPC): Madam Speaker, I listened carefully to the hon. member's presentation. Members in my party are supportive of this bill. However, we think there are a couple of important amendments that need to be added to the bill.

I heard a reference to hunting and fishing organizations that may not be supportive of the bill. Why are they not supporting the bill when so many other organizations are? I had the opportunity to meet with members of the Ontario Federation of Anglers and Hunters last week. They have some concerns with the bill. I would not say that the federation embraces the bill. I think it would be fair to say that the federation is prepared to live with the bill if there were a couple of important amendments.

There is a concern as to what happens when Parliament passes a law. Members of Parliament state that this is what we are trying to do and this is the balance we are trying to strike. The reality is that at the end of the day it is the courts that will decide in terms of what is or is not prohibited by that act.

It is widely known that animal rights activists have stated quite categorically that it is their intention to push for amendments as far as they are possibly able to do so. That is actually the root of the discomfort for many people with this bill.

What comfort would the parliamentary secretary offer to an organization such as the OFAH in terms of the courts not interpreting this in a way that he does not intend and that does actually infringe on activities that are considered very mainstream?

Hon. Keith Martin: Madam Speaker, the hon. member asks a very good question that comes to the root of the challenge that we had in the construction of this particular bill.

I believe I can give the hon. member the assurance he seeks. I completely agree with the concern that the member has. Groups such as various antivivisectionist groups would like to basically prohibit all types of animal research. They will try to push this issue as far as they can and the member is correct.

We have made sure that this is not the case in this bill. We constructed this bill very clearly to prevent exactly the concern he mentioned, which is also our concern.

If I may give the member some level of comfort, which I think is what all of us have to have, the approval of research based groups which are at the sharp edge of the antivivisectionist movement in the world approve of this bill. They feel comfortable with this bill, that it will not be utilized and applied by the courts in such a manner that it will affect their ability to engage in the research that they do for the betterment of not only humans but in the veterinary sciences as well.

We have these other groups that are at the sharp edge of antivivisectionist groups that would like to do exactly what the member mentioned. However, they approve of it. I think that if any groups were to feel uncomfortable at all about any part of this bill, it would be those groups that are involved in the research and those types of activities that are most of concern to the hon. member.

We brought those groups on board. We have given them the opportunity to look very carefully at the amendments. Those amendments have passed mustard with them. As a result, we feel very confident that this particular bill will not be used in the courts by antivivisectionists, as the hon. member mentioned.

● (1715)

Mr. Gord Brown (Leeds—Grenville, CPC): Madam Speaker, I welcome the opportunity to speak to Bill C-50, the animal cruelty bill.

Like others before it that attempted to legislate against animal cruelty, this bill as presented is flawed. It is flawed in such a way that it could attempt to make criminals out of law-abiding citizens in my riding of Leeds—Grenville. It will do this in a similar fashion as the long gun registry, and in fact it will target many of the same people as the long gun registry, the hunters, the fishers, the farmers, as they conduct their normal day to day affairs.

We need to ensure that the people who live in the city and who only go to the country to view the scenery stop writing bills that affect the hard-working rural residents of Canada.

Bills such as Bill C-50 are spawning local political action groups such as the landowners associations and the Rural Revolution. Bills such as this are frustrating rural residents and pitting them against politicians and those who enforce such poorly written legislation. Bills such as this are further damaging the fragile rural economy in Canada, and in particular my riding of Leeds—Grenville.

Not only are the residents in danger of being charged under this particular bill, but visitors to my riding could also be targeted. The economy in my riding relies heavily on visitors. They come from the cities. They come from the United States. They come from Europe and from the Pacific Rim. They come to enjoy the outdoors.

Leeds—Grenville prides itself on being an outdoor recreational playground boasting some of the finest fishing and hunting in the world. The giant muskie found in the waters of the St. Lawrence is celebrated both on and off the river with several communities boasting local tally boards for those anglers skilled enough to catch one.

Recently in Leeds—Grenville, many residents and visitors were on the water in their small boats and homemade blinds stocking up on their yearly supply of ducks and geese. This probably sounds cruel to city folk with idealistic dreams about the food chain, but it is a necessary part of many people's lives in Leeds and Grenville. We do not need to spend too long carefully walking the shores of the St. Lawrence to recognize that there are a lot of geese in the area and a little hunting is not going to hurt the population.

Currently, folks are involved in another annual event, the deer hunt. Here is another creature that is in plentiful supply. Without some of its natural predators readily available, the deer population explodes and hunting has become part of that cull process. In fact, we have seen many accidents throughout eastern Ontario because of the exploding deer population. The deer hunt is also the traditional way in which many people supplement their food supplies for the winter. The deer hunt is so revered in the riding that many folks do not actually plan events during the time of the deer hunt.

All this is to say that hunting and fishing are as much a part of the rural lifestyle in Leeds and Grenville and throughout Canada as riding a bus is natural to the lifestyle of city dwellers. Residents in my riding object to portions of Bill C-50, which for the first time in Canadian history make it an offence to kill an animal brutally or viciously without defining the terms “brutally” and “viciously”.

The bill also does not exempt from this offence the killing of animals in the normal and lawful conduct of commercial fishing and hunting. Residents in Leeds and Grenville request that this specific section of the bill be revised to provide an explicit exemption for the killing of animals in the course of hunting and fishing.

Traditional animal use industries and recreational fishing and hunting should be exempted from prosecution under this legislation. I would look to the time when we did have the support of our hunting and fishing organizations in order to get this bill through the House. My research shows that many jurisdictions that have animal cruelty legislation provide such exemptions. Without such an exemption, I and residents of Leeds and Grenville are convinced that certain animal rights groups will bring forward criminal complaints under the legislation against fishing and hunting enterprises and the thousands of sports people in my riding.

These organizations have already declared their intent to use the revised legislation to challenge traditional animal use industries and recreational fishing and hunting. Justice officials from the government advise that if such changes are brought forward, there are sufficient offences to get the charges dismissed. I would advise the justice minister that this is not sufficient.

● (1720)

The point is not whether residents of Leeds—Grenville can pay for a lawyer and beat the charges at great expense to themselves and the court system. The point is hunting and fishing enterprises are already licensed by various levels of government to conduct their work. Hunters and fishers are also licensed and must abide by laws. They should not have to get out of bed in the morning wondering if some other citizen with a larger cash reserve is going to take them to court that day and they will have to defend themselves against frivolous charges.

I understand the intent of the legislation is to increase the penalties for animal cruelty offences and to simplify, modernize and fill the gaps in the offence structure of the animal cruelty regime. I am as much opposed as anyone else to animal cruelty. In fact, I am sure anyone in the House and most Canadians would be opposed to any cruelty to animals. It is absolutely shameful and appalling how some people mistreat animals and they must be held accountable. That is what we should be striving for in the bill, not turning our hunters and fishers into criminals.

Without the requested exemptions in Bill C-50, there is considerable legal opinion that the proposed legislation amounts to significant changes to the law which are detrimental to animal use industries, fishers and hunters. On behalf of the residents of Leeds—Grenville, I request that these changes be made before the bill is permitted to proceed any further. With these exemptions included in the bill, I would be happy to stand in my place and support a bill that fights against animal cruelty.

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, I appreciate the member's frankness on his position on this bill. I think members in the House would agree there is no appetite and no tolerance whatsoever for what we all understand generically as cruelty to animals. An animal is defined as a vertebrate except a human being for the purposes of the bill.

The member raised an interesting question about the definitions of "vicious" and "brutal". Could the member contemplate a scenario where a hunter who has hunted for many years and has a licence could possibly hunt an animal in a way which he would consider to be brutal or vicious? Sometimes if people are drinking or angry or whatever, they might just happen to do something that might be brutal or vicious. It would be difficult to define it, but the facts of each case would have to be on their own merit. I could imagine there could be a case where maybe the animal was wounded or otherwise mutilated, but it was not killed. It could happen.

Is there a way in which we could deal with his concern about viciousness and brutality in a way that he would still want to protect animals?

● (1725)

Mr. Gord Brown: Madam Speaker, the member's question is the very thing that hunting and fishing organizations fear, because it is not clearly defined. I would like the bill sent to committee where we could hear from witnesses and get the answers so we could change the bill so it would no longer be flawed.

The member has raised some good points. The bill plays very much to the fear of being cruel to animals. That needs to be clearly defined. That is the problem with the bill. The sooner we resolve that, I think we would find unanimity among parliamentarians to protect against cruelty to animals.

Hon. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, I understand the member's concern for the hunting and fishing communities and those who enjoy our wildlife and the sport that wildlife provide. I use the term "sport" because obviously those who are truly sporting are people who treat animals in a humane way.

There may be exceptions to the rule, but clearly this bill is trying to approach those who would in fact take advantage of a situation, as was suggested by my colleague, and would maim animals. That is simply inappropriate.

