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OFFICIAL REPORT
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Thursday, September 21, 2006

—

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Thursday, September 21, 2006

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

• (1000)

[*English*]

GOVERNMENT CONTRACTS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, pursuant to yesterday's point of order made by the hon. member for Ottawa—Vanier, I am pleased to table the letter requested.

* * *

[*Translation*]

PETITIONS

AGE OF CONSENT

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Mr. Speaker, pursuant to Standing Order 36, I wish to present a petition signed by residents of my riding of Pierrefonds—Dollard concerning the age under which our children have to be protected.

These petitioners are calling upon the Parliament of Canada to raise the age of sexual consent from 14 to 16 years for our young adolescents, to protect them from sexual exploitation by adult predators.

[*English*]

TAXATION

Hon. Bryon Wilfert (Richmond Hill, Lib.): Mr. Speaker, pursuant to Standing Order 36, I have the pleasure to present to the House a petition regarding physical activity from petitioners in my riding and the surrounding area. They are seeking legislation that will enact that will require gym fees to be tax deductible under the medical expenses tax credit of the Income Tax Act. They believe, quite rightly, that physical activity and people being active leads to a reduction in health costs. I present that to the House for consideration.

QUESTIONS ON THE ORDER PAPER

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I ask that all questions be allowed to stand.

The Speaker: Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[*Translation*]

CANADA TRANSPORTATION ACT

The House resumed from September 20 consideration of the motion that Bill C-11, An Act to amend the Canada Transportation Act and the Railway Safety Act and to make consequential amendments to other Acts, be now read the second time and referred to a committee.

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Mr. Speaker, this is the first opportunity I have had to address this House since the tragic death of our friend and colleague Benoît Sauvageau. I would therefore like, on my own behalf and that of the people of my riding, to extend my most sincere condolences to his wife, his children and his entire family. I may not know them very well personally, but I know that they are people of great courage and great value. I hope that they will find the comfort they need as they go through this difficult time. For me, as a newcomer who knew him for too short a time unfortunately, Benoît will remain a model, an example of what a parliamentarian should be. In his work, he always showed respect for others. His strength and determination were exemplary. Benoît, you will remain in my heart and thought for a very long time.

I would now like to talk about Bill C-11, specifically the annoyances caused by railways operating in residential areas. I used the term “annoyances” because, unfortunately, this bill refers only to noise. Other annoyances are caused by railway operations, and I am being extremely polite in using the term “annoyances”. I often talk with people in my riding. When I meet with them, they tell me about the horrors and the problems the railways cause them. They often use much less polite, much cruder and more colourful language, which is certainly not appropriate in this House. This problem causes a great deal of frustration.

Government Orders

This is especially true because railway operations take place largely in the middle of residential areas, many of which are highly populated. That is the case in my riding, especially in Pointe-Saint-Charles, but also in Saint-Henri. There are historical reasons for this, since workers would often live near the railways, marshalling yards and companies that were set up in the area.

Today, in these residential areas, obviously fewer and fewer people are employed by the railways or work at related activities, but residents are still faced with these problems, because railways are sometimes just a few metres from their homes.

We must deal with this problem now. I have divided railway annoyances into three main categories. The first is noise, obviously. Vibrations also pose a problem, but I will come back to that. With regard to noise, it is not difficult to imagine the noise a train makes as it passes by just a few metres away. This noise is even worse on curves. In Pointe-Saint-Charles and Saint-Henri, where large curves run through almost the entire area, the metal always squeals. One of my constituents told me that his dog nearly went crazy every time a train passed by. The dog would jump up and down because the sound was so loud and hard to bear, especially since the dog could likely hear sounds humans cannot hear. That proves how serious a problem this is. People are not talking to us about it on a whim.

But that is not the worst of it. There is also the problem of locomotives accelerating. Companies are always looking to improve their profit margins, so the trains are getting longer and longer and heavier and heavier. Trains now need two or even three locomotives to get them moving, and that makes a deafening noise. Some of my constituents invited me to go see a train start up in Pointe-Saint-Charles, and I have to say that the noise those diesel locomotives make is impressive and astonishing. There are no electric locomotives in my riding.

• (1005)

It is astonishing, and much worse than a train moving at a constant speed. But even that is not the worst of it. The clash of cars as the trains are being hooked up in the marshalling yards is even more deafening.

Nowadays, thanks to innovation, this process is automated, so the cars connect more and more violently, making even more noise. This problem is all the more worrisome because the rail yards are continually switching cars night and day. For people who are trying to sleep, this is a much greater inconvenience than a constant noise, such as a highway or a river.

There are problems. A number of rail yards in Montreal have been closed. As a result, this kind of activity is concentrated in a few spots, which aggravates the issue. Railway companies have even been using lines in the middle of residential neighbourhoods to switch cars. This means the noise problem is affecting these neighbourhoods even more.

We hear the same thing everywhere from the oldest residents of the area, those who have been there the longest. They all tell me that the noise problem is getting worse and that it is nowhere near resolved.

There are problems with noise and with vibrations. This bill does not address these problems. Often, a row of attached houses will act

as a wall of sorts and block the noise for people who live in the second or third row in the block. The vibrations, however, are felt through the ground and go much further. We know that this can cause all sorts of problems—particularly problems sleeping, when the house suddenly shakes in the middle of the night. This is the first kind of problem or disturbance I have identified among my constituents.

The second kind of problem has to do with health concerns and hazardous materials. Unfortunately, issues in relation to the transport and especially the storage of such materials are not addressed in this bill. Yet, these are a major concern to my constituents.

More and more trains and tanks of hazardous materials are stored right on the tracks, either on the edge of a residential area or, in some cases, right in the middle of the neighbourhood. This is very worrisome. Perhaps the engineer in me wants to conduct a risk analysis. Personally, if I absolutely had to direct hazardous materials through a residential area—and there were no way around it—I would at least ensure that such materials would spend as little time as possible in a residential area and that they would not be stored for several hours, let alone days, on the edge of such neighbourhoods. Children playing told me that they recognized the skull and crossbones and other symbols that identify toxic and hazardous materials, because they see them on tank cars that are practically parked in their yards. This is quite worrisome.

The third group of problems I have identified relates to maintenance of the land and infrastructures owned by the railway companies in local communities. This is of particular concern because a lot of railway companies regard themselves as being above the law.

• (1010)

They are right, in practice, because they do not have to comply with provincial laws and municipal bylaws. However, it seems to me that as good corporate citizens they should feel a moral obligation to abide by them. That is plainly not the case, however.

Let us take ragweed for example, the plant that gives a lot of people hay fever. In Montreal, all residents are asked to remove ragweed plants growing on their property. And so people make an effort to pull out the four or five or six or even ten plants that they have on their property, while across the street or down the block they see kilometres of rail lines, huge expanses of land, with ragweed reproducing at an unbelievable rate and no one doing anything about it, and the railway companies feeling no need to do their job as a good citizen and eradicate these weeds.

Government Orders

There are also examples where trees and shrubs on the edge of a railway company's property intrude on the public roadway and impede visibility for drivers and pedestrians. People in the neighbourhood ask the company to do something, but plainly no one can find a way to send an employee out for an hour or two to clean it up and solve the problem.

This lack of concern means that the railway companies do not seem to feel a need to contribute to the local community and make the site where they are operating a pleasant and peaceful place for the public as whole.

I will conclude with another example, which I am familiar with because I lived for several years in the Saint-Henri neighbourhood which the rail line crosses. When I went to catch the Metro every day, I walked under the viaduct. I would always feel a little shiver, because there were holes pretty much all over, indicating that concrete had fallen off. I was always a little afraid that a piece would fall on me. The railway company never felt a need to repair its viaduct, to reinforce it, or paint it, or cover up the graffiti.

These companies clearly feel that they are above the law.

And so, in my riding, I decided to get the public involved, the people who were living in the midst of the problem and were affected by the situation. I had an opportunity to consult with the public, sometimes formally, by holding meetings, but sometimes informally, when I went door to door or took part in various activities. Nearly 100 people gave me their formal support and asked the Conservative government to act, to enact legislation that would have teeth and that could be used to solve the problems I have described. In the course of doing this, I also met with members of the Pro-Pointe group, which works to reduce the nuisances associated with railway operations in Pointe Saint-Charles, hence the name Pro-Pointe. I also met with people outside my riding, residents of Outremont, who are having the same problems. It is quite interesting to note that ultimately, everyone is affected by this. Regardless of social class, whether someone is rich or poor, whether they live in a big house beside a railway or a little apartment near a switching yard, noise is a factor that affects everyone, that wakes everyone up, that assails everyone. It is a problem for the public as a whole.

I also discussed this problem with local elected officials in the district. They stated that they feel powerless because it is impossible for them to resolve the matter and force railway companies to observe certain standards, and also because of the lack of response and conciliation which often are required in such matters. This is the attitude of many railway companies and creates a great deal of frustration.

• (1015)

Many people believe that railway companies are very poor corporate citizens.

I do not know if this holds true for all railway companies. I ask for nothing better than for them to prove me wrong. But that is the general perception. For this reason, people want more than just empty words. They want a more binding law, one that has some teeth. Many believe that it is no longer possible to achieve satisfactory results by taking the traditional and simple approach of asking in good faith that railway companies do their part.

In my opinion, there is important work to be done by the committee. I urge all parliamentarians from every party to respond to our constituents' call to do something to strengthen this law. If we do and if all parties work together to improve this law and to solve these problems, the general view of politicians can only be enhanced. We will have truly helped citizens and, as you know, that is our main reason for being in this place.

What exactly should the committee do to improve this legislation? First, we have to add some muscle. I will read an excerpt from clause 95.1, which contains the main anti-noise provisions, stating:

When constructing or operating a railway, a railway company must not cause unreasonable noise, taking into account:

It is already a rather loose concept. Nonetheless, this is the first point I will make about this issue. As I was saying earlier, there are other annoyances than noise. There is also the problem of vibration, the problem of hazardous materials being stored or present on the ground. We must also include the entire issue of good corporate citizenship, the proper maintenance of the land and infrastructure in the local communities. We must find a way to include all that.

What aspects should be included to determine whether a company is making unreasonable noise? This is what it says in the subsequent clauses:

- (a) its obligations under sections 113 and 114, if applicable;
- (b) its operational requirements; and
- (c) the area where the construction or operation takes place.

I must say, when I consulted the public, this part left them a bit perplexed to say the least. They wondered whether these provisions were for the public's benefit or for the railway companies' benefit.

Paragraph (c) says we must take into account the area where the construction or operation takes place. What conclusions will the Canadian Transportation Agency draw from this? Will it say that if a railway company is operating in a residential area it must be more careful, or will it conclude that if people live near train tracks they should expect to hear more noise, and that under the circumstances it is normal, given where they are located?

The same goes for operational requirements. There could be a potential loophole. From the moment a railway company says there are operational requirements and that it has no choice but to go through these areas in the middle of the night, to make certain manoeuvres or to store its products in a certain location, this would look like a pretext to everyone.

In my opinion, this bill is a step in the right direction. Nonetheless, there is still a lot of work to do in committee. I believe that all parties have the political will and I invite everyone to make their contribution in order to make this bill more effective. Will it cover things other than noise and will it really respond to the concerns of the public who expect us to something about this?

• (1020)

Mr. James Moore: Mr. Speaker, I apologize to my colleague from the Bloc Québécois for interrupting his intervention on questions and comments. He will be able to resume in a moment.

Government Orders

[English]

There have been discussions and I would like to ask for unanimous consent of the House to revert to Standing Order 32(2) for a brief moment, so that I may on behalf of the government table in the House two copies of Defence Construction Canada's 2005-06 annual report, as well as two copies of Defence Construction Canada's corporate plan summary for 2006-07 to 2010-11, which includes the operating and capital budgets of the 2006-07 budget years. I missed my moment in the Standing Orders. I would ask the House if I could table these now.

• (1025)

The Deputy Speaker: Does the hon. parliamentary secretary have the unanimous consent of the House?

Some hon. members: No.

[Translation]

Mr. Robert Carrier (Alfred-Pellan, BQ): Mr. Speaker, I appreciate the testimony of my colleague from Jeanne-Le Ber, as he is living daily with the problems created by railway operations. It is a privilege to have his testimony, since he has been directly confronted with this problem, and in my opinion, that is what makes us most keenly sensitive to the passage of legislation that will improve the situation.

The hon. member for Jeanne-Le Ber has conducted various consultations, for example with the elected municipal officials who are directly concerned, for we know that, in the municipalities, it is the elected officials who are directly called when there are any problems relating to life in society.

Would the city's municipal officials be interested in coming to testify to their concerns or their desire to make improvements to the bill we will be studying in committee? As a member of the Standing Committee on Transport, I would be interested in hearing these comments directly, and also, when they appear, I would like their presentation to include the component on the urban planning by-laws.

My mother-in-law lives in Montreal close to a railway line, and I am still surprised when a freight train passes and makes her house shake. This very thing will be regulated by the new bill, except that on the other side of the street, some fine residences have now been built even closer to the railway track. How will those people be able to bear the noise when the trains pass, noise that is already intolerable from the other side of that street?

So we see there is an interrelationship with the municipal by-laws on railway operations. Was this matter mentioned during your meetings? Could they offer some clarification when they appear before the Standing Committee on Transport?

Mr. Thierry St-Cyr: Mr. Speaker, representatives of the City of Montreal are definitely interested. At least, I know that Mr. Dauphin has already met with district representatives to deal specifically with this issue. The representatives and municipal elected officials who have talked to me are all extremely concerned, and I believe I am not wrong in saying that they would be very happy to come and share their views and concerns with the Standing Committee on Transport. I have often sensed the frustration they feel because they lack the

legal ability to deal with this issue, make real decisions and impose real restrictions on the railways. Their frustration is palpable.

Like all of us, they have to live with public pressure. They would like to do something and are ready to do something, but they cannot do anything within the current legal framework. I cannot make any promises on their behalf, but I am certain that, within such a framework, they would be glad to meet with the Standing Committee on Transport and share their views on this issue.

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, I commend my colleague from Jeanne-Le Ber on his eloquent speech about what people expect of the railways and of a law that has been a long time coming and that does not seem to measure up to our own expectations.

I would like our hon. colleague to explain that because it lacks standards, this law cannot really contribute to lasting change. I would like him to comment on the fact that a five-member agency is certainly less strong than a government that would include noise, vibration and pollution standards in its law. As well, it would be interesting to hear what my colleague has to say about tax incentives.

Could the government incorporate tax incentives into this law that needs improvement, something that the Canadian Transportation Agency will not be able to do if the government does not give it the opportunity?

• (1030)

Mr. Thierry St-Cyr: Mr. Speaker, I thank my colleague for his questions. I will respond first to the second part, on the incentives, whether tax incentives or others.

The government has to consider this question seriously. This week, in the Standing Committee on Finance, a spokesperson for the Canadian Association of Railway Suppliers, answering one of my questions, said that equipment that is not as noisy will be available in a few years. This will allow for the installation of infrastructures to resolve some of the problems we are facing, which I outlined earlier.

To encourage the railway companies to work towards this option, we could consider certain possibilities, such as accelerated depreciation for rolling stock that specifically represents an improvement of the noise situation. I invite the government to seriously consider this option. When we want real results, we have to give ourselves the means to achieve them.

As for regulations, I agree that the principle of refraining from unreasonable noise is rather vague. This seems to me to be handing off the hot potato to another group; we do not really know what this represents, and we do not want to issue an opinion on the subject. We do not know if this group will be as firm as it needs to be. It would be preferable for parliamentary committee members to establish the standards. That is what is done elsewhere in the world.

Government Orders

The WHO has already proposed certain regulatory avenues on this subject. The U.S. Environmental Protection Agency, the EPA, has produced many studies on the matter. In France, the 1992 bill, the so-called “Royal” or “noise” bill, constitutes a first enactment representing an effort to standardize and regulate noise. If we did this, we would be sure of getting results, and that would remove the pressure that certain people are under. As parliamentarians, we would set certain rules. We would also ensure that the spirit of the legislation we vote on and the intention we ascribe to it as legislators are confirmed in fact, for we would incorporate the necessary provisions in the legal text.

[English]

Mr. James Moore: Mr. Speaker, I rise on a point of order to ask for unanimous consent to revert to routine proceedings.

The Deputy Speaker: Does the hon. parliamentary secretary have unanimous consent to revert to routine proceedings?

Some hon. members: Agreed.

ROUTINE PROCEEDINGS

[English]

DEFENCE CONSTRUCTION CANADA

Mr. James Moore (Parliamentary Secretary to the Minister of Public Works and Government Services and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, pursuant to Standing Order 32(2), I wish table two copies of Defence Construction Canada's 2005-06 annual report, as well as two copies of Defence Construction Canada's corporate plan summary for 2006-07 to 2010-11 which includes the operating and capital budgets of the 2006-07 budget year.

GOVERNMENT ORDERS

• (1035)

[Translation]

CANADA TRANSPORTATION ACT

The House resumed consideration of the motion that Bill C-11, An Act to amend the Canada Transportation Act and the Railway Safety Act and to make consequential amendments to other Acts be read the second time and referred to a committee.

Ms. Denise Savoie (Victoria, NDP): Mr. Speaker, I am pleased to speak to this bill. As already mentioned, this legislation does address some important issues. However, it is not a transportation strategy and so represents a missed opportunity. Canadians will have to wait a long time to hear about the reduction of greenhouse gases and other matters. I therefore pose the question: where is the national transportation plan?

What we see in this bill is a hodge podge of measures to solve these nonetheless important problems, and I would like to talk about that this morning.

[English]

I would like to touch on some issues of concern to my community. The bill presents amendments to the Canada Transportation Act and the Railway Act. A terminal in my community, according to federal authorities, presents some security issues.

Projects having been going on in my riding of Victoria to build a new terminal as an entrance to the city. After 9/11 the federal government intervened and made some requirements to improve security measures. This created financial problems. When the federal government imposes new security measures relating to transportation, it is important that it not just download responsibility but provide funding for the community. We have been waiting for years, through the previous governments and now the present government, to have these issues addressed but they have chosen not to.

It is important to consider transportation security as a whole when considering these entry points and to provide help to cities dealing with this issue. I would like to call upon the government, when dealing with these amendments and looking at security issues, to be attentive to the needs of the community.

I was pleased to see amendments or provisions regarding the railway lines in particular because it has posed problems in my community. Years ago a major federal rail company was discontinued and pieces of the right of way were sold when the community tried to preserve the integrity of the whole right of way as a cycling-pedestrian path. It was with great difficulty that we were able to get back this piece of the right of way that had been sold to the private sector.

The provisions regarding the discontinuance of rail lines becomes very important. This piece of the right of way was sold to a private company and it was left to local government to negotiate beyond what it was able to do financially to get the piece back.

Similarly, reversion rights need to be clarified, which the bill attempts to speak to on pages 24 and 25. However, for years CP Rail, after obtaining a great deal of land from the federal government in the early days of this country in exchange for running a railroad in perpetuity, had slowly become disinterested in running a rail company, not only in Victoria but throughout the Island, and the service became progressively worse. CP allowed the infrastructure to deteriorate and it became difficult for communities up and down the Island to work with CP Rail without much help from the former Liberal government to prevent the rail service from being absolutely discontinued.

Again, it was local government all the way up and down the Island that worked together to ensure that the rail service was not stopped. It is a concern when the federal government is not there to support communities' needs that are well articulated and presented in a thoughtful manner, as was the case in the issue of E&N Rail.

Government Orders

●(1040)

Eventually municipal governments got together and a non-profit foundation agreed to continue the service. This is what is happening right now, but the question of discontinuance or abandonment of rail service becomes crucial in communities that have put in serious investments to continue the rail service.

Here is what I would ask for when the bill goes to committee, if it does. The principle of the bill, as much as it does not include all the norms and the mechanisms that we would like to see in a more complete act, nevertheless does provide a mechanism for communities to talk to the transportation agency about some key issues. Until now there have been few mechanisms to deal with these issues as they come up, whether they be noise or other issues.

I agree with other colleagues who, in talking about the bill, have criticized the absence of any real environmental protection in the bill. Again, not only is there no reference to greenhouse gas emission reductions, but there is no real protection for communities through which rail service runs.

We know that on Vancouver Island there have been cases of spraying of pesticides that have run into salmon-bearing streams, resulting in serious environmental impacts. I think these are issues that should be considered and should be integrated and discussed seriously at the committee level.

Again, talking about the federal government being more present to support communities that want to have a rail service that functions well, where is the infrastructure money? Where has the infrastructure money been and where is it now? This is an area that I would like to see the federal government looking into as it brings the bill to committee.

Finally, there are some issues that I think need to be looked at in more detail. I mentioned the rail right of way that should be serving the communities. One of the issues that has been very important on Vancouver Island and in British Columbia generally has been the rate of accidents that have occurred. As some members may know, BC Rail was privatized two years ago and the rate of accidents has increased considerably. This is something that we are concerned about not only because of the loss of lives that has occurred but also for the environmental impacts of derailments.

This is the last point I want to deal with when the bill goes to committee, if in fact it is supported to go to committee. At the moment, the provisions for transfer of the rail line in the case of abandonment of a rail line or discontinuance simply say that it will go to urban public transit. I think that is too limited. I think it can be used for public transit, but there are other public goods that need to be considered in the case of a rail line being abandoned.

One that should be considered, for example, is the Trans Canada Trail, in which many people have shown a great deal of interest. Certainly on Vancouver Island and in Victoria, bike paths and pedestrian paths should be considered as one of those valid uses. I will be strongly suggesting to my colleagues when the bill is discussed at committee that there be a legal mechanism found to include that use, along with urban transit.

On that, I will take questions.

●(1045)

[*Translation*]

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, I greatly admire my colleague for her commitment to her constituency. What struck me in particular is her last point about abandonment of rail lines.

I would like to ask her if we believe today that abandonment of rail lines is a normal occurrence, or does this happen because of legislation such as this bill that does not want the government to help companies survive.

Since 1990, year by year, there has been an average increase of 2.3% of railway use. One year, the increase recorded was 6.5%. Thus, railway transportation has been kick-started. We cannot imagine that rail lines will be abandoned and sold to make bike paths or for other uses. It is fine to talk about urban lines, but there is another aspect. Some lines will help regional development.

I would like my colleague to elaborate on the fact that, in 2006, we can even think of abandoning railway lines.

Ms. Denise Savoie: Mr. Speaker, I do believe that our future depends on how governments—this one and the ones to come both at the provincial and federal levels—will be able to help and implement meaningful infrastructure programs to ensure the continued existence of railway lines.

Bicycle paths might be considered. In Europe, however, France, Germany and Switzerland have demonstrated that it is perfectly possible for railway lines as well as bicycle and pedestrian paths to coexist.

It was not my intention to suggest that railway lines should be sold to be converted to something else. I simply wanted to point out that, if, for whatever reason, a line was no longer viable, the best thing to do might be to just sell it. It think that continued operation of railways must be protected, with governments not selling parts of them for purposes of development or other purposes. As the hon. member mentioned, the need for public transportation is recognized and will keep growing.

[*English*]

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Mr. Speaker, I cannot help but rise in this House and comment on the great work you have done for your constituency of the great town of Winnipeg with regard to CN Rail over many years.

My colleague brings up a very valid point about her city of Victoria.

In Halifax, of course, we have a large infrastructure for container ships coming in and out of our port. The only way to get most of them out is through one rail line, CN Rail. When the shipping industry wishes to increase ship traffic in and out of the harbour, it of course needs increased rail traffic in order to expedite the railcars in and out of the city, but when that happens people tend to complain about rail noise and everything else.

Government Orders

My question for the member is quite simple. Does she believe that the federal government plans to move ahead in this particular direction? Instead of just operating in a vacuum on its own, it should take into consideration real consultation with the municipalities and the provinces when it comes to enhanced transportation by the railways.

• (1050)

Ms. Denise Savoie: Mr. Speaker, there are two parts to the hon. member's great question. One is that real consultation has so often been missing. We have seen it recently in the way the government has consulted on post-secondary education. The government called it consulting by posting an announcement on the web and not advising the people who are most impacted by the subject, i.e. students. Even some university presidents were not consulted.

I certainly agree that when there are issues such as noise and environmental concerns the federal government needs to be more present in working out these issues with communities. I believe that by withdrawing from so many important areas of social policy, the government is giving the wrong signals about the way it consults.

The hon. member raises another issue, that of noise, and I do believe that is a valid concern. That does not mean eliminating the rail. It means consulting and finding solutions. As I listened to the debate yesterday, I understood that there are mechanisms to really address the noise question.

[*Translation*]

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, the Bloc Québécois is in favour of this bill provided that it can be improved. I would like to speak about some improvements this morning.

First, I want to point out that there is a marshalling yard in my riding in the town of Farnham. It is a very big yard because all the trains that come from Montreal, from Quebec City and from Toronto are marshalled there before going to the United States, to New Brunswick and to all the other Atlantic provinces. The marshalling takes place at Farnham. So it is a very big yard that has existed for many years and is growing because rail transportation is growing as we have just heard. We therefore have a problem with noise, pollution and vibration. People naturally complain about what they hear the most, that is the noise, and they have been doing so for years.

The previous government did nothing; even though it is a federal line under federal responsibility. Nothing was done. Thanks to this bill, we hope to be able to accomplish something. However, we wonder why the government has not included noise standards in decibels, as is done in England. It is easy to do. With government help, the railway companies could install sound barriers around their facilities, which would greatly reduce the noise and bring about better management of marshalling yards. It would make a tremendous difference in terms of noise.

At present, the locomotives can easily marshal cars to assemble trains at five or six kilometres per hour. However, if they were required to assemble trains at a speed of one kilometre per hour or less that would impose a car-coupling speed limit on the train engineer and the noise would be greatly reduced if not almost eliminated.

So, there are two steps for improvement; the sound barriers to reduce noise and management of the operation. That should be written into the bill because the residents of Farnham have had enough of this situation. They would like to see the railway yard relocated.

As we know, it is not easy to relocate a railway yard. It costs a great deal of money and the company that operates the railway there, the Montreal, Maine and Atlantic Railway Limited, may not necessarily have the money to invest \$10 million to relocate the yard. We notice as well that the bill does not offer any incentive to railway companies, which we believe should be in the bill.

At Farnham, in addition to reducing the noise, there could be other changes — and I will come back to that — on the noise pollution standards for locomotives that are used in the railway yards to assemble trains.

There are new locomotives that are called Green Goats. These locomotives are around now and are often made from old locomotives. The diesel engines, which are 30, 40 or even 50 years old, are replaced by diesel fuel injection engines. So they are very modern and make amazingly less noise. Actually these engines are recent and newly made. The level of noise and also pollution is limited since they are hybrid. That means they have 500 batteries in them. Every time they brake, they recharge the batteries. Also, since the engines are smaller, there are fewer problems stopping them. They stop immediately, as soon as they are not being used, instead of going on running.

In a railway yard, they say that a Green Goat locomotive uses 57% less diesel fuel. As you can imagine, that is huge. That represents a saving of over half the diesel fuel.

• (1055)

So that is half the pollution and, of course, half the noise too. Locomotives, even when they are idling, make a lot of noise in a railway yard.

These new Green Goat locomotives could therefore be proposed in a bill like this one and be just what is needed in all Canada's railway yards.

There is something else about such a bill that seems surprising and that is that it does not talk about sustainable development. It does not mention that trains should comply with sustainable development, even though this theory has been developed for train and rail.

I would remind members that the Commissioner of the Environment and Sustainable Development says the following in her report, which she will submit next week:

For the government, the sustainable development strategies of the federal departments and agencies are important tools which it can use to further sustainable development. We review the progress made by 21 federal departments and agencies to fulfil the commitments made in their sustainable development strategies.

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But, as we can see, this bill contains no commitment to sustainable development. This is really very bad. Sustainable development is not just about protection of the environment; it is also concerned with social development. In other words, it takes into consideration the people who live close to railways, it takes account of railway transportation, which uses fewer resources and, obviously, development.

We get the clear impression that Bill C-11 is meant to be a turning point for Canada's railways. It says that it "enable[s] competitiveness" In clause 2, which replaces section 5 of the previous act, I read that it also supports "economic growth in both urban and rural areas throughout Canada". But nowhere in the text do we find out how that is going to take place. We are constantly referred to the Canadian Transportation Agency. In fact, five people, who can be easily influenced by the railway companies, are given full powers to develop the regions.

It is well known that regions cannot be developed without major inducements and without help for the railways. There is a railway in the Gaspésie in Quebec that is gradually dying and is being financially supported by the Government of Quebec on a temporary basis. This kind of thing is going to happen over and over because, for the last 50 years, we have only had programs to support truck transport.

Truck transport is highly polluting and dangerous, although fortunately it is finally becoming a little more expensive. It does not pay for the highways; it does not pay for one five-hundredth of the damage trucks do to the roads. It does not even pay for new roads. Trucking companies do not even pay enough to cover the damage for which they are responsible.

Truck transport is heavily subsidized by government. Yet we do not want to subsidize or even talk about incentives for railways, which would be less polluting, more efficient, etc., and do not have to go where the cars are, nor at the same time.

We cannot continue favouring trucks at the expense of trains. Trains are important to Canada and must be developed.

The bill speaks only about competition and market forces. We know very well, though, that they cannot take us very far. That is made crystal clear in a very interesting paper published in the United States by the American Association of State Highway and Transportation Officials, which examines how trains should be developed in the United States. The government always seems to be looking to the United States, so why did it not look at this paper before introducing the bill? Now we will just have to amend it.

• (1100)

[English]

Ensure the level of federal involvement necessary for financing and system integrity,

Provide a stable system for funding rail passenger operating costs; and,

Create a dedicated, sustainable source of funding for intercity rail passenger infrastructure improvements.

[Translation]

It is obvious that in the United States they want to help the railway companies. They even say:

[English]

The history of passenger rail service in this country has led some to think of it as essentially different from other modes of transportation that serve the public. As a result, some think that rail service must be profitable to justify its existence. It certainly must be financially viable, but judging passenger rail strictly on its financial performance or its success in minimizing financial demands on the federal government is a test no other mode of transportation is asked to meet, nor can meet.

[Translation]

It is plain for all to see. The subsidies that the federal government is preparing to give to the railways in the United States could not be more evident. They add up to \$17 billion over the next six years and \$60 billion over the next 20 years—including the first six. People could say that the United States is very large, but it is not a lot larger than our country. It is important, therefore, for us to subsidize the Canadian railway companies if we want to ensure the sustainable development of rail. We cannot, therefore, rely solely on market forces, and it is unfortunate that this bill gives the impression that rail transportation can be developed in this way. That is not the way to succeed.

This bill talks about the "environment" but without ever saying how it could be protected.

This is, however, a very important factor. In a paper written here on the environment and development, it says that the sulphur—or smog—from fuel that accumulates near railways yards and wherever trains go in Canada amounted to 2,184 million litres in 2004, or a 4.9% increase over 2003. We are headed, therefore, toward an increase rather than a decrease in pollution that would enable us to breathe cleaner air.