A question has been raised in the House concerning this bill on which I would like the hon. member's opinion. If someone does something that is considered to be brutal or vicious in the way in which the person kills an animal but the animal dies instantly, does the member think there should be a variation in the way in which that person is treated in relation to that particular situation? An example would be if someone tied a dog to a railroad track and a train came along and killed it instantly. Would he look at it differently if the dog was only maimed by the train and ultimately died later?

Mr. Gord Brown: Madam Speaker, the hon. member's question does not have anything to do with what we are talking about.

Right now, fishing and hunting organizations are concerned about the potential for prosecution under this bill. Animal rights groups have said that they will look to this bill, once passed, to cause prosecutions against fishermen and hunters. We need a reasonable debate to discuss this.

As I said before, there is clear unanimity among parliamentarians to put an end to cruelty to animals, but we have to address this before we allow this to tie up our courts for years and cause all kinds of damage to the economy.

I would be happy to take serious questions from members.

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, I am pleased to provide some input as a city person. The last speaker somehow assumes that I do not know very much about animals.

However, I am proud to say that a couple years ago I started an outdoor caucus for the Liberal caucus in conjunction with Ontario anglers and hunters. It was an excellent group. I believe there were over 52 members, all who are sport enthusiasts, fishers or hunters of various sorts.

Sporting is an important element of Canadian culture, such as sport shooting and fishing. It is not restricted to the non-urban centres of Canada.

I understand the member is in an area where this is of particular concern. I appreciate he is here representing the issues of his riding. It is interesting that his party has supported the bill twice already, but the member still has a responsibility to make a reasoned argument, and I believe he has done the best that he can.

Of the people who have written to me, I have received input on both sides, but more on the side of why a bill, which is trying to deal with the problem of cruelty to animals, cannot get passed in this place within a reasonable period of time, if we think in the macro context.

The previous speaker has raised one of the questions that perhaps some definitions are unclear and that people who are very much interested in the rules of the game with regard to their activities in terms of sport hunting and fishing are a little concerned that there may be too much latitude and too much breadth in the proposed legislation.

The member will know that there are provisions under the Criminal Code, some of which go back into the 1800s. I think amendments have been made as recently as in the 1950s. However, the important point is there are provisions relating to cruelty to animals such that all of the common law defence is available to those who would be charged of an alleged offence. Therefore, all the tools of any offence under the Criminal Code are available. That is important for the member to know.

The other aspect has to do with the whole question of do we have to define brutality and viciousness. Some members have said that hunters and fishers would never do anything to be cruel to an animal. That would certainly be our wish, but we are talking about human beings. From time to time, there are some fairly horrific circumstances. I am not sure if I had to sit down with the member, whether I could come up with what would constitute viciousness or brutality.

Conceptually it puts us in the ballpark and every circumstance must rest on its own merit. Every one will be different. I am not sure whether we as legislators can somehow put a black and white definition within legislation which would then possibly exclude some aspects.

Members have a right to suggest that if we allow too much latitude to the courts, that latitude may be so broad that it may have unintended consequences. People who never had any thought whatsoever of being cruel to an animal may find themselves in front of the courts. That is problematic. We know the courts are not perfect. We know lawyers are not perfect.

● (1730)

However, we have to rely on the fact that our country is based on the rule of law and the protection of the rights and the freedoms of individuals. If we are not going to respect the courts, if we do not feel that we have the tools, then that raises a whole other problem. It has to do with the confidence in the courts. That is an important question that maybe has not been fully debated yet. I know we have often run nose to nose with not only Supreme Court decisions, but also appeal court decisions and a few others, which create a domino effect and get us into some of these difficulties.

If legislators are starting to believe that, imagine what the public feels. It sees anecdotally some stories about this or that and what happened to that poor person. Not all parliamentarians can serve on the justice committee, hear all the witnesses and deal with all these issues at committee. We therefore second it to our colleagues on that committee to do the work and to ask the right questions. I know all the members on the committee and I am very confident that those members will explore these concerns.

When we go through first and second reading, that is where the concerns should come out. That is when members who are not on the committee or are unsure whether report stage motions will be a place where they have an opportunity to make amendments if they feel there are some, should put those issues on the table, issues that are vitally important to their constituents or to themselves based on their reading, but without having had the benefit the briefings and hearing the witnesses and examination by the members.

It is very easy in this place to talk for or against almost any bill. We can if we make a premise. In this case there are certainly many opportunities to have a premise. Fundamentally, when we talk about cruelty to animals, I think Canadians, regardless of whether they are urban or rural or anything in between, understand that if there is unnecessary pain, if there is something other than what was intended, we need to have a law that covers that. If we look at the United States for instance, its animal cruelty legislation is enacted in each of the individual states.

For example, New York State's agriculture and markets law, chapter 69 of the consolidated law, section 332 to 379 states that an animal includes "every living being except the human being". That is even broader than we have in the bill. In Bill C-50 an animal is defined as "a vertebrate, other than a human being". As a member said to me, this takes worms off the hook.

Canada needs to have a law on cruelty to animals. We have had many iterations. We have gone through this for a number of years. There is a great sensitivity to the arguments that have been raised by the anglers and hunters. I want to be absolutely sure that when we ultimately get legislation, and I hope we will, that all parties and stakeholders across the country, including the public at large who are not involved in these kinds of activities, will understand that it is in the best interests of all. It is part of our culture and value system. There has been a significant need to finally bring this into being.

We have to rely on those who are familiar with the law to judge each and every circumstance on its own merit. It would be extremely difficult to define what constitutes brutality and viciousness other than in general terms. However, we know, if we are to respect the law and make laws that will be respected, we have to make every effort to deal with those divergences in terms of the concerns. No matter how we produce these laws, there needs to be some flexibility within the legislation because every case has something a bit different. The laws of Canada are made that way. They have served us well, and the time has come for Bill C-50.

● (1735)

[*Translation*]

Mr. Guy André (Berthier—Maskinongé, BQ): Madam Speaker, we are not necessarily opposed to this bill. We are not opposed to a policy aimed at providing animals with more protection against cruelty. We do, however, find that the legitimate activities set out in the bill, such as hunting and fishing, and other activities involving the killing of animals, are not clearly delineated.

Here is my question for my colleague. Given that the bill has been introduced in the House on numerous occasions—we have had C-10 and C-22—would there be some way of reworking it to provide a more detailed definition of what constitutes cruelty toward animals and what constitutes a legitimate activity? This bill is not sufficiently clear on that. A major effort would have to be made on this, to ensure that the bill includes protection for farmers, hunters and others at risk of being charged with an act that would not necessarily constitute animal cruelty. That is my question for my colleague.

● (1740)

[*English*]

Mr. Paul Szabo: Madam Speaker, the member's question is quite important. It gives me an opportunity again to simply say that not all members are on the justice committee. When this bill is dealt with at second reading, we have our vote. I think it has the support of all parties that it would go to committee. The intervention of the member will be on the public record. It is available to committee members. The concerns he has raised either in his speech or in his questions are available for our colleagues on the justice committee to ensure that we have the proper witnesses so we can deal with those sensitivities. A previous speaker was concerned about the lack of clarity and definitions or no definitions at all. If those are possible, we should know that. It is extremely important.

This is second reading. This is where I expect to hear, as a parliamentarian, whether there is some consensus in this place. At second reading, if on first blush people look at it and say that they have heard from enough people, that it causes them concern and that they want the justice committee, as part of its review of the legislation at committee stage, to address those specific questions, then we have to ensure the witnesses are there to deal with those questions. Then when it comes back to this place, the questions of all hon. members will have been addressed in some fashion to bring them to some conclusion, or at least a reason why they have not been addressed. That will give us a better basis on which we can determine whether we care, as individual members not on the committee, to propose report stage motions. That is available to us have if we have not otherwise had an opportunity to influence committee stage amendments. In these matters members have the opportunity to use their best judgment in exercising their votes. This is an important part of the process.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Madam Speaker, I would like the opinion of my hon. colleague. I think there is a reason why we have never seen this bill pass over the course of the last number of years. It seems to me there would have to be so many exclusions and exceptions to the bill that we may never get it passed. As the member knows, we live in a very litigious society. I think a lot of people would be somewhat fearful or very fearful of the fact that if the bill is not narrow cast sufficiently, one might be open for legal action. There are many examples. From the agricultural perspective, what would happen if we brand cattle, as an example? What would happen if we kill gophers?

I do not know whether the bill will ever see the light of day. As other members have stated, and I believe we have unanimity, we do not want to see cruelty to animals in the common sense, family pets, for example. No one wants to see a dog, or a cat, or a budgie or anything else cruelly tortured and abused.

I do not know if we can ever get to a point where we narrow cast the legislation sufficiently to allow passage in this place. Would my hon. colleague care to comment on that?

Mr. Paul Szabo: Madam Speaker, I have to be honest with the member. He is incorrect in his assertions. This bill passed in Parliament twice. The only difference in the bill presently before us and the bills that passed in this place twice before were the non-derogation provisions for aboriginal fishing and hunting rights. That is the only difference. The member is incorrect. The House did pass them, but there was a combination of timing and circumstances.

Let me suggest to the member that this is the kind of bill for which we should say, "Do not tell me why we cannot. We have to work together so that we know how we can".

● (1745)

Mr. John Williams (Edmonton—St. Albert, CPC): Madam Speaker, I always wonder why, when we seem to be thinking about an election, this bill comes before us for debate. It dies on the order paper and then in the next Parliament it comes back but is not a priority of the government anymore. Then, when an election is in the offing, suddenly it is an important thing, we debate it and it dies again.

I think this is about the third or fourth Parliament in which we have been debating this particular bill. Here we are, perhaps in an end game, debating it once more. Everybody is saying we should do this. Why do we not just do this and get it over with? Because everybody agrees that being cruel and inhumane to animals cannot be tolerated in this society, so let us do it.

Let us do it. But then, when we take a look at what the government proposes, we say, "Wait a minute, this is not what we had in mind". Of course, the government is pandering to the special interest groups that want anything and everything and would live in a vegetarian society. The government wants all their votes so it writes the bill in such a way that anybody killing any animal would seem to be committing an offence. Then government goes off to fight the election saying it understands what those groups are saying and is supporting them all the way, but the bill did not quite get passed.

I predict that we will be debating this in the next Parliament. Hopefully we will be over there and the Liberals will be over here, but if, in the most unfortunate result ever, they are over there again, we will go through this again. They will bring it back. It will not be a priority for years and years and then who knows?

First, I would like to read for members a quote to substantiate my argument that the government wants to pander to these groups that believe that nothing should be killed. I will quote the director of the Animal Alliance of Canada, one of Canada's major animal rights organizations, who stated:

> The onus is on humane societies and other groups on the front lines to push this legislation to the limit, to test the parameters of this law and have the courage and the conviction to lay charges. That's what this is all about. Make no mistake about it.

My hon. friend was just talking a few minutes ago about respecting the courts and letting the courts make the judgment, but how can we expect the courts to do what we want when we send these ambiguous messages to them? Then they try to figure it out, they do something we do not like, and we say, "But shucks, this is not the way the democracy is supposed to work".

The bill hinges around one clause, which I would like to quote in part:

> Every one commits an offence who, wilfully...
>
> (b) kills an animal...brutally or viciously, regardless of whether the animal dies immediately;....

I contend that it is very hard to kill an animal so that it dies immediately without being kind of brutal or vicious about the whole affair. We do not tickle them to death. We shoot them, electrocute them and other things. We want them to die instantly. That is a pretty brutal process. Pardon me, and I am sorry for the people listening who have weak stomachs, but we cut chickens' throats and they bleed to death. That is deemed to be humane, but according to this bill that could be construed to be vicious and brutal and therefore we would be committing an offence.

This is what I mean about the ambiguity of this bill, which allows everybody to say "yes, I think it is protected", but the poor farmers and everybody else would be at the mercy of people who take a different point of view. That is a very serious issue. Farmers are concerned.

The livestock slaughterhouses ought to be concerned because thousands of times a day they are "brutally" and "wilfully" killing animals. We have always said that is humane, but according to this act it would be open to interpretation and we would end up sending it off to the courts to see what they say. Why do we not do the job right here and do it properly right here? That is what we are supposed to do.

● (1750)

We write the legislation. We are supposed to give clear direction to the courts, such as the following: "This is what we consider to be inhumane. This is what we consider to be vicious and brutal. Therefore, apply the law". That is we are supposed to do rather than have these kinds of catch-all phrases so that everybody can feel good, with the poor farmer left at their mercy. The farmer is just feeding Canadians.

We also talked about hunters. Hunting is a sport not only in western Canada; thousands of people go out into the wilderness and hunt deer, moose and elk and so on. What happens if a hunter tries to shoot one dead instantly and does not quite make it? The animal goes off, bleeding profusely, is not found for an hour or so and dies in the meantime. Is that hunter guilty of an offence? It would appear so, according to this bill. There is no exemption for that.

What about those people who are out there with a fishing rod, catch a fish with a hook around the mouth and drag it in using a gaff? We have the same thing. There is no protection, no protection at all.

But there is protection for our first nations. There always seems to be a protection for them, unfortunately, because they are allowed to do whatever they want to do if it is given to them according to the treaties and so on that they have under what is now part of our Constitution. If that treaty allows them to be inhumane, then this act allows them to continue to be inhumane. They get the special exemption. We have to ask ourselves why. Why them and not us?

Today's *Globe and Mail* tells us that thousands of chickens in British Columbia were slaughtered because one had avian flu. We say that was the right thing to do. The rest of those chickens were not sick, but they were all viciously slaughtered in the name of protecting our health. According to this bill, that could be construed as being a vicious and wilful slaughter of animals.

We have all watched the debate about fox hunting in the United Kingdom, where the poor fox is chased through the countryside by people on horses until it is run into the ground and viciously pulled apart by the dogs. That is inhumane. That should not be allowed. I am glad that the United Kingdom has finally got its act together. I am glad we do not do that here in Canada. That should never be allowed.

This bill must be amended to clearly state what is legitimate, what is lawful, what is a part of our society, and what this society abhors. There is no distinction in this bill. Therefore, the bill needs to be amended. I do not see why the bill should go forward.

Of course, the Liberals will go out during the election and say, "We tried once more. Guess what? Other people were holding it up". I do not see people holding it up. We are only asking for reason for farmers, fishermen and sporting people, who are lawfully doing what many Canadians do every day. We go to the store and we buy the meat. We buy the chicken and we buy the fish and that is part of the way we live. We say it is done humanely, but I say that killing animals is a brutal process. Anyone who has ever been to a slaughterhouse will know that it is not a pretty sight, but that is the way our society lives.

Let us respect these people who make their living that way, the people who feed society, who feed us, who feed Canadians and who feed the rest of the world.

I would hope that this government is serious about protecting animals. I hope the government is serious about outlawing inhumane behaviour, rather than every time just before an election deciding to have a little debate to say it is trying to do something and then blaming Parliament because the government really does not want to do anything. Unfortunately, that is becoming patently clear.

Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.): Madam Speaker, I listened with interest to the speech by the hon. member. Basically he was saying that this bill is designed to pander to what he referred to as special interest groups.

An hon. member: Oh, oh!

Hon. Don Boudria: Given that, then, which the member seems to be confirming, the member will know that this bill is a 2003 bill, plus two amendments asked for by the Canadian Federation of Agriculture, following which the Canadian Federation of Agriculture issued a press release. It states, about the two amendments that were added, or in other words, the bill that is there now, "...Canadian farmers are 100 per cent behind these two amendments they have made".

Does the member consider the Canadian Federation of Agriculture one of those special interest groups that he was talking about a minute ago?

● (1755)

Mr. John Williams: Madam Speaker, that is not a special interest group. It is the interest group that we are trying to protect by ensuring that it does not end up in court as its members continue their legitimate business.

The issue I was trying to point out in my speech was that the Liberals pander to the special interest groups that would have us eat tofu and vegetarian food for the rest of our lives. I do not think Canadians are into that, but the Liberals want to be able to go off and fight the election saying that they stood up and protected everything that those groups believe in, while at the same time telling the farmers and the fishermen not to worry, that they will look after them. They will be telling the softwood lumber producers not to worry, that they will look after them—perhaps—and so on and so forth. They want to be all things to all people

Let us be clear. The food industry in Canada contains a very substantial portion of animal foods: livestock, chicken, fish, and so on. People who go to a slaughterhouse will find that the animals are all killed brutally although instantaneously. This bill gives them no protection whatsoever. I cannot understand why the government cannot segregate the two.

Hon. Don Boudria (Glengarry—Prescott—Russell, Lib.): Madam Speaker, I am pleased to speak in support of Bill C-50, an act to amend the Criminal Code in respect of cruelty to animals.

[*Translation*]

As we have heard, a number of members on the other side of the House oppose the bill currently before it. We have just heard a member say that only specific interest groups, such as vegetarians and others he mentioned supported the bill—I have nothing against vegetarians, although I am not one myself—however, it is quite wrong to say that such is the case.

In 2003, the House passed the bill in question, which was sent to the Senate. It then proposed amendments, which the House considered and adopted. The bill could not be passed for lack of time.

I repeat what I said earlier. Some of these amendments were supported by the Canadian Federation of Agriculture. It is not an interest group that deserves to be described as marginal or the like.

I heard the member for Leeds—Grenville claim that we in Canada passed laws that were not found anywhere else. People from outside Canada visiting his riding come from the state of New York, a few kilometres from where he is from, and the laws are that much stricter there.