In Canada, only 37.2% of the locomotives on passenger and freight trains completely meet the Tier 1 and Tier 0 standards established by the Environmental Protection Agency, the EPA, in the United States. The United States government has adopted standards, under the EPA, while in Canada it is the Transportation Agency that protects our environment. If the agency likes an idea, it will do it, and if it does not like the idea, it will not do it.

Why do only 37% of our locomotives in Canada meet the Tier 0 or Tier 1 standard? The answer is simple. Because, since 37% of our locomotives travel to the United States, we are obliged to meet that standard. If they operated only in Canada, it would be 0. Why? Because we have no standards and no commitments, nor are there any commitments in this act that tell us that we have to protect the air we breathe.

"Bringing locomotives in service up to EPA Tier 0 could be achieved in three years, if that were the law." That is what it says.

Let us consider greenhouse gas emissions, GHG, in CO₂ equivalents. We know that CO₂ is considered to be a major factor in GHG, but methane is 21 times more powerful and NO_x, which comes from diesel fuel, is about 230 times more powerful.

In 2004, trains emitted 6,714 kilotonnes of GHG, of CO₂ an increase of about 1,000 kilotonnes over 2003. That is huge.

I will be told that there are more trains. That is true. As I said earlier, the number of trains has indeed risen. Nonetheless, we are not requiring that trains be more efficient nor that they respect the environment.

The problem does not arise only when the engines are operating at full power to pull the locomotives. For 83% of the time, the locomotives on freight trains are operating at idle or low idle. Why? In fact, they operate 24 hours a day during the winter, because it is too expensive for the companies to put antifreeze in the engines, and so they use water.

●(1105)

Instead of using antifreeze, they leave the diesel motors running, and they can consume up to 110 litres in a single night when they are idling. When a motor is idling is when it pollutes the most, because it is not burning the gases efficiently. When it picks up speed, it burns them, even though the smoke it emits is very black. Locomotive engines are being left idling like this. There is nothing in the act that says that all locomotives must have an automatic shut-off device, a device that is already available. They are already installed on some locomotives.

We have had pollution standards since 1990. Pollution has risen at an unbelievable rate, in all sectors: there have been increases in NO_x, in SO₂—the sulphur I was talking about—and in CO₂.

Here, the discussion is in terms of grams of fuel used. The problem is not that more is being used, but that the engines are less efficient than before. Why? Because they are not being maintained. Maintaining an engine is expensive. Because there are no standards, the preference is to keep them running until they break down. And that is when they pollute.

Anyone who has travelled to countries that do not have standards for truck transportation will have seen just how black the exhaust those trucks produce is. In other countries, the exhaust is cleaner even though they are using the same diesel. Why? Because there are maintenance and pollution standards in place.

Here, goods transportation contributes 94.8% of NO_x emissions produced by railways in Canada. Total NO_x emissions from rail transportation have risen from 109 kilotonnes in 1990 to 111 kilotonnes in 2003 to 117 kilotonnes in 2004.

This increase is constant, and it is due not to an increase in the number of trains, but to the fact that we let companies do whatever they want instead of helping them. Not all of these companies are raking it in. They do not all have CN's means. The company operating in my Montreal riding, the Maine and Atlantic Railway, does not have a lot of extra cash. It is breaking even, working well and hoping to make more money in the future.

I would like to end by talking about greenhouse gases. The transportation industry produces about a quarter of Canada's GHG emissions. Railways account for 4% of these emissions. This is a significant percentage, so we have to have increasingly strict standards for locomotive emissions monitoring—better known as LEM. As I said, emissions are not rising because there are more trains, but because trains are not maintained as well as they used to be. Their CO₂ emissions per revenue tonne-kilometre must be lowered to acceptable levels. Such standards exist. This act has to

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say that, now that trains will be less polluting, we will develop them more.

●(1110)

Mr. Laurie Hawn (Edmonton Centre, CPC): Mr. Speaker, I thank my colleague. I was very impressed by his address and his statistics. I do have a question for him, however.

[English]

First, when one builds a house near a golf course, one expects golf balls. When one builds a house near an airport or a rail yard, one expects noise, which is not to say we should not do something about that when we can. However, people should wonder why they got such a great deal on their house.

There are some great ideas. I was not aware of the green coaches. First, does my colleague know how much they cost? Second, who should pay for things like that or for any sort of improvements that would ameliorate some of the issues about which he talked? Should we pay through tax credits to private companies to encourage economic growth or should we pay directly, out of the pockets of Canadian taxpayers, to organizations like CN?

[Translation]

Mr. Christian Ouellet: Mr. Speaker, I thank my colleague for asking this question, which I find very interesting.

First of all, I would say that, historically, people chose to live near a marshalling yard because they worked there. People could not be expected to build their houses in the suburbs, five or six kilometres from where they worked. It made sense for people who had no cars, only horses, to settle near the marshalling yards at that time. I am referring to the Farnham yard, at any rate, in my riding. Nearly all the houses date back to the 1800s or early 1900s. Later on, this became an acquired right.

If my hon. colleague is not familiar with urban development in relation to the railroad, I suggest he read some Canadian history books.

Let us get back to the cost of the Green Goat. A new Green Goat costs \$700,000 and one that is rebuilt costs \$234,000. Yes, I think that all Canadians should pay for such things, because they represent a social benefit for the entire population. Everyone, for the most part, pays for roads and vehicles. Why would everyone not pay for trains to be more ecological?

Indeed, the word "ecological" implies sustainable development. Of course the entire population should pay, because the entire population would benefit considerably.

●(1115)

Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour, BQ): Mr. Speaker, I would first like to congratulate my colleague from Brome—Missisquoi for the excellent presentation he has just made and in particular for the environmental aspect of the debate that this bill prompts today.

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We support his bill because we consider it to be a step forward. However, we would like to see it greatly improved. I hope that the suggestions offered today by our colleague from Brome—Missisquoi will be listened to in committee.

In my riding, I see a problem with these railway yards, especially in the region of Saint-Joseph-de-Sorel. My colleague has examined the bill in depth. Often the problem comes not from the proximity of the railway yard, but from the time of day when the trains are assembled. For examples, the cars are moved from track to track at five o'clock in the morning or at midnight, when the railway companies should exercise some discipline and use the tracks earlier in the day to make these transfers or adjustments. That would satisfy a municipality such as Saint-Joseph-de-Sorel, as well as the Tracy area, near Papineau street, both of which have endured these situations and which have fought for a long time to see some discipline imposed on the railway companies.

There is another aspect to consider. In my riding, in the Bécancour sector, especially in a small municipality like Aston-Junction, it sometimes happens that trains stand idle for half an hour on a track. That track is the only track connecting that tiny municipality to the main line leading to the larger urban centres. In the event of an accident or in a case where an ambulance or fire truck needs to enter the village, the street is completely closed.

It is my colleague's opinion that, when a single track separates a village from the rest of the main streets, a train should not be allowed to stand idle.

There is also the whole question of safety concerning the transport of hazardous products. My colleague spoke about that. It also occurs at the Bécancour industrial park. We recognize that security is very well organized at present and that there has never been an unfortunate accident. However, increased prevention is always a good rule when it comes to transporting hazardous materials.

I would like to hear from my colleague on the question of the time of day for assembling trains and also on the problem of access for small municipalities that are sometimes deprived of essential services that they need because a train is preventing vehicle circulation.

Mr. Christian Ouellet: Mr. Speaker, I wish to thank my colleague for having raised these fundamental points.

The first point I would like to talk about is that of railways that cut municipalities in two. We have this problem in Farnham. This structural problem the city has is very hard for everyone, and has been for years, since the trains bang into each other and move back and forth day and night, around the clock. In the daytime, when we want to get across the city, we have to wait 20 minutes before we can do so. Access to ambulances and other vehicles is also more difficult then.

In my opinion, there should be incentives for there to be alternatives for getting across town. Moving the rail yards costs a lot and does not always correspond to the needs of the yards. We cannot instal them hundreds of miles away or even a few miles away. Sometimes this is not consistent with their needs. I think there should

be bypasses, overpasses or raised crossings to have access from either side, without affecting the trains.

As far as the matter of the times rail yards are used is concerned, that is very complex. It would be a good idea of course if this were mentioned in the bill. But to my mind that cannot apply to all rail yards, since some of them need to operate 24 hours a day.

I think that if we instal hybrid locomotives that do not produce noise, if we put up sound barriers and if we set speed limits for coupling railway cars, the noise level of the trains will go down in decibels. This decibel standard would help us to achieve these results, even at nighttime, in some cases. Actually the rail yard at Farnham operates mainly at night since the trains leave early in the morning. In fact, they work 24 hours a day there. That would place enormous pressure on the company and would force it to work just in the daytime.

In my opinion these things have to be considered case by case. Still, if we are talking about a decibel standard, I think this problem would be settled for all rail yards across Canada.

• (1120)

[*English*]

Mr. Brian Jean (Parliamentary Secretary to the Minister of Transport, Infrastructure and Communities, CPC): Mr. Speaker, the member recognizes that we have inherited a tremendous 13 year mess from the Liberal Party. As such, it will take some period of time to fix all the issues, if we ever can, but the minister is committed. As well, the minister and I had conversation yesterday about green coaches and the benefits they provide to Canadians.

I can assure him that the minister is very concerned about Canadians. We are looking for the input of all members of the House as well as all Canadians.

Is it the member's intention that we follow in the footsteps of the United States on this issue? We and the minister recognize that we have a unique culture. Canadians are unique. The member has given many examples of the United States. Is it his intention that we follow in the footsteps of that country in relation to the transportation industry or is it necessary, as our minister and Prime Minister think, to have a Canadian approach because we care about the environment. We want to be world leaders on the environment, not taking actions or steps that other people take.

[*Translation*]

Mr. Christian Ouellet: Mr. Speaker, I want to thank my colleague, who has asked me to clarify our intentions.

In addition to the Green Goat, something else should be included in the legislation.

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Currently, even if we get hybrid locomotives, we are unable to use light and heavy trains on the same tracks. And yet, light trains are less expensive and create less pollution because they pull less. The former Bill 50 was unclear on this. I think the new legislation should now specify that, given the quality of the rails, light and heavy trains should be able to travel down the same tracks. There is no longer the risk of collision as previously thought. We now know that both types of train can stop within the same distance, so there is no risk. There are brakes that can make heavy trains stop just as quickly as light trains. The problem preventing both types of train from going down the same track no longer exists. It is important for this to be included in the legislation.

I, in fact, did not cite the U.S. as a model—far from it. I could have given the United Kingdom, France and all the European countries as examples. I only referred to one government, among others, that helps railway companies directly through incentives, by investing money directly. It would appear from the current bill that the government wants to withdraw all its help. However, this principle of help is not Canadian, it is neo-liberal. It is a neo-liberal approach that exists throughout the world, except that it should apparently not apply to rail. This approach is not Canadian, it is just neo-liberal and outdated.

● (1125)

[English]

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, I am sure members of the House would agree that the government should bring forward Bill C-11. Dealing with the transportation act and railway safety is an excellent opportunity for the public to engage, through the committee to which the bill will be referred, in a debate on some of the very serious issues that have evolved around railway safety and in fact around the whole matter of transportation planning in Canada.

The comments made by all of the speakers thus far are excellent points and provide guidelines for the committee to look at: matters related to sustainability, environmental planning, working with municipalities, the whole gamut of strategic planning and, most important, engaging Canadians in a major debate with respect to how important all transportation modes are and how the Parliament of Canada views the input from Canadians.

As an example of that, we are involved in the Pacific gateway discussions. Through those discussions, as a sort of strategic overview, to compare it to the present legislation, Parliament is attempting to galvanize the Canadian public to see the opportunities to have a competitive and integrated transportation system that will funnel into the major ports of Canada and revitalize and put a keen edge on our economic competitiveness in a changing global economic environment.

Having said that, I note that the task, the challenge, of Parliament is to shape the issues through this legislation such that the committee in fact can embrace Canadians and involve them in that discussion. There are two issues on which the legislation falls somewhat short, I think, and where the committee could perhaps improve the legislation.

There are two areas. First is the noble challenge and objective that is stated in the bill to achieve that competitive edge and to bring

those modes together into an integrated transportation plan. The legislation outlines steps on how that in fact should be achieved. That is the first point. The second is that the bill acknowledges that private-public partnerships are going to be important with respect to the future possibilities of attracting capital to invest in our railways, our airport systems, urban transit and all forms of transportation.

However, I would like to share my experience with the House. A proposal that goes through York South—Weston and in fact goes right through the GTA really represents a case study for comparing what the legislation is saying and whether or not the legislation will improve what is happening in York South—Weston and the greater Toronto area.

For the information of members of the House, York South—Weston presently has a private sector proposal to share the Weston subdivision in Georgetown rail right of way for a Pearson Airport-Union link to operate at the same time as improvements to the GO transit system, which is the major inter-community commuter urban system in the greater Toronto area. At the first meeting, when people were made aware with respect to this proposal, there were over 2,000 people.

I have an invitation for the member of the government who stood up earlier. In answer to a question about how people should be consulted and whether they should be consulted, or whether they should be very happy that they live next to a railway line and should look at any changes as absolutely positive regardless of whether they create noise, environmental emissions and so on, he said we should just remind them that they live close to a railway line. I would invite him to tell that to 2,500 or 3,000 people who felt a little different about the process. I say that to point out that people have a right to have input and can make substantive improvements through that input.

● (1130)

It is against this background that we all agree that a strategic plan with respect to how the modes of transportation are integrated is in the interest of communities and in the interest of the country. I want to point out some shortcomings, though, with respect to how that in fact is supposed to be done.

With respect to the present proposal that is going through the greater Toronto area, as I have described, there was very little initial discussion with the community. There was no talk of how the federal-provincial environmental assessment process should work. There was no notification that there was a private sector proposal and what its advantages were against a public sector proposal that would utilize the railway.

The reason it did not happen is that there was no integrated plan from the municipality or the transportation authority that would act as a guideline for the government to make a decision as to whether there should be a consultation at the beginning of the process. None of that was available.

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The onus is on local government to make available what its integrated plan is. That was not there. The government should have insisted that this be presented. Otherwise, we are building roads to everywhere but we are not being tactical or strategic in terms of the utilization of the resources that are being made available or are asked for from the public, in this case the railways, to make their lands available for the use of this private sector proposal. That is the first thing.

When I look at this legislation, I see it as being very loose in terms of the role of municipalities when there is an application for a private sector proposal. There is very little in the way of rules or the availability of an integrated plan that would guide the government or, in the case of the railways, the railways, in deliberating whether that is in their interest or in the national interest.

As for the legislation stating that every three years the minister shall prepare a plan and report reviewing the state of transportation, it is not realistic for the minister responsible to then have another eight years in order to come back and make recommendations and so on. I think the immediacy of this challenge requires much tighter timeframes.

I want to take the balance of my time not only on that requirement to have an integrated plan, but to look at the section that deals with the process of public-private partnerships. Under proposed subsection 53.1(1) “every person is required to notify the Commissioner of Competition” that they intend to present an application for a private sector transaction. In proposed subsections 53.1(4) and 53.1(5), it is stated that if the minister is of the opinion that it is in the public interest, the minister simply has to notify the company or whatever that such is the minister's opinion. This does not delineate the degree of public consultation that must take place.

To go on to proposed subsection 53.1(5), the bill then states that if the minister is of the opinion that there is public interest involved, “the Minister may direct the Agency to examine those issues under section 49 or appoint and direct any person to examine those issues under section 7.1 of the Department of Transport Act”.

• (1135)

The point that I am making against what is happening in York South—Weston with respect to a private sector initiative, which may or may not be a good initiative, and there are many who feel it is not, is that there is not the same degree of due diligence on the minister to state what the public interest is and whether the private sector is able to meet that public interest requirement.

Those are the points that I believe the committee members should take into consideration. I hope that they will reach out and look at some case studies of private sector applications that are made, so that the legislation could be tightened up, both in terms of the requirement for integrated transportation plans and the process of notifying the public and protecting the public interest.

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I listened to my colleague's intervention with interest. In terms of rail—

The Deputy Speaker: The hon. whip for the Bloc Québécois on a point of order.

[*Translation*]

Mr. Michel Guimond: Mr. Speaker, I just realized that the hon. member for Winnipeg Centre was true to form. I was getting ready to rise on a point of order to remind him that buttons of any kind are prohibited in this House. The hon. member did not have the courage to face a point of order and removed it.

[*English*]

The Deputy Speaker: I am sorry but I cannot see what the hon. member is displaying, but I would ask him, out of respect for the opinion of his colleague, to refrain from displaying it and ask his question.

Mr. Pat Martin: Thank you, Mr. Speaker, and thank you to my colleague for reminding me that I just came from a press conference all about the effort to ban trans fats. I am very enthusiastic about this issue and my enthusiasm for banning trans fats motivated me to wear my button into the House of Commons.

In the interest of banning trans fats, I do thank my colleague for pointing out the fact that the whole country should be seized of the issue. We want to ban trans fats in all of Canada, including Quebec. There is a great deal of interest in the province of Quebec about banning trans fats. I notice that every time we raise it, it comes up on the front pages of all the newspapers in the province of Quebec. The public wants to see trans fats banned, so that is why I wore this button today and I did in fact wear it into the House of Commons.

The Deputy Speaker: Point of order, the hon. whip for the Bloc Québécois.

[*Translation*]

Mr. Michel Guimond: Mr. Speaker, I just want to know whether we are talking about trans fat or Bill C-11 on transportation.

[*English*]

The Deputy Speaker: The point of order is well taken. I would ask the member for Winnipeg Centre to address the matter that is before the House at the moment.

Mr. Pat Martin: Mr. Speaker, if there are not any other interruptions about what I am wearing, I would be happy to talk specifically about rail transportation safety.

I would like to ask my colleague about his remarks regarding transportation safety. Would he agree with me that there is a compounding effect if we ignore rail transportation safety?

A lot of us want to get the freight off the highways and back onto the railways where it belongs. The compounding effect I am pointing out is that the lack of action on rail transportation safety leads to less safe highways because there is freight. Anybody who has driven the Trans-Canada Highway lately will share the frustration that I do. One is just bombarded, almost swarmed, by transport trailers, by 18-wheelers, when that freight should properly be on the rail system.

Would he agree that this is an important integral element that we have to deal with when we talk about transportation safety?

Mr. Alan Tonks: Mr. Speaker, to emphasize the importance in terms of the basis of that question, an integrated transportation plan is based on the premise that the overall origin destination of goods and the transport of goods has to be balanced against the ability of the road system to distribute.

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I think we all know, in urban areas, that rail has shifted to the periphery of the downtown areas. Intermodal connectors are very important to then bringing the ability of the road system to, one, have buses that can move along it, but also to have the trucking industry distribute the goods that the intermodal connectors would anchor.

What I was trying to say is that in the GTA, for example, there should be a master plan with respect to having each transportation system do what it is designed and engineered to do. If that is not the case, then there will be an increase in the hazards that accompany the use of the arterial road systems and road systems that are not built to carry heavy trucks. In fact, there should be an emphasis on intermodal connectors that would be part of an integrated plan.

The member is absolutely right from the premise he comes from. Canadians cannot help but be better served if the national government insists that there be partnerships across the country that plan their systems in order to achieve the objectives that the member has outlined.

• (1140)

[*Translation*]

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, the bill contains an interesting provision, whereby railways may be offered to transit authorities when they are no longer used to move freight and can be assigned. This will have an impact on public transit.

It will also have an economic impact on the contribution that can be made to improving public transit. For example, Bombardier's facility in my riding produces subway cars, and can also produce railway cars.

I would like my hon. colleague to tell me something. In the same spirit, would it not have been worthwhile for the current government to integrate in this bill what Bill C-44 provided for, which enhanced VIA Rail Canada's ability to develop its operations? We want transit authorities to be able to make the use of public transit more widespread. Should the provisions concerning VIA Rail not have been included and should the rapid rail concept not have been given a chance to be developed, as was attempted in the past with the high speed train? There are also other forms of activities in support of that.

Should the government not have included that in the bill it has introduced and which is before us now?

[*English*]

Mr. Alan Tonks: Mr. Speaker, I am not familiar with that aspect of the previous Bill C-44. I take it that my colleague is. I would suggest that this issue be taken to the committee.

The role of public operating agencies, whether they are intercommuter or commuting longer distances, and within those major corridors connected by rail and shared corridors, be it high speed or interurban systems, cannot help but serve the country better. When we look at the Pacific Gateway concept there is the opportunity to connect up those hubs with the best transportation mode that connects up into the overall gateway.

[*Translation*]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, I have the great pleasure of rising on Bill C-11, which deals with two facets of transportation. The bill has some provisions on railway transport and others on air transport. In view of how little time I have, I decided to focus more on railways. My colleagues will probably have an opportunity, if they have not already, to speak about them as well.

I want to be the advocate in this regard of a resolution stemming from Quebec City. My colleague, the member for Québec, will surely join me in saying that the Bloc Québécois fully supports this resolution from the Quebec city council. I have here a copy of the resolution passed at the city council meeting on May 15, 2006. It deals directly with Bill C-11, which is before us today.

The resolution, introduced by councillor François Picard, seconded by Ms. Francine Bouchard, and passed unanimously by the city council, highlights a problem that has been going on for a good number of years. It has to do with the peace and quiet of people who live in the immediate vicinity of the Sainte-Foy marshalling yard.

Long trains are hard to make completely silent. However, I think that railway companies have a responsibility to be good corporate citizens and show some respect for the peace and quiet of people who live in the immediate vicinity. I know that just-in-time delivery, excuse my Latin, has always existed.

Mr. Speaker, you represent the riding of Winnipeg—Transcona and I know, because I have been there, that it is a major hub in railway transportation in western Canada.

I know that it is impossible to confine railway traffic to nine to five. Trains, by definition, are made to roll on rails and can arrive at any time of the day or night. However, most of our fellow citizens sleep at night. The railway companies should therefore be good corporate citizens and show some respect for the vicinity in which they are operating.

The Quebec city council is literally at wit's end with a situation that has been going on for years. I am sure that the city council of Sainte-Foy, hometown of the current mayor of Quebec City, Ms. Boucher, has made many representations to the railway companies. Unfortunately, with the economic imperatives being what they are, the companies tend to maximize the return on their investments. I do not want to generalize and say that they always do so, but the financial and economic imperatives sometimes win out over the needs and expectations of citizens.

Unfortunately, it should not always be this way in our society. Companies operate in places where people live—women, men, children, families, senior citizens and people who have insomnia problems or are light sleepers.

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• (1145)

I would like to take this opportunity to offer my sincere congratulations to the Quebec City municipal council. In the last election campaign, we said that we, the Bloc Québécois members of this House, would be here in Ottawa to be its spokesperson. That was the purpose of my speech this morning, which was shared by my colleague from Québec City.

Quebec City is asking Parliament to classify night-time noise as a major nuisance that can affect public health and quality of life, in particular by disturbing the sleep of residents living near switching yards. One of the switching yards we are talking about is in Sainte-Foy, as I mentioned earlier.

I should have said, at the outset, that the Bloc Québécois supports the principle of the bill, which will be referred to the Standing Committee on Transport, Infrastructure and Communities. Like most of the bills that come before us, it can of course be improved. By that I mean that it can be brought more in line with the public's actual experience. Unfortunately, the vagueness introduced by clause 29 of the bill, which says, on the question of noise:

When constructing or operating a railway, a railway company must not cause unreasonable noise—

By definition, the word “unreasonable” refers to a subjective idea. What is unreasonable to me may be reasonable to one of my colleagues. To another of my colleagues, it may be slightly unreasonable or, by his or her standards, extremely unreasonable. To someone with a more flexible frame of mind, it may be very reasonable.

A bill is composed of clauses that must consist of objective measures. It would be wise for us to improve this bill by rectifying this idea of unreasonable noise.

The Quebec City municipal council is also asking Parliament for clear and express wording to govern railway companies' performance of their responsibilities in relation to the environment and the quality of life and health of people living in urban areas.

We should perhaps think of other types of nuisances. We are talking about noise, but what about oil and gas fumes? Is a railway car, a locomotive with an oil tank—oil being necessarily extremely polluting—that drips for hours and hours while it is parked and before the train is assembled a nuisance? We should ask ourselves that question.

The bill would benefit from improvements. We should not focus exclusively on noise. Certainly pollution from soil infiltration is as harmful as noise pollution, if not more so. We also have to consider that a locomotive weighing several hundred thousand kilos is pulling a very heavy train. When it rolls down the track, it creates vibrations. A vibration in a house or a bedroom can also be a nuisance, just as ambient noise is. This is therefore another aspect that it would be wise to rectify.

The excellent Quebec City resolution concludes by stating that the mayor or a member of the executive committee will present a brief, in Ottawa, and will ask to appear before the Standing Committee on Transport, Infrastructure and Communities. Our transportation critic, the member for Argenteuil—Papineau—Mirabel, and former

president of the Union des municipalités du Québec, is a member of this committee. Before being elected, he had the opportunity to learn about this matter.

• (1150)

I am sure we agree that this problem is not restricted to the Sainte-Foy marshalling yard. I am convinced it is found throughout Quebec and Canada.

In closing, I would like to congratulate the Quebec City municipal council on passing this resolution.

[*English*]

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I am most interested in Bill C-11 in the area of air transportation safety. I notice the bill does deal with the complaints division of air transportation issues. I want to know if my colleague has had similar experiences or if he has knowledge of experiences that I have had in being on a do not fly list that is maintained in the United States but which Canadian airlines have to pander to.

In other words, there is a sovereignty issue and a jurisdiction issue that somehow my name is on the United States' do not fly list so I am not allowed to have a boarding pass in my own country to travel from my hometown to Ottawa where I work. I know I am not alone. I know my colleague, the leader of the Liberal Party in the House of Commons, is also on this ridiculous do not fly list, but there is no way to get off it because we do not control it.

In the context of Bill C-11, could we not have addressed this basic, fundamental sovereignty issue that we have a right to determine in our country who is considered a risk? Canadian members of Parliament who have already cleared basic security checks should not be put on that list and be denied the right to fly on a Canadian airline domestically within our own country. It is absurd.

By way of background so my colleague can answer more thoroughly, I know there is no way to get off the list because I phoned the 1-800 number in the United States and I was told to send my passport, my birth certificate and my marriage licence to them and then six weeks later they will rule on whether my name shall be cleared. I am not prepared to get on my knees and beg the Americans to stop inconveniencing me.

Does the hon. member agree that Bill C-11 or at least the House of Commons should take some steps to protect the interests of Canadians as it pertains to air transportation safety?

• (1155)

[*Translation*]

Mr. Michel Guimond: Mr. Speaker, it may seem somewhat ironic that my colleague, the member from Winnipeg, is asking me to defend Canada's sovereignty when I personally support the sovereignty of Quebec. However, when it is a matter of strengthening Canada's position vis-a-vis the Americans, then I must agree with him.

Government Orders

This Prime Minister should take advantage of his visits to the United States. Today, he is in New York where he will address the United Nations. I do not know whether or not he has done so as I speak, but the current Prime Minister and the Conservative government should take advantage of the opportunity to distance themselves from the Americans rather than parroting them or agreeing, without saying a word, with everything the Americans say. I agree that this bill provides a wonderful opportunity to reaffirm that air transport in Canada is done differently than in the United States.

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, I support what my colleague from Montmorency—Charlevoix—Haute-Côte-Nord has said about the problem of the noise caused by the marshalling yards. There is a yard in the district of Sainte-Foy—Sillery, and this problem also exists in Charny, where the citizens are about at the breaking point and say they have had enough of the pollution, as my colleague the hon. member for Montmorency—Charlevoix—Haute-Côte-Nord was saying.

Those citizens were recently the subject of a feature story on Radio-Canada. Bill C-11 is precisely designed to address the noise pollution caused by the marshalling yards. We have a resolution of the Quebec City municipal council. This resolution proceeds from the local council for Sainte-Foy, where the noise is happening. Many citizens from my riding have spoken to me about this problem, because the residents of Quebec City and Sillery are neighbours.

The municipal council has read Bill C-11. Its members say they will come to make presentations to have amendments made to it, for I believe that Bill C-11 does not meet all of their expectations. I would like my colleague to tell me whether this bill truly meets the expectations on night noise. Quebec City is asking for a statement that night noise constitutes major pollution that can affect public health and quality of life. In its resolution, it is also asking for a clear and explicit formulation of the responsibilities of the railway companies, to set a framework for this initiative.

We are told that the Canadian Transportation Agency will have all the necessary latitude to meet the needs of the population of Quebec. Can my colleague from Montmorency—Charlevoix—Haute-Côte-Nord tell us whether this bill will meet the objective we want to achieve, and if it will meet the needs of the population and residents whose quality of life and sleep are being affected by this noise?

• (1200)

Mr. Michel Guimond: Mr. Speaker, clause 32 of the bill in fact grants the Canadian Transportation Agency the power to examine noise complaints, so as to oblige the railway companies to take certain measures to prevent unreasonable noise. I spoke earlier about the terms “reasonable” and “unreasonable”. The bill could be improved in this regard.

However, it is worrying that the bill stipulates that the Canadian Transportation Agency, in its arbitration, must take into account the economic imperatives of the railway companies. This means that the Railway Association of Canada lobby will have to be prudent when dealing with the government and when making representations to the Canadian Transportation Agency, because the latter is a quasi-judicial agency, with the same powers as a superior court.

Even if the Railway Association of Canada were to recognize that there is noise and that certain aspects of the railroads are detrimental

to the quiet of places and persons living close to the marshalling yards, it would remain guided by economic imperatives which do not permit it to resolve this problem. So we have to know how to establish a balance between the economic imperatives and people's peace and quiet.

Which side will we come down on? Will we side with people, individuals and families, or with economic imperatives? The question remains, and it is our view that this bill should contain certain clarifications as to the power of the Canadian Transportation Agency.

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, I am pleased to speak to Bill C-11, since I have a railroad yard in my riding. It is not surprising, since Montreal was one of the first industrialized cities.

Allow me first to take a couple of minutes, since this is my first speech in the House since our return. First, I want to wish all my colleagues a good return to Parliament and a warm welcome to the pages working with us.

I have sat in this House for 13 years now—less than you, Mr. Speaker—and I believe this is the first time we have had pages who are twins. They are Alain and Joël Dupuis. One is studying management and the other communications and political science. Their parents are Diane and Régent Dupuis from Sudbury.

I thought this was worth mentioning. We have twins in the House of Commons working on the floor at the same time. I am a twin and I thought it worth mentioning. I would like to give them a warm round of applause and I ask all my colleagues to join in. That being said, Alain is here and he would be pleased. Now back to the matter at hand.

I greatly enjoyed the speech made by the Bloc Québécois whip. He was quite eloquent when he spoke of the trade-off between economic imperatives and the reasons we are here in Parliament. Our first loyalty is to the quality of life of our constituents.

Hochelaga-Maisonneuve is in eastern Montreal and is a former working-class area. It is therefore not surprising that a railroad was set up there at the end of the 19th century. It was established in relation to the first industrialization.

Industrialization began in my neighbourhood. St. Lawrence Sugar, a refinery still operating on Notre Dame Street, was the first company established in Hochelaga-Maisonneuve. Back when this company set up shop, the city of Maisonneuve—which was then quite distinct from Montreal—offered tax breaks to attract more industries. We tend to forget that Maisonneuve was a very prosperous city. Some even called it the Pittsburgh of Canada. There were textile and shoe-making industries, as well as the Vickers shipyard. These industries produced a generation of specialized workers who earned a very good living and raised large families in six- or eight- room apartments in Hochelaga-Maisonneuve. Generations spent their lives there and benefited from local industrialization. Of course, the railway was an important factor in the economic growth of big cities.

Government Orders

The problem with railways and their operators is a lot like the problem with the Port of Montreal. There comes a time to reconcile economic imperatives and quality of life concerns. CN-CP has thought of itself as a city within a city for a long time now. I remember having certain conversations with its senior executives. With all due respect, I did not get the impression that quality of life figured very prominently among their priorities. I know that many of my House colleagues have the same complaints I have raised on behalf of the constituents of Hochelaga-Maisonneuve.

We are under no obligation to accept anything in the name of economic development, jobs in the community, or bringing people in to work where they live. It is not right for railway companies to operate 24/7.

Railway tracks can be found near Moreau, Wurtele, and Lespérance streets and Place De Léry, where up to three trains pass by every day and operations go on 24 hours a day; we can only imagine the situation. We can imagine what it must be like for someone to be awoken from a deep sleep after working all day, after getting up at 6:30, putting in an honest day's work, coming home at 5:00, making supper, giving the children a bath and putting them to bed, but not before their homework—of course the homework must be done—getting ready for bed, and then at 2 a.m., a train goes by or a whistle blows or engines are switched.

● (1205)

I have seen worse in my neighbourhood in Hochelaga—Maisonneuve: locomotives sitting idle for two or three hours, like it was nothing. As for pollution and oil, I have been told that the windows in the residential areas are always covered with a thin blackish film that is very difficult to remove.

Things have changed since the days of Émile Zola. It is no longer necessary to completely separate economic needs from quality of life. It makes no difference whether one lives in Hochelaga—Maisonneuve or elsewhere in Canada or Quebec, it is entirely reasonable to ask lawmakers to intervene.

The Bloc Québécois supports the principle of this bill. We can most certainly rely on the spirit, determination and wisdom of the hon. member for Argenteuil—Papineau—Mirabel, our transport critic, a man of the law. Although he did not write his bar exams, he is a notary, and therefore has a legal background. He is a former mayor who has experience as a spokesperson for a national association, the Union des municipalités du Québec. This man is very concerned about land use planning and the regulatory powers of municipalities. However, he also shares the same primary concern as every member of this House, that is, the quality of life of our constituents.

I know that there have been many class action suits. I am aware that class action suits were launched by Blainville and the former city of Outremont—no, at the time the city had been incorporated into Montreal but now it is a city again, so I will say the city of Outremont. These two cities were convinced that, as the member for Montmorency—Charlevoix—Haute-Côte-Nord said, the Canadian Transportation Agency, as a quasi-judicial body with comparable authority to a superior court, could hand down decisions and require the various transportation companies to take mitigation measures.

We were extremely surprised—not to say disappointed—when the Federal Court of Canada declared *ultra vires* the authority the Canadian Transportation Agency thought it had. If I am not mistaken, this is the third bill we have had about transportation. My colleague from Laval, who has been very involved in transportation issues, will correct me if I am wrong, but this is the third time this bill has been introduced.

I also recall that the leader of the Bloc Québécois sincerely hoped that this bill would be a priority in the previous Parliament. And we would have been happy to make amendments to it. The bill could be greatly improved. We could go much further. At least it was a starting point, and for the first time we had a bill stating that the Canadian Transportation Agency, a quasi-judicial body, had conciliation and arbitration authority and could receive complaints from members of the public experiencing all sorts of problems. Obviously, we are concerned.

Mr. Speaker, do I have one or two minutes left?

The Acting Speaker (Mr. Royal Galipeau): You have less than a minute left.

Mr. Réal Ménard: Mr. Speaker, in conclusion, I feel that we must beef up clause 29 of the bill and define what we expect in the way of reasonable changes.

● (1210)

I think we have to beef up this bill. In conclusion, I repeat, we need to give the Canadian Transportation Agency more muscle.

Mr. Robert Carrier (Alfred-Pellan, BQ): Mr. Speaker, I want to commend my colleague from Hochelaga for bringing attention to the nuisance caused by the railway in terms of noise.

Earlier, others mentioned problems regarding the fumes and vibration from the railway. As a member of the Standing Committee on Transport, Infrastructure and Communities, I will certainly take these things into account when we prepare amendments to this bill.

However, I want to point out that, in its declaration of principle, this bill takes into account, for the first time, protecting the environment. Nonetheless, the environment is limited to this single declaration and there is no mention of any enforcement or restriction or any reference to the Kyoto protocol, which the government does not even want to respect even though Canada is already a signatory to the protocol,

I want to know what my colleague thinks of this approach: a mere declaration of principle, with no reference to the restrictions or the programs that the government has yet to implement. Does he think it is democratic to add such a clause with no scope or restriction?

Mr. Réal Ménard: Mr. Speaker, I take this opportunity to thank my hon. colleague for his involvement at committee. If I am not mistaken, transport is the fourth most important department here, in Ottawa. It has its work cut out.

Government Orders

I do not mean the government any disrespect when I say that it lacks backbone and is rather insensitive and indifferent when it comes to environmental protection. I am stating a fact. It is clear that Canadians and Quebecers will judge this government on its extremely negative record with respect to the environment. Never before has a government had so little backbone where environmental matters are concerned. It is obvious that we cannot rely on the leadership of the current environment minister, who is an international laughing stock. Canada has lost any way, shape or form of credibility it might have once enjoyed in various international forums in connection with the Kyoto protocol.

Why is a policy statement useful? Because, in the event of court challenges, the judiciary would have a clearer picture of the lawmaker's intention. We always hope that bills will escape challenge, but that is nonetheless a power that some of our fellow citizens have. It comes with democracy. Living under the rule of law means that the laws put in place under various parliaments can be challenged.

Naturally, it would be especially great—as something binding on the government and eventually the courts of law—if reference was made to the Kyoto protocol, this international treaty about which a very wide consensus has been achieved in Quebec. Perhaps our colleague could put forward a motion asking the hon. member for Rosemont—La Petite-Patrie to testify as an expert witness. His knowledge of the issue is so comprehensive that we could only benefit from his insight. I suggest that he invites the hon. member for Rosemont—La Petite-Patrie, who is the Bloc Québécois' green conscience. In Quebec, the values of environmental protection and sustainable development are at the top of the list of collective concerns.

• (1215)

[*English*]

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, I refer to new clause 5(b), which speaks to strategic public intervention, only if it is necessary, for socio-economic and environmental outcomes, but it does not reduce the inherent advantages of one transportation medium over the other.

I like what I have heard from the Bloc on the issues surrounding improving the environmental conduct of the railway. We have to look at road transportation as well. The idling of large semi-trailers is endemic across the western and northern parts of Canada. There are very viable cheap technological solutions to this. This question should be answered for all manner of transportation.

What is my colleague's point of view on this?

[*Translation*]

Mr. Réal Ménard: Mr. Speaker, our colleague has done a good job of understanding what we stand for as parliamentarians. We have always supported public transit. The member for Jonquière introduced a bill, as did the member for Longueuil.

We will do everything in our power to support a bill on this issue. I am somewhat proud of the fact that I do not have a car. I use public transit, and I am no worse off for it.

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, Bill C-11, An Act to amend the

Canada Transportation Act and the Railway Safety Act and to make consequential amendments to other Acts, has a lot in common with a bill introduced by the previous government, but it covers only part of what was in that bill.

However—and I will emphasize this from the very beginning of my presentation—some of the improvements in this bill justify our voting in favour of it.

First of all, it gives mass transit companies the right to use railways when freight transportation networks decide not to use them. Until now, transit companies did not have the right to use these lines to expand public and rail transportation networks, particularly in cities.

I think this major improvement is also an element of the transportation improvement policy we need to develop, especially in our large cities, to improve the environment. This measure would also require fiscal incentives.

This morning, the Standing Committee on Finance heard presentations by the Canadian Urban Transit Association. The association said that the government should make ongoing, long-term commitments and invest in public transit. If the government acts on this recommendation and incorporates it into the bill as it now stands, public transit and commuter rail will expand and ridership will increase. Ultimately, this will mean less pollution.

This is an interesting proposal, particularly since it will also stimulate economic development. When public passenger service providers exercise this right, they will need to purchase locomotives and rail cars. Not only large cities, but rural areas as well can benefit from such investments.

For example, in my riding, the Bombardier plant that will manufacture the cars for the Montreal subway will also be able to manufacture rail cars. This type of action would be part of a structured rather than piecemeal approach. We are glad that the current bill provides for this, but more is needed. That said, this improvement deserves to be supported on balance.

The other worthwhile improvement concerns noise. As a member from a rural area, I have heard many times from small municipalities that have problems with whistles and other noise associated with the rolling stock currently in use, a situation they find both unsatisfactory and extremely frustrating. What the bill proposes is not ideal, but it would achieve a better balance between the interests of the community and those of the carrier.

Let us hope that the Canadian Transportation Agency, with its new mandate, will be able to improve the situation so that people in some communities no longer have to put up with excessive noise.

Government Orders

I hope that when the bill is examined in committee, we will be able to extend the Transportation Agency's decision-making authority to other nuisances such as oil spills and the like. Two significant improvements have been made.

I would have liked to see this government maintain VIA Rail's expanded mandate, as planned by the previous government, for it represented a valuable tool to improve the quality of the environment by offering rapid rail services, for example. This alternative could also contribute to improved air quality, since it pollutes less than cars or planes. Moreover, it would have given VIA Rail the opportunity to diversify its products, which could have been interesting. We are told that the government is still studying this project. Let us hope it comes to fruition.

In addition, offering rail services promotes the use of equipment made in Quebec or in Canada and, at the same time, still contributes to improving the quality of the environment. I see this as another positive aspect.

● (1220)

What this bill is missing, and what especially affects me, is something to address railway accidents and what happened a few years ago in Sainte-Hélène-de-Kamouraska in my riding, and in Montmagny the year before my arrival as the member for this area.

There were some accidents and we realize that the safety network is inadequate, either because there are not enough investigators funded to implement the necessary corrective measures or because there is not enough pressure on the companies who own the networks. We are left to accept a network that has many negative results and risks of accidents that could cause serious environmental damage. In Montmagny, it was very dangerous when a train spilled its chemical load into the river. The same thing happened in Sainte-Hélène and we were just barely able to prevent a serious ecological disaster.

In this bill, I would have liked to have seen some measures to tighten regulations, monitor companies more closely and make it possible to take action when corporate responses are inadequate. Since being privatized, CN has operated within the existing legislative framework and has not adopted safety measures that exceed those imposed by the government. We live in a competitive world. It is government's role to ensure that the company's operations are carried out safely. In this regard, there are some gaps that should have been filled by this bill but have not.

I hope that the government will introduce another bill to remedy this situation. If legislation is not considered, then at least increase the budget for the inspection service so that it will be taken seriously by the major companies that operate the railway network.

Bill C-11 reintroduces certain proposals made by the former government, and some are positive. The bill also touches on various aspects of the air transport sector.

This afternoon, I wish to focus on the railway network. In Quebec and Canada, as we know, the popularity of our railway network has been very cyclical and 20, 15 and even 10 years ago it was not keeping up with the times. With the advent of containers and environmental concerns, it is possible to develop transportation that fulfills the requirements of sustainable development. The measures

proposed today, particularly those affecting transportation companies, are interesting and positive.

We are pleased to see that this bill speaks to the noise issue, which is about decreasing one type of pollution. Therefore, the Bloc Québécois intends to support the bill. It also intends to propose amendments pertaining to, among other things, rulings and decisions regarding noise. Local authorities could be given sufficient powers to obtain satisfactory decisions and to provide a better balance of power in those cases where corporations are too powerful.

In view of the overall context, the Bloc Québécois will vote in favour of this legislation and will seek to improve it in committee, in clause by clause study, after witnesses have been heard.

● (1225)

[English]

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, I know the member opposite is always concerned about farmers in Quebec, but there is a clause in the bill in which the new government has really sold out western prairie grain producers. Clause 43 of the bill breaks the agreement that was made by the previous government with the Farmer Rail Car Coalition. In other words, the new government basically sold out to big rail, which it is also doing with the Canadian Wheat Board. It is selling out to big grain.

I wonder if the member from the Bloc Québécois would have any comment on that. Would he be concerned about western farmers and the approach of the new government which is basically undermining farmers' marketing power and their ability to have some control over their own destiny by taking ownership of the railway hopper cars? Instead, the new government broke the agreement made by the previous Liberal government.

[Translation]

Mr. Paul Crête: Mr. Speaker, that was my angle in looking at the possibility of studying this bill in committee.

I think it will be appropriate to hear witnesses at that time, determine what might be the best solution ultimately and see if the scope of the current legislation covers that and how this should be done in the future.

It is obvious, however, that this bill must not be made to create impediments to agriculture in Quebec and Canada. There are already enough complex situations and enough outside competition. We know what is hanging over the heads of our producers. Let us hope that we will not make things worse for them and that the legislation resulting from this bill will adequately meet their needs and support agricultural development.

[English]

The Acting Speaker (Mr. Royal Galipeau): Questions and comments. Resuming debate. Is the House ready for the question?

Government Orders

Some hon. members: Question.

• (1230)

The Acting Speaker (Mr. Royal Galipeau): Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

The Acting Speaker (Mr. Royal Galipeau): I declare the motion carried. Accordingly, the bill stands referred to the Standing Committee on Transport, Infrastructure and Communities.

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

* * *

EMERGENCY MANAGEMENT ACT

Hon. Monte Solberg (for the Minister of Public Safety) moved that Bill C-12, An Act to provide for emergency management and to amend and repeal certain Acts, be read the second time and referred to a committee.

Mr. Dave MacKenzie (Parliamentary Secretary to the Minister of Public Safety, CPC): Mr. Speaker, it gives me pleasure to be here today to support the bill. I have some firsthand knowledge of emergency situations, having been a young police officer when a horrific tornado struck my community some 25 years ago and without a plan it certainly left us in dire straits.

Bill C-12 will bring much needed improvements to our existing emergency management legislation. The bill, which would create the Emergency Management Act, would strengthen the federal government's capacity to coordinate response to major emergencies.

For one thing, it would clarify the roles and responsibilities setting out the role of the Minister of Public Safety to exercise leadership for emergency management activities for the Government of Canada.

It would recognize emergency management in an evolving risk environment, and would require the collective efforts of all governments, industries and non-governmental organizations. It would also recognize that modern emergency management includes a full spectrum of action: prevention, mitigation, preparedness, response and recovery.

It would introduce the reality of critical infrastructure, which relates to the facilities and services that require protection against natural or intentional threats.

These reforms would help keep Canada's emergency preparedness and response capabilities remain in step with our fast changing threat environment.

As my hon. colleagues know, Canada's emergency management activities are currently governed under the Emergency Preparedness Act legislation that was passed in 1988.

It would be no exaggeration to say that, in the intervening 17 years, very much has changed, the kinds of threats we face, the things that are threatened, and the way we deal with those threats.

I do not want to suggest that Canadians are unprotected now. On the contrary, this new government will continue to build relation-

ships with its partners in the provinces and territories, the private sector, NGOs, and the entire emergency management community to help protect Canadians from any and all threats.

Even so, in the modern context, there are shortcomings in the statutory foundation for emergency management activities. Addressing these issues would further strengthen the federal government's capacity to carry out its national leadership role.

In the next few minutes I will outline the important changes that the emergency management act would bring.

Canadians face a range of risks, and always have. There have always been natural disasters: storms, earthquakes, floods, fires, drought, and tornadoes, as I mentioned. However, terrorist and criminal attacks were not invented on September 11, 2001. We have always been vulnerable to people bent on doing us harm.

While risks have always been with us, the scope and magnitude has changed. Globalization, heightened world tensions, even climate change, have introduced new perils. Think only of today's anxiety about a global viral pandemic, in order to understand how quickly a local scare has the potential to evolve into a wide scale emergency.

That is why the proposed emergency management act prescribes an all hazards approach. In planning for disaster, we must consider any and all threats to our safety and security.

Just as we broaden our understanding of risk, so must we accept that a contemporary society like Canada has an unprecedented range of targets vulnerable to threats.

Emergency management has always been about protecting and rescuing people, helping to evacuate endangered communities, strengthening defences for homes and other property, as well as providing financial assistance in recovery efforts.

In that respect, nothing would change. The legislation would, however, provide the Government of Canada with a robust statutory foundation flexible enough to respond to the evolving threat environment. In particular, it would help to ensure that government address the full range of facilities and services that are critical to the smooth functioning of a modern and interconnected society.

I am referring here to critical infrastructure, everything from financial institutions and transportation systems to hospitals, manufacturing industries, waste water treatment installations and power plants. I am also including the information and communication technologies that are essential to the smooth operation of all of these other sectors.

In working toward a more comprehensive and integrated framework for emergency management activity, ministers will be required to develop emergency plans based on common guidelines.

Government Orders

●(1235)

Bill C-12 would make federal ministers explicitly accountable for identifying risks to critical infrastructure. Moreover, to encourage infrastructure owners and operators to cooperate with federal planners, the bill would for the first time protect the confidentiality of specific information concerning their vulnerabilities that was shared in confidence with the government.

In addition to the responsibilities assigned to each minister within his or her own jurisdiction, the proposed emergency management act sets out the public safety minister's responsibilities in respect of emergency management.

The bill before us would further clarify and elaborate on the minister's responsibilities in coordinating roles during times of major emergencies. As was learned from hurricane Katrina, leadership, coordination and seamless emergency management are essential to saving lives. The government operations centre that would provide around the clock monitoring and coordination in the event of an emergency would serve as a focal point for federal coordination in the event of major emergencies.

The emergency management act would set out the minister's responsibility to coordinate emergency management activities across the federal government, with provincial governments, non-governmental organizations and the private sector. In the same spirit of cooperation, the minister would also be charged with promoting a common approach to emergency preparedness. That includes encouraging all parties to work toward a common approach to critical infrastructure in terms of reliability and security.

In conclusion, when it comes to Canada's approach to emergency management, the legislation's title underscores one other vital innovation. Given the new environment in which we live under an expanded range of vulnerabilities, it is no longer enough for Canada to simply react to emergencies. Instead, we need a comprehensive systematic and proactive approach. That is why Bill C-12 is about emergency management in the broadest sense. Indeed, the bill defines the term as the prevention and mitigation of, preparedness for, response to and recovery from emergencies.

It is the duty of government to balance the need to prepare its citizens with reasonable depictions of risk so as to not unnecessarily alarm people. It is our job to describe the risk in realistic terms and more importantly to put in place the means and mechanisms to address it. That is what the bill would do and that is why I would urge my hon. colleagues to pass it without delay.

ROUTINE PROCEEDINGS

[English]

COMMITTEES OF THE HOUSE

ACCESS TO INFORMATION, PRIVACY AND ETHICS

Hon. Jay Hill (Prince George—Peace River, CPC): Mr. Speaker, I rise on a point of order. There have been discussions and I think you would find that there would be unanimous consent to the following motion. I move:

That six members of the Standing Committee on Access to Information, Privacy and Ethics be authorized to attend a seminar on "Access to Information" in Ottawa, on September 25 and 26, 2006 and that the necessary staff do accompany the committee.

(Motion agreed to)

GOVERNMENT ORDERS

●(1240)

[English]

EMERGENCY MANAGEMENT ACT

The House resumed consideration of the motion that Bill C-12, An Act to provide for emergency management and to amend and repeal certain Acts, be read the second time and referred to a committee.

Mr. Brian Murphy (Moncton—Riverview—Dieppe, Lib.): Mr. Speaker, I can say from some personal experience as a mayor of a city that has been through a number of emergencies in the past, and I think of the September 11 landing of 14 transatlantic flights in my municipality and also an ice storm or two, that emergency preparedness is something that is very much at the centre of what people expect their governments to do. This is the theme of my question.

The legislation is well intended and, frankly, merits very close consideration. It follows on some previous proposed Liberal legislation. That is not the only reason I say it is well intended. Where the rubber hits the road is the question I have for my friend. How is it contemplated that this bill will ensure that there are coordinating efficiencies between the three levels of government?

Believe it or not, the Liberal government felt very strongly that municipalities were the third order of government. Many of them have their own emergency preparedness organization plans. My municipality did. It worked very closely with the province and in some cases the federal government. This bill talks about the capital m minister having responsibility "by coordinating, among government institutions and in cooperation with the provinces and other entities, emergency management activities".

The question, simply put, is: How heavy is the club? How much can the federal government do to coordinate such activities over such a broad spectrum and how intrusive might it be to some of the very well thought out and good working plans in place in some of the provinces? I wonder if my friend might comment on that.

Mr. Dave MacKenzie: Mr. Speaker, the member asked an excellent question and has raised a couple of issues. Today we recognize that emergencies are not necessarily what we thought they were a number of years ago. We would not have contemplated 25 years ago that 14 aircraft landing in one community was an emergency, but we recognize today that is an emergency. There are a lot of people to be taken care of and a whole raft of issues. Being prepared for emergencies is obviously the first step and we have moved a long way, as he recognizes in his municipality.

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He will also recognize that the federal government is in no position to impose its will on the other two levels of government. The provinces in most cases have requested and in some cases I expect demanded of the municipalities to prepare emergency plans, but the idea behind this bill is that the Government of Canada will be there as the senior level of government that will have a plan in place.

In fact, he is absolutely right that this is a bill that has been around and federally we have not had the umbrella that we have needed for some time. This is an updating of where we were, more importantly, to bring us into the current age with the current threats with respect to emergency preparedness. For the most part, we would welcome building with the provinces and municipalities in a total umbrella of emergency preparedness.

• (1245)

[*Translation*]

Mr. Paul Crête (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, BQ): Mr. Speaker, I have listened to my hon. colleagues' question and answer.

It is legitimate to want to consider emergency plans, because of the need to foresee as best we can situations that might arise, be it the flood we had in Lac Saint-Jean or any other similar situation that calls for a rapid reaction.

However, the parliamentary secretary's answer fuels doubts and makes one fear potential problems. Are major federal encroachments on provincial jurisdictions not to be expected? There is a clause in the bill that provides that the plan cannot be implemented without the agreement of the provinces. But this must not become a source of blackmail: because the money is in Ottawa, the other side absolutely needs it to be the key level.

That is what the parliamentary secretary's answer leads us to believe. I would like him to clarify this point, so that we can be sure that jurisdictions will be respected in establishing emergency plans.

I am not necessarily talking about every step. The global operation and planning must be carried out, taking into consideration the responsibilities at each level and ensuring that each one is in a position to assume its responsibilities under such circumstances.

[*English*]

Mr. Dave MacKenzie: Mr. Speaker, if the member opposite looks at clause 3 of the act, it indicates that the minister is responsible for exercising leadership among government institutions and in cooperation with the provinces and other entities.

Clause 6(3) of the act states, "A government institution", which is a federal government institution:

—may not respond to a provincial emergency unless the government of the province requests assistance or there is an agreement with the province that requires or permits the assistance.

The act itself is very clear that the provinces have their own autonomy. This is only to provide assistance when they request it. The act is clear in its intent that it is to provide a national framework for the federal government to work with the provinces and other entities. I do not think for one minute that the member opposite should think that the federal government would roll into his

community or any other community in Canada unless it had been requested to do so by those provinces.

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, I am pleased to engage in the debate today on the bill dealing with emergencies and the federal response to emergencies.

The bill actually replicates a bill that was introduced into the House in the last Parliament, with a couple of tweaks here and there I guess, but the bill is recognized as being needed. Those needs arise from the evolution of public awareness and government awareness that the prospect of significant emergencies and disasters, and perhaps exacerbated by the possibility of a terrorist incident that would be the equivalent of a disaster, that requires the federal government, as well as the provinces and municipalities, to be ready, able and willing to deal with these types of emergencies. They evolve out of climate change, natural disasters, just bad things that can happen in the world today.

The world media certainly make us aware of all of those things. We would like to think that Canada will be lucky and avoid the huge earthquake, the meteorite from space that drops the huge flood, the terrible hurricane and tornado, but these things do happen. It is worth noting that most of these events, when they do occur, would normally be seen as falling within provincial jurisdiction. I will address that later in my remarks because there is a practical and legal issue that arises from the bill.

However, the bill would allow the federal government to refocus and better coordinate the organization of its response to emergencies. Perhaps we can all note that there is arguably a difference between what is called an emergency and what we might regard as a security related incident. They are not always the same. Most of what the bill would deal with is emergencies involving natural disasters with some component of a man-made contribution in it.

First, I want to note the reference to the leadership and mandate of the public security emergency preparedness minister. This is a concept that the government has been slow to get to. The predecessor of the PSEP minister was the solicitor general and over time it became apparent that some federal minister had to take responsibility for a federal government response to emergencies.

In the old days, I think Canadians felt that the minister of national defence could probably handle that. Canadians have always had a feeling that its armed forces were capable of rendering assistance wherever it was really needed. The armed forces have jumped in from the beginning of Canada to assist Canadians, as have other government institutions. However, as with other things in life, emergencies and natural disasters have evolved and become more complex I suppose, and we simply needed a government minister, aside from the Department of National Defence, who could coordinate these things. Now it would be the federal minister of public safety and emergency preparedness. That is one thing the bill does.

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The second thing worth noting is the imposition of a protection for private information of third parties in the hands of government. That information would have been supplied to government as part of the preparation of an emergency management plan. It really is, in my view, quite reasonable that third parties who supply that information to government to assist in the creation of an emergency management plan should have that information protected within government and not have it accessible through the Access to Information Act. That is quite a reasonable proposal and I am not aware of any difficulties in law with that.

• (1250)

The third thing I would like to point out relates to something I mentioned earlier. There is a provision in the bill, I believe it is clause 7(c), that allows the federal government by regulation to declare a provincial emergency to be of concern to the federal government. I take it from this that it is the intention of the bill to put a federal thumb print on what is a provincial emergency. I think the committee that looks at this bill will need to ask whether that particular provision is relying on the peace, order and good government section of our Constitution, section 91. I think it does.

Clause 7(c) involving the regulations is also related to clause 6(3) of the bill. Clause 6(3) states:

A government institution may not respond to a provincial emergency unless the government of the province requests assistance....

That seems to say that the federal government will not get itself into a provincial emergency. The wording is important because it refers to a provincial emergency. However, if the federal government, in which legislation has paramountcy to provincial legislation, has a regulation that says a provincial matter is of concern to the federal government, that matter may cease to be simply a provincial emergency and may become a matter of concern to the federal government. This is a constitutional issue and I am not too sure that the statute has made it clear in its wording and I am not too sure that we here have taken note of that implication.

The concept of the federal government declaring a provincial emergency to be of concern to the federal government should be distinguished from what we normally refer to here as aid to the civil power by the armed forces. If there is a problem, the province requests the federal government for assistance from the armed forces and the armed forces are made available to the provincial jurisdiction. That is a separate mechanism and concept from what we are dealing with here.

I suggest that the bill does create something new that should be addressed and clarified if necessary because as I stand here today I suppose I am not prepared to say that it is real clear from the statute that the intent of clause 7(c) as it interrelates with clause 6(3) is exactly the way I have described it. That has to be clarified.

What are some other issues in the bill? Clause 5 raises the matter of dealing with emergencies involving the United States of America. We have a long common border. We probably have a border with Denmark and with Russia but we certainly have enough border interface with the United States to make this a matter of concern. It does have a place in legislation. It is a picky issue perhaps but I think I should note it for the record.

Clause 5 would authorize the development of what is called a joint emergency management plan. The other clauses of the bill deal with developing emergency management plans. This clause refers to a joint emergency management plan, which is okay, but it does not say with whom the joint plan should be arranged. It just says with United States authorities. It does not mention whether it should be with state jurisdictions in the United States, municipal jurisdictions or U.S. federal agencies. It just talks about United States authorities. That may be a concept that is a little too naive for our purposes here in doing legislation. This can be looked at later as well.

• (1255)

However, there is another clause of the bill that deals with the making of regulations and that is on the issue of whether we have any statutory jurisdiction in the United States of America. Of course we do not. That would involve an extraterritorial application of our law. However, it would not prevent us from developing an emergency management plan, but does it involve Canada spending money, resourcing, in the United States?

Clause 7 of the bill creates the authority to make regulations and it seems to indicate that we anticipate spending money in the United States of America. For example, subclause 7(b) says regulations “respecting the use of federal civil resources in response to civil emergencies”. Does that include assistance in response to U.S.A. emergencies? If we do respond to an emergency management plan that we have developed with the U.S.A., are we just talking about the border, or are we talking Laredo, Texas on the border with Mexico? Are we talking about an emergency similar to the hurricane damage in New Orleans? Are we talking about a tsunami in Hawaii? It is not clear if there are any constraints on this extraterritorial spending of resources.

In addition, subclause 7(a) says that the government may make orders or regulations “respecting the preparation, maintenance, testing and implementation of emergency management plans”. Emergency management plans are referred to in the bill, but there is the second type of emergency management plan called the joint emergency management plan, found in clause 5, dealing with the U.S.A.

I am suggesting, on a very technical basis, that if it is intended that the minister or the governor in council make regulations about joint emergency management plans, that should also be set out in the statute. The way it is worded in the bill it is evidently a separate concept.

This too can be dealt with, if necessary, at the committee level. I am sure members would like to debate that one for 5 or 10 minutes. It is better to fix these problems now than to have a lack of clarity and have issues arise later with our American friends, or our Canadian provincial friends or our municipalities. Also, we never know when the official opposition will raise an objection to the government's actions.

Those are most of my comments on the bill.

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There is a related matter of dealing with our border relations with the U.S.A.. I want to make note of that because it may have implications for the bill.

Our joint efforts with the United States include border security, intelligence gathering and counterterrorism operations. This does not always happen at the border. I would point out that although we have integrated border enforcement teams at work now through much of the Canada-U.S. border system, and those integrated border enforcement teams operate very well, do a good job and involve our police, their police, our agencies and their agencies, we also have integrated national security enforcement teams. They do not operate at the border. They operate in Canada's larger cities.

Those joint operations bring together the RCMP, CSIS, municipal and provincial police, some Canadian ministries and American representatives from the FBI, the Bureau of Alcohol, Tobacco and Firearms, the Immigration and Naturalization Service, the U.S. Border Patrol and generally now the Department of Homeland Security. These institutions and liaison people are at work in Canada, which raises issues. Just as in emergency preparedness and resourcing of cross-border emergencies, it raises issues about efficacy of spending and, in some cases, issues involving scrutiny for civil liberties.

• (1300)

We have not yet in the House nailed down, with precision, how we will take steps to ensure that these new constructs, put together for public safety and security, are properly operating, spending efficaciously, operating within the law and are not unduly threatening to civil liberties. This is a huge unrecognised piece. These new constructs have just come up in the last three or four years and we have not done our homework.

I know there was a bill in the last Parliament, Bill C-81, that had developed, with all-party consensus, support for a new construct for a committee of parliamentarians who would have access to the appropriate classified material in order to scrutinize these types of operations. That bill has not been reintroduced yet. I believe it is the intention of the minister to do so.