I am not a believer in there being no laws at all. Of course, there should be a law, in criminal law, to prevent cruelty to animals while protecting the people of Canada, those who hunt and fish and pursue other similar activities. There is no need to say agriculture and the slaughter practices need to be protected—it goes without saying. These areas are clearly not covered by this bill. The proof of this is that national groups representing farmers have already confirmed it.

[*English*]

I will give another quote, "This amended legislation", that is the bill as it is with the two amendments from before, "is technically sound and is as strong as ever". With that, the Canadian Federation of Agriculture encouraged Parliament to pass the legislation.

As I said a while ago, the legislation then died on the order paper in the other place where there continued to be attention paid to two other amendments which were not requested or supported by industry groups or by the House. That is where we were in 2003.

Let us fast forward a little. In November 2004, several months after the opening of this Parliament, the Minister of Justice received a letter from a large coalition of industry groups that explicitly requested a retabling, which is not really the right word, but the reintroduction of a new bill on the issue of cruelty to animals with the amendments that I described, and those amendments are in the bill.

I will get back to the comments by the member for Prince Albert and the member for Leeds—Grenville. I will read into the record the names of these groups: the British Columbia Cattlemen's Association, the Canadian Cattlemen's Association, the Dairy Farmers of Canada, the Manitoba Cattle Producers Association, the Ontario Farm Animal Council and the Dairy Farmers of Canada. They must know a little about animals. How about the Ontario Egg Producers? Some people were mentioning chicken a while ago. Those are the groups of people who are supporting this. Those are the people who asked us to go ahead with this bill.

I can go on. Some people will want to ask about hunting and about the raising of animals for fur. I am glad they asked. We have the Canada Mink Breeders Association, the Fur Institute of Canada and the Fur Council of Canada. People may then ask whether those using animals for research are against the bill. No. The Canadian Animal Health Institute, the Canadian Association of Laboratory Animal Sciences, the Canadians for Health Research and Canada's Research Base Pharmaceutical Companies are all in favour of the bill.

I say to the Conservatives across the way that it is high time they start to get with it. This is not an urban issue versus rural. It is nothing like that.

Mr. James Lunney: It's sloppy legislation, Don.

Hon. Don Boudria: It is not sloppy legislation. If the hon. member across says that it is sloppy legislation, then he had better go to all these groups, including the Canadian Federation of Agriculture, and tell them that all of them are wrong, if that is what he thinks. The hon. member across is entitled to say that all of the agricultural groups are wrong and maybe he can go tell them that they are wrong.

I understand tomorrow will be a big lobby day on the Hill for some of the agricultural industries, particularly in supply management. The reason I know this is that I am sponsoring the event, which will be a large social event. Perhaps the member could tell them how they are all wrong in supporting this bill. They will be pleased to know how the hon. member thinks he is so much smarter than all of them. They might have a different opinion of the hon. member after he has told them that but he is perfectly entitled to do so.

I will be at the lobby event tomorrow shaking hands with the hon. member when he enters the room to explain all this to my constituents, agricultural constituents and all the others across Canada who support the bill.

Just in case the hon. member and others did not get it, I will repeat what I said. The industry organizations wrote, as in paper, to the Minister of Justice before this legislation was introduced and requested it. All these agricultural organizations and everyone else who asked for the bill, who the hon. member says are wrong, wrote and requested this. With no disrespect, these people know a little bit more about agriculture than some of us and they are in favour of the bill.

● (1800)

These same groups wrote again to the minister in February 2005, three months before Bill C-50 was introduced, and again requested its introduction. I just happen to have the text of that letter here and it says, "We once again ask you to move forward with the reintroduction of Bill C-22". Bill C-22 was the original bill as I indicated a while ago. People in the agricultural sector asked, not only once for the bill but they wrote a second letter asking for it again.

The moral of this story is that no matter whether one lives in urban Canada or rural Canada the issues are not that different. There will be people on the margins here and there, on the extreme side one way or the other, but no one can tell me that my constituents who work in agriculture are less conscious of proper animal husbandry and less conscious of issues involving cruelty to animals than people living in the urban parts of my constituency who may never have been inside a slaughter house or anything close to it. One might know more about how it is done than the other, and as someone who was raised on a farm I believe that, but that does not mean that one group is less concerned about animal welfare than the other.

When it is time for a cow to give birth, how many of us know that a farmer will be up all night attending to it? They take a lot of care in feeding their animals. Sometimes they are more careful with feeding their animals than they are with their own diet, but that is another matter.

All of that is to say that this is good legislation for either rural or urban Canada and it is supported by rural Canada.

● (1805)

Mr. James Lunney (Nanaimo—Alberni, CPC): Madam Speaker, I come from an area that is a mixture of both urban and rural communities. I have had animals most of my life. I have a small hobby farm in a rural community on Vancouver Island with hobby farms on all sides of me. People are concerned about animal cruelty. We have had some nasty incidents of people neglecting animals or doing horrendous things to them. People want our existing laws enforced or at least toughened up.

I do not believe it is true when the member says that all the groups requesting this legislation understand the objection our party is putting forward and which he is overlooking. It was very clearly brought forward by the member from St. Albert who said that it was the very sloppy and loose clauses that say that one is guilty of an offence if one kills an animal brutally or viciously regardless of whether it dies quickly. Clauses like that without exemptions for slaughter houses, for hunters and for fishermen will be tested in the courts. I am sure there are members opposite who would like their friends in the courts, the judges and the lawyers to have lots of work testing these cases and prosecuting duck hunters and fishermen. I am sure it hurts a fish to have a hook in its lip. It is not nice but people do fish and we eat those fish.

Our objection with this legislation is the hidden language. It is the clauses that most people have not read. Members opposite know full well that those clauses were put in the bill to make lots of work for lawyers and the courts and to give room to people with another agenda to persecute these people and try to condemn practices that have been around for a long time. We do eat fish and animals whether the member opposite likes it or not.

From our point of view, it is not fair to obstruct good legislation with clauses that will be misused and thereby create all kinds of legal tangles, when it could be simplified very easily by making it very clear that there are exemptions for those who have legitimate animal practices for human food consumption.

● (1810)

Hon. Don Boudria: Madam Speaker, it is a little hard to follow what is going on across the way this afternoon. The first speaker on the opposition side said that he was in favour of the bill and wanted it to go to committee to see if the bill could be improved.

The second speaker said that he was against everything in the bill because, in his view, with his riding being close to the United States and so on, it would harm what he called the hunting and so on. Clearly, the bill does not do anything like that.

Then the member from St. Albert said that the only people supporting it were the special interest groups. We read, of course, that the special interest groups he referred to were all the agricultural organizations across Canada. Then of course he had to backtrack a little bit and redefine what he had said.

Now the hon. member is saying that we are adopting the bill because it pleases our friends who are judges and lawyers, or words to that effect.

Maybe they should have read the bill first and gave the speeches later, instead of the other way round.

Mr. Gord Brown (Leeds—Grenville, CPC): Madam Speaker, I have to say that I am thoroughly disappointed with the hon. member for Glengarry—Prescott—Russell. I have always had a lot of respect for him but for him to distort this in such a fashion as to say that potentially the people from New York state cannot go fishing and hunting is absolute nonsense. For him to say that because the people from the Federation of Agriculture support the bill means that we are against the Federation of Agriculture is a bunch of nonsense. Canadians expect better from their parliamentarians in terms of what they hear in this place.

First, does the member think that fishing and hunting is illegal in New York state? Second, is it too much to ask that we hear from the fishing and hunting organizations and to satisfy them before this goes through and we turn law-abiding citizens into criminals? Is it too much to ask?

Hon. Don Boudria: Madam Speaker, on the second point, I do think the two groups the hon. member mentioned would make excellent witnesses to contribute toward debate. That is certainly a good idea.

As the hon. member will know, over the last many years Parliament has increased the number of witnesses that it has before parliamentary committees all the time. It is almost unheard of now, legislating without the benefit of witnesses appearing before committee, and certainly witnesses of the kind that he enumerated are perfect witnesses to bring before the committee. There is nothing wrong with that idea. As a matter of fact I do think we would be remiss if we did not have people representing, for instance, organizations like Ducks Unlimited. He could use the name of a different organization if he thinks another one is better. It does not matter. Groups such as that, of course, would be perfect to testify before the committee.

As to whether or not fishing is permitted in New York state, obviously it is. The point I was making was not that it was illegal in New York state. I referred to the fact that the animal cruelty laws in New York state are stricter than the ones we are implementing in the bill.

Mr. Barry Devolin (Haliburton—Kawartha Lakes—Brock, CPC): Madam Speaker, I recognize that the name of my riding is long and in fact I have a big piece of Peterborough County in my riding, so it probably should be called Haliburton—Kawartha Lakes—Brock—Peterborough, but we will leave that for another time.