I and a number of members have worked hard on this envelope for a number of years and we would like to see that bill introduced quickly so Parliament may respond and get on with its important work on behalf of Canadians.

I look forward to seeing the bill referred to committee to deal with these relatively technical issues to which I have made reference, all of it being for the purpose of providing better planning, foresight and ultimately protection for Canadians for seen and unforeseen emergencies should they arise.

• (1305)

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, I note that my colleague talked about clause 5 and the relationship between Canada and the United States. He did not talk much about clause 6(2) which states:

Each minister shall include an emergency management plan

(d) in the case of war or other armed conflict, the programs, arrangements or other measures that

(ii) support the Canadian Forces and the armed forces of Canada's allies in the conduct of military operations.

(iii) contribute to meeting Canada's military and civil wartime obligations to its allies...

My understanding is that this is a Liberal bill that has been brought forward. Perhaps my hon. colleague would like to comment on the rather broad nature of that commitment to the efforts of another country's military.

Mr. Derek Lee: Mr. Speaker, I do not want to take authorship of the bill, but I do want to draw the member's attention to the proviso that these clauses are there to deal with the eventuality of war or armed conflict. In the event that war or armed conflict were to evolve, this would not be the jurisdiction of the Minister of Public Safety. It would be within the jurisdiction of the cabinet, the Minister of National Defence and the Minister of Foreign Affairs. This simply allows the Minister of Public Safety, in advance of any such contingency, to make appropriate planning, to put emergency plans in place for those types of contingencies that may evolve out of a war scenario.

We actually have not had one in Canada since 1812, but one cannot foresee the unforeseeable, and that is the reason for that wording. I do not see any practical eventuality that would have us engaging in an armed conflict in the North American continent that would allow the minister to deal with an internal Canadian or cross-border situation as an emergency.

Mr. Dave MacKenzie (Parliamentary Secretary to the Minister of Public Safety, CPC): Mr. Speaker, if I understood my colleague correctly, he referred to clause 5 and asked about coordinating responses with our neighbours to the south in emergency situations.

A few years ago we might not have contemplated that, but last year, with Hurricane Katrina, we had a coordination of response from our people to assist the American emergency responders. There have been other situations where a number of our utilities in Canada have assisted with Americans. I suspect there have been instances where the reverse is also true and we would expect to have their help.

Does my friend view clause 5 the same as I do, that it is a beneficial situation for both countries to be able to assist one another in states of emergency?

Mr. Derek Lee: Mr. Speaker, yes. Most Canadians would be pretty happy to assist our American cousins in an emergency and they would expect just about the same for us from them.

The difficulty is that unless the statute takes the step to put a minister in charge of this, we will not have a person in charge of putting an emergency response plan in place. This clause would allow a particular minister here to carry out the work of preparing emergency management plans in a joint way with our American neighbours, as appropriate and when appropriate.

The issue of spending Canadian money south of the border, or west of the border if we are looking at Alaska, could be an issue, but I will leave that for another time. However, the general thrust of making plans to deal with emergencies and assisting our neighbour I am prepared to accept. The wording of the clause is pretty broad, but it would be naive to not address it in a statute like this.

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The nickel and dime details about the spending and the resourcing will probably be made by cabinet, but the statute should be sufficient to at least get us on the page when these unfortunate emergencies arise.

• (1310)

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, the parliamentary secretary has already been asked the question about the relationship with municipalities under the joint emergency management plan. I take it the committee will be looking further into that. From my experience, municipalities have very comprehensive and integrated plans and they should be part of a comprehensive joint management plan.

I am sure many who are watching this debate have also been reminded that pandemics and bioterrorism are in fact very immediate risks and our constituents are very concerned. This legislation does not talk about that.

I am aware that the member has a very broad knowledge on that whole area. With respect to the matter of pandemic or bioterrorism, would he comment on whether he is satisfied that legislation comes to grips with that or should the committee broaden the investigation and the consultation on this legislation to encompass that very serious risk?

Mr. Derek Lee: Mr. Speaker, on the issue of dealing with municipalities, the federal government realizes that municipalities are creatures of the province. Clause 4(1)(f) deals rather delicately with that in an appropriate way. It states that the federal government will coordinate the activities of government institutions relating to emergency management with those of the provinces, and supporting the emergency management activities of the provinces, and through the provinces, those of local authorities. The province is in charge.

On the second matter involving health emergencies, the member has raised a very good question. As I read the proposed bill, its wording is more than sufficient to cover emergencies that would involve health issues, a virus, a pandemic. However, I believe there is other federal legislation that would also be brought to bear in terms of those health emergencies. There are huge regulation-making authorities available to the federal government on the health risk side. The member asked a very good question and the interrelationship of the other legislation dealing with health emergencies to the present legislation which is more general perhaps should be reconnoitred by the committee to ensure there is no overlap or any discontinuity that would impair the effectiveness of this new bill.

• (1315)

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, knowing the expertise of the hon. member for Scarborough—Rouge River, I would like to ask him a brief question. I know that he is a scholar, even in constitutional matters.

The summary of the bill declares the government's intention; it says:

This enactment provides for a national emergency management system that strengthens Canada's capacity to protect Canadians.

Is he satisfied that this bill does not encroach upon provincial jurisdictions?

[*English*]

Mr. Derek Lee: Mr. Speaker, I understand the member's question and the suggestion that there could be an impairment of provincial jurisdiction by application of some federal authority. That risk has always been here in Canada. I see from the way this statute is written that it is absolutely not the intention of the statute to do so. It is written in every case to avoid trampling on any provincial jurisdiction. It bends over backwards to avoid doing that, with the exception of the one issue I did raise, the one issue involving clause 6(3), where there is the possibility of a 7(c) practical override of clause 6(3). I will have to leave that to the committee. I do not have enough time to go back into it here.

I agree with the intent of the member's question. The bill is drafted to be sensitive to what he is suggesting. With the one exception, I think the federal jurisdiction is just fine under the Constitution.

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, it is with pleasure that I rise to speak to Bill C-12. This is a moment I have been eagerly awaiting, for I am well aware that in the world in which we now live, the issue of emergencies certainly demands the attention of legislators.

Just earlier, I was pondering the fact that, even in the 1800s, people were trying to regulate emergencies with the Quarantine Act. Why did they attempt to use this act in part to regulate emergencies? Because disease was surely the greatest threat to human communities, to the human condition about which Malraux spoke to us with such talent. I am sure, Mr. Speaker, that you are an enthusiast of Malraux. I know your erudition, and even your epicurean side. Of course, if we are talking about the 16th, 17th or 18th centuries, the spread of disease could not possibly be compared with the SARS crisis that we experienced, for example. And for once, the federal government was in a field of jurisdiction that belonged to it alone, under a class of subject enumerated in the Constitution.

When we speak of emergencies, the word "emergency" is in itself open to many meanings. What does it mean when we speak of emergencies? Are we talking about disease, the unleashed forces of nature, public transit, natural catastrophes, the overflowing of the Red River, the pollution in the big cities, terrorist attacks? Terrorism is a real fact of our collective life.

If I may digress, for a parliament and a parliamentarian, the end can never justify the means. One can never say, on account of some context one considers extraordinary, that one is going to take certain actions prejudicial to personal freedoms. In any case, you know how the Bloc Québécois is. If there is one party in this House that could hold a set of scales in its hands, with a centre of gravity that can balance human rights with necessary protection of the community, that party is surely the Bloc Québécois. How could we not be disturbed by Bill C-24, and its successor Bill C-36 on anti-terrorist measures. The government was trying to plagiarize the previous government, and it plagiarized certain provisions of the Patriot Act, tabled by the Bush administration. Incidentally, it will be with great interest that we shall read the judgment to be rendered shortly on the security certificates.

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I know that some of my caucus colleagues, and in particular our immigration and public safety critics, have a lot of reasons to be worried. I would ask you the question, Mr. Speaker. Is it acceptable, in a country that adheres to the rule of law, for a person to be subject to arrest without warrant, arbitrarily detained, and not have access to the complete evidence in his or her court file? Do we not learn in our law schools that it is important to have a just and fair trial? Are we not in the post-Stinchcombe era? The Supreme Court has given judgment on this point. My colleague from Marc-Aurèle-Fortin is aware of that. Stinchcombe requires that all evidence be disclosed. That is surprising, because Stinchcombe involved a tax fraud matter, if I recall correctly.

In any case emergencies cover a range of situations: SARS, overflowing rivers, terrorism, or mass transit.

• (1320)

We know that in some democracies, the evil hand of certain groups has used mass transit to spread toxic substances. Plainly it is a concern of governments, I would even say their duty, to have evacuation and emergency plans.

Let us ask the question: is this primarily the responsibility of the federal government? That question arises in the case before us. This is not a case involving quarantine, an epidemic or virology.

The bill says:

This enactment provides for a national emergency management system that strengthens Canada's capacity to protect Canadians.

Obviously, when we read the bill, we can say that it is reasonable for the federal government, in the departments for which that government is responsible, to have an emergency plan. We therefore understand that it is reasonable for there to be a plan for public safety, health, national defence, or any other example that my colleagues may bring to my attention.

Closer to home, I know that on Parliament Hill, the Board of Internal Economy, of which the various party whips are members, thinks about how to ensure that the Hill is safer. There have been very few unfortunate incidents, but still, there have been a few.

In fact, there is a new Sergeant-at-Arms in the House. I would like to wish him success in the responsibilities of his position. He is the person who is responsible for the safety of parliamentarians.

In the British parliamentary tradition, the distance between the opposition and the government is two and a half sword lengths. Why? Because when Parliament was first created, when the institution of Parliament was created in the United Kingdom, the monarch stood in fear of members of Parliament. That is the source of the tradition, when the Speaker is elected, of dragging him or her by the arm while being met with resistance. That is because some of the speakers, in some of the Parliaments of Great Britain, who were called burgesses, were beheaded when the king did not agree with them.

So as not to wander too far afield, let us come back to the Sergeant-at-Arms. He is responsible for parliamentarians' safety, and in emergencies he must arrange for the Hill to be evacuated.

I would like to give you an example of a traumatic event that I experienced personally. Every member of this House is familiar with my sturdiness, physical strength and self-discipline. Then there is the President of the United States, who thinks he is the master of any house he happens to be in. When President Bush visited the Hill, some parliamentarians, including me, were not allowed access to the Hill. My colleague from Saint-Lambert was also denied access to the Hill. Why? Not because the constables prevented us from entering. After all, their kindness is known to us all. They were not the ones who denied us entry. It was security personnel outside Parliament who stopped us; they went about it quite rudely, I might add. Such events prompt us to think about how we might react in an emergency that forced us to evacuate the building rapidly.

I know that Board of Internal Economy members, including the whips, have discussed this issue.

So, yes, we have to have emergency measures in place in our large communities, especially in big cities. Emergencies can be caused by natural disasters, terrorist attacks on public transportation or, of course, disease. Obviously, we do not deal with disease as we did in the 15th, 16th and 17th centuries, but imagine the impact of a virus spreading through our communities. Even in our modern society, we have come to realize that hospitals are not always a safe haven. We do not think that going to the hospital can make us sick. I feel comfortable talking about this before the member for Québec because I know she is as healthy as a horse, but people sure do not expect to get sick when they go to the hospital.

• (1325)

We recently learned that some hospitals in Canada were vectors of contamination. This is one of the emergencies for which we must plan.

Although the Bloc Québécois agrees with this bill in principle, we have some concerns. First is the issue of respecting provincial responsibilities. A national emergency should never mean there is just one government. We are long past the time of the Rowell-Sirois commission. We are not in an apprehended war situation. As elected members of the Bloc Québécois, as representatives of the people of Quebec, we must never act as though there were just one government.

The National Assembly, whose first speaker was Mr. Panet—if I recall correctly—is one of the oldest Parliaments in North America. A number of years ago, it passed its own public safety plan. And who was the author of this important plan that respects decentralization, a plan whose goal was to have the regional county municipalities, the municipalities and the health care system work together? When we think of emergencies, these are the players we want to see promote a common vision.

The National Assembly was the first francophone Parliament in North America. It was led by Speaker Panet and founded under the Constitutional Act, 1791, with ministerial responsibility introduced in 1848. It used to be referred to as the Salon de la race, but that expression is no longer used. It passed its public safety plan. We are most privileged to have among us the author of the plan, none other than the hon. member for Marc-Aurèle-Fortin, who was the public safety minister at the time and who served the Government of Quebec well.

Government Orders

An hon. member: Oh, oh!

Mr. Réal Ménard: We would appreciate it if members of the government were more careful with their tributes, Mr. Speaker, but it might come back to haunt them later.

The member for Marc-Aurèle-Fortin shouldered his responsibilities and suggested a plan. I repeat that we understand perfectly well that this is the federal government's responsibility, as regards its own institutions and jurisdictions. That is what federalism is. If Gérard Beaudoin and Henri Brun, two eminent constitutionalists, were here, they would tell us that federalism has three defining characteristics: first, two levels of government, each one sovereign in its areas of jurisdiction; second, a constitution; and third, a forum for arbitration. What is the forum for arbitration in a constitutional state? It is the Supreme Court, whose appointment process we hope will undergo a sweeping reform. The former member for Charlesbourg, a brilliant mind who served this House well, made a motion two years ago, if I am not mistaken, to ensure that, for example, the National Assembly could submit a list in order to respect the true spirit of federalism. The Supreme Court Act provides for civil law judges on the court. Moreover, although it is not my intention to talk about this—I would hate to be called to order—I would say that more and more, we are approaching a unitary state. This is not the spirit of federalism. There were 33 Fathers of Confederation. Things were different then, as hon. members will recall. But we had the conviction that there were two governments, each with its own jurisdiction.

● (1330)

Why is there an imbalance in the Canadian federation?

For example, do you think that the residual powers—all the powers that are not specifically conferred on a government—are the responsibility of the provinces? No. The federal government has responsibility for them. The day is fast approaching when Quebecers will decide to leave that federation, but it is not my intention to talk about that.

Bill C-12 asks the federal government to adopt an emergency management plan. This plan is expected to give powers to the different ministers concerned, because it will be at their level of responsibility. Sometimes, the focus will be more on public safety, sometimes on health, sometimes on the environment. This will depend on the situation.

The bill obliges the departments to establish principles and programs to develop emergency management plans for government institutions. We can live with that. They must also provide advice to government institutions respecting emergency management plans. That is a ministerial responsibility we can live with that. Under this bill, the departments must analyze and evaluate the prepared plans. We would hope to learn more about just what that means. They must coordinate the actions of the various federal institutions in an emergency, provide financial or other assistance to provinces that need it, and establish the necessary arrangements for the continuity of constitutional government in the event of an emergency. Now, that is worrisome. I do not know if my colleague, the hon. member for Marc-Aurèle-Fortin, can see the look of concern on my face, but there is something very troublesome about the mention of the constitutional government and an emergency. We all know that the most significant intrusions have occurred in times of emergency.

Take, for example, tax points. Taxation, particularly personal income tax, was not intended to be permanent. If I am not mistaken, I believe it was Adélard Godbout who was Premier of Quebec at the time, a progressive Liberal typical of his time. We are all familiar with the terror that reigned at the time of the second world war. At the time, the wartime tax rental agreement was the expression used for transferring the personal income tax. In the end, what was meant to be temporary became permanent. Thus, it is very easy to speak of emergencies in a bill, but we have a certain responsibility in this regard.

We will therefore remain vigilant about the use of the word "emergency" and we do not agree that, under the pretence of an emergency, provincial jurisdictions should be encroached upon. I believe that the hon. member for Marc-Aurèle-Fortin will have something serious to say when the bill is referred to the Standing Committee on Public Safety and National Security.

In conclusion, I cannot help but urge caution. We live in troubled times. Is the Arar affair not a good example of the prudence that should guide us as Parliamentarians?

We know quite well that, in the wake of September 2001, security certificates can give rise to excesses. Obviously, I will make the necessary distinctions. I do not wish people to think that I am not a nuanced person. I know that the emergencies we are talking about do not specifically include terrorist attacks, although such attacks could lead the federal government to take all manner of emergency measures. That is a possibility.

I believe that our responsibility is to maintain the appropriate balance between the rights of individuals and the security of the nation. Who wants to wind up with big brother in a totalitarian state where people are arrested without a warrant, searches are carried out, individuals are thrown in jail, and the principles of natural justice are violated? The Bloc Québécois has always been extremely vigilant in its protection of these principles.

● (1335)

Correct me if I am wrong but I believe we were the only party to vote against Bill C-36. However, I do not wish to offend the NDP. I do not remember how they voted. My colleagues could indicate if they think I am mistaken.

I would like to conclude by saying that we agree with the principle, that we understand that emergency situations can arise, but that we hope Quebec's jurisdiction will be respected when appropriate.

[*English*]

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, I know that my colleague is interested in matters dealing with sovereignty, of course, and I would ask him how he feels about a situation that we find ourselves in.

Due to emergency measures and due to measures taken by the United States, some members of Parliament find themselves unable to get a boarding pass to get on an airplane to fly on a domestic flight within their own country because some outside agency in the United States in fact will not allow them on an airplane.

Government Orders

Surely this is an affront to anyone's sense of sovereignty, no matter what that sense of sovereignty might be. It is an affront. It is an insult that we are subject to American law in this regard.

The solution, of course, is not to do away with airline safety measures. The solution is to have a Canadian list of our own. Hopefully Canadian members of Parliament would not wind up on that list. Would the member agree that it would not be an intrusion of jurisdiction to have a Canadian list put in place that would take care of this real or perceived threat?

[*Translation*]

Mr. Réal Ménard: Mr. Speaker, this is a relevant question. This is the second time that our colleague has asked it today. I understand the emotional effect this matter has on him when he talks about it, and I also understand his frustration. If we define sovereignty as being the ability to pass laws, collect taxes and decide on our foreign policy, we do not expect, in our own country, to have to put up with a series of constraints like those our colleague is talking about. The Conservative government should model itself a little on Mr. Diefenbaker, who stood up to the United States. They used to call him the lion of the Prairies.

The Liberals put up some resistance, but the current Prime Minister seems to say to the Americans, "the same bed for the same dream," although it is not possible. The power relationship that exists between the American and the Canadian peoples means that we cannot find it acceptable for the Americans to have excessive sovereignty over Canada.

I agree with my colleague on this matter.

• (1340)

[*English*]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, as we are aware, this particular bill, Bill C-12, is ostensibly identical to the bill in the last Parliament of the Liberal government, Bill C-78. Therefore, of course, the Liberal caucus will be supporting Bill C-12. It is extremely important to Canada.

The member raised some very interesting points about jurisdictional issues where there are responsibilities that have been taken over by some jurisdictions. In fact, municipalities in other parts of the country may not have had the resources or whatever was needed to do certain things. It appears to me that there does not seem to be a clear indication of how we would get an integrated, coordinated effort right across the country in terms of the responsibilities of the various jurisdictions, whether they be provincial, municipal or regional or, indeed, whether they are the jurisdiction of the federal government as a whole.

I would think that this is an area in which it is going to take some significant work by the committee to establish what is out there already and whether there are standards that have been adopted for which all of the various municipalities or regions or, for that matter, provinces have brought their preparedness plans up to that standard. Possibly the member would indicate whether he has any similar concerns.

[*Translation*]

Mr. Réal Ménard: Mr. Speaker, this is a relevant question. I imagine that the member was referring to subclause 7(c), whose

wording is generous, not to say incredibly generic. I would be the least surprised man in the world if the member from Marc-Aurèle-Fortin took up his pen to draft an amendment that would eliminate this sort of looseness that means that we are not entirely clear who will be ensuring leadership and coordination.

In my opinion, the Bloc Québécois might actually present an amendment like the one suggested by our colleague. I also wish to take this opportunity to congratulate him on the excellent work he has done on the issue of fetal alcohol syndrome.

[*English*]

Mr. Dave MacKenzie (Parliamentary Secretary to the Minister of Public Safety, CPC): Mr. Speaker, I cannot say that I could follow all of my friend's original talk on this bill, but I do know that he has some concerns about the federal government getting into provincial concerns. I for one believe that there are a lot of safety provisions here.

As much as he has always strongly supported his own province and its autonomy, I suspect that if there were a natural disaster in the province of Quebec, he would also want the federal government to be there in many ways. I am sure the member is particularly in favour of subclause 7(d) where the federal government would provide funding with the minister's authorization.

I am wondering how he squares this whole issue. If we do not have such a bill that gives authority to the federal government to do certain things, how would we end up helping his province of which he is so proud?

[*Translation*]

Mr. Réal Ménard: Mr. Speaker, I said at first that we are in favour of the principle of the bill. We understand very well that there may be emergency situations, but never would we wish to find ourselves in a situation in which the federal government intervened without being asked to do so by a province. There may be areas of collaboration to be established. We understand that very well. Viruses and natural disasters do not always respect borders.

It remains, however that it has been clearly established that the Government of Quebec is responsible for the health and the development of its territory. We therefore hope that it will be clearly established that the government would intervene in an emergency situation only at the request of the provinces concerned.

• (1345)

[*English*]

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Western Arctic for a short question.

Mr. Dennis Bevington (Western Arctic, NDP): Mr. Speaker, I do seem to get the short questions, but that is okay.

I am just going back to the questions I asked the Liberal member in reference to subclause 6(2)(d). I see the definition of war or other armed conflict is neither defined geographically nor qualitatively, so we have some issues there that need to be addressed in committee.

Then of course we mitigate the effects of foreign armed conflict on Canada, so we are suggesting armed conflict that really is not on our soil. The emergency measures plan would reference perhaps other things that occur in other parts of the world.

Government Orders

These things should be well outlined in any committee work. I would ask the member opposite to comment.

[*Translation*]

Mr. Réal Ménard: Mr. Speaker, obviously, I had planned to talk about these provisions. My colleague is quite right to be concerned. These are the kind of broad and generic definitions which we also found in the Anti-Terrorism Act. Quite like him, we are worried and we hope we can tighten up this much too loose definition.

[*English*]

Ms. Penny Priddy (Surrey North, NDP): Mr. Speaker, I am pleased to speak to Bill C-12.

Across the country there are probably communities that have no idea about the content of the bill, or the content of provincial legislation around emergency preparedness. However, over the last five or six years because of what has happened in Canada and abroad people are becoming much more aware and concerned about how the country, a province or a city would respond to an emergency.

An emergency has come to have almost no meaning now or an extremely broad meaning. At one stage in our history we all fairly well understood the word “emergency” but today emergency has a much broader concept than we have seen before. There are viruses, for example. This is a tough one and we have debated this around another piece of legislation. Part of the legislation states that the federal government would enter into an emergency plan if it was in its interest to do so. I understand the position of the Bloc.

Having been a former health minister and a nurse, I know that viruses, especially new viruses, permutate all the time and turn into viruses we have never seen before. We do not know how to treat them. Viruses do not have maps. They do not permutate and then look at a map and respect provincial borders. They move across borders very quickly.

I see the Minister of Health has just come in. I know that from his experience in Ontario he is more than aware of how viruses that we have not—

An hon. member: You can't comment on people coming in and out.

Ms. Penny Priddy: Mr. Speaker, I do apologize. It was my anxiousness to acknowledge the minister's previous experience.

The minister knows very well that viruses and new diseases do not recognize borders. So the concept of when a federal government decides it is in the best interests of Canadians to enter into a provincial emergency is going to continue to be a difficult one for everybody.

On the other hand, as we saw with SARS and some other viruses, they moved quickly across the country. We were not able to keep up with them, to get ahead of them, or even to recognize any trend of what is happening.

For me it raises one of the other issues around trends particularly in health emergency situations. Because there is no mandatory reporting on the part of the provinces to the federal government or to the health ministry if they see something happening, if they see a virus, it makes it even more difficult for us to see trends occurring

across the country. That causes me some concern. The federal government might not even be able to see whether or not it is in its interest because a provincial government is not mandated to report if something is occurring in that province. That causes me some concern in terms of the federal government's ability to make an informed decision.

• (1350)

Some education is needed in this country regarding emergency preparedness. I do not think most people know who is responsible for emergency preparedness, whom they could count on and for what.

When my children first started school, they came home one day and told me that they had a drill. I asked them if all the children had managed to get out on time. They said that they did not leave the school that they went under their desks. In British Columbia not only do we have fire drills but we also have earthquake drills. Many of us have earthquake preparation kits in our homes and in our cars. This is very different from many other parts of the country, except for Quebec and Yukon where there are earthquake risks.

What is becoming of more concern to people is who does what, when, with whom, and under what circumstances. If this bill passes, there is a responsibility on the part of the federal government, and provincial and municipal governments as well because they have their own regulations, to ensure that citizens have this information so they can feel safe. It is frightening enough to be faced with any kind of emergency, be it a climatic one or an armed conflict. It is frightening not to have any idea whatsoever as to who takes responsibility and for what. I hope committee members will take into consideration the publication of this kind of information.

In the first few hours of an incident it is important that one person be seen as taking a leadership role. It is important that one person be responsible for ensuring that all the things that are supposed to happen do happen. Responsibility should not be spread out among a variety of people. There must be one place of accountability.

The bill states, “The minister is responsible for exercising leadership relating to emergency management in Canada by coordinating, among government institutions and in cooperation with the provinces and other entities, emergency management activities”. When the committee considers the bill, I would ask it to consider two things: one, to write shorter sentences so we do not have to take a breath in the middle; and second, to make clear that the responsibility for acting would be in the hands of one minister and one minister only.

The concern about access to information has already been raised by some members. Some people feel that this concern has been answered. This bill would amend the Access to Information Act ostensibly to provide for protection of information provided by third parties which, if disclosed, might pose a security threat. I hope the committee will examine this in greater detail to see if there are any issues which may adversely affect the privacy rights of Canadians. I understand in an emergency many things have to be done, but the committee has to look a little more closely at whether this would adversely affect the privacy rights of Canadians out of proportion to what might be necessary in a particular emergency.

Statements by Members

●(1355)

Several people have asked for clarity as it pertains to foreign affairs, armed conflict and so on. I think my colleague here has asked that question on two occasions. I do know that the summary states:

This enactment provides for a national emergency management system that strengthens Canada's capacity to protect Canadians.

What people are raising is a provision of clarity that these regulations only apply in terms of things that happen, not just affect people living on Canadian soil but happen on Canadian soil. If I understand my colleague's question correctly, that is the kind of clarity that he would like to see.

I will wrap up my comments by saying that there are still a number of issues to look at when the bill goes to committee. I understand the intent of the bill. Every Canadian wants there to be in place an emergency piece of legislation where they know people will leap into action to do everything they can to make them safe.

Hurricane Katrina was a perfect example of what we should not do. People were left stranded everywhere with certain people being attended to first before people with fewer resources. We saw some very damaging ways of responding to an emergency during hurricane Katrina. I believe we will have learned those kinds of lessons. I would not of course believe that Canadians would respond to people in an emergency situation in any different way based on their current circumstances, economic, social or otherwise.

I look forward to hearing the results of the debate at committee.

The Acting Speaker (Mr. Royal Galipeau): When debate resumes on Bill C-12, if it is the member's wish, she will still have eight minutes.

STATEMENTS BY MEMBERS

●(1400)

*[English]***PARAMEDICS**

Mr. Jim Abbott (Kootenay—Columbia, CPC): Mr. Speaker, I rise today to pay tribute to those who serve and protect us.

Two B.C. ambulance paramedics lost their lives in the line of duty May 17, 2006 at the Sullivan Mine in my constituency. The two paramedics were coming to the aid of others at the site.

Kim Weitzel and Shawn Currier responded to a 911 call to find two people who had collapsed. In aiding the fallen workers, the paramedics themselves lost their lives.

This reminds us of the danger our emergency workers face every day as they risk their lives attempting to save others. They confront the most dangerous of conditions, providing Canadian communities with protection and well-being.

Every day these people put their own lives in peril. We thank these men and women for their courage, bravery and hard work protecting our communities. We hold the names of Kim Weitzel and Shawn Currier in the highest honour.

AFGHANISTAN

Mr. Brent St. Denis (Algoma—Manitoulin—Kapusking, Lib.): Mr. Speaker, I rise today to express my deepest sorrow on the death of two soldiers from my northern Ontario riding.

Private David Byers of Espanola, who served with the Princess Patricia's Canadian Light Infantry based in Shilo, Manitoba and, in a tragic coincidence, Corporal Glen Arnold of the nearby village of McKerrow, who served in 2nd Field Ambulance based in Petawawa, Ontario.

They were two of the four soldiers who lost their lives a few days ago when their patrol was attacked by a suicide bomber in Afghanistan. These two men were brave individuals who have given their lives working for a safer and better world, promoting the rights and freedoms that Canadians enjoy.

On behalf of the constituents of our riding and all Canadians, we honour them and say to the members of their families that the loss of David and Glen is not in vain and we shall remember them.

Both soldiers leave behind proud and loving families who will miss them greatly. We should acknowledge and remember the sacrifices of all the brave men and women in Canada's armed services.

We should support them and be proud of their work as they go about, on our behalf, protecting our country and promoting Canadian democratic values abroad, a role that requires a great deal of sacrifice and commitment.

* * *

*[Translation]***THE CONSERVATIVE GOVERNMENT**

Ms. Caroline St-Hilaire (Longueuil—Pierre-Boucher, BQ): Mr. Speaker, once again yesterday, the Conservatives demonstrated their insensitivity and their shocking lack of compassion for the underprivileged people of the planet by their overwhelming vote against Bill C-293. We have seen that the Conservative members from Quebec do not in any way uphold the values of other Quebecers.

This bill does no more than affirm a principle that should govern any international aid from the Government of Canada. That is that the end goal should be the eradication of poverty.

This position is even more difficult to accept because, only a few months ago, the current Prime Minister was a co-signer, along with the leaders of the Bloc Québécois and the NDP, of a letter addressed to the then Liberal prime minister making this very request.

In fact, this attitude of the Conservatives reinforces an impression strongly created by the Prime Minister during the escalation of the conflict in the Middle East. This is a warlike prime minister for whom humanitarian concerns are a foreign language.

You may rest assured, Mr. Speaker, that we will be here to translate for him.

Statements by Members

[English]

PROSTATE CANCER

Ms. Penny Priddy (Surrey North, NDP): Mr. Speaker, September 18 to 23 is Prostate Cancer Awareness Week.

There are almost 400 men in Canada diagnosed with prostate cancer every week. There are almost no noticeable symptoms of prostate cancer in its early stages, and this makes screening vitally important, if not life saving, and it only takes 10 minutes.

Before early detection tests were available, only one in four men were diagnosed in the early stages. Now, with early screening, nine out of ten cases are found early, giving men the chance to start treatment early.

Prostate cancer is very treatable when caught early, and in some studies, 100% of men diagnosed at an early stage were surviving five years later. Every man should discuss this with his family physician and decide when to begin annual testing.

I want to congratulate the men who are speaking out about this, forming support groups and helping to educate the public. My congratulations to them.

* * *

AFGHANISTAN

Mr. Ron Cannan (Kelowna—Lake Country, CPC): Mr. Speaker, today is International Day of Peace, which makes us fully aware that in places such as Afghanistan, peace must first be established.