I enjoyed the presentation of my colleague from Glengarry—Prescott—Russell. I do not always agree with everything he says but it is fun for me as a rookie member to watch a veteran strut his stuff. I do not know whether I just witnessed a swan song or not. I watched a NASCAR race yesterday. Rusty Wallace was retiring after many years and it was fun to sit there and watch him take his last lap. I do not know whether we have seen that today as well.

Hon. Don Boudria: I hope I do not crash.

Mr. Barry Devolin: Madam Speaker, I hope the member does not crash either. I look forward to as long and illustrious career as he has had.

In terms of Bill C-50, I think all Canadians would agree that we would oppose cruelty to animals. That is not the issue here. I am not a lawyer, and I say that as often as I am given the opportunity, but I have been told by lawyers that one of the problems in prosecuting these cases is often the challenge of actually getting sufficient evidence to get a conviction. It is not so much that there are not laws on the books and quite frankly, it is not even so much that this bill would necessarily change the laws so much. The problem is gathering sufficient evidence. I suspect that is a problem that this bill, whether it passes or does not pass, is not really going to change.

In my riding there is a non-partisan farm council which I speak to regularly. Its members inform me about agricultural issues and advise me on different things. One of the members of the farm council runs a fox farm where foxes are raised and sold for their fur. They have concerns with this bill that something such as tattooing numbers on an animal's ear may be challenged at some point in the courts. Their concerns are valid in terms of their fear about what this bill will actually mean once it goes through the courts, as opposed to being concerned about what the intent is of parliamentarians.

They are concerned because animal rights activists in the country, who I believe represent a very extreme view, do not represent the mainstream and would like to see all practices that involve animals ended. They have said quite boldly and defiantly that if this bill passes, they will work hard to push this new legislation to its limits in the courts. They will test it. They will prod and probe to see exactly how far they can push it. I suspect they will keep their eyes on which area they are in and who the judges are. That is not to insult judges but just to recognize that they may know that some judges may be more or less sympathetic to their views and that that may establish case law.

Several years from now we may be standing in this House talking about how we all thought Bill C-50 was a good idea because of what we intended, but unfortunately the real world result of it was different. At the end of the day it will be the courts that will interpret the bill. What the courts decide will be what actually happens on the ground.

I mentioned earlier in a question to another member that only last week I met with representatives from the Ontario Federation of Anglers and Hunters. I come from a rural riding in central Ontario. There are many people in my community who enjoy hunting and fishing as a recreational activity. Quite frankly many of them use the spoils from that activity as a way of augmenting their food supply over the course of a year.

I listened carefully to the representatives from the OFAH and they made a couple of points. Their first point was that if there were a couple of amendments made to this bill, they could live with it. They never said they would like it, but they did say that if a couple of important amendments were made, they could live with it.

They have a concern with the phrase "the owner, permits an animal to be killed, brutally or viciously, regardless of whether the animal dies immediately". I do not know what that means. I suspect that if the bill stays the way it is, that will be the subject of interpretation in the court. I am sure that will be one of the areas that is probed. I do not think it is unreasonable to suggest that any time any animal is killed, on some level it is brutal or vicious. I do not know how one could kill something in such a way that no one could suggest that it was brutal or vicious.

● (1815)

Anyone who has ever visited a slaughterhouse knows it is not a pretty sight. There is the old joke that making legislation is like making sausage; the less one knows about how it is done, the better one will like it. That suggests that sometimes the process of producing the food we eat every day may be something with which people are not that familiar and they may not be that comfortable if they knew about it.

The point is, as a society I think it is acceptable for us to use animals, both agriculturally as well as recreationally and that many of those uses involve the killing of those animals. It is very reasonable for an organization like the OFAH to raise this concern and to say that it has a real problem with some of the wording. While the OFAH is not suggesting that the framers of the bill are deliberately going down this path, I think it is concerned that we may inadvertently go down this path, whether it is through sloppy language or whether it is through someone who was involved in the drafting process who may actually have an agenda that is a little different from the mainstream of people who support the legislation. That is important. The will of this place is not always done. The will of this place is as determined by the courts and we will have to see that.

It is a very responsible position that my party has put forward, which is that in principle, and I would say obviously, we agree with the suggestion that cruelty to animals is wrong. It is very reasonable that we have looked at the bill and said largely our party can support it but there are at least a couple of amendments that are absolutely necessary to make the bill acceptable. One of the things I have learned in a year and a half in this place is that often a bill comes forward and it is not exactly the way we like it. We have to decide if we are going to vote against the bill because it is not perfect, or whether we are going to vote for it and hope that at the committee level the amendments can be made to make it the way we think it ought to be, in which case we could support it at the end of the day, but I guess we could oppose it at the end of the day if the amendments were not made.

That is a reasonable position. That is the position the Conservative Party has put forward. I think that concerns of organizations like the OFAH are also very reasonable. Quite frankly, it is unreasonable for legislators, for members of Parliament to stand in this place and suggest, "Do not worry. We have looked after it. Trust us. The fine print is all okay. Nothing unintended will happen. We know exactly what the real world implications of the bill will be. We can anticipate with great accuracy how this will work its way through the courts and at the end of the day, what the real world impact of this will be".

I think that the concerns brought forward by the OFAH and others, and in fact many of my colleagues, are legitimate. I also think that animal groups, which I would suggest do not represent the mainstream but in fact represent a very narrow slice on the extreme, do have an agenda. The fact that they are excited about the bill and that they think the bill moves things in the direction they would like to see, in itself causes alarm among many people in the mainstream whether they are farmers, fishermen, hunters or others who use animals.

Earlier today I heard it said that those who use animals in research are often at the forefront or at the edge of the wedge of this issue, and that they are comfortable with it. That may be true. I do not know, but I accept it as true. I come back to my point which is that they operate in a controlled environment and maybe they have been satisfied that their concerns have been addressed in the fine print and in the detail, but I think that there are probably other groups that do not feel that way.

The suggestion that the bill needs to be looked at more carefully is reasonable. There are at least a couple of amendments that need to be made to the bill, which is reasonable. For us to suggest to Canadians that they should not worry and to trust us is not reasonable. Canadians need to look at these things themselves. Shining the light on this bill, if in fact it is a good piece of legislation, I am sure it will survive that process. If it is not, then what it deserves is what it will get.

● (1820)

Hon. Robert Thibault (Parliamentary Secretary to the Minister of Health, Lib.): Madam Speaker, the member suggested that he would like to have as long and illustrious career as the member for Glengarry—Prescott—Russell. I wish that for him and all his colleagues in whatever professions they choose after the next election.

In all seriousness, the member raised some good points. I do not know if it is possible to write any piece of legislation to satisfy all fears and answer all desires or aspirations. In the House we go through the process of debate, of consultations before drafting the bill, committee hearing of witnesses, possible amendments at committee and amendments in the House. If we like the spirit of a bill and we understand the achievements it can make, I hear the member's concern as I hear from others some of the reasons they feel perhaps they should not support the bill are the reasons I see that we should support the bill.

There are many people in society, whether they be fishermen, farmers, anglers, hunters, who have to terminate the lives of animals. They do it in a responsible and reasonable way and should be differentiated from people who would act cruelly and viciously, with mal-intent. We see examples of that all too often where police find a bunch of animals that have been mistreated, starved, not properly housed or handled. There needs to be a level of differentiation that protects the people who act properly.

Ranchers, farmers, mink ranchers and fishermen in my riding take their work very seriously. The sealing industry in Atlantic Canada takes its work very seriously and very responsibly. It has adopted codes of practice to make sure it is done in a humane and non-vicious manner.

Would the member not see that it is in the interest of Canadians generally that we have this type of legislation and that we use the House and committee as we have the consultation process, as the member for Glengarry—Prescott—Russell pointed out to hear all the groups, professional organizations that are supportive of the bill? Should we not use that type of process to do a full review of the bill and amend it if necessary? Could he not support it on those terms?

● (1825)

Mr. Barry Devolin: Madam Speaker, yes, I think I have already said that. In my mind the appropriate course of action would be to support an imperfect bill at this point hoping that the appropriate changes could bee made at committee.

In terms of the implication that while we can never know for sure what a bill will do or while nothing is perfect, sometimes we need to take a leap of faith. I accept that suggestion as well, but it is my understanding, and again I must plead that I am not an expert, that there is already legislation in this area. It is not as though there is no legislation and we are filling a vacuum.

If the bill passes will it actually improve the situation, meaning is it the lack of legislation or regulation that is the problem, or are there other problems that prosecutors or police face in terms of trying to get convictions? I do not know the answer to that question.