The political naysayers who sit in the safety of the opposition benches and criticize our mission do not represent the truth of this conflict.

The truth is found in the voices of our bravest Canadians: Kelowna's own Private Isaac President and Master Corporal Brendan Hynes of Petawawa, who send this message:

What we are doing here is the right thing. We just cannot turn our backs on these people. No one realizes we fight alongside the Afghan military. I share camps with them...they stand watch with us. Canada is leading the charge and making gains. When all is said and done and the stories come out, people will have much more of a reason to be proud.

These are the voices of those who live and breathe the reality of Afghanistan on a daily basis. To support our troops is to support what our troops want to do, and they want to bring peace to the people of Afghanistan.

* * *

● (1405)

THE ENVIRONMENT

Ms. Nancy Karetak-Lindell (Nunavut, Lib.): Mr. Speaker, the attempts to undermine Kyoto are so widespread it would take forever to outline them all.

The government could not wait to start cancelling Kyoto programs as soon as it came into office. On the Thursday afternoon of the long Easter weekend, it cut 15 programs hoping that Canadians would not notice. Weeks later it ended funding for the wind power production initiative and the renewable power production initiative.

These programs were cutting greenhouse gas production at a cost one-third less than that demanded by the private sector. These programs were rated in the top 5% of all Kyoto programs for outstanding efficiency and effectiveness. Still they got cut.

Did the cutting stop there? No. It continued when the government cancelled the EnerGuide for houses program despite the fact that over 125,000 homes had been successfully retrofitted to decrease their energy consumption.

The government is hoping that Canadians will not notice or care that these programs have been cut, and we should not worry. However, we notice, we care, and we will fight the government's cynical attempt to abandon our Kyoto commitments.

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HAMILTON INTERNATIONAL AIRPORT

Mr. Dean Allison (Niagara West—Glanbrook, CPC): Mr. Speaker, today I rise in the House to recognize the work and entrepreneurial spirit of Richard Koroscil, president and CEO of the Hamilton International Airport located in Mount Hope in my riding of Niagara West—Glanbrook.

Hamilton International is at the centre of Ontario's population growth by offering direct non-stop and connecting flights to destinations across Canada and around the world. Our airport has always been strategically located for easy accessibility for Ontario residents as well as commercial carriers going to markets in Canada and the United States.

Hamilton International is in a geographically and commercially enviable position to promote tourism and trade in the Toronto-Hamilton-Niagara corridor as well as other areas of southern Ontario.

Recently, Globespan, an international airline, recognized this exceptional strategic location by selecting Hamilton International Airport as one of its premier destinations. In choosing Hamilton International, Globespan not only partnered with the airport but with the whole community.

I wish to applaud the efforts of Mr. Koroscil and his team for making this airport a first class transportation hub for the residents of Hamilton and Niagara West—Glanbrook.

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[Translation]

EMPLOYMENT INSURANCE

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, the most recent change in the boundaries of employment insurance economic regions, carried out in 2000, grouped together some regions with widely different unemployment characteristics. The result was an increase in the number of insurable hours required to receive benefits and a decrease in the number of weeks for which benefits are paid. In short, the new boundaries were detrimental to workers in Charlevoix and Haute-Côte-Nord.

The deadline for reviewing the boundaries expired a year ago, while the transition measures to offset the adverse effects will end on October 7. Time is of the essence because it is the workers in seasonal industries, in particular, who will continue to suffer the effects of these delays if no concrete action is taken soon. Consequently, I ask the Conservative government to quickly extend the transition measures while we await the review of the boundaries. If it does so, this government will show that it is listening to the concerns of unemployed workers in the regions of Quebec.

These flaws in the employment insurance system make it clear that the Employment Insurance Act needs to be improved, in particular by introducing a single eligibility threshold of 360 insurable hours, as the Bloc Québécois has proposed.

* * *

[English]

SPACE SHUTTLE ATLANTIS

Mr. Colin Carrie (Oshawa, CPC): Mr. Speaker, earlier today space shuttle Atlantis, with Canadian astronaut Steve MacLean, landed safely at Cape Canaveral. The mission was a success in large part due to the contributions of the Canadian Space Agency, Canadian industry and Canada's astronaut program.

This mission saw construction of the international space station resumed, with the addition of two new solar panels. We saw Steve MacLean perform his first spacewalk, becoming only the second Canadian to step out into space, and we were all amazed to watch two Canadian built Canadarms shake "hands".

During this mission, Canadian technology and ingenuity were on display daily. We now have Canadarms on the shuttle and on the international space station. Both were used almost every day of the flight.

I would like to congratulate the crew of STS-115 on its mission, and Steve MacLean for his dedication and inspiring performance. To his wife, Nadine, and his children, I would like to extend our appreciation for their support during the flight.

Congratulations to Steve and to the Canadian Space Agency. Mission accomplished.

* * *

• (1410)

[Translation]

THE ENVIRONMENT

Hon. Diane Marleau (Sudbury, Lib.): Mr. Speaker, it is often the little things that reveal to us the direction the government is taking.

Until last week, Canada was the country contributing the most generously to a fund established to help third world countries reduce their greenhouse gas emissions. It was a modest program, but it produced good results. The Conservatives have eliminated it.

Now the Conservatives are going to spend a large sum, \$350 million, to subsidize bus passes. The Conservatives are setting up this program even though all those who have studied it have said that

Statements by Members

the possible reduction in emissions will be so low that it will have no positive impact on the environment.

The Conservatives' action on this file is really pathetic.

* * *

SOFTWOOD LUMBER

Mr. Daniel Petit (Charlesbourg—Haute-Saint-Charles, CPC): Mr. Speaker, it is deplorable to note once again that the Liberal members from Quebec have decided to play politics by voting against the softwood lumber agreement despite strong support from the Province of Quebec.

The Liberals were ready to bring the softwood lumber industry to its knees.

The Liberals were ready to push the workers in the softwood lumber industry and their families into bankruptcy in order to satisfy their partisan interests.

Fortunately, since January 23, 2006, the softwood lumber industry and the workers of Quebec have been able to count on the new Conservative government, which cares about the interests of Quebec, and more importantly, the interests of workers and their families.

* * *

[English]

JUSTICE

Mr. Wayne Marston (Hamilton East—Stoney Creek, NDP): Mr. Speaker, I stand here today very concerned. The Arar report provides significant evidence that the RCMP and other agencies do not do enough to share information in a way that promotes a healthy respect for human rights and protection of Canadians who may be at risk of torture.

The report indicates that our government has, on several occasions, failed Canadians who have been held abroad. It is also clear that this has resulted in torture and sometimes in the use of information collected under torture.

As the NDP critic for human rights, I will be watching the Conservative government's record on implementing these important recommendations to stand up for Canadians abroad.

Maher Arar deserves no less. Huseyin Celil and other Canadians held abroad who may well be at risk of torture deserve more. The Tories' reaction to the report has been to blame the Liberals and yet the government has done nothing to get Canadians like Mr. Celil out of harm's way.

It is time for the new Government of Canada to listen to its own campaign slogan and stand up for Canadians.

Oral Questions

[Translation]

THE ENVIRONMENT

Mr. Massimo Pacetti (Saint-Léonard—Saint-Michel, Lib.): Mr. Speaker, how can Canadians possibly take seriously what the government is doing to fight global warming? The government, for its part, certainly does not take Canadians seriously.

This summer, the Conservative government devoted a lot of time and resources to distributing information on its environmental plan to groups that had been hand-picked, while forgetting to invite Greenpeace and the Sierra Club. The Conservatives are obviously trying to curry favour with these groups by taking them into its confidence.

We are told that we will have to wait until 2025 for Canada to comply with ceilings on greenhouse gas emissions. The government also apparently wants to introduce new legislation even though we already have the Canadian Environmental Protection Act, which was passed by the Liberal government and is looked upon as model government legislation all around the world. What we need is action, not more acts.

* * *

THE GLOBE AND MAIL

Ms. Meili Faille (Vaudreuil-Soulanges, BQ): Mr. Speaker, how could *The Globe and Mail* publish the article by its journalist Jan Wong, who advances a shocking and insulting thesis on the tragedy at Dawson College: that it, like the three other incidents that have occurred since 1989, was rooted in the marginalization of immigrants and anglophones as a result, she says, of the infamous Bill 101?

This hypothesis is based on false premises and on prejudices that should no longer exist. After the article on “Quebecistan” by Barbara Kay, we thought it was obvious that no further articles of this kind would appear in *The Globe and Mail*. But no, it has re-offended by publishing an even worse article. In addition, the editor-in-chief, Edward Greenspon, stated that *The Globe and Mail* would not comment on the letter of protest from Premier Jean Charest. There is a saying in Quebec that silence implies consent.

That is why the Bloc Québécois is reiterating its demand that *The Globe and Mail* apologize immediately for the words of its journalist, Jan Wong.

* * *

•(1415)

[English]

THE ENVIRONMENT

Ms. Tina Keeper (Churchill, Lib.): Mr. Speaker, when will the government learn that it cannot pull the wool over the eyes of Canadians when it comes to the fight against global warming? It has the absolute gall to stand up in the House day after day and claim that it is working on a made in Canada plan for the environment. What have we seen? Nothing.

Newspaper reports told us that the government was all set to go and wanted to announce a new package this week. Now we hear that it might be October, right before a holiday long weekend no less.

When the government took office, consumer awareness was on the way up, homes across the country were being retrofitted, renewable energy sources were starting to come on line and Canada was hailed as a leader in the fight against global warming and was honoured to be asked to chair the Conference of Parties for the Kyoto Accord.

Now we have a minister who has devoted her career to killing Kyoto. Retrofitting has stopped, funding for renewable energy has been suspended and our European allies are calling for Canada to relinquish its spot as the chair for the conference.

This is unacceptable. Canadians deserve a government that will actually do something about global warming and not pretend it does not exist.

* * *

HEALTH

Mr. Steven Fletcher (Charleswood—St. James—Assiniboia, CPC): Mr. Speaker, yesterday, the member for Mississauga—Brampton South made light of attention deficit disorder illnesses in reference to the federal accountability act. The member for Ajax—Pickering told the President of the Treasury Board that he thought the president had not been taking his Ritalin.

Attention deficit hyperactivity disorder, or ADHD, is a serious issue relating to children's mental health and it affects the lives of a significant number of young people in this country. Ritalin is a commonly prescribed drug that helps families and young people cope with this huge challenge.

I would therefore humbly suggest that the member opposite and his colleague immediately apologize to all the families and young people who are dealing with this serious problem for making light and mocking such a challenging health issue for many children in Canada.

ORAL QUESTIONS

[Translation]

ACCESS TO INFORMATION

Hon. Bill Graham (Leader of the Opposition, Lib.): Mr. Speaker, on March 15, 2006, staff in the office of the Minister of Public Safety identified to the Prime Minister's Office a journalist who had made an access to information request, a clearly illegal act. According to the minister, he did not learn of these illegal activities until yesterday. His own office concealed this from him for 191 days.

Can the minister now explain to us who among his staff was aware of this violation? Why was it disclosed to the Prime Minister's Office? And how many repetitions were there of this clearly illegal act?

Mr. Jason Kenney (Parliamentary Secretary to the Prime Minister, CPC): Mr. Speaker, the Leader of the Opposition is wrong on this subject. Let us be clear: it was not the political staff of the office of the Minister of Public Safety who sent this e-mail, but rather the bureaucrats.

Oral Questions

No political officer in the Minister's office or the Prime Minister's Office requested such information. They received an e-mail which recounted the notes from a conference call among public servants. As soon as we got wind of this situation, the Minister and the President of Treasury Board took steps with the current Privacy Commissioner of Canada.

[*English*]

Hon. Bill Graham (Leader of the Official Opposition, Lib.): Mr. Speaker, yesterday, the minister told us that they were on top of these things right away. However, this information was discussed in March by senior people reporting to the Ministers of Foreign Affairs, Public Safety, Health and the Environment and six people in the Prime Minister's Office were illegally in receipt of this information about a journalist for more than six months.

In criminal law, it is not just people who steal but people who receive stolen goods who are guilty of an offence. Therefore, did anyone report—

Some hon. members: Oh, oh!

• (1420)

The Speaker: Order, please. We have to be able to hear the question. The hon. Leader of the Opposition has the floor.

Hon. Bill Graham: Mr. Speaker, the parliamentary secretary told us that they would be taking steps to ensure this does not happen again. What about the abuses of the law that have already occurred?

The government members can make all the fuss they like, but we are talking about something here that goes to the heart of our democracy. It is about the ability of the free press being sacrificed by the freedom of information and privacy laws.

Will they tell us whether there—

The Speaker: The hon. Parliamentary Secretary to the Prime Minister.

Mr. Jason Kenney (Parliamentary Secretary to the Prime Minister, CPC): Mr. Speaker, I have lost count as to whether that was two or three own goals on the Leader of the Opposition.

We are so concerned about the integrity of the Privacy Act that as soon as we found out about the information this week, we made enquiries to the public service. How could it be that bureaucrats were sending private information to political officers? Do members know what they said? The assistant secretary to the cabinet at the PCO said, "This was a discussion only among officials. There was no involvement by political staff and the summary report of the discussion by officials was a practice that predated this government. These types of summary reports were regularly shared with members of the previous government's prime minister's communications office".

[*Translation*]

Hon. Lucienne Robillard (Westmount—Ville-Marie, Lib.): Mr. Speaker, I cannot believe that the Prime Minister was not aware of the situation, when six persons in his office had received the information on March 15, 191 days ago. It is impossible that an e-mail entitled "security and epidemic" was not read by the people in his office.

Can we know who informed the Prime Minister? When was he informed? And why did he do nothing before his minority government was caught out?

Mr. Jason Kenney (Parliamentary Secretary to the Prime Minister, CPC): Mr. Speaker, let me tell you what the assistant secretary to the cabinet at the Privy Council Office said. He said that the reporting of this discussion was a practice introduced by the former government, that this sort of practice took place in the former PMO and its communication team.

This practice is unacceptable. That is why as soon as we learned of the practices of the former government we put a stop to them. The former government violated the law; we will keep the law.

Hon. Lucienne Robillard (Westmount—Ville-Marie, Lib.): Mr. Speaker, the minority Conservatives need a little plastic card in their wallets to tell them how to talk to journalists. They need another one on the fundamentals of the Privacy Act. How do we guarantee confidentiality? What do we do when a law is violated? How is freedom of the press to be respected?

Can the Prime Minister start answering these questions today, instead of tracking down information requests by journalists?

Mr. Jason Kenney (Parliamentary Secretary to the Prime Minister, CPC): Mr. Speaker, how will we put a stop to the practices of the former Liberal government? Today we were astonished to discover that it was a regular practice of the previous government to take private information and ask public servants to send the private information of Canadians to political staff in the offices of the Prime Minister and other ministers.

The Minister of Public Safety and the President of Treasury Board have already taken action. As in all matters, we are going to put a stop to the corruption and law-breaking of the Liberals.

• (1425)

[*English*]

Hon. Bill Graham (Leader of the Official Opposition, Lib.): Mr. Speaker, as we said earlier, this goes to the heart of the free press in our country. What we want is an assurance from the government and the Prime Minister that this information and ATIP information is not used by his office to screen questions that are asked of him by our free press in this country, has never been used and will never be used in the future. That is the question.

Mr. Jason Kenney (Parliamentary Secretary to the Prime Minister, CPC): Mr. Speaker, we can provide an unqualified commitment that such information will not be used for any such purposes because we are going to put a stop to the Liberal practice of bureaucrats sending such information to political staff. It should never have happened in the first place.

Let us be clear. In fact, the email in question was deleted from the inboxes of the political staff, who did not request the information, who did not read the information and who now wonder why it was sent to them. Now we know why: because it was a long-standing practice of the Liberals that we today are putting an end to.

Oral Questions

[Translation]

MAHER ARAR

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the House has unanimously passed the Bloc Québécois motion calling for an official apology to be offered to Maher Arar. Outside this House, the Minister of Transport, Infrastructure and Communities stated that the government was not bound by that motion, because government ministers had voted as members and not as ministers. A kind of split personality.

Has the government not reached the height of hypocrisy with that distinction, and does it not have a duty to apologize immediately, as all members of this House, including the government's own party, called on it yesterday to do?

Mr. Jason Kenney (Parliamentary Secretary to the Prime Minister, CPC): Mr. Speaker, yesterday, we as the Conservative caucus were happy to join with all members in offering the House's apologies to Mr. Arar.

The government has already stated that it accepts all of the recommendations in Justice O'Connor's report. Government counsel are—I hope—in the process of concluding talks with counsel for Mr. Arar in order to achieve a dignified result for Mr. Arar. We are going to act quickly in this regard because it is clear that Mr. Arar was the victim of a serious injustice. I would just note that this occurred under the previous government.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, lawyers may well meet to decide on the amount of compensation Mr. Arar should receive, that is fine by me, but I do not think they need to write to the Prime Minister asking him to apologize. He should do so immediately. Ordinarily he makes quick decisions.

The Prime Minister believes, for example, and rightly so, that what Jan Wong wrote was unacceptable. He is seeking an apology from the *Globe and Mail*. The O'Connor report explains that the way Maher Arar was treated was unacceptable, and the Prime Minister refuses to apologize.

How can the Prime Minister justify saying that an apology is warranted in both cases, but that he refuses to offer one because it is the government? A bad example is being set for the *Globe and Mail*.

Mr. Jason Kenney (Parliamentary Secretary to the Prime Minister, CPC): Mr. Speaker, I was mistaken yesterday when I said that we had just received a report—

Some hon. members: Oh, oh!

Mr. Jason Kenney: Yes, it is true. It happens sometimes. I said that the report was 800 pages long, but in fact it is 1,400 pages long. We have just received that report. The Minister of Public Safety has demonstrated this government's good faith by accepting all of the recommendations. We are going to act on those recommendations quickly. However, in order to achieve a dignified result for Mr. Arar, we must act within the framework of talks with Mr. Arar's counsel. We are going to act quickly.

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, the government said it agreed with the recommendations in the O'Connor report on the Arar affair and, therefore, with recommendation 22, which calls on the Government of Canada to file an official

complaint with the American and Syrian governments about their treatment of Mr. Arar.

Since the Prime Minister happens to be at the UN, could his parliamentary secretary tell us whether he intends to take advantage of this trip to file such official complaint with Syria and the United States?

• (1430)

Mr. Jason Kenney (Parliamentary Secretary to the Prime Minister, CPC): Mr. Speaker, the Prime Minister delivered a very important speech today, his inaugural speech at the UN, in New York City. This speech emphasized Canadian values around the world. It was a very important speech. Obviously, as far as the recommendations in Justice O'Connor's report are concerned, I repeat that we will be acting on them promptly. It is true that, in similar cases, the previous government failed to offer any apologies. We, on the other hand, will take action, as we did yesterday in this House, together with all parties.

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, I think that this non-answer really means no.

The Maher Arar file is currently being debated not only in Canada, but also in the United States, where political figures are questioning the handling of this affair by the U.S. government.

In the Arar affair, human rights have been trampled by both the U.S. and Syrian governments. Justice O'Connor recommended that an official complaint be filed. The Prime Minister is in the United States right now. Why would he refuse to stand on his own feet and file an official complaint, as is expected of him?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, I have recently sent a communication to U.S. Secretary Chertoff, indicating that Justice O'Connor found that there was no evidence against Mr. Arar, that any reference to Mr. Arar on our security lists have been removed, and that I hoped the U.S. government could do the same.

* * *

[English]

AFGHANISTAN

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, Canadians have sensed that the mission in Afghanistan is unbalanced and not working. Documents obtained by the NDP recently show just how unbalanced this mission actually is. In fact, it turns out, and we have learned this, that for every dollar spent on aid and reconstruction development, \$9 is spent on war fighting. That is a staggering 9 to 1 ratio.

How can the government justify such a completely unbalanced approach to a mission that even it says is not winnable militarily?

Mr. Jason Kenney (Parliamentary Secretary to the Prime Minister, CPC): Mr. Speaker, the naïveté of the leader of the NDP never ceases to amaze.

Let us be clear. Aid workers cannot operate in places like Kandahar province in the face of suicide bombs and the attacks of the Taliban, who seek to burn down schools where girls are being educated and who are quite willing to kill aid workers, without establishing security first. That is what our soldiers are there to do.

They are there to establish the necessary conditions of security precisely so that we can proceed with civil reconstruction and with the aid work that we are there to do. That is why this government has increased our total commitment in aid to Afghanistan to a billion dollars.

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, President Karzai told the UN yesterday that there are 200,000 fewer children in school today than there were before this war started, so let us get our facts straight.

According to the government's own documents, Canada is spending \$141 on combat for every man, woman and child in Afghanistan and only \$16 per person on aid and reconstruction.

Today we see the Prime Minister at the United Nations asking the world to help with reconstruction in Afghanistan even though we are spending nine times more on war than we are on aid. Why does the Prime Minister not start to put some balance into his own approach right here in Canada instead—

The Speaker: The hon. Parliamentary Secretary to the Prime Minister.

Mr. Jason Kenney (Parliamentary Secretary to the Prime Minister, CPC): Mr. Speaker, let us be clear. If there is war in Afghanistan today, it is not because the United Nations mandated an international mission there. It is not because NATO and 36 countries are trying to establish security. It is not because the democratic government of Afghanistan invited Canada and 35 other countries to participate in that process. It is because the Taliban are there trying to totally undermine the democratic process and the reconstruction of that society, and now the leader of the NDP cites the education statistics of the Taliban regime as a model.

I do not understand where that member is coming from, but I will tell this House that we are going to stand by the democratically elected government of Afghanistan and the United Nations.

* * *

●(1435)

POLITICAL FINANCING

Mr. Mark Holland (Ajax—Pickering, Lib.): Mr. Speaker, today we learn that the Conservative \$1.7 million donation scam goes all the way to the top. Last year the Prime Minister made \$4,860 in donations to the Conservative Party, but his delegate fee of at least \$540 puts him over the legal limit of what individuals could donate in that year.

To whoever will stand and defend this growing scandal, how can we believe the Prime Minister will respect the \$1,000 donation limit in the so-called accountability act if he cannot even respect the existing law?

Mr. Jason Kenney (Parliamentary Secretary to the Prime Minister, CPC): Mr. Speaker, let us imagine a Liberal giving lectures on respecting the law. That is rich.

Let us be clear what this is really all about. The Liberals are desperate to hold up the federal accountability act because they want taxpayers, through the tax credit, to subsidize their upcoming leadership convention to the tune of \$1.7 million for their delegate fees.

Oral Questions

That is not good enough. To cover their own tracks, they want to go back to 2005 and charge taxpayers nearly a million dollars for the delegate fees at our convention. We do not think taxpayers should be subsidizing delegate fees, not for the Liberals and not for the Conservatives.

Mr. Mark Holland (Ajax—Pickering, Lib.): Mr. Speaker, from the way he said desperate, we know who is desperate.

The Prime Minister of our country may well have been elected thanks to illegal donations that are blatantly contrary to Canada's election laws. The Prime Minister himself seems to have violated these same laws. These revelations shake the very foundation of this chamber.

When will the sanctimonious Conservative Party end this million dollar cover-up, repay any illegal money they snuck into their pockets and admit they are the biggest hypocrites in Canadian government history? Will they turn over the list of illegal donations, yes or no?

Mr. Jason Kenney (Parliamentary Secretary to the Prime Minister, CPC): Mr. Speaker, I am delighted that the member continues to ask questions about this matter because it gives us another opportunity to express the pride of the Conservative Party in our long-standing policy and our long-standing position that we will not force taxpayers, through the tax credit, to pay for our delegate fees, unlike the Liberals. They only know one thing and that is how to soak taxpayers.

It was not enough to take millions out of the kitty through the ad scam to finance the operations of the Liberal Party. They also want to soak the taxpayer for the cost of their delegate fees. They want their fees and our fees and all of the fees to be covered by the taxpayer. We do not agree.

* * *

MAHER ARAR INQUIRY

Hon. Dan McTeague (Pickering—Scarborough East, Lib.): Mr. Speaker, the current Minister of Public Safety is on record on July 29, 2003 as accusing the previous Liberal government of “defending a man suspected of links to al-Qaeda” in reference to Mr. Maher Arar.

In light of Judge O'Connor's report, will the same minister now rise in his place to provide a personal apology to Mr. Arar for his harmful, prejudicial and inaccurate rush to judgment or, as I am hearing from the Conservative members, does saying sorry never mean really, truly being sorry?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, I wish the member had quoted the entire document and the number of times which I requested, as an opposition member, that there be a public investigation, an inquiry, into the Arar affair. I wish he would have quoted the number of times I raised issues. I wish he would have quoted from the foreign affairs committee meeting when I asked why the then foreign affairs minister continued to have different opinions on the Arar affair. In pursuing that line of questioning, I was ruled out of order by the chairman of the committee at that time.

Oral Questions

We raised this question in opposition. We were the ones who asked for the inquiry. They were the ones who were not performing on this issue.

Hon. Dan McTeague (Pickering—Scarborough East, Lib.): Mr. Speaker, by his own words, the words of the Prime Minister, by the words of the member for Calgary—Nose Hill, who repeated that same scurrilous accusation against Mr. Arar, the record is very clear. This is absolute proof that the Conservatives really practise the belief that being sorry never really means having to say it.

Could the Minister of Public Safety confirm that, due to criticism of the RCMP in Justice O'Connor's report concerning Mr. Maher Arar, the commissioner of the RCMP offered his resignation to the Prime Minister and the resignation was not accepted?

[Translation]

Mr. Speaker, will the minister confirm to the House whether or not, following Justice O'Connor's report concerning the Maher Arar affair, the Commissioner of the RCMP—

The Speaker: The hon. Minister of Public Safety.

• (1440)

[English]

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, I met with the commissioner yesterday and received assurances that a number of the recommendations of the Arar report were already being implemented. It was very clearly agreed that all the recommendations would be followed through.

When it comes to dealing with security risks, where were the Liberals when we were demanding that Hezbollah, a security risk for sure, should be banned? Where were they when we were asking that they take steps to deal with security risks and terrorist risks? Where were they when their former prime minister shook hands with Sheik Nasrallah, the head of Hezbollah? Where were they on those questions?

* * *

[Translation]

STATUS OF WOMEN

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Speaker, yesterday I asked the Minister of Canadian Heritage about funding for women's groups, and I reminded her that September 26 is the deadline for renewing the Women's Program. The minister said that there were some doubts about actions undertaken by these women's groups and that she was looking for greater efficiency.

Can the minister tell us which of these women's groups are so inefficient they deserve to have their funding cut off?

[English]

Hon. Bev Oda (Minister of Canadian Heritage and Status of Women, CPC): Mr. Speaker, for years under a previous Liberal government, Canada was on a watch list for human trafficking. The UN pointed out that Canada was not doing enough about violence against aboriginal women. We have a level of child poverty, and a child in poverty is a family in poverty.

In a few short months the new Conservative government has provided safety in communities by putting more law enforcement

officers on the street. We have provided \$1.4 billion in affordable housing. We introduced legislation and movement on human trafficking. Canadians want a government that—

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

* * *

[Translation]

DEPARTMENT OF CANADIAN HERITAGE

Mr. Maka Kotto (Saint-Lambert, BQ): Mr. Speaker, yesterday, in response to a number of cultural groups who have waited eight long months for her to act, the best the Minister of Canadian Heritage could do was accuse them of waste and mismanagement.

Rather than make unfounded accusations to justify her failure to act, can the minister tell the House which programs she thinks are responsible for this waste and mismanagement?

[English]

Hon. Bev Oda (Minister of Canadian Heritage and Status of Women, CPC): Mr. Speaker, as the House can appreciate, I have heard from many organizations and women over the past few weeks. In fact, they are quoting studies, surveys and consultations. We have the information. We understand what the issues are. We are a government that will act and will take dramatic steps.

* * *

[Translation]

EMPLOYMENT INSURANCE

Mr. Yves Lessard (Chambly—Borduas, BQ): Mr. Speaker, in its February 2005 report, the Standing Committee on Human Resources, Social Development and the Status of Persons with Disabilities recommended an overhaul of the employment insurance program. In response to those recommendations, the Bloc Québécois introduced Bill C-269, which will be reviewed today in this House, in order to improve the employment insurance system.

The minister must realize that passing this bill would provide a permanent solution for real reform of the employment insurance system. Will she support the bill?

[English]

Hon. Diane Finley (Minister of Human Resources and Social Development, CPC): Mr. Speaker, as a government, we are committed to ensuring that the EI program continues to serve Canadians who have been moved out of their jobs involuntarily. That is why we have brought in new programs and new improvements to EI, including expanding the definition of compassionate care benefits and launching a pilot project to extend weeks of eligibility in particularly vulnerable areas.

*Oral Questions**[Translation]*

Ms. France Bonsant (Compton—Stanstead, BQ): Mr. Speaker, on October 7, transitory provisions in place to protect seasonal workers in eastern Quebec, Montmagny, Islet and the North Shore, will expire. These workers could lose up to eight weeks of employment insurance benefits.

Will the Minister of Human Resources and Social Development extend the transitory provisions, which prevent seasonal workers from suffering the spring gap?

[English]

Hon. Diane Finley (Minister of Human Resources and Social Development, CPC): Mr. Speaker, as the hon. member is probably aware, there is a mandated review of all the boundaries for EI regions. As we approach that, we will look forward to the data from StatsCan to ensure that we make advised decisions on the new boundaries.

* * *

● (1445)

THE ENVIRONMENT

Hon. John Godfrey (Don Valley West, Lib.): Mr. Speaker, last February the Minister of the Environment skipped out of a two week Kyoto meeting, which she was supposed to chair in Bonn, after a single day. Then a few weeks later she failed to appear at all at a conference on smog in Toronto. Now we find out that when the ministers of the environment for all Kyoto signatories met last week in Switzerland, she could not be bothered to show up at all.

She was the chair of the meeting and again her chair sat empty. What is more, Canada did not file its progress reports for the meeting that were due September 1.

Why did the minister not show up at the meeting and, as importantly, why did the minister not table the program—

The Speaker: The hon. Minister of the Environment.

Hon. Rona Ambrose (Minister of the Environment, CPC): In fact, Mr. Speaker, I take my international obligations very seriously.

I chaired the meeting in Switzerland, so the member has wrong information. I have also chaired four international Kyoto conferences in my role as chair, representing over 160 countries worldwide.

We are also participating in the G-8 talks on climate change, the Asia-Pacific partnership. We are also engaging eight United States on their RGGI climate change system. We are also in talks with California about its new legislation.

[Translation]

Hon. John Godfrey (Don Valley West, Lib.): Mr. Speaker, in January 2006, the Minister of the Environment and the Minister of Natural Resources were told by our officials that 6 million Canadians had reduced their energy consumption under the One Tonne Challenge program, that 125,000 homes had been renovated under the EnerGuide program and that these two programs were among the most effective we had for addressing climate change.

Why then did these two ministers decide to cut these two programs considered to be effective by their own officials?

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, I can assure my colleague that our plan goes beyond Kyoto. Our government's priority is the health of all Quebeckers and all Canadians. Our plan also addresses atmospheric pollution as well as climate change.