I am a cautious conservative person by nature. That means that I approach issues like this with what could be called a do no harm approach which is that I need to be convinced that the bill will actually do something good before I will support it. Merely the absence of proof that it will do something bad is not enough. I go back to one of the main points in my speech which is that when a piece of legislation comes forward and groups who I feel are extreme in a way that I do not agree with are excited about something and are very boldly stating that it is going to give them a tool to do what they wanted to do for a long time, that is what causes me concern. It is what causes me to think that the bill as it now stands probably does not deserve to go out the door at the end of the day.

As I said, I hope that the appropriate amendments can be made at the committee stage.

Hon. Rob Nicholson (Niagara Falls, CPC): Madam Speaker, I was pleased to hear the comments of my colleague and in particular, his comments that the bill is not perfect, but it should be supported. I think a lot of Canadians can identify with that.

One of the things that is particularly appropriate, in my opinion, is that it raises the maximum penalty for intentional cruelty to animals to a maximum of a five year imprisonment up from the current six month penalty. That is a step forward in the right direction. I am sure the hon. member agrees with me.

We have to remember that the Criminal Code in this country, for the most part, was composed and put together at a time when something like cruelty to animals was not an overriding concern. The consolidated Criminal Code was introduced into this country before 1900 and so, as a result, many of the sections that we have and many of the penalties are a reflection of the thinking of that particular time. So it is important that we have a look at sections like this in the Criminal Code.

I am pleased that we are moving forward on this. This is the third attempt by the government, apparently, to bring in a bill with respect to cruelty to animals. This is the first one I have been involved with and I certainly hope it passes. People in my riding of Niagara Falls are calling me, emailing me, and writing me, and asking me to support this legislation. I wonder if he is feeling that groundswell of support for this bill as well.

● (1830)

Mr. Barry Devolin: Madam Speaker, it may not be a surprise to anyone that I agree entirely with what the whip of my party had to say. He is a wise man and also a lawyer. What am I hearing from my constituents? I am hearing from several people that, yes, they support the bill. I am hearing from other people in the agricultural and sportsmen communities a very cautious willingness to consider it or to live with it, as opposed to really liking it, but always with the condition that a couple of the problem areas be cleaned up through amendment in committee.

[*Translation*]

SUPPLY

OPPOSITION MOTION—PARLIAMENT OF CANADA

The House resumed from November 17 consideration of the motion.

The Acting Speaker (Hon. Jean Augustine): It being 6:30 p.m., the House will now proceed to the taking of the deferred recorded division on the motion by the Leader of the NDP concerning supply.

Call in the members.

● (1900)

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 182)

YEAS

Members

Abbott	Ablonczy
Allison	Ambrose
Anders	Anderson (Cypress Hills—Grasslands)
André	Angus
Asselin	Bachand
Batters	Bellavance
Benoit	Bezan
Bigras	Blaikie
Blais	Boire
Bonsant	Bouchard
Boulianne	Bourgeois
Breitkreuz	Broadbent
Brown (Leeds—Grenville)	Brunelle
Cardin	Carrie
Carrier	Casey
Casson	Chong
Christopherson	Clavet
Cleary	Comartin
Côté	Crête
Crowder	Cullen (Skeena—Bulkley Valley)
Cummins	Davies
Day	Demers
Deschamps	Desjarlais
Desrochers	Devolin
Doyle	Duceppe
Duncan	Epp
Faille	Finley
Fitzpatrick	Fletcher
Forseth	Gagnon (Québec)
Gagnon (Saint-Maurice—Champlain)	Gagnon (Jonquière—Alma)
Gallant	Gaudet
Gauthier	Godin
Goldring	Goodyear
Gouk	Grewal (Newton—North Delta)
Grewal (Fleetwood—Port Kells)	Guay
Guergis	Guimond
Hanger	Harper
Harris	Harrison
Hearn	Hiebert
Hill	Hinton
Jaffer	Jean
Johnston	Julian
Kamp (Pitt Meadows—Maple Ridge—Mission)	Keddy (South Shore—St. Margaret's)
Kenney (Calgary Southeast)	Komarnicki
Kotto	Kramp (Prince Edward—Hastings)
Laframboise	Lalonde
Lapierre (Lévis—Bellechasse)	Lauzon
Lavallée	Layton
Lemay	Lessard
Lévesque	Loubier
Lukiwski	Lunn
Lunney	MacKay (Central Nova)
MacKenzie	Marceau
Mark	Martin (Winnipeg Centre)
Martin (Sault Ste. Marie)	Masse
Ménard (Hochelaga)	Ménard (Marc-Aurèle-Fortin)

Menzies
Merrifield
Miller
Mills
Moore (Port Moody—Westwood—Port Coquitlam)
Moore (Fundy Royal)
Nicholson
O'Connor
Obhrai
Oda
Pallister
Paquette
Penson
Perron
Picard (Drummond)
Plamondon
Poilievre
Poirier-Rivard
Prentice
Preston
Rajotte
Reid
Reynolds
Richardson
Ritz
Roy
Sauvageau
Scheer
Schellenberger
Schmidt (Kelowna—Lake Country)
Siksay
Simard (Beauport—Limoilou)
Skelton
Smith (Kildonan—St. Paul)
Solberg
Sorenson
St-Hilaire
Stoffer
Strahl
Thibault (Rimouski-Neigette—Témiscouata—Les Basques)
Thompson (New Brunswick Southwest)
Thompson (Wild Rose)
Tilson
Toews
Trost
Tweed
Van Loan
Vellacott
Vincent
Warawa
Wasylycia-Leis
Watson
White
Williams
Yelich– — 167

NAYS

Members

Adams
Alcock
Anderson (Victoria)
Augustine
Bagnell
Bains
Bakopanos
Barnes
Beaumier
Bélanger
Bell
Bennett
Bevilacqua
Blondin-Andrew
Boivin
Bonin
Boshcoff
Boudria
Bradshaw
Brison
Brown (Oakville)
Bulte
Byrne
Cannis
Carr
Carroll
Catterall
Chamberlain
Chan
Coderre
Comuzzi
Cotler
Cullen (Etobicoke North)
Cuzner
D'Amours
DeVillers
Dhalla
Dion
Dosanjh
Drouin
Dryden
Easter
Emerson
Eyking
Folco
Fontana
Frulla
Gallaway
Godbout
Godfrey
Goodale
Graham
Guarnieri
Holland
Hubbard
Ianno
Jennings
Kadis
Karetak-Lindell
Karygiannis
Khan
Lapierre (Outremont)
Lastewka
LeBlanc
Lee
Longfield
MacAulay
Macklin
Malhi
Maloney
Marleau
Martin (Esquimalt—Juan de Fuca)
Martin (LaSalle—Émard)
Matthews
McCallum
McGuinty
McGuire
McKay (Scarborough—Guildwood)
McLellan
McTeague
Minna
Mitchell
Murphy
Myers
Neville
Pacetti
Paradis
Parrish
Patry
Peterson
Pettigrew
Phinney
Pickard (Chatham-Kent—Essex)
Powers
Proulx
Ratansi
Redman
Regan
Robillard
Rodriguez
Rota
Russell
Saada
Savage
Savoy
Scarpaleggia
Scott
Sgro
Silva
Simard (Saint Boniface)
Simms
Smith (Pontiac)
St. Amand
St. Denis
Stronach
Szabo
Telegdi
Temelkovski
Thibault (West Nova)
Tonks
Torsney
Ur
Valeri
Valley
Volpe
Wappel
Wilfert
Wrzesnewskyj
Zed– — 129

PAIRED

Nil

The Speaker: I declare the motion carried.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

● (1905)

[*English*]

NATIONAL DEFENCE

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Mr. Speaker, if anything demonstrates the reason why the current government has lost the moral capacity to govern and why it cannot be trusted by the Canadian people in general and, more specific, the men and women in uniform who are members of Canada's armed forces, it has to be the government's record when it comes to military procurement and, more specifically, helicopters.

At the time I posed the question to the Minister of National Defence, military families were waiting for the public release of the final report on Rescue 420, the helicopter crash that claimed the lives of two Canadian Forces pilots, Captain Colin Sonoski and Captain Juli-Ann Mackenzie. They died in a helicopter crash on July 18, 2002, returning from a search and rescue mission in central Labrador at the controls of a C-146 Griffon helicopter.

My concerns were heightened by the fact that as a consequence of the unreliability of the CH-149 Cormorant helicopter, due to the premature wear of certain parts causing their breakdown, Griffon helicopters were being used to replace the Cormorants in search and rescue operations.

There is continuing concern that the additional stress, which search and rescue operations put on the components of a helicopter not intended to be used in search and rescue operations, will result in the deaths of more pilots.

The Liberal Party was made aware years before the tragic accident that claimed the lives of two Canadian pilots that the search and rescue role was inappropriate for the Griffon helicopter, since it was not outfitted for that role. It is a testament to the skills of the soldiers who administer the airworthiness program for Canadian aircraft that there have been as few deaths as there have been.