Mr. Pablo Rodriguez (Honoré-Mercier, Lib.): Mr. Speaker, the Conservative government today realizes that it has missed the boat in terms of the environment. In a burst of panic, it is apparently now thinking of restoring the funding that the previous government had approved for the fight against climate change. If that is true, it is a good thing. Obviously, it is not done out of conviction but probably because the polls demand it.

That being said, can the Prime Minister confirm that funds will be provided to Quebec and that the other provinces will also receive funding, or do the polls tell him that is not necessary?

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, this is something that I am discussing with my counterparts in all the provinces, as I am with Mr. Béchard in Quebec. I am very pleased that the Government of Quebec has an environmental plan concerning climate change. I am discussing that with my colleague, Mr. Béchard.

However, the priority for our government is the health of all Quebeckers and of all Canadians. Therefore, our plan will deal with air quality.

Mr. Pablo Rodriguez (Honoré-Mercier, Lib.): Mr. Speaker, in terms of the environment, the Conservatives have been consistently inept from the beginning.

They began by rejecting the Kyoto protocol. Then, they tried to sabotage the Bonn conference. Along the way, they ruined Canada's reputation. As if that was not enough, they made cuts in a multitude of environmental programs.

Is the government aiming for a perfect score, a big zero yesterday, today and tomorrow?

[English]

Hon. Rona Ambrose (Minister of the Environment, CPC): Mr. Speaker, the health of Canadians is suffering from air pollution, and what did the Liberal Party of Canada do? Just as an example, it spent \$4 million in Kazakhstan, Uzbekistan and Azerbaijan. Four million dollars could have retrofitted 3,000 school buses with anti-pollution technology to protect the health of Canadian children.

While the Liberals' priority was preening on the international stage, our priority is protecting the health of Canadian children.

Oral Questions

●(1450)

IMMIGRATION

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Mr. Speaker, under Canada's new government, economies across Canada are booming like never before. Today there are more Canadians who work than at any time in our country's history. However, the Urban Futures Institute, heads of chambers of commerce and others worry about the shortages we are already facing.

I know the new Conservative government has only had eight months to fix what the Liberals took 13 years to ruin. Would the immigration minister please tell the House what role immigration is playing to address labour shortages?

Hon. Monte Solberg (Minister of Citizenship and Immigration, CPC): Mr. Speaker, the truth is that Canada was built on immigration. We need more immigrants. We need them to be better off. That is why we have gone ahead with off-campus work permits for international students. That is why we have put \$307 million into settlement funding to rectify something that the Liberals did in 1995, when they froze settlement funding.

In fact, our record is vastly superior to the that of the Liberals, to the point that one hon. member, a leadership contender, said that "we never did get it done in immigration". That was the hon. member from Harvard.

* * *

MAHER ARAR

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, Canadians are pleased that the House has issued an apology to Maher Arar and his family, but they are ashamed the Prime Minister did not do the right thing from the outset, and has yet to offer a formal apology.

By law, the United States was obligated to return Maher Arar to Canada, as he requested. As well, the U.S. should have informed Canadian officials of Arar's deportation. By doing neither, the U.S. broke its own laws.

What efforts has the government made to secure an apology from the American government for the unspeakable injustices inflicted on Maher Arar and his family?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, as I indicated a few moments ago, I have sent information to the Secretary of State for Homeland Security, indicating and pointing out that Justice O'Connor has found that there is no evidence related to Mr. Arar and any relation to terrorism. We have removed the Arar family name and that of his wife from any lookout list and passed that information on. Also, we have sent an indication that the United States may wish to do the same.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, what a weak-kneed response. The government has a responsibility to stand up for all Canadian citizens, especially when they have been wronged by a foreign government.

At the Bush administration's insistence, Canadian airlines must use the U.S. no fly list as their own. Until the Arar family is removed from that list, the family still cannot travel freely, even in the family's own country.

In addition to seeking a formal apology from the Bush administration, will the government commit today to ensure the removal, not suggest the Americans might want to think about a removal, of Maher Arar, Monia Mazigh and their children from the U.S. no fly list?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, I have addressed that question twice already. The communication that I sent was very clear. The lack of willingness for the member to come up with another question that has been answered twice now is a concern with which she will have to deal.

I made it very clear that with the Arar family we took immediate action. It was under the Liberal regime that he was put on a list. We have taken the name off the list, unlike the Liberals who left his name on there for quite a while.

* * *

STATUS OF WOMEN

Hon. Maria Minna (Beaches—East York, Lib.): Mr. Speaker, women's organizations are alarmed, and they have good reason to be. The government is altering the funding requirements of the women's program. These organizations will be unable to continue their fight for social justice for women in this country.

On behalf of all women in Canada, I ask the minister responsible to do her job and intervene, before cuts are announced on Monday, to save the women's program. This valuable work must continue.

Will the minister support the program without repeating the silly excuses about eliminating waste in women's programs? Will the minister stand up for Canadian women or will she not?

●(1455)

Hon. Bev Oda (Minister of Canadian Heritage and Status of Women, CPC): Mr. Speaker, it is important to understand the mandate of the Status of Women and the women's program within the Status of Women. In fact, I would suggest that the hon. member opposite check her facts. Before putting a letter on the Internet where she accuses this government of cutting funding to over 500 women's shelters, she should know that the Status of Women and the women's program does not provide operating funds for women's shelters. That is a provincial jurisdiction.

Hon. Belinda Stronach (Newmarket—Aurora, Lib.): Mr. Speaker, the Prime Minister's chief of staff, Ian Brodie, has said that the—

Some hon. members: Oh, oh!

The Speaker: Order, please. We have to be able to hear the hon. member for Newmarket—Aurora. Some minister is going to have to get up to answer and imagine if they cannot hear the question, never mind if the Speaker can.

The member for Newmarket—Aurora now has the floor and we will have a little order.

Oral Questions

Hon. Belinda Stronach: Mr. Speaker, the Prime Minister's chief of staff, Ian Brodie, has said that the organization, REAL Women, raises interesting points that warrant close inspection. This is a group that is anti-choice, anti-gay, does not support equality for women and wants to obliterate the Department on the Status of Women. This group's website even has links to sites that suggest that day cares do not care and homosexuality is a psychological disorder.

With budget cuts on the horizon, who is the minister listening to, Ian Brodie, the right-wing organization, REAL Women, or will she stand up and defend the rights of Canadian women?

I want to add that promoting equal rights for Canadian women is never a waste.

Hon. Bev Oda (Minister of Canadian Heritage and Status of Women, CPC): Mr. Speaker, this government, the new Conservative government, listens to all groups, but not only groups. We listen to the mothers of children. We listen to families. We listen to those people who are contributing to the community, unlike the previous Liberal government that only listened to its friends.

[Translation]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, the previous government listened to more than 52% of the population: the women of Canada. The minister is wrong when she says that federal funds do not go to women's shelters because there has always been federal funding for those shelters. The evidence is there. Groups that represent and provide services to thousands of women across Canada will have to close their doors because this minority Conservative government has cut their lifeline. Organizations have been waiting for months to meet with the minister.

How can she explain this situation to—

The Speaker: The Hon. Minister of Canadian Heritage.

[English]

Hon. Bev Oda (Minister of Canadian Heritage and Status of Women, CPC): Mr. Speaker, again I would suggest that the party opposite check its facts. The Status of Women has funded 15 women's shelters groups for a specific project, not operating funds. We do not fund operating funds. Consequently, projects are supported, not whether a women's organization has to shut its doors.

[Translation]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, the minister has just proved that the previous federal government provided funds to women's shelters.

My question is addressed to the chair of the Standing Committee on the Status of Women. Will her committee do everything in its power to ensure not only that the Women's Program continues—in spite of this minority Conservative government—but that any possible amendments to the criteria for awarding grants will not jeopardize the survival and the work of women's groups that represent thousands of Canadian women?

[English]

Hon. Judy Sgro (York West, Lib.): Mr. Speaker, the committee has already tabled a report on that very subject. In her response to the report, the minister specifically acknowledged the program's value

and its relevance and the critical support that it provides to a large number of organizations in their work to advance women's equality.

When the minister finally appears before the committee on October 5, we would certainly expect her to reaffirm her government's full support for these very important initiatives on women's equality.

* * *

● (1500)

[Translation]

TAXATION

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, during the election campaign, the Prime Minister made a solemn pledge to Quebecers to do away with the fiscal imbalance. Now, the *National Post* is reporting that the Conservatives want a watered-down deal that would see only \$1.1 billion annually transferred to Quebec, which is nowhere near enough. If we update the findings of the Séguin report, on which there has been and still is a consensus in Quebec, the Government of Quebec should receive at least \$3.9 billion more a year to correct the imbalance.

Will the Prime Minister, who has an obligation to produce results, keep his promise and, in an upcoming budget, finally pay Quebec the additional \$3.9 billion it is entitled to?

[English]

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, we are following our plan with respect to restoring fiscal balance in Canada. As I announced in the budget and in the paper that we released with the budget for restoring fiscal balance, we will continue with that process.

We have been having extensive consultations among ministers with our provincial colleagues. We intend to continue that process through the fall, moving toward resolution and budget 2007. The hon. member should not believe everything he reads in the *National Post*.

[Translation]

Mr. Pierre Paquette (Joliette, BQ): Mr. Speaker, \$3.9 billion a year to correct the fiscal imbalance is not a figure invented by the Bloc, it is the amount the Liberal finance minister of Quebec, Michel Audet, demanded on April 12. The Conservative government has an obligation to produce results.

Instead of trying to reduce the size of the problem, will the Minister of Finance acknowledge that in order to correct the fiscal imbalance, the government must pay Quebec \$3.9 billion a year, and not a penny less.

[English]

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, what it will take is a modern approach, not an approach that is confused and dithering, which we saw for years from the other side of the House. We need a principled and fair approach to restoring equalization and fiscal balance. That is our intention and we are on track to do that.

*Routine Proceedings***MAHER ARAR INQUIRY**

Mr. Derek Lee (Scarborough—Rouge River, Lib.): Mr. Speaker, the Minister of Public Safety did not answer a specific question put to him earlier today about the O'Connor report on the Mahar Arar matter.

The minister said that he had met with the commissioner of the RCMP yesterday. Did he or did he not receive an offer of resignation and did he or did he not accept it? That is a straightforward question. Could we please have a straightforward answer?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, I was very clear about the meeting and what we talked about. I said, and I will repeat it, that we had an extensive discussion about the O'Connor report.

We also talked about the issue of recommendations and the RCMP commissioner informed me that a number of those recommendations had already been put into place and are being followed. He agreed with me and he saw that it was also positive that all the recommendations should be enacted. That is what we talked about. It is fairly quick action on a report that is barely 72 years old out in—

Some hon. members: Oh, oh!

Hon. Stockwell Day: —72 days. It seemed that long because the Liberals took so long to do anything when it was under their administration.

* * *

PRESENCE IN GALLERY

The Speaker: I would like to draw to the attention of hon. members the presence in the gallery of the hon. Joe Handley, Premier of the Northwest Territories.

Some hon. members: Hear, hear!

The Speaker: I would also like to draw to the attention of hon. members the presence in the gallery of the hon. Kevin O'Brien, Minister of Business for the Government of Newfoundland and Labrador.

Some hon. members: Hear, hear!

• (1505)

The Speaker: It is Thursday and I believe the opposition House leader has a question he would want to ask at this time.

* * *

BUSINESS OF THE HOUSE

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, I wonder if the government House leader would be kind enough today, in our first week back in the fall sitting, to provide an outline of the business that he proposes to call for the balance of this week and for all of next week.

Specifically, I would ask him when we might expect in the House the environmental plan that has been promised by the government. When will the government table the annual financial report for the Government of Canada for the 2005-06 fiscal year, including the final surplus figures for that year? When will the government come

forward with its proposals, whatever they may be, with respect to same-sex marriage? And, will the minister today designate a specific date for a take-note debate on the terrible tragedy in Sudan and Darfur, certainly before the end of September?

Hon. Rob Nicholson (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I am pleased to answer the hon. member. Today and tomorrow we will continue with Bill C-12, the emergency management act, which will be followed by Bill S-2 for hazardous materials and Bill C-6, the Aeronautics Act.

Pursuant to an order made on Monday, September 18, there will be an address by the President of Afghanistan to be delivered in the chamber of the House of Commons at 9 a.m. on Friday, September 22, 2006.

On Monday we will begin debate on the bill to implement the softwood lumber agreement. We have designated Thursday, September 28, as an allotted day, which, of course, will be allotted to the Liberal Party and it can debate any subject that it would like.

With respect to the member's other questions, this fall we will be proceeding in those areas that we have indicated to Canadians are important. If the hon. member wants a more complete blueprint of what we intend to do all he has to do is have a look at what we said in the last general election.

ROUTINE PROCEEDINGS

[English]

COMMITTEES OF THE HOUSE

GOVERNMENT OPERATIONS AND ESTIMATES

Hon. Rob Nicholson (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I should point out that there is an agreement not to have any further debate on the motion to concur in the second report of the Standing Committee on Government Operations and Estimates. Therefore, I would seek unanimous consent of the House for the following motion. I move:

That, notwithstanding any standing order or usual practices of the House, at the appointed time today for the debate on the motion to concur in the second report of the Standing Committee on Government Operations and Estimates is to resume, all questions necessary to dispose of the motion shall be deemed put, a recorded division be deemed requested, and the vote deferred to Wednesday, September 27 at the conclusion of Government Orders.

[Translation]

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

Some hon. members: Agreed.

[English]

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

Some hon. members: Agreed.

Points of Order

(Motion agreed to)

* * *

POINTS OF ORDER

PRIVATE MEMBER'S BILL C-269

Hon. Rob Nicholson (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, on May 31, 2006, you invited members to comment on whether Bill C-269 would require a royal recommendation. Without commenting on the merits of this private member's bill, it is the government's view that this bill does in fact require a royal recommendation. This is because the bill would increase spending beyond that authorized by the current Employment Insurance Act and the royal recommendation which accompanied it.

In particular, the bill would change the authorization in the royal recommendation for the act by: one, reducing the qualifying period regardless of the regional rate of unemployment; two, increasing the weekly benefits rate from 55% to 60%, which would increase the costs of the program; three, repealing the two week waiting period, which would result in additional costs due to an increasing number of very short claims; four, increasing maximum yearly insurable earnings. Removing the link to the industrial wage increase in the original statute in favour of a flat rate, would increase government spending in a manner that is different than provided for by the original royal recommendation. Finally, it would add coverage for the self-employed who are not automatically insured against job loss under the EI program.

The financial issues for Bill C-269 are the same as for Bill C-278 from the 38th Parliament for which the Speaker ruled on December 14, 2004 that a royal recommendation was required. The Speaker ruled:

The improvements to the employment insurance program envisioned by this bill include the required minimum number of hours worked in order to qualify, lengthening the period that one can receive benefits, and, as well, increasing those benefits.

It is clear that such changes to the employment insurance program would have the effect of authorizing increased expenditures of public revenue. Inasmuch as section 54 of the Constitution, 1867, and Standing Order 79 prohibit the adoption of any bill appropriating public revenues without a royal recommendation, the same must apply to bills authorizing increased spending of public revenues. Bills mandating new or additional public spending must be seen as the equivalent of bills effecting an appropriation.

These arguments apply to Bill C-269 with respect to the provisions I noted earlier. Accordingly, I would similarly urge you, Mr. Speaker, to find that Bill C-269 also requires a royal recommendation.

● (1510)

Mr. Pat Martin (Winnipeg Centre, NDP): Mr. Speaker, regarding Bill C-269, one hopes that when you are taking this into consideration you would keep in mind that the money being talked about here is not the government's money. It may well be that Bill C-269 would constitute spending more of the EI fund in terms of benefits, but that money is solely money from employers and employees. The federal government stopped paying into the EI fund back in the 1980s under the old Tory government as it used to be. It is not the government's money that will be spent under Bill C-269.

I hope you can keep this very clear point as your primary consideration when you rule on this matter, Mr. Speaker. If it were government money, I would agree royal assent would be necessary, but in this matter the EI fund has no government money in it. It is 100% employer and employee money. Therefore, it should not need the type of royal recommendation being talked about.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, on May 31 when we started the private members' cycle, you had flagged this particular bill for a royal recommendation. I have had an opportunity to discuss it with the Clerk's officials to determine questions such as that. My understanding is that consideration has been fully taken into account and I would tend to agree with the government House leader that this matter would require a royal recommendation.

[*Translation*]

Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ): Mr. Speaker, this is a bill introduced by the Bloc members of Parliament for the purpose of returning to people who lose their jobs, or the unemployed, the employment insurance benefits to which they are entitled. I say "to which they are entitled" because, under the Employment Insurance Act, benefits come basically from contributions from workers and employers. Not a penny in the employment insurance fund comes from the federal government. The federal government used to contribute to it in the past, but now and for the last several years, there has been over a \$47 billion surplus in the fund.

Consider the following, Mr. Speaker. How can they claim that they need a recommendation from Her Majesty in order to spend money that belongs to working people, money that can be traced back, money that comes directly from the pockets of working people and their employers?

The government should be ashamed to use these surpluses for its own benefit. It should at least let the House allow citizens who lose their jobs to use the money that is theirs, their contributions and their protection.

Mr. Speaker, I want to draw this to your attention. I know that you are an honourable man in private life and have insurance on your home and car. You would take a dim view of someone who wanted to appropriate your insurance premiums and your surpluses when you do not make any claims. When you need them, you would not want someone who had illegally appropriated your insurance premiums to prevent you from receiving the benefits to which you were entitled, which you had purchased and paid for. That is what is happening here.

Please make an amazing overture to the unemployed, to people who are counting on you, Mr. Speaker, who are counting on us and this entire House. Please pay special attention to this. Our money is our money. The government is already very lucky not to be taken to task more openly for regularly seizing these funds.

Privilege

We do not need any royal recommendations and we do not need Her Majesty. We need our contributions. That is what we want.

• (1515)

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, it is sad to note that the Conservative government is asking for royal assent to ratify the Bloc Québécois' employment insurance bill. Especially since, when the Conservatives were in opposition, they said that the government had taken \$50 billion that belonged to companies and workers and that this money should be put back in an independent fund to make sure the government did not appropriate it for itself again.

The government helped itself to \$50 billion to pay down the deficit and balance its budget at workers' expense. This money belongs to those who pay into the employment insurance plan and not to taxpayers. There is a difference between the two. When we work, we pay income tax, we pay into the Canada pension plan and we pay EI premiums. The employment insurance fund belongs to the workers. The government is in the wrong.

Mr. Speaker, on behalf of the workers who need the money in the employment insurance fund, I ask that you rule that this motion be voted on by the elected representatives of Canadians so that we can make a decision here, in the House of Commons, to give this money back to those to whom it belongs.

It is shameful, the way the money has been taken from the workers for all this time. Today, we finally have a chance to vote on this subject. This is not income taxes. Mr. Speaker, you must rule on this point: is this the government's money or is it an insurance fund that people have paid into? This money cannot be taken to pay down the deficit, as the Liberals did to balance the budget. Is it the Conservatives' turn to take this money now?

Mr. Speaker, I ask you to make a different ruling than the one you made in the past, because I think that the arguments were not conclusive as to whom this money belongs to. It belongs to those who paid into the employment insurance fund, namely the workers and their employers, not to the Conservatives or the Liberals.

The Speaker: I thank all the hon. members who contributed to this discussion concerning the rules of this House, especially the Leader of the Government in the House of Commons, the hon. member for Winnipeg Centre, the hon. member for Mississauga South, the hon. member for Acadie—Bathurst and the hon. House leader of the Bloc Québécois.

I will consider all of the arguments and get back to the House shortly with a ruling.

[*English*]

The Chair has notice of a question of privilege from the hon. member for Labrador and I will hear him now.

* * *

PRIVILEGE

MEETING HELD BY MINISTER OF NATIONAL DEFENCE

Mr. Todd Russell (Labrador, Lib.): Mr. Speaker, today I rise on a point of personal privilege. On July 15, 2006 at approximately 11 a.m. local time, the Minister of National Defence attended a meeting

at 5 Wing Goose Bay which is in my riding of Labrador. The purpose of the meeting was to discuss with local representatives, municipal and other government representatives matters of public policy pertaining to this military base.

This meeting was held on Government of Canada property, that is, on the base itself in a restricted area where access was provided only at the minister's discretion. Despite being the duly elected member of Parliament for this riding, the minister did not invite or ask that I attend this session, nor when I approached his office on four separate occasions, including one in writing, to request that I be given the opportunity to attend, was this opportunity forthcoming.

However, it is an open and notorious fact that the defeated Conservative Party candidate in this riding from the general election campaign of this past January was invited and did attend this meeting. The defeated Conservative candidate does not, to the best of my knowledge, hold any public office, volunteer position or committee role which would in any way justify his presence at this important meeting on a matter of government policy. In fact, to the best of my knowledge, his only qualification is that he is a member of, and was a candidate for, the Conservative Party of Canada.

It is my contention that the minister's conduct in this regard was aimed solely at impeding the duties expected of me as a member of Parliament and at obstructing me in the discharge of those duties. The Minister of National Defence's deliberate intention to obstruct me from performing what is very obviously an important part of my duty as a parliamentarian has serious implications for every member of the House and for the authority of the House itself.

I am prepared, should you find a prima facie case of privilege, to move the appropriate motion.

• (1520)

The Speaker: I listened very patiently to the arguments put forward by the hon. member for Labrador to see if there was in fact a point of privilege in what he said, but I am afraid while he may have a complaint, I fail to understand how his privileges as a member of the House have been in any way impaired or impeded by the fact that he was not invited to this particular meeting with the minister, however much he might have wanted to be there.

Ministers and other members are free to travel around the country and indeed go to other members' constituencies. They do not have to have the local member travelling with them when they do that, and indeed they can have meetings with people without the other member present. Even Speakers are liable to do that; I must say it is much less likely, but it is possible. So, while I can sympathize with the hon. member's complaint, I am afraid it is a complaint and not a question of privilege.

The hon. member for Mississauga—Brampton South has a point of order as well. There are several here we are going to deal with.

*Points of Order***POINTS OF ORDER**

COMMENT BY MEMBER FOR CHARLESWOOD—ST. JAMES—ASSINIBOIA

Hon. Navdeep Bains (Mississauga—Brampton South, Lib.): Mr. Speaker, the point of order reflects the comment made by the member for Charleswood—St. James—Assiniboia with respect to my question during question period yesterday.

I clearly in my question said “accountability deficit disorder” and did not pertain to any particular acronym or illness that would be deemed to be inappropriate. I did talk about accountability and deficit when it comes to accountability. I was alluding to the \$1.7 million in delegate fees not disclosed by the Conservative Party. I was referring to the fact that they did not provide the information to the Chief Electoral Officer. I was talking about the violation of privacy laws, third party financing and so forth. Therefore, I am absolutely shocked and appalled that the member opposite would make this kind of accusation.

[Translation]

REPLIES FROM THE MINISTER OF CANADIAN HERITAGE

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, something happened yesterday during Question Period and it happened again today. Yesterday, a question was directed to the Minister of Canadian Heritage regarding funding for homelessness programs and it was the Minister of Natural Resources who answered. Today we asked the Minister of Canadian Heritage a question regarding funding for culture and she replied by citing facts regarding funding for women's groups.

I would like to know what the problem is. Is it the equipment in this House, the interpretation services, or the minister?

The Speaker: Clearly, the hon. member for Montmorency—Charlevoix—Haute-Côte-Nord wanted to address a question to one of the ministers, since this is not a question that the Chair can answer. However, the time for questions addressed to ministers has passed. The hon. member could perhaps direct the question to the minister responsible and obtain a reply tomorrow. This is therefore not a point of order.

The hon. member for Wascana.

•(1525)

[English]

ACCESS TO INFORMATION

Hon. Ralph Goodale (Wascana, Lib.): Mr. Speaker, if I could direct my point to you, sir, and then through you to the government House leader.

During the course of question period today, the Parliamentary Secretary to the Prime Minister made reference to certain policies of the Privy Council Office with respect to the procedures that apply to the access to information process. The parliamentary secretary indicated that the procedures had existed under the previous government and they continued under the current government.

The issue is whether those procedures include or do not include the disclosure of the names of the applicants for information under the access to information process.

It is our contention that whatever the procedure may be, it does not include the disclosure of the names. I think it would be useful to the House if the parliamentary secretary could table that policy, so that all members could see whether or not it includes the disclosure of names.

Hon. Rob Nicholson (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I would be glad to comment on that. I thought the Parliamentary Secretary to the Prime Minister was very clear.

The hon. member for Wascana said that the government had continued the practice. No. When the government discovered the practice, the government put an end to the practice. I think that is what the parliamentary secretary said very clearly.

What he said very clearly was that when the government found out about it, it was discontinued. I think that is what he said. I will be glad to check the blues on that. I thought he was very clear on that point.

I think the hon. member is in the best position to confirm the practice that was in place in the previous administration. It seems to me this is probably a question that we will be hearing about tomorrow in question period. I think the Parliamentary Secretary to the Prime Minister will be just as forthcoming tomorrow as he was today.

* * *

ETHICS COMMISSIONER REPORT IN RELATION TO MEMBER FOR RENFREW—NIPISSING—PEMBROKE

The Speaker: Pursuant to subsection 28(9) of the Conflict of Interest Code, the hon. member for Renfrew—Nipissing—Pembroke who is the subject of a report of the Ethics Commissioner, previously tabled in the House, has the right to make a statement.

The member shall not speak for more than 20 minutes and there will be no period of questions and comments.

I now invite the hon. member for Renfrew—Nipissing—Pembroke to address the House.

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Mr. Speaker, I rise to exercise my right to speak, pursuant to subsection 28(9) of the appendix to the Standing Orders of the House of Commons.

On June 21 of this year a report by Ethics Commissioner Bernard Shapiro on an inquiry precipitated by the member for Ottawa—Vanier was presented to the House. This report offends all manner of natural justice and fairness, and out of respect for the House and our democratic institution I am obligated to respond.

If anything demonstrates the need for swift passage of Bill C-2, the federal accountability act, it has to be the decision of the current Ethics Commissioner to willingly get involved in partisan political activity in the aftermath of a federal election campaign.

The inquiry was a blatant waste of taxpayers' dollars, the cost of which should be borne by the Liberal Party as an election expense.

In order to understand the proper sequence of events, it is important to correct the version presented by Mr. Shapiro.

Points of Order

The member for Ottawa—Vanier made his partisan allegations in a letter to the Ethics Commissioner dated January 11, 2006 during the last federal election. The February 9 letter referred to by Mr. Shapiro was the second request after the initial turndown, the reasons for which Mr. Shapiro has refused to disclose, even though he is obligated to report his reasons as per subsections 27(6) and 28(1) of the Conflict of Interest Code for Members of the House of Commons.

It was brought to my attention by a member of the media that on January 12, 2006, the day after the member for Ottawa—Vanier wrote to Mr. Shapiro, a member of the Liberal Party, Stephen Heckbert, issued a partisan press release disclosing the actions of the member for Ottawa—Vanier and his partisan allegations.

As I would be unaware of a letter being written and it would not be expected that the Ethics Commissioner would release the contents of private correspondence, it would appear that the information came directly from the individual making the allegation to be used in a partisan political manner during the last federal election.

This public disclosure is in direct violation of subsection 27(5) of the members' code. The code expressly states:

—Members should respect the process established by this Code and permit it to take place without commenting further on the matter.

Furthermore, subsection 27(6) states the following:

If the Ethics Commissioner is of the opinion that a request for an inquiry is frivolous or vexatious or was not made in good faith, or that there are no or insufficient grounds to warrant an inquiry or the continuation of an inquiry, the Ethics Commissioner shall so state in dismissing the request. The Ethics Commissioner shall report the dismissal in accordance with section 28 and may recommend that further action be considered against the Member who made the request.

Subsection 28(1) states:

Forthwith following an inquiry, the Ethics Commissioner shall report to the Speaker, who shall present the report to the House when it next sits.

This is an apparent failure of the Ethics Commissioner to respect subsection 27(6) and subsection 28(1) of the members' code. As of today's date no report, as required by the members' code, has been presented to the House.

Upon investigation, I have been informed that it has been indicated to the Table Clerks of the House by the Ethics Commissioner that Mr. Shapiro is of the opinion that if a request for an inquiry falls outside the commissioner's mandate, he is not required to report the dismissal for such a request to the House even though the code clearly directs Mr. Shapiro to issue a report in that circumstance.

This action then begs the question: If the January 11 request was outside the mandate of the Ethics Commissioner, what changed between January 11 and February 9, other than the government, to cause Mr. Shapiro to pursue this frivolous request?

My next concerns are as follows. It is important for all members of Parliament to know what we can and cannot do under the members' code. If the Ethics Commissioner has decided that he is not going to respond to a request and then decides he is not going to inform anyone, how are members supposed to know what our obligations are under the members' code?

Another very serious concern is the way the Ethics Commissioner has decided when to report to the House. In the case of the inquiry regarding the cabinet selection, Mr. Shapiro states that there was no contravention of the members' code and then proceeded to issue a report on the crossing of the floor that was clearly outside his mandate. The Ethics Commissioner cannot have it both ways.

In my case, by refusing to report on a non-meritorious request as per subsection 27(6) of the members' code, I am being denied the right for further action to be taken against the member for Ottawa—Vanier for breaching the members' code.

From the outset it was clear that the office of the Ethics Commissioner was being used for partisan political reasons, which further demonstrates the lack of consistency that was used to pursue this frivolous request.

● (1530)

After Mr. Shapiro wrote to my office informing me of his decision to participate in partisan harassment arising from an election campaign, my office responded with the following letter:

This letter is in response to your letter of March 27th, 2006, in which you advise of your intention to carry out an investigation into certain alleged violations by the member for Renfrew—Nipissing—Pembroke of the Conflict of Interest Code for Members of the House of Commons.

I note that the “incidents” allegedly giving rise to the complaint occurred when the Parliament was dissolved.

I draw to your attention the following quote from your report regarding the Inquiry involving the Prime Minister.

“Upon dissolution of the 38th Parliament, the House as an Assembly ceased to exist...In addition, members of the House cease to exist constitutionally...It logically follows from this that the member making the request must have the capacity to do so”.

As one must be a member of the House of Commons for the Conflict of Interest Code for Members of the House of Commons to apply, by your own finding, the members' Code has no effect on persons when they are not Members (i.e., between the date of dissolution and the return of the election writs).

The allegations made by the Member for Ottawa—Vanier against the Member for Renfrew—Nipissing—Pembroke were made at a time when neither individual was subject to the members' Code.

If someone is not able to bring forward a complaint during this period, by the same logic, one cannot be a target of a complaint during the same period, for the same reason.

For the reasons stated, you are without jurisdiction to conduct your inquiry.

I would request that you immediately cease all further inquiry into these allegations.

In a letter January 23, 2006, in response to the member for Calgary Southeast, Mr. Shapiro had this to say, and I quote directly from Mr. Shapiro's own words to the member for Calgary Southeast:

Aside from the consideration above, your request raises another issue related to my authority to initiate an inquiry at the request of a member of the House of Commons after Parliament has been dissolved.

After dissolution of Parliament there are no longer any members of the House of Commons.

While this does not appear to be clearly stated in the Parliament of Canada Act, I note that section 69 indicates:

“For the purposes of the allowances payable under sections 55 and 63, a person who, immediately before a dissolution of the House of Commons, was a member thereof shall be deemed to continue to be a member of the House until the date of the next following general election”.

Between the dissolution of the 38th Parliament and the commencement of the 39th Parliament, members of the House of Commons constitutionally cease to be members.

Points of Order

As well, with the dissolution of Parliament, the House of Commons as an Assembly, as well as its activities, cease.

As a consequence, the Standing Orders of the House of Commons have no effect.

As the members' code is Appendix I to the Standing Orders, it too has no effect during dissolution.

As a result, I am therefore not in a position to consider a request by a member for an inquiry against another member on the basis of the members' Code.

Incredibly, Mr. Shapiro totally flip-flopped from the position he took when he responded to the member for Calgary Southeast when he made the decision to pursue partisan attacks on who a prime minister could appoint to his cabinet.

Of far greater consequence to the privileges of all members of this House was the assertion by Mr. Shapiro that the "deemed" concurrence of the report issued to the House by his office on April 4, 2006 was somehow parliamentary approval for the absolute inconsistency that has been the hallmark of decisions made by Mr. Shapiro.

I draw attention of members to subsection 28(10) of the members' code:

A motion to concur in a report referred to in subsection (4) or (5) may be moved during Routine Proceedings. If no such motion has been moved and disposed of within 10 sitting days after the day on which the report was tabled, a motion to concur in the report shall be deemed to have been moved and adopted at the expiry of that time.

This I submit to all members is the same type of negative option that some telecoms use to get subscribers to sign onto services they do not really want.

This stealth method of changing the Standing Orders of the House of Commons by an employee of this chamber is absolutely unacceptable.

Any changes to the way this House governs its affairs should only be done with open debate and a vote by all members. Changes to the Standing Orders should never be "deemed to be adopted" as a default option.

I now read into the record my letter to Mr. Shapiro of May 1 after he stated he would issue a report with or without my cooperation:

Further to your letter of April 18th, 2006, please be assured that as a Member of Parliament I accept the obligations and demands as required of MPs by the Conflict of Interest Code for Members of the House of Commons (the members' code).

I welcome the opportunity to co-operate with any officer of the House of Commons in the performance of their responsibilities.

At the same time, it must be noted that in order to request information from a member relating to her functions and the way in which she carries out those functions, the person or officer must have the jurisdiction to make the request.

In order to understand the basis upon which I am being requested to co-operate with your office, it is both necessary and appropriate to ask before responding to such a request for a clear understanding of exactly what I am being required to respond to in the context of the members' code.

● (1535)

In the letter of February 9, 2006, the Member for Ottawa—Vanier alleges that sections 8 and 10(1) of the Members' Code may have been breached.

In both of these provisions, a conflict only occurs when a Member's "private interest" is involved.

Please identify the private interest, as defined in these two sections of the Members' Code, that it is alleged I have furthered in the performance of my public duties.

It was with particular interest I note that you cite the Board of Internal Economy and their bylaws as an authoritative source, where you "find that the alleged conduct does relate to the carrying out of duties and functions of a Member".

I draw to your attention the relevant section of the Parliament of Canada Act whereby the Board of Internal Economy derives its statutory authority:

Sections 52.6 and 52.8 of the Parliament of Canada Act read:

"52.6(1)The Board has the exclusive authority to determine whether any previous, current or proposed use by a member of the House of Commons of any funds, goods, services or premises made available to that member for the carrying out of parliamentary functions is or was proper, given the discharge of the parliamentary functions of members of the House of Commons, including whether any such use is or was proper having regard to the intent and purpose of the by-laws made under subsection 52.5(1)".

The same authority of the Board is specifically referenced in section 6 of the Members' Code, which provides:

"6. Nothing in this Code affects the jurisdiction of the Board of Internal Economy of the House of Commons to determine the propriety of the use of any funds, goods, services or premises made available to Members for carrying out their parliamentary duties and functions".

As I understand the allegation put forth by the member for Ottawa—Vanier, he is questioning the manner in which I may or may not have used resources in my constituency and Ottawa offices, resources that are provided to me and all Members as part of our Members' Operation Budget.

These budgets, their purpose and use, are within the exclusive domain of the Board of Internal Economy.

This, in and of itself, is grounds for dismissing the request for an inquiry by the member for Ottawa—Vanier.

He refers to section 2(a) and (b) of the Members' Code as possible grounds to proceed.

In the principles enunciated in section 2 of the Members' Code, I categorically and absolutely reject any and all allegations contained in the correspondence, including attachments sent by the member for Ottawa—Vanier behind this partisan political attack.

I remind the Ethics Commissioner that this allegation was made during the January 23, 2006 election campaign.

What purpose can possibly be served by resurrecting a partisan slur campaign?

The campaign is over.

In spite of efforts by the member for Ottawa—Vanier and the Liberal Party, the voters of Renfrew—Nipissing—Pembroke, in their wisdom, saw right through this partisan attack, increasing my plurality.

Democracy has spoken.

The fact that the Liberal Party continues to use the office of the Ethics Commissioner for partisan political purposes should in and of itself be subject to an inquiry by your office based on this same section.

What is also clear from this exchange and by your own admission, is the contradictory position you took in the inquiry involving the cabinet selection after the Valeri decision.

There is a need to establish, in clear terms, exactly what authority the office of the Ethics Commissioner possesses to enforce the Members' Code during dissolution of Parliament. This is an issue that is most appropriately the purview of Parliament in the context of legislation now before the House.

While I am prepared to respond to all requests that are made within the scope of the jurisdiction given to you by members of the House of Commons, I am unable to respond to the present inquiry without the information and responses requested in this letter.

Like anyone asked to respond to a person in authority on an allegation as serious as breach of ethics, I am entitled to know the jurisdiction of the person requesting a response, as well as the case I have to meet.

As a result, I request a response from you prior to issuing any report to Parliament, should you insist on proceeding with this frivolous pursuit.

Pursuant to section 52.5 of the Parliament of Canada Act, Bylaw 102, I consider the final paragraph of your April 18, 2006 letter to me to be a breach of section 2(d) of that bylaw and will respond appropriately.

Government Orders

Incredibly, even after receiving this correspondence, Mr. Shapiro continued his misguided attack. His final comments in the subsequent report he tabled represent a partisan double standard when compared to his introduction to the inquiry into the actions of the hon. member for York West, when he had this to say:

Regardless of public perception, the mandate or authority of the Ethics Commissioner does not extend to all areas; the Ethics Commissioner cannot be considered a general ombudsperson with the authority to respond to citizens who are dissatisfied with their particular experience with a parliamentarian, minister or public office holder.

Rather than consistently applying the same standard that was applied to the member for York West, Mr. Shapiro proceeded to act in a manner which he had previously acknowledged was outside his mandate.

My closing remarks I now direct to the other place as it considers Bill C-2, the federal accountability act.

● (1540)

During testimony from Mr. Shapiro, it was pointed out that he had a preference for a non-legislated code of conduct, and the need for someone with a background in the law, either as a current or former member of the bench of a tribunal, was questioned as being unnecessary.

The case I put forth in front of Parliament today clearly demonstrates the absolute requirement for a legislated code of conduct and for the Ethics Commissioner to have a background in the law.

It has been recognized that Mr. Shapiro has been reading into the code things that are not there. His actions clearly demonstrate that the proposals set forth by the government in the federal accountability act are absolutely necessary to restore the credibility to the position of Ethics Commissioner.

One of the columnists for the *Globe and Mail* made this observation on a decision by Mr. Shapiro:

—the Ethics Commissioner, like a judge on a court or a commissioner at an inquiry, should be bound by the strict letter of his or her mandate...It was simply his job to decide whether the MPs' code of conduct had been violated. It hadn't. Case closed.

It was a lapse in judgment, another in a long list...

For the office of the Ethics Commissioner to function with any credibility, it must do so in an unbiased, non-partisan fashion. The federal accountability act seeks to make those changes.

A senator from British Columbia during hearings in the other place on Bill C-2 asked how an individual whose appointment was voted in favour could be protected from falling into disfavour amid partisan allegations. Members vote for the office. It is then up to the individual appointee to conduct his or herself in such a fashion as to bring credibility to that position.

It is my feeling that Bill C-2, the federal accountability act, will clean up the current shortcomings that now exist in the Ethics Commissioner's office. I urge the other place to pass this legislation now.

Had the federal accountability act been in place, Mr. Shapiro would have been compelled to fulfill the requirements of the position of Ethics Commissioner as intended by this House, and the frivolous,

vexatious, partisan request by the controversial member for Ottawa—Vanier would have been properly dismissed, as it eventually was, without the waste of taxpayers' dollars, which was the final result.

GOVERNMENT ORDERS

● (1545)

[English]

EMERGENCY MANAGEMENT ACT

The House resumed consideration of the motion that Bill C-12, An Act to provide for emergency management and to amend and repeal certain Acts, be read the second time and referred to a committee.

The Acting Speaker (Mr. Andrew Scheer): The hon. member for Surrey North had eight minutes left in her speech, but I think we will move on to the next speaker.

The hon. member for Northumberland—Quinte West.

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Mr. Speaker, I rise to express my support for the speedy passage of Bill C-12, which would create a modern and effective emergency management act.

Like all Canadians, I am concerned by the prospect of a serious and far-reaching emergency, a threat to public health, for instance, like the world now faces from an avian influenza virus, or an attack on our mass transit system, such as those suffered by the people of London and Madrid. These are frightening scenarios, but we cannot afford to ignore them or to try to hide from them.

I am persuaded that the proposed new statutory framework would strengthen the capacity of the Government of Canada to work with partners in a way that would enhance the safety of Canadians in the face of all types of hazards, whether natural or intentional.

For all the heartbreak caused by the September 11 tragedy in the United States, we can at least say that countries like Canada drew important lessons from it. As a result of these sad events, Canada has taken many steps to better safeguard the lives, health and property of Canadians. For example, an all hazards emergency response system and the Government Operations Centre now provide round the clock monitoring and coordination in the event of an emergency.

In 2003, the outbreak of SARS put Canada's comprehensive emergency response capabilities to the test. Gaps and inadequacies became apparent. According to a study by the pre-eminent health care expert Dr. David Naylor, better cooperation and collaboration among jurisdictions involved in this emergency would have resulted in more seamless and effective interventions. Professor Naylor also called for better communication among officials and with the Canadian public.

This was sound advice for SARS and for other emergencies as well. In the event of a pandemic, for instance, the Canadian pandemic influenza plan, CPIP, would kick into action. This is a robust plan that provides sound technical and public health advice and has been praised by the World Health Organization as the first of its kind anywhere.

Government Orders

A strategy that builds on the CPIP is also required to address essential elements such as the protection of critical infrastructure, business continuity for government and the private sector, and economic and security considerations.

At this time, I would like to mention that I will be splitting my time with the member for Edmonton Centre.

To continue, Public Safety and Emergency Preparedness Canada, the Public Health Agency of Canada and the Canadian Food Inspection Agency are co-chairing a deputy ministers' committee on pandemic and avian influenza planning. This committee is leading the coordination of efforts of 20 departments and agencies.

The Government of Canada is working toward raising Canada's level of preparedness for an avian and pandemic influenza. The strategy will highlight the need for a coordinated response across all levels of government, with international partners and key stakeholders, to help minimize the impact of an influenza pandemic on Canada.

In 2005, with the devastating effects of hurricane Katrina, Canada worked with the United States to provide relief for victims in more than one area. Canadians expect all levels of government to act together in responding to emergencies.

Let me give another example of this collaborative approach. An intelligence-sharing network has been put in place by Canada's Department of Transport, involving all the major rail and urban transit systems in our country. When the subway system in London was bombed by terrorists last July, this network kicked in. Information from relevant sources was being shared from the earliest possible moment with rail and mass transit across the country. As a result, security was immediately heightened within the Toronto transit system and elsewhere in Canada.

Rail and urban transit security will rely heavily on law enforcement and security information. To that end, the Government of Canada has initiated work to improve the readiness of Canada's urban transportation sector to respond rapidly to emergencies and to develop effective emergency plans. In times of crisis, it is essential that activities be coordinated. Our resources and expertise must be managed and deployed in the most effective way.

● (1550)

While always respecting the jurisdiction of all partners, the federal government has the experience, expertise and the necessary authority so that all players in an emergency have the information and resources they need to safeguard the well-being of Canadians, which brings me to the legislation before us.

The emergency management act proposed under Bill C-12 would further strengthen and integrate Canada's collective capacity to defend against all types of disasters and emergencies. Here is why.

The proposed statutory framework would put the public safety and emergency preparedness minister in a clear and unequivocal coordinating role for the Government of Canada. In particular, Bill C-12 sets out his authority. It also sets out his responsibility to coordinate all activities at the federal level and the spearhead interaction with the provincial, territorial and international emergency management authorities. The proposed law also provides for

an integrated and coherent approach to emergency management across the Government of Canada through the application of standardized emergency management planning principles.

Another aspect of the proposed act, which I believe merits attention, relates to the protection of critical infrastructure. I am referring to health related installations such as hospitals, clinics, blood supply facilities, labs and pharmaceutical companies. I am also talking about transportation related infrastructure for rail, air, marine and surface vehicles, including those for mass transit.

There are many other sectors including finance, energy, food and agriculture, but to mention just one more, think only of the security of information and communications technologies, the computer systems that play a pivotal role in every facet of society. The bill before us would make federal ministers responsible for identifying risks to the critical infrastructure related to their portfolios and for incorporating these considerations into their emergency management plans.

People do not generally want to contemplate the prospects of serious emergency, like a bombing in our urban core or a pandemic flu outbreak, which the World Health Organization predicts could kill millions of people around the world. However, the government has no choice. It must think of such scenarios. It must accept that the threats are real and put in place the plans that would help Canadians pull through. The bill would enhance the federal government's ability to act as a collective force against modern threats.

For that reason, I urge my hon. colleagues to speed the bill through the legislative process.

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, a lot of the emergency response teams really deal with municipalities, whether they be fire, ambulance, police, et cetera. The bill talks about coordinating activities of government institutions relating to emergency management with those of the provinces and those of the local authorities.

I want it clarified whether the local authorities include municipalities and, if so, what kind of process is in place to do the coordination.

The other thing is that subclause 4.(1)(j) of the bill also talks about providing financial assistance to a province. However, my understanding is that a lot of these emergency response teams, such as the fire department, is 100% funded by local municipalities and not necessarily through the province. The subclause says that financial assistance to the province would only be provided when the province requested assistance. In the case of, say, the fire department, it may not come from the province. What if immediate assistance is required from agencies that are connected only through the local municipality?

Government Orders

The other concern I have is on the public health side. A lot of public health departments in urban centres, for example, are strapped in terms of their funding and have been unable to translate a lot of the material. In big urban centres such as Toronto, Vancouver and Montreal, a lot of information needs to be translated into different languages if there is an emergency. This is critically important in order to reach all our residents, whether they speak English, French or another language, if unilingual that way, so they can immediately get the kind of information that is critically important.

Does the definition of local authorities really connect with municipalities and the financial arrangements?

● (1555)

Mr. Rick Norlock: Mr. Speaker, I am quite familiar with the procedures regarding emergency measures and those ancillary items. In my prior occupation as a police officer I was involved in emergency planning in the municipalities in which I served and in particular in Northumberland where we managed all levels of emergency response to situations and how those agencies integrated their efforts.

If we look at the current bill before the House, we will find that the federal government works in conjunction with its provincial and municipal partners upon request, and only upon request, and will respond directly to the urgency at hand.

The hon. member mentioned a particular translation into languages, et cetera. Of course the federal government would endeavour to work with all parties, municipalities as well as the provinces, to ensure that the appropriate authorities and instances that the government would be required to assist in would be addressed.

I bring her attention back to my address before the House when I mentioned the subway bombing in London and how quickly the Government of Canada was able to bring that kind of information to heighten the emergency preparedness intelligence network throughout Canada, in particular those in our mass transit systems, so they could take the appropriate action to secure the safety of the people using their services.

Those items have been addressed. Quite frankly, we are looking for a seamless integration, and Bill C-12 does that.

Hon. Michael Chong (President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister for Sport, CPC): Mr. Speaker, I thank the hon. member for Northumberland—Quinte West for all his work on this bill. As a former Ontario Provincial Police officer, he obviously has a lot of expertise in this area. There is a lot of expertise in this area in our caucus. The hon. member for Edmonton Centre is a former member of the Canadian armed forces. He also brings a lot of expertise to this area.

My question concerns natural disasters. Last summer a tornado came through Wellington county. It affected two townships, the townships of Mapleton and Centre Wellington. Local citizens like Don Vallery, Mayor Spicer of Central Wellington and Mayor Green of Mapleton responded very capably. Nevertheless concerns were brought to my attention from citizens like Richard Ross, who felt that governments could be better coordinated and better able to

respond to these things, especially if these natural disasters were of a larger nature.

My question for the member for Northumberland—Quinte West is this. How does the bill strengthen the Government of Canada's ability to respond to natural disasters?

● (1600)

Mr. Rick Norlock: Mr. Speaker, the bill coordinates all federal government agencies in order to provide the services that each community and province needs. There would be an integrated approach from a central location to provide the services that were needed.

I think back to the ice storm, which was quite a large disaster for our country. It involved more than two provinces, if I remember correctly. It required the federal government, through the armed forces and numerous other federal agencies, to get involved. This bill, in a larger catastrophe ice storm scenario, especially if it were interprovincial in nature, would provide for a more seamless and integrated approach in order to provide to municipalities and provinces the kind of assistance they would need with less bureaucratic hoops to jump through.

The bill is designed to provide a more seamless federal government approach to emergency management to ensure there is one central location with which to access all the needed assistance.

Mr. Laurie Hawn (Edmonton Centre, CPC): Mr. Speaker, I thank the House for the opportunity to join my colleagues in support of this very important legislation.

[*Translation*]

Bill C-12 explains and confirms the federal government's leadership role in coordinating major emergency response measures. Once adopted, the Emergency Management Act will enable Canada's preparedness and ability to respond to emergencies to keep pace with evolving threats. My honourable colleagues have already highlighted some of the changes included in the bill before us.

That said, allow me to elaborate on one particular aspect of the bill: the protection of critical infrastructure in Canada and the importance of physical and technological infrastructure to national security.

[*English*]

When we speak of infrastructure, we tend to think of roads, bridges and buses, but in this modern era the term has come to mean much more. Indeed, a long list of installations and services has become essential to our economy and our way of life. The wilful or accidental destruction or compromise of this critical infrastructure constitutes a genuine emergency. What is more is that the interdependent nature of our critical infrastructure means that an attack in one sector can have serious and cascading impacts on others.

Government Orders

In the energy field, for instance, we think of electrical power utilities, grids, natural gas and oil production, transmission systems and nuclear power plants. In the health sector we are talking about hospitals, clinics, blood supply facilities, laboratories and drug manufacturing plants. There is the agricultural and food industry as well from crops to distribution. We need clean drinking water and waste water management facilities.

Transportation is about roads and highways, but it is also about air, rail and marine modes of transport, both passenger travel and freight. Defence and chemical industry based manufacturing is another critical factor, which also makes it a potential target for sabotage or terrorism. The same can be said for some government services and installations, particularly monuments and other sites of key national significance. We also need to protect safety related facilities such as hazardous material depots.

Another vital sector of infrastructure involves information and telecommunications technology. This includes Canada's sophisticated telecommunications and broadcasting systems as well as computers and networks.

The Emergency Preparedness Act, which still governs our emergency management activities, was passed in 1988. Few Canadians even had home computers then, let alone Internet access, email, wireless hand-held devices and all the electronic conveniences that we take for granted today and, frankly, curse sometimes.

Information and communications technologies are more than just a convenience. They have become the backbone of our contemporary society, supporting every other piece of infrastructure. Unfortunately, this digital backbone can be sensitive to disruption either through sabotage, accidents or natural events. The consequences can be calamitous. We need only think of the eastern Canada-western Quebec ice storm of 1998, the Ontario northeastern U.S. power blackout of 2003 and hacker attacks that have unleashed their disruptive viruses or worms across the Internet.

We recovered from those setbacks and learned from each of them. One of the things we learned was the paramount importance of strengthening the security and integrity of Canada's infrastructure, both the physical and the electronic. That is where the proposed emergency management act comes in.

Under the proposal before us, the legislation would make federal ministers responsible for identifying risks to critical infrastructure within their jurisdictions. Once the risks are identified, ministers would be obliged to prepare, maintain, test and implement emergency plans to address those risks. The plans would set out how each federal department would continue to operate in an emergency. They would also specify measures to assist the provinces and territories at the request, and by extension, municipalities and other authorities.

Given the broad range of installations and services that we now consider critical, it is clear that emergency planning poses a significant challenge. What is more, an estimated 85% of Canada's critical infrastructure is owned or operated by the private sector. How does the government coordinate so many players, not all of them under federal authority?

Information sharing is essential to public safety. As the majority of critical infrastructure is owned by the private sector, it is important that there is a willingness to share information on threats and vulnerabilities. Take for instance the case of international crossings. Emergency planners need to know where a particular facility may be vulnerable to infiltration by a saboteur or a hacker. Perhaps it is a structural weakness that might not withstand a powerful earthquake or bomb. Operators have been perhaps naturally reluctant to share vulnerability assessments and other confidential third party information with governments because they do not believe that existing legislation is sufficient for its protection. Bill C-12 proposes to amend the Access to Information Act to explicitly protect this type of sensitive information.

• (1605)

[*Translation*]

Bill C-12 brings much-needed updates to our current emergency management legislation.

First of all, it recognizes the importance of critical infrastructure and holds all federal ministers responsible for identifying risks associated with infrastructure in their area of responsibility.

Secondly, it sets out management mechanisms for those risks, including the coordinated development and execution of emergency management plans.

Finally, in an effort to facilitate joint planning, this bill would be the first to protect the confidentiality of information the government receives from the private sector in the course of preparing emergency management plans.

[*English*]

Those are important innovations that would help Canada better withstand major emergencies. I call upon my hon. colleagues to lend their support to this worthy and necessary legislative initiative.

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, as I am not sure whether I received the answer previously I would ask for clarification again. In the definition of the bill does “local authorities” include municipalities, yes or no? I raise that question because in the bill it states that the federal government would come into the picture only if requested by the province and not by any other level of government.

In that case, if, for example, in the city of Toronto there is a problem on the highway, like Don Valley Parkway or QEW with millions and millions of cars, it is 100% local government responsibility.

We talked about the London bombing with respect to public transit. Unlike London, England, the operating funds for local transit systems are 100% local government. In London the state government is actually involved in operating the public transit system. The fire departments are 100% local authorities and local government. Therefore, the financial assistance and the coordination, if there is an emergency, a lot of these areas are connected to local municipalities.

Government Orders

My question is clear. In the bill does the phrase “local authorities” also mean local municipalities? Why would the government not amend it to add in the request of the provinces and/or municipalities in that case?

• (1610)

Mr. Laurie Hawn: Mr. Speaker, a very quick short answer to the hon. member's good but lengthy question is yes. Once again, as mentioned by the previous speaker, the answer is yes. Of course it applies to municipalities. The municipalities work through the province to the federal government when they need assistance in whatever way is required by the emergency in question.

Frankly, I do not really care what happens in London, England, but I do care what happens in Canada. The purpose of Bill C-12 is to ensure we have a good, solid, coordinated national, as in federal, provincial and local authority, organization to deal with whatever emergency situation comes up.

That is the long way to say yes it does include municipalities.

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, I would like to put the following question to the previous speaker. I am not blaming him. However, I just listened to two speakers from the government benches talking as though there were no emergency measures in Canada. In fact, there are some in several provinces.

The general philosophy, concerning emergency measures, is to go from bottom to top. As I listen to them, I have the feeling that the current government still considers, as did previous governments unfortunately, that this goes from top to bottom.

Is he aware that the majority of emergencies in Canada must be dealt with locally, that there are provincial laws that provide for such situations, and that the federal government should reserve its assistance for greater emergencies, to fight against greater disasters?

Mr. Laurie Hawn: Mr. Speaker, of course, I am aware of the efforts of municipalities and provinces.

[*English*]

I know my hon. colleague is experienced in that area and he has done a tremendous job in the province of Quebec.

As I said in response to the last question, the requests go from the municipalities, which are the ones who respond to every emergency that happens in their area of jurisdiction to whatever extent they can. If they need help, they will go up the line. If the provinces need help, they will go up the line to the federal government.

The point of Bill C-12 is to ensure, from the federal government's point of view, that coordination is in place so that when requests do come up, things can be handled quickly and seamlessly between the federal government and the province and the municipality as necessary driven by the circumstances on the ground in the municipality or the province where the emergency is taking place.

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Mr. Speaker, it is a pleasure to speak to Bill C-12, the emergency management act. I think we can all remember a time not so long ago when life was gentler and perhaps seemed a lot safer. However, 9/11 happened and, in many ways, the world changed.

After 9/11 it is important for us to remember that while the threats are more evident, certainly in the papers and in our lives, we must all live a life of vigilance, not live a life and be paranoid. In response to that, this bill has come up, a bill that builds upon the work that was done by the previous government in a number of areas.

After 9/11 we constructed PSEPC and invested more than \$7 billion in developing an integrated network that would involve threat monitoring, assessment and response, not only here at home but abroad. I will divide the threats into two separate sections: those that are natural and those that are man-made.

We have the natural threats but perhaps one of the most evident and frightening threats for most people was SARS. SARS is a virus that percolates through birds in certain parts of the world, especially in the Guangdong area of China. Within that area we have seen historically, over the last 120 years or more, that every 20 or 25 years a pandemic circles the globe killing sometimes tens of millions of people. Indeed, that is the fear we all have.

SARS is a difficult problem to deal with because the virus itself morphs and changes continuously, which is why developing a vaccine is so challenging and why every year a vaccine comes out but it is never the same as the one in the previous year. The reason is that although the virus is a simple one, it is in some ways a bizarrely clever virus because it always changes its coats. It is always morphing and it is a challenge to keep ahead of it.

Our researchers in Canada are some of the best in the world. After the SARS crisis, we developed an integrated threat assessment program looking at hospitals across the country and monitoring the mortality and morbidity, the sickness and death statistics in the country to find out whether there are any disturbing peaks.

What Canadians are proud of and what is a feather in the cap of our country is that we are the best in the world. Because of that, other countries have asked us for our expertise. We have sent over some of our top-notch mobile labs and scientific researchers to the Far East where they are actually on the cusp of where this virus no doubt will stem from and where it will start its deadly march when it is able to transfer from birds to mammals, which of course includes human beings, then, most frighteningly, when that virus is able to be transferred from person to person.

It is a testimony to our scientific researchers and our integrated threat assessment program that we set up that we are the best in that area.

In another area, we saw the tsunami that devastated southeast Asia that also shook us, being a nation that lives in part on the cusp of the Pacific Ocean. My riding is on Vancouver Island and it is something that is very concerning to us. We have begun to set up a tsunami monitoring system in our country and have set up, to some degree, this system in other parts of the world, particularly in the mid-Pacific and further toward the Far East. It has started to work. More work needs to be done and I am sure the government will look at continuing that work so we will have a superb tsunami monitoring system for the Pacific. I know the constituents in my province of British Columbia and other MPs here from my province will be grateful for that.

Government Orders

The other area is SARS. Beyond the threat assessment network, we also developed a system of stockpiling antiviral drugs, particularly Tamiflu, but we need to be careful because this is not the solution to the problem. Tamiflu is not the solution to deal with SARS, for many reasons that I will not get into here.

● (1615)

The other issue I want to talk about gets into the man-made issues, which two of our colleagues from the government's side dealt with. The extent of the challenge is fairly obvious. The response can be divided into two sections. One would be dealing with the individuals who would choose to wage war against others and kill people against their religious beliefs. Indeed, those who utilize religion as a tool to murder others, and I am talking specifically about fundamentalists, and again we have seen a lot of this with Muslim fundamentalists, in no way, shape or form represent the Muslim faith.

In fact, the Quran says very clearly that if a person saves one life, that person has saved the lives of humanity. If a person kills one person, that person kills humanity. Indeed, Islam and the Quran forbid anyone to take up arms against another and to hurt another. That is much misunderstood and is little known.

We have to understand that the people who are utilizing religion and other propaganda to foment often violent sentiments against the west are warping, twisting and mutilating their religion for their own benefit. This can be dealt with in a number of ways.

In the country that spawned this violence we have to do a better job of actually dealing with it pragmatically. Sometimes our combat troops are necessary and they do an outstanding job, as they are doing right now in Afghanistan, giving their lives for security to occur. In order to support them, the development component must occur.

Within the confines of Afghanistan we have simply asked that four parts of this mission be supported. First is the defence component which is being supported, not only from the full combat capability, but also to the development capability. Second is the development component internally in Afghanistan. Third is the training of Afghan security forces. Fourth is dealing with the insurgents from outside Pakistan. Dealing with the insurgency outside Pakistan requires a multi-faceted approach. In the madrasahs of a certain country little children are fed a steady diatribe of hate against the west. As a result, when some of those children grow up, they choose to take up arms against the west.

● (1620)

Mr. Laurie Hawn: Mr. Speaker, I rise on a point of order. I wonder what this all has to do with Bill C-12. Clearly it is about Afghanistan and the security situation in Afghanistan. I am not sure what it has to do with emergency preparedness in Canada. I would ask the hon. member to stick to the topic.

The Acting Speaker (Mr. Andrew Scheer): I am sure the hon. member for Esquimalt—Juan de Fuca appreciates the intervention by the member for Edmonton Centre. I think he will want to stick to the merits of the bill. I will grant him some time to get to the actual merits of this particular bill that we are debating now.

Hon. Keith Martin: Mr. Speaker, I am happy to answer the member's question. The security situation within Afghanistan is

intimately tied to our security. That is why we are there. We are there to deal with al-Qaeda. The member, who is a former officer of the Canadian Forces, knows full well that our troops are in Afghanistan to provide the security so development can occur behind that, so that training of Afghan security forces can occur and so that we can deal with the insurgencies.

That is why in dealing with security threats here in Canada it is important for us to deal with some of the root causes of that insecurity. Part of it is to deal with the threat of terrorism. We have to deal with countries through our development prism and change those educational components which feed a steady diet of lies and hate to children and leads them to one day take up arms against us in the west. The only way to address it is on the ground.

Here at home probably the best bang for the buck in terms of dealing with security would be to invest in intelligence. We did that when we put \$7 billion into our security plan for our country. We made a specific increased investment in CSIS and the RCMP to give them the tools to deal with security threats within Canada.

Most people recognize that the best way to protect all of us here at home is to deal with a strategic investment in intelligence and to work with groups on the ground. We must ensure that those groups have the ability to communicate with each other. We must ensure that they have the intelligence information and the resources, both human and otherwise, to support intelligence activities in Canada.

By working with moderate leaders in communities within our country we are able to address threats that not only affect us but also affect those communities. We tend to forget that when individuals from certain communities commit acts of grievous violence against innocent civilians, it hurts their communities too.