The risk management process for the safety of equipment should never have been politicized the way helicopter procurement has been politicized in the country. My concern is for the safety of the pilots.

The 412 Bell Commercial helicopter, which is what the CH-146 Griffon helicopter is patterned on, is in use with 1,800 of these helicopters in service worldwide with over 15 million hours of accumulated flight time. It is important to explain to Canadians that the Bell 412 helicopter can be purchased in a search and rescue configuration, certified by the FAA for that role.

What should have occurred when the Bell Model 412 HP was purchased, was when the political decision was made by the Prime Minister, as Chrétien's finance minister, to cancel the EH-101 search and rescue helicopter contract, the search and rescue version of the Bell 412 should have been added or substituted in the original order for 100 helicopters.

This we know was not done. Now the Liberal Party must be held accountable for the deaths of air force pilots who have lost their lives as a consequence of the political decision to cancel the search and rescue helicopter contract for the worst of reasons, political expediency.

There is no way the Prime Minister would not have known the consequences of cancelling the contract to purchase the search and rescue helicopters. There was a financial cost of over $800 million of taxpayer money and a human cost in the lives lost, which is still being paid today.

This issue is very important to all Canadians. As a result of Liberal Party political interference in the military procurement process, the helicopters that are in use today are ill-suited to the demands being placed on them.

Since that decision was made by the Chrétien government and his finance minister to play politics with helicopter purchases, pilots have lost their lives. More pilots will lose their lives until the government stops playing politics with our military. Lives will continue to be at risk as a consequence.

I understand the U.S. Federal Aviation Authority could provide no analysis of the safety of the Bell 412 helicopter in use by the Canadian military due to the extensive modifications made to suit the military roles of the helicopter in Canada. The difference is the extreme usage of this helicopter in military applications in Canada as opposed to the way this helicopter is used in the commercial applications, for which it was intended, accounting for the problems that have been experienced by the Griffon fleet.

Hon. Keith Martin (Parliamentary Secretary to the Minister of National Defence, Lib.): Mr. Speaker, on behalf of the government and all members, our hearts go out to the families of those CF members who died in the tragic Griffon helicopter accident.

However what the member is doing is shamelessly using this as a political tool. I will talk about the facts.

The Canadian Forces search and rescue system operates several types of aircraft on nine different bases in Canada. The Cormorant helicopter, which was acquired in 2002, the Buffalo and the Hercules serve as our primary search and rescue aircraft. However the Sea King and the Griffon are used in search and rescue as well.

The Griffon fleet is comprised of 86 helicopters that were purchased between 1995 and 1997. They have served the Canadian Forces very well here at home and all over the world. They perform a wide range of functions, including troop transport, casualty evacuation, surveillance, reconnaissance and, yes, search and rescue.

In addition to the capabilities offered by the Cormorant, the Hercules and the Buffalo, we use the Griffon to assist the Canadian Forces to provide a robust search and rescue capability across the country. The Griffons provide this valuable service, along with the brave men and women who operate those helicopters.

The Griffons and their crews are equipped and trained for search and rescue. I want to emphasize that under no circumstances would the air force deploy any aircraft in any type of mission that would put the members of our forces in harm's way or in any danger. We will not put choppers in the air if, in any way shape or form, we thought they would compromise the safety and capabilities of our forces and neither would the air force.

The 2002 Griffon crash occurred, and helicopters do sometimes crash, but we engaged in a long investigation of that. The recommendations from the investigation have been adopted by the forces and are being used in the private sector and by other countries. These include several preventative measures that were proposed by the flight safety investigation, including changing the tail rotor inspections and increasing their frequency. We are also looking at strengthening what is already a rigorous examination process.

The Griffon, along with all of our Canadian Forces aircraft, is subject to thorough examination before each mission. State of the art maintenance equipment is used and combined with a thorough inspection process.

The Griffon is a safe helicopter. The member across the way should be feeling very shameful at using this particular tragedy for political purposes.

● (1910)

Mrs. Cheryl Gallant: Mr. Speaker, the experience for the commercial pilots of the Bell model 412 helicopter is different than the experience that our pilots have.

The federal government has in the past been warned about the problems of taking an untested, off the shelf commercial helicopter and using it in ways that it was not tested to operate.

In the 1998 report of the Auditor General into the purchase of major capital equipment for Canada's military, the Auditor General was particularly critical of projects that were fast tracked or sole sourced, such as the Griffon helicopter. He observed that when the procurement process was fast tracked or sole sourced important tasks and evaluation steps were often not completed and problems were only discovered after a particular piece of equipment had been put into service.

This problem was made worse by the cancellation of the EH-101 search and rescue helicopter. If only the government would have acted on the recommendations of the Auditor General then.

Hon. Keith Martin: Mr. Speaker, we have 86 Griffons that are being used across the country. After this tragedy took place we did a thorough investigation. I know for a fact that those findings were shared privately with the families at their homes so they would understand what took place in this tragedy before any of this was made public. They were involved in the process and found out the information before anything went out.

Those recommendations have been implemented by the forces. They have been shared with other countries and with the private sector and they are being adopted.

Involvement and engaging in search and rescue activities is a dangerous activity. Our job is to ensure our forces have the equipment to do the job and that the equipment is safe for them. We ensure that and the air force ensures that too. I want all Canadians to understand that we will not send our troops out in unsafe helicopters.

HEALTH

Mr. Steven Fletcher (Charleswood—St. James—Assiniboia, CPC): Mr. Speaker, almost a decade ago the government made a decision to deny compensation for hepatitis C victims from tainted blood outside the pre-1986-1990 window. This decision of the government has caused a great deal of grief. It had been shown years ago that the government had made the wrong decision to the Krever inquiry, yet despite numerous pleas, the government steadfastly stuck by its decision to deny these victims their proper compensation.

Since then the Conservative Party has fought very hard to ensure that these victims are provided with a voice to ensure that they will be compensated, as it is the right thing to do. In the short time that I have been the health critic for the Conservative Party, we have been trying to force the government to compensate these victims. However, all we get back is delay and rhetoric.

The first question I asked in the House was on hepatitis C. That was over a year ago. I asked a question several weeks ago on hepatitis C and when compensation would come. I still get nothing but rhetoric and delay.

A motion was brought forward by the Conservative Party insisting that these victims should be compensated immediately. That motion passed. Here we are many months later and the victims still have not been compensated.

We understand there is a memo of understanding between some victims and the government regarding a compensation package, but these people still have not been compensated. Is it not interesting that this memo of understanding occurs on the eve of a federal election.

The minister said recently that compensation for these victims is the right thing to do. Then why has it taken 10 years for the government to realize this fact? Why has the government denied these people the compensation, in spite of numerous legal arguments and inquiries that insist that these people deserve compensation?

The fact is the government is not only corrupt, it is also callous and uncompassionate.

I ask the parliamentary secretary, will these victims outside the window be compensated fairly and equally? Will the government apologize, say it is sorry for the untold suffering that it has caused these victims and their families?

● (1915)

Hon. Robert Thibault (Parliamentary Secretary to the Minister of Health, Lib.): Mr. Speaker, on November 22, 2004, the Minister of Health announced that the Government of Canada was giving a mandate to its negotiators to discuss all available options for financial compensation to those infected with hepatitis C through the blood system before 1986 and post-1990.

Discussions have now advanced to a point at which finalization of a settlement is dependent upon both sides obtaining additional information as to the current size of the class and the likely progression of the disease in the class. It is expected that the process of obtaining the necessary information and conducting the negotiations will require a minimum of several months.

To begin to gather this information, a letter has been sent from the pre-1986, post-1990 class counsel to the class, seeking consent to obtain medical information to inform the negotiations. It is important to note that the letter written by the counsel states that "all parties involved are committed to dealing with this issue as quickly as possible".

I understand the impatience being expressed about the pace of discussions; however, both parties in the discussions agree that we are doing our utmost to resolve some very complex issues as quickly as possible. The federal government has consistently maintained that compensation can only be made once the appropriate information is available.

While the necessary information is being gathered, it is important to note that progress has been made at the negotiating table. I am pleased to report that both parties have entered into a memorandum of understanding, committing the federal government to compensate the class with the amounts and categories of compensation to be negotiated in the coming months.

It is important to note that the MOU was signed by the government and the pre-1986, post-1990 class counsel and represents a consensus as to what steps need to be taken. We are working together in good faith and we both agree on what needs to happen in order for a compensation package to be reached.

The memorandum of understanding sends a clear signal about the federal government's commitment to provide compensation. A settlement is not dependent upon a surplus in the 1986-1990 settlement fund. The federal government recognizes that there are people awaiting an outcome and is committed, along with class counsel, to conclude the discussions as soon as the appropriate information is available.

The Government of Canada has taken the important step of committing to compensate the class. We must now let legal counsel for both sides gather the necessary information to build a settlement. We are working with the pre-1986, post-1990 class counsel in good faith to reach a successful conclusion that takes into account the actual and legal circumstances of the claimants.

We are taking the necessary steps to explore all available options for compensation and we should let the participants in the negotiations continue their hard work on this difficult issue. We understand that there are individuals and families involved who are awaiting an outcome. It is the right and responsible approach to let the discussions proceed as quickly as possible toward a satisfactory outcome.

● (1920)

Mr. Steven Fletcher: Mr. Speaker, what I just heard is outrageous. There is no apology and the victims have no compensation. The parliamentary secretary has the nerve to stand up and say now that compensation is not contingent on an actuarial surplus. The Conservative Party agrees with that. We have been saying that all along, but the Liberal Party has been hiding behind that defence for years.

I think the fact that there are people in the Liberal cabinet today who were in the cabinet 10 years ago and made the bad decision in the first place has a lot to do with the fact that these people are not being compensated. They are not being compensated because of internal Liberal politics. Any commitment is completely disingenuous.

Will the parliamentary secretary and the government apologize to the victims and compensate them immediately?

Hon. Robert Thibault: Mr. Speaker, I would like to remind the House and refresh the memory of the member that his motion, presented at the finance committee, referred to the fund and linked compensation to the surplus in the fund. The government, from the outset, said that it would look at all available options for compensation.

Second, on the question that the compensation is not there now, I remember that when the government changed in 1993 we had huge deficits. I have been a member of a province under a Conservative government that accumulated huge deficits. As for thinking that we would compensate without a process, without knowing how much, I do not know how the member would suggest we do that. Perhaps in true Conservative fiscal management we would send a cheque to everybody in Canada and have them fill in the amount they think is right, if they think they are members of that class. If they do not, of course they would return them to us.

We could compensate that way or we could choose the way that we have: entering into an agreement with the claimants and obtaining all the relevant and pertinent information that gives the proper compensation to the claimants and has due respect for the taxpayers of our country.

ABORIGINAL AFFAIRS

Mrs. Bev Desjarlais (Churchill, Ind.): Mr. Speaker, I wish to indicate for clarity to those listening that the question that I have for the late show today is in regard to a question that I put to the government on October 20. This was the question as I put it:

> Mr. Speaker, education is critical to improving the social and economic strength of first nations people. The community of St.Theresa Point has over 700 nursery to grade eight students attending school in trailers and satellite rooms that were supposed to be temporary. They have no gym, no library and no playground. Indian Affairs says it will start design planning in 2009 for a new school. In the next five years 500 more children will reach school age. Would the minister and the Liberal government accept their children receiving their education under these conditions?

I was absolutely appalled at the answer I received from the government. The government indicated that it spends millions of dollars for first nations. Fair enough. There is no question that millions of dollars are being spent. The reality is that there is still a huge need within first nation communities considering the situation we have seen in Kashechewan and numerous other communities throughout the country.

The reason that need is there is the fact that for years there have been shortfalls and no proper funding provided by the government. The government has provided no accountability. I am not suggesting that it was first nations who were at fault. I firmly believe that in the cases I am dealing with that is not the case.

I put a question on the order paper asking for the capital funds that had been spent in first nation communities in my riding over the last 10 years. I was astounded when I received the figures. What really jumped out at me was the great disparity among first nation communities. There seemed to be no set reasoning as to how the funding would be done in the communities.

What upset me was that we could have a situation with 700 students in portables and yet the government was not looking at putting in a school until 2009, and that is only the design plan. We all know it takes two or three years after the design plan to get a school in place.

What upset me the most was looking at the 10 year fund. I am not denying any community the right to have a beautiful new school. I am not denying any community the right to have a school that it probably needs. What jumped out at me was the fact that in 2000-01, $86,812,000 was spent in the Churchill riding. The next year 2001-02, the year after the election, $61,956,000 was spent. That amount then increased again tremendously over the next three years, but it went to the Liberal candidates home community.

I do not deny that this community needed a new school. However, when a community has 700 students in portables, how does the government justify putting $38 million toward a new school in another community that already had a school? Granted, the community needed a new school, but a priority factor came into play. It was also the fact that $15 million had been cut from the budget to put additional facilities into our riding.

When I hear of the situation in Saugeen First Nation where the government representative absconded with money that should have been there for first nations, I begin to question the accountability of the federal government in these communities. I also question its commitment to first nations people. It is not acceptable to play one community off against the other.

● (1925)

Hon. Larry Bagnell (Parliamentary Secretary to the Minister of Natural Resources, Lib.): Mr. Speaker, the member has put forth a number of very good questions. I commend her for continuing her work for her constituents, which she has always done well.

I am pleased to take this opportunity to talk specifically about the government's commitment to first nations education, which was the major part of the member's question.

I want to point out that the department is aware of the situation in St. Theresa Point and is actively looking at a sustainable long term solution to this issue.

I would like to describe a few of the promising changes under way in Canada with respect to aboriginal education,but before I do I should point out the ongoing commitment of the government to improve educational outcomes for the first nations, Inuit and Métis people of Canada through a series of steps which began some 18 months ago.

To my mind, the best leaders are those who challenge the status quo. When he took office, the Prime Minister vowed to improve the often miserable and unhealthy conditions experienced by far too many aboriginal people in Canada. It was a promise heard many times before, yet it was often abandoned when budgets were tightened and political will evaporated.

This time, though, the Prime Minister followed through on his commitment. He began with a series of changes to the highest echelons of government, all devoted to aboriginal affairs. The government then did something that had never been done before. Aboriginal groups were invited to help devise and implement government policy. For the first time in history, aboriginal people in Canada would participate in a major drafting of the urgent policies that directly affect their communities.

The Canada-aboriginal peoples round table began in April 2004, when representatives of aboriginal organizations from across Canada sat down alongside cabinet ministers, senators and officials from the provinces and territories. The meetings were productive and focused. Timetables and performance measures were established. A series of sectoral follow-up sessions began shortly after the round table adjourned. Last May, representatives of five national aboriginal organizations attended a policy retreat with Prime Minister and cabinet.

The next step in the process—securing the support of the provinces and territories—is already under way and will culminate in the first ministers meeting later this week. From the outset of this process, the parties appreciated that they shared a responsibility and needed to seize this unique opportunity to improve the lives of aboriginal people. Everyone responded with honesty, selflessness and passion.

I am convinced the collective will now exists to make such needed improvements in the first nations school system. The collaborative approach to leadership, adopted through the round table process, one that has fostered progress on issues related to housing, economic development and self-government, has also inspired a fresh start on aboriginal education.

Officials from Indian and Northern Affairs Canada are working closely with aboriginal groups and other key partners on a series of transformative changes to aboriginal education. While the Government of Canada has spent more than $1 billion on first nations elementary and secondary education in 2004-05, all parties agree that a sustainable solution to aboriginal education will require more than just money.

The current atmosphere of cooperation and partnership, or collaborative leadership, makes me optimistic about the future for aboriginal education. The parties recognize that they must work together to succeed in making the most of this opportunity. I hope the member will be supportive of global initiatives over the whole aboriginal system and I hope her particular case advances as well.

● (1930)

Mrs. Bev Desjarlais: Mr. Speaker, there is no question about it, I do support changes that take place, but the reality, with all due respect to the government and my colleague from the Yukon, is that I listened to the same thing in 1998, 1999, 2000, 2001, 2002, 2003, 2004 and 2005, and heaven forbid, we are going to have a meeting at the end of this week and we will get to hear it again in 2006.

It is not okay to keep mouthing those words and not putting into place concrete action to really make changes in first nation communities. It is not okay to place small first nations communities against large ones because one can get more votes out of the large communities. The majority of first nation communities number less than 500 people. Who will be their voice? Not the Liberal government.

Let me come out and say it. It is not okay just to get votes and put money into this Liberal candidate's riding when there are all these other communities that are struggling so their children can get their educational facilities and have gyms and libraries, the things that a small white community in Canada would not tolerate doing without. It is not okay just to say the words.

Hon. Larry Bagnell: Mr. Speaker, the member was reiterating the point that I made, that this has been said before and nothing happened. As I said in my first four minutes, we had the remarkable and historical meeting, watched by many Canadians, that was attended by leaders of aboriginal associations in Canada. It was the first time in history that we had taken action.

It was not just a meeting for show because we then followed up by breaking into round tables on the high priority issues, education being one of them, as well as economic development and self-government. I know the member is a big supporter of self-government. Aboriginal leaders from across the country, including my riding, sat down and developed solutions on those issues.

All Canadians agree with the member's sentiment, the sentiment of all of us, that much needs to be done to bridge that gap. All Canadians should be very proud of what is happening this week when aboriginal people will put forward their own solutions to federal, territorial and provincial governments who will support those solutions.

The Speaker: It being 7:34 p.m. the House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1).

(The House adjourned at 7:34 p.m.)

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