There is a deep and profound angst and hurt within the Muslim community that some individuals are hiding behind the religion of Islam and purporting to kill innocent civilians in the name of God and Islam. They recognize full well that it is not the case. That is why it is very important for us, and I certainly hope that the government will continue with the process which we started, to work with moderate leaders in communities within our country. They are more than happy to work with us and with CSIS and the RCMP to ensure that we have the ears and feet on the ground to identify individuals who are threatening to kill innocent civilians.

Indeed, the members of Parliament from Toronto know full well that it was the brave actions of our RCMP and the Toronto police force and others, and members in the Muslim community, who worked hard with to apprehend those individuals before they were able to murder innocent civilians. We need to congratulate and thank all of those groups for their hard work. That does belie the fact that more investment has to take place in our security.

Government Orders

In dealing with natural disasters, one of the things we started was to fund, utilize and increase the numbers of our reserves within the Canadian Forces. The thousands of individuals in Canada who give of themselves to work in our Canadian Forces, in the reserve component, deserve enormous credit. They would like to work as aides to the primary responders, the police forces, firefighters and ambulance workers. Our reserve forces can be an active and able component to assist our first responders. I would encourage the government to continue something that we started when we were in government.

•(1625)

When the Leader of the Opposition was the defence minister, I was his parliamentary secretary and we worked hard with General Hillier the chief of the defence staff on a process to increase the number of our reserve force by 3,000. What they also need and what was left as unfinished business was training and the resources for training, as well as the equipment needed to respond in an integrated fashion to various disasters across the country.

We also need an adequate and competent communication network. When disasters occur, communication breaks down. It is a very difficult challenge but it is one that must be overcome very quickly. This is of an urgent nature in my province of British Columbia where two plates are grinding against each other. We know with certainty there will be a massive earthquake that will affect Vancouver Island as well as the coast some time in the next 100 years. It could happen tomorrow, 10 years from now, or 50 years from now, but it will happen.

I would implore the government to please continue the work we were doing to develop an integrated communication network that is impermeable to the effects of a disaster. This is critically important.

The government must also integrate our first responders with our reserve forces. When we were government we developed a threat assessment and a first response network that is centred here in Ottawa, integrated with other provincial responder units across Canada, which then goes down to the local communities and our first responders. We set that up across Canada. The communication network needs to be supported within that context.

We started a process of training our first responders, both firefighters and police, but more needs to be done in that area. I would encourage the government to listen to what our firefighters and our police officers are saying and respond to those needs.

We also developed the NESS system, an emergency network across the country. This is quite exciting. Dozens of portable hospitals are set up across our country. Each of these hospitals can have up to 168 beds. The hospitals are fully formatted to deal with an emergency. They are forward planted. Some of those portable hospitals were used during the tsunami relief operations in Southeast Asia. They proved to be very valuable.

I would implore the government to continue supporting the NESS system which we started. It would enable us in times of disaster to set up forward deployed portable hospitals across the country which would be fully functional. It is important for that activity to continue.

The other issue I would suggest dealing with is protection. More attention from all of us is needed regarding the protection of our

critical areas, not only the transportation arteries on land, but also the ports and container traffic. A major significant area where our defences could be breached is with regard to container traffic. The other areas are water protection and protection for our nuclear power plants. An adequate assessment of that would be valuable.

We could learn a lot in looking at the 9/11 report from the United States. We should look at the findings of that report and ask ourselves what the U.S. did wrong in those areas. The 9/11 report articulates them. We could determine what the solutions are and whether we are applying those solutions to the challenges in our own country. The 9/11 commission report would give our government a framework that we could apply to our country and ask ourselves the difficult questions that have to be asked and answered in the interests of the safety of the citizens whom we serve. That document is critical.

We also started to study the U.S. failure in New Orleans with respect to hurricane Katrina. Our Canadian Forces did an outstanding job in assisting during Katrina. Divers from Canadian Forces Base Esquimalt went down there to save lives. They worked under the most difficult circumstances. They deserve an enormous amount of credit for what they did.

•(1630)

It is interesting to note that our Canadian Forces and civilian responders responded much quicker than did U.S. responders to the disaster in the wake of Katrina. We were on the ground helping those people right away. Our Canadian Forces, firefighters and police officers were there and did an outstanding job, responding quickly.

We looked at the response by the United States to the disaster in the wake of Katrina and noted what it had done well, what it had not done well and what we could learn from it. It is important for the government to look at the response. It is also important for the two ministers involved in defence to look at that document and address it.

There are two other areas about which I want to talk. One is research in the private sector. It is an area that is not known very well, it is not protected well and there is a lot of ignorance about it. A lot of research is done in the private sector. Some of that research has significant capabilities with respect to security, which could be used as tools against us, not only in the medical field but in other fields too.

The application of the research in the private sector could be utilized by individuals who would choose to harm us in nefarious ways. The problem is how we can protect against that research getting into the hands of those individuals? This area is not explored. It is an area where there is a lack of knowledge. I would implore the government to work with the private sector and educate it on the need to protect some of the research that is done. If we educate the private sector, it will fully understand and be very cooperative with the government and enable it to address the issue. It is a big black hole that has not been dealt with.

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Last, as was mentioned before, protection of our communication, computer and information technology sector is critically important. We need to continue that endeavour to deal with it because it is an ever-changing field that is obviously difficult to get ahead of, but it is something we must do.

Bill C-12 will continue to build on the work we did in the former government in a wide variety of areas. We encourage the government to work with us to help this happen in the interests of all our citizens from coast to coast.

• (1635)

Mr. Paul Dewar (Ottawa Centre, NDP): Mr. Speaker, I listened with interest to the hon. member's comments, suggestions and encouragement. I have a couple of quick questions.

A program had been put together after 9/11 to train local responders. It was the heavy urban search and rescue program. It was to set out to deal with biological chemical incidents. It was supposed to be a fifty-fifty saw off. Sadly, the previous government abandoned its commitment to the program so the urban centres were left on the hook to train people in this area.

My first comment is that it is fine to have this kind of infrastructure, but if we do not have the saw off and the equity in helping first responders, then really this is just words on paper.

The second point is I know firefighters, one a friend of mine, went to New York in the wake of 9/11. They did not know what they were getting into. We know the health effects that plagued the first responders. We need to take a look at that.

Could the member comment on that? When we send people into harm's way and into danger, how do we ensure they will not pay the price for a very long period of time? For some, it has been lethal and it has affected their health dramatically.

Hon. Keith Martin: Mr. Speaker, he is quite correct that we started a process for biological, chemical and radiological events within Canada. We had started to train first responders. We need to do more of that. In Vancouver some of our first responders have been the beneficiaries of that training, as well as in other parts of the country. Again, we need to continue on with that process.

The other thing we wanted to do was use our reserves as an adjunct to first responders, and they would then be trained specifically. One of their talents and skills would be a specific capability with respect to biological, chemical and radiological events within Canada.

When I was working in defence, we had training sessions. We had mock events of such a horrific event that took place right in downtown Ottawa. What we now need to do is build on that with respect to the reserves.

First, with respect to those individuals who commit heroic acts and go into areas and face health effects, not only in the short term but long term, we always try to ensure they have the equipment to protect themselves.

Second, they receive the care that they require if, heaven forbid, the unforeseeable happens and they are injured in the commission of their duties. That is our responsibility to all individuals who engage in activities in the protection of society at large.

Mr. Laurie Hawn (Edmonton Centre, CPC): Mr. Speaker, I thank my hon. colleague for his speech, especially the sociological discourse as to what was behind it all. I learned something.

I want to point out a couple of things and then ask a question.

First, the reserves and the Canadian Forces regulars have been doing aid of the civil power for as long as I can remember, having done it myself as a young officer cadet in the early sixties. This is nothing new and it is not something that any particular government invented.

The other thing is finally this government is doing something about spending money on the military reserves and regular force and equipment to allow things to happen like getting DART somewhere it needs to go in a reasonable time, such as in a Canadian C-17 instead of a U.S. air force C-17.

I agree with most of what the hon. member has said. He has some great points. There is not a lot of disagreement with them. My question for him is very simple. I take it from his remarks that he is personally supports Bill C-12, will vote for it and will encourage his colleagues to do so?

Hon. Keith Martin: Mr. Speaker, I thank my hon. colleague for the work he has done as an officer in our Canadian Forces and the air force. I know he has accorded himself honourably in the commission of his duties for our country. As a Canadian, I think we all thank him for the work that he has done, as we do indeed all our Canadian Forces officers and non-commissioned officers and men and women who are in the ranks from top to bottom who work in the commission of their duties with remarkable efficiency, honour and courage. We all owe them a debt.

When I was making my comments about aid to civil power, I was not suggesting that this was something new. What I was suggesting was that the capabilities for our reserve force was going to change and that we were going to modernize them somewhat and give them broader capabilities

Dealing with the chemical, biological, radiological challenges was never considered before. Therefore, this was something we were going to task our reserve force with so they could aid civil power and first responders. We wanted to increase the capabilities on the ground in an integrated way so we could support those reserve forces and they in turn could support our first responders.

It is really a dual track approach: first, help our first responders to have the tools and the training they need; and second, help our reserves to have similar capabilities so they could support them in the event of a disaster.

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• (1640)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the member spent quite a bit of time on a very small aspect of the emergency spectrum of possibilities in which we could get involved. This is a matter which has been dealt with by the House in prior parliaments. In fact, it has billions of dollars invested in it. I think about \$9.5 billion to strengthen our national security was invested in prior parliaments.

Some concern has been expressed about whether Canada is ready and prepared on the terrorist side, being in close proximity to the United States. Even within the bill, there is a ministerial responsibility to coordinate emergency efforts with regard to emergencies that occur in Canada or the United States.

Could the member give us an idea of the enormity of the consolidated or coordinating effort that is required when dealing beyond our own borders, not to mention other levels of government and maybe the duplication or overlap of interests and responsibilities? This is a very important bill and very onerous. Is Canada ready?

Hon. Keith Martin: Mr. Speaker, the member asked a very pertinent question about whether we were ready against terrorism. I do not think one is ever completely ready because individuals will always be able to kill other people if they want. Our job is to do the best that we can to protect innocent civilians. There is no perfect solution.

The member mentioned something very important, which is we try to avoid duplication. In the interest of utilizing the taxpayer money effectively, we started PSEPC. We could work with PSEPC, invest the money, develop the national coordinating system, which we have here, and be able to link that with provincial coordinating bodies and, by extension, down to the municipalities. That is critically important.

On the terrorism file, we have to recognize that the 9/11 al-Qaeda was a much more monolithic organization. Since 9/11 it has changed a lot. The U.K., Madrid, now Toronto and events in the other parts of the world have shown very clearly that al-Qaeda is now operating as a diffused series of cells around the world. It does not have the monolithic culture. Furthermore, other groups are offshoots of al-Qaeda. They are also willing to engage in the same bloody-minded, violent actions against the west that have nothing to do with Islam whatsoever, nothing to do with religion and certainly nothing to do with any God of which I am aware.

It is important that we continue. I hope the government, as the Liberals have tried to do, invests in intelligence and works with civil society in Canada, with affected communities, communities that have within them members who would engage in this behaviour. Those are the people we should be dealing with to ensure we can address the threat within our midst.

Last, for those who believe that we are not at risk, we are at risk.

• (1645)

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, I would first say that we will be voting for the bill on second reading.

It contains some things that we do not like, to be honest. I believe that they could be improved in committee, but it is still important that these things be said.

Once again, the federal government imagines that it has to run the whole show. In the present circumstances, the issue is not solely about the fact that Quebec is more sensitive to protecting provincial powers, and because we want to have all the powers, we would like to exercise all of the powers that we already have; is that it? No, it is really because it is in the nature of things that action must originate at the local level, when there is a disaster, because that is what it is called. That is an accurate term. It is at that level that the plan must be originated.

Obviously we are prepared to acknowledge that the federal government has a role to play. In fact, in the major disasters we have dealt with in Quebec, we have never, to my knowledge, had any complaint about the contribution made by the federal authorities—even when it was the army!

Obviously the army may have equipment that we do not have in local communities. For example, if we need helicopters, the army is just about the only source from which they can be obtained quickly. The army also provides a disciplined and multi-skilled body of workers. When a lot of people are needed for the job, it can step in to protect institutions and it can go around neighbourhoods, as in the case of the ice storm, to urge people to leave and tell them where they could go, and so on.

I am also persuaded, and I will say this straight off, that a disaster is not the time to be squabbling over territorial jurisdiction. I believe that everyone is naturally going to work together.

What I do not like about this bill, and what seemed to me to be reflected in the notes prepared for some of the speakers on the government side, is that there still seemed to be this mindset that the federal government is going to organize everything that has to be done in emergencies in Canada, that it is going to take that responsibility upon itself once again. I believe that this is not a good idea.

I will just draw a few comparisons. This bill that has been put before us contains 14 clauses. The Civil Protection Act in Quebec has 196. An act is not judged by how many sections it has, but nonetheless this provides an idea of what we covered in that act. I had the honour of organizing it and presiding over its passage. It was a great honour, because I had no experience in civil protection, although I had experience in public safety. I was struck by the skill and dedication of the people behind that act. They had already presented me with a plan for safety in the case of fires, and the funny thing was that it was a plan similar to the one for civil protection. I thought it to be so intelligent that I said we would implement it. It was prompted by the Nicolet report, which was written in response to the ice storm.

Quebec may have the best legislation in Canada. I do not know, because I have not compared it with the others, but one thing is certain: Quebec has found itself in circumstances where it had to take action. And we found that the laws we had at the time were put to a tough test. We learned lessons from this and then we decided to enact the best possible law. As a result, that act is of some significance.

Of course, I would not do this other than in the present case, but perhaps it is appropriate to warn the *Globe and Mail* that the ice storm episodes and the deluge in Saguenay have nothing to do with the language quarrels or Bill 101 in Quebec. Normally, I would not comment on this but let us do it. We can go on to more serious matters after our little recess.

Let us see what clause 3 says:

The Minister is responsible for exercising leadership relating to emergency management in Canada—

However, I do not agree. The minister certainly has the right to exercise it in areas of federal jurisdiction, but leadership roles must be the responsibility of local authorities.

• (1650)

In the ice storm in Quebec, it is the premier who played a leadership role, to the satisfaction of all. This greatly contributed to his popularity and that of the government at the time.

Then, in clause 4.(1)(d) in particular, we are told that the minister's responsibilities include:

monitoring potential, imminent and actual emergencies and advising other ministers accordingly.

I appreciate that, in the context, perhaps we want to talk only about emergencies that the federal government must deal with, but we see that this still has a very general scope. However, this is not everywhere. There is still the concern to remain in one's area of jurisdiction. I quote:

—coordinating the activities of government institutions relating to emergency management with those of the provinces...and through the provinces, those of local authorities.

The other jurisdictions are being recognized.

establishing arrangements with each province whereby any consultation...may be carried out effectively.

There is good intention.

coordinating the provision of assistance to a province in respect of a provincial emergency, other than the provision of financial assistance and the calling out of the Canadian Force for service in aid of the civil power—

I accept that the federal government would maintain jurisdiction over the armed forces, even in these cases.

[...]providing assistance other than financial assistance to a province if the province requests it;

Once again, the local authorities are respected.

However, there are other clauses that give rise to concerns about the bill, which we could examine in committee. For example, in subclause 6.(2), the French version is more general than the English, which reads:

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Each minister shall include in an emergency management plan, [...]

This means that every minister must include certain elements in his or her plan whereas the French text states “Every emergency management plan must include the following:[...]”, as if all the plans throughout Canada were to include the elements imposed by the federal government. I believe that would be a basic mistake.

However, I recognize that subclause 6.(3) states:

A government institution may not respond to a provincial emergency unless the government of the province requests assistance or there is an agreement with the province that requires or permits the assistance.

In this case, the jurisdiction is respected.

This is why I believe we could improve this legislation in committee and that we probably all share the desire, no matter the political party we represent or our political persuasion, to end up with a bill satisfactory to all.

Many members have spoken about civil security. I would like to explain the major components of the Quebec Civil Protection Act in order to provide an understanding of how, in the provinces, we are ready for emergencies and the details of our plans, whereas here, what in essence is being proposed is legislation to enable regulations. In the Quebec law as in ours, every department is required to prepare an emergency plan. That is one of the components of the Quebec law.

As I mentioned, the Quebec law has 196 sections. I will read Article 1 which explains what is covered by the law:

The purpose of this Act is the protection of persons and property against disasters, through mitigation measures, emergency response planning, response operations in actual or imminent disaster situations and recovery operations.

We therefore have PPIR: prevention, preparation, intervention and recovery. As you can see, it is an attempt to fully cover emergency preparedness. It deals with people whose activities or property generate risk, by creating certain obligations, namely mentioning them to the municipality that will have to take all this into consideration in its risk coverage plan. It addresses the responsibilities of the local and regional authorities. It addresses the public safety plan, an aspect of which I will come back to because it is central to this legislation. It addresses local declarations of states of emergency, when they should be declared and under what circumstances. It addresses which government departments and agencies have to prepare their own emergency plans. It talks about the coordination role of the public security minister.

• (1655)

It deals with the national public safety plan. There are regional plans, but there also needs to be a national plan that applies to Quebec as a whole. It addresses the orders to implement certain measures and declarations of local emergencies. It addresses the role of the government, its obligations and when it intervenes. It also addresses financial assistance for people during and after the disaster.

In Quebec, we are pretty well prepared to intervene in disaster situations. That does not mean we would not need or want help from the federal government. Nonetheless, we do not want it to come in and take over for us.

Government Orders

I talked about the public safety plan, which is essentially this: local elected politicians must meet at the RCM level, regional county municipality—there are roughly a hundred in Quebec—or in metropolitan communities in the case of big cities. They must prepare their public safety plan.

What is a public safety plan? It is taking stock of the risks. There is a railway track near us, are hazardous materials transported across it? What would happen if a train ever derailed? Where are the reservoirs that might explode? What would happen in a power outage?

Then we draw up an inventory of our resources. What resources do we have? Where can we quickly house people who have no shelter? What can we do if we have to get along without electricity for a week or two? Are there any generators? In one Quebec municipality, a woman knew that train engines are generators. They generate electricity. So we put all that together and apply our resources to the needs. We have a plan that has to be approved by the government, which provides suggestions, and we have to implement this plan so that when a disaster strikes, we know what to do.

Things are much more developed in the act that in what is proposed here, and there is no need for the federal government to tell us what to do.

Many people have mentioned Hurricane Katrina, which really caught our imaginations. I think that people would probably be interested to know what someone who has been involved in public safety thinks about what happened when Hurricane Katrina struck. In my view, it was a disgrace that the most powerful country in the world reacted in this way. Look at what would have happened if they had had to follow the Quebec legislation. Local elected officials would have had to draw up a public safety plan. They would have had to list the dangers they faced and their resources, and they would have had to apply their resources to the dangers. What were the dangers? The danger was that there were levies. If the levies were breached, there would be considerable flooding. They knew how weak the levies were. They knew that the levies could not withstand hurricanes that were Force 3 or more. They knew several days in advance that there was a Force 5 hurricane set to arrive. They were actually lucky because it eventually became a Force 4 hurricane. However, the levies still broke, as expected, and parts of the city were flooded. They knew in advance what parts would be flooded. If they had had a public safety plan—maybe they had one but failed to implement it—what would they have foreseen under such circumstances? Put local officials around a table to think about it and they would say an evacuation order is needed. What happens if an evacuation order is issued but people do not want to leave? They have to be reassured and the army has to be ready to protect their property. The army will need boats. The military has to get through. We have calculated for our part that if an evacuation order is given, 85% of the people will leave on their own. Eighty-five per cent of the people could stay with friends or in a second home, and they would prefer that.

● (1700)

So we expect to cover 25% of the population. We are not taking any chances. When we order an evacuation and a given number of vehicles are heading out on the roads at the same time, they all have

to be going in one direction. We can use both sides of the highways and keep one lane for emergencies. Furthermore, we have to anticipate that these people are going to need gas. If we think of this, if we prepare for it, we will be ready and it will be carried out. Take the example of Hurricane Katrina, which proved shameful for the richest and most powerful country in the world. I am much more critical of the reaction by the local authorities than others have been of President Bush's reaction.

What surprises me most is that the mayor was re-elected under such circumstances. He should have issued the order to evacuate; he should have worked out how to transport the people with no cars and how to direct those who had cars. Where to accommodate them? What food to serve the people being accommodated?

So civil security is assured up to a certain point. However, I recognize that the federal government can contribute resources. For instance, we were talking about the four sectors where people are needed who wear a particular uniform so that they can respond. The federal government can prepare those uniforms and place them in designated locations. There could be laboratories there working to produce vaccines quickly.

In Laval, for example, just southwest of my riding, the Institut Armand-Frappier would be able to provide vaccines against avian flu, and extremely quickly. The Institut Armand-Frappier has an international reputation and is affiliated with the Pasteur institutes all over the world. For example, it deals with Pasteur institutes in Vietnam and Asia which are very familiar with the virus. No matter: it is obvious that the things well done are done at the local level. In the risk coverage plan, I find it intelligent that we are always told to avoid devising blanket solutions. A civil security plan does not provide for blanket solutions precisely because it is the locally elected people who know their plants and who sit down at the table who assess a risk.

So we have no blanket solutions, but we have solutions perfectly suited to the local populations. What is more, the local authorities know when to call the government. So I hope for a little humility on the part of the federal government. It certainly has a role to play in these institutions, in assessing its own risks, its own activities, but in my view, the initiative and above all the authority to take steps in the event of major disasters must be clearly left to the provinces and the local authorities, well supervised by their own provincial government.

I have finished. If any time is left, I will respond to more questions.

Mr. Laurie Hawn (Edmonton Centre, CPC): Mr. Speaker, I would like to thank my colleague again for his speech. However, I do not know why my friend insists that there are no *bogeymen*. I am sorry, but I do not know how the member would say that in French.

● (1705)

[English]

I really do not understand why my hon. friend insists that there is a government bogeyman here that is going to somehow take away the authority of the local responders. That has never been the case. It has not been the case in the past. It is not the case now. It will not be the case in the future. Nowhere in the legislation does it imply that.

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Clearly, the province of Quebec, thanks to my hon. friend, has a very refined emergency response procedure from the local level on up through the province to the federal government where it is necessary.

There are many very talented and smart Canadians living and working in the province of Quebec as there are in the other provinces and other provinces have refined plans as well. It really baffles me why we are insisting that there is some kind of usurping of Quebec's authority from the local level. That is just not the case.

I also point out to my hon. friend, and I think he did bring it up, that the failure in Katrina was in fact at the local response level and more so than anywhere else.

I ask my hon. friend with respect to the ice storm of 1998, which he mentioned, does he appreciate, and I am sure he does, the fact that it did go from the local emergency through the province to the federal authorities, and in fact internationally where most of the big generators that were moved around in that emergency were in fact transported by U.S. air force C-17 aircraft?

Does he not appreciate the fact that it has always been a matter of what is going on at the local level that drives the response and that drives it up through the chain from the province to the federal government? I guess I would ask him why he insists that there are bogeymen here trying to take away the authority when that is just not the case, other than it might satisfy his local politics?

[Translation]

Mr. Serge Ménard: Mr. Speaker, I have to admit that I do not know how to say *bogeymen* in French either.

I would say that it is because of the past. The federal government tends to think that it has to run the show, in many areas.

As I mentioned earlier, I do not think there is a desire, certainly not on the part of the previous speaker, to have the federal government take the lead. When I read the bill, I get the feeling that not too far below the surface is that tendency of the federal government to think that only it can make intelligent rules in Canada.

The bill states:

3. The Minister is responsible for exercising leadership relating to emergency management—

In my opinion, this is not true. I think that this is a complementary role. It may be a leadership role within the federal government, but certainly not in managing emergencies. The reason things worked so well in Quebec is that the Premier of Quebec stepped in.

Then, the bill gives the minister authority over:

4(1)(d) monitoring potential, imminent and actual emergencies and advising other ministers accordingly;

There is still more:

6(2) Each minister shall include in an emergency management plan

This again implies that the minister wants control over all emergency plans. Quite honestly, I do not see how the minister will go about judging our plans.

We will look at the other points together, and I am certain that we will be able to come to an agreement. But from experience, I can say that when it is written in the fine print somewhere in the law, the federal government always ensures that it is able to intervene when jurisdictions overlap. That is my concern. I think this can be corrected, and I am certain that I will likely have the cooperation of the previous speaker.

[English]

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, I wonder whether there is a bogeywoman in this emergency management bill.

In terms of SARS, many workers ended up losing their jobs in hotels. Many citizens ended up not having a whole month of salary because of the quarantine situation. Many people were not able to go to work and as a result suffered financial consequences. In the case of the blackout in Ontario, many people lost their businesses and some businesses never really recovered. As a result of this emergency crisis they desperately needed compensation.

I would like to find out from my friend whether in his mind emergency compensation should come from the federal government or the provincial government. Should it be a shared responsibility or a fifty-fifty responsibility? In these types of spectacular crises, who should bear the responsibility of compensating citizens and businesses that suffer huge financial losses?

● (1710)

[Translation]

Mr. Serge Ménard: Mr. Speaker, I am satisfied with the current system.

Compensation is first a provincial responsibility, and the federal government gets involved depending on the seriousness of the disaster and the amount of expenses. I do not remember the exact numbers, but I believe that, if the expenses are more than \$1 per person, the federal government pays 20%. If they are more than \$2 per person in that province, the federal government pays 30%. If they are more than \$3, it pays 50%. I think that, from \$4 or \$5, the federal government pays 100%.

All in all, the federal government is a great insurer of the provinces. This formula makes it possible to adjust compensation depending on the seriousness of the disaster and the population of the province. I think that this is a good system.

The member's initial remarks bring me to another point. Yes, we thought about this. Following these disasters, we realized that, in the past, the cabinet was always implementing special measures to compensate victims. Why not have a system set down in law? That is why, at the end of the act, there is a whole chapter that provides for financial aid. When disasters occur and people must leave their home and find a place to live, they want to immediately receive the money they need to find a home and feed themselves. Then, when they file claims for lost property or lost work, there are criteria in the act or the regulations, and we can compensate them quickly.

Hon. Michael Chong (President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister for Sport, CPC): Mr. Speaker, I have a question concerning the Constitution for the member of the Bloc Québécois.

Government Orders

He said that the Government of Canada did not respect the Constitution of Canada because it was prepared to introduce a law on a matter that fell under the responsibility of the province of Quebec. [English]

The responsibility for emergencies in Canada is clearly a responsibility of the Government of Canada. Courts over the years, the judicial committee of the Privy Council and the Supreme Court, have consistently ruled that the interpretation of peace, order and good government also constitutes an emergency doctrine that allows the Government of Canada to have responsibility for emergencies, and that is precisely what this bill would do.

Bill C-12 is entitled "An Act to provide for emergency management and to amend and repeal certain Acts". Why does the hon. member think that it is not the responsibility of this Parliament to ensure emergency management for all Canadians?

• (1715)

[Translation]

The Acting Speaker (Mr. Royal Galipeau): The hon. Member for Marc-Aurèle-Fortin for a brief response.

Mr. Serge Ménard: Mr. Speaker, first, I am responding, frankly, because it is the least effective solution. In most emergencies, the most effective solutions are to be found at the local level. For my own part, I do not know where in the Constitution there is a provision to supply aid in the event of an emergency. This is a responsibility that governments have gradually assumed since 1867 and, in truth, assistance in terms of intervening in the case of an emergency is incidental to the powers dealing with the movement or general welfare of the population, or any other subject.

Perhaps the famous formula that the member referred to at the beginning, for the "peace, order and good government of Canada" would apply, but that is rather through its relationship to social welfare, which is not mentioned but which falls into the jurisdiction of the provinces.

In any case, I recognize that the federal government has a role to play, but that role is not to establish the rules for everyone. That is best done at the local level. This bill does not establish very much except for emergency plans that would originate with federal ministers for their government, but one would say that they want to manage the training of front-line interveners, that they want—

The Acting Speaker (Mr. Royal Galipeau): The hon. Member for Yukon.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, it is a pleasure to be here and to speak on the subject of Bill C-12, An Act to provide for emergency management and to amend and repeal certain Acts.

[English]

At the outset of my 20 minute presentation, I certainly want to say that of course we support this bill. It is a bill that we had presented to Parliament previously. There are some changes, but we certainly welcome the reintroduction of the emergency management bill tabled by our government in November 2005.

That bill fulfilled a promise we made in our national security policy in April 2004. It built on our excellent record on security

since 9/11, a record of investing over \$9.5 billion to strengthen national security, improve emergency preparedness, contribute to international security, create the Department of Public Safety and Emergency Preparedness, and establish the national 24-7 Government Operations Centre to coordinate federal emergency responses.

People ask us why we are making a change in emergency response. We are in a different world. The world is changing. In the past, species that did not learn to adapt as the world changed became extinct. The world has changed dramatically since 9/11. Who would have expected a 9/11 type of incident and the type of emergency preparedness we now have to put in place to deal with those types of problems?

It reminds me of the American revolution when the strong British had their formula and the American revolutionaries did something absolutely new when they wore no uniforms and shot from the ditches. It was unexpected and the British were not prepared for it. That same type of unexpected strategy occurred on September 11 and we need new methods of emergency response to prevent such things.

Another example, of course, is the recent shooting in Montreal. Once again, thank goodness the Montreal police have realized that it is a new world and have changed their previous procedures. They did not wait outside for the SWAT team, as previous procedures had mandated. They learned by experience. They updated their procedures, went in right away and probably saved a large number of people who would not otherwise have been saved.

Of course it is a new world also because of changes made by mankind that are related to climate. Global warming of course has had dramatic and some very tragic effects related to weather patterns. Hurricanes and droughts have had devastating effects on people and families in a new world that we could never have thought of.

A member from the NDP recently mentioned a good example: the ice storm. That was not simply a two or three week event. I was in Quebec recently and felt how deeply that event from long ago had scarred the people. It was so traumatic in their lives. They will never forget that. It was not simply an overnight occurrence, a freak weather accident that had no longstanding effect. We need to develop modern methods to react quickly to such events.

There are of course natural disasters that we could not have predicted in the past. They are not changes, but they are things that we now are aware of, such as incoming meteors and earthquakes that we can now sense with certain machinery. Now we can be prepared for them and prevent much loss of life, loss of property and tragedy, if we have new reactions and new procedures based on modern systems.

There is also the whole area of disease. Some members have mentioned during the debate that this whole area is totally different from the way it was in the past. If Marco Polo had acquired some disease on his first trip to the Orient, by the time he got back either he or the disease would have died. There would not have been a quick transmission. Now people are flying all over the world every day and we get things like SARS and other epidemics that could be vast tragedies in the world, regardless of a border between Canada and the United States or in Europe or wherever.

Government Orders

• (1720)

New occasions teach new duties. We have to constantly modernize our emergency response procedures and, therefore, legislation and resources.

I wish to talk a bit about clause 5. The clause talks about developing joint plans with the United States and providing assistance in response to those plans. I think everyone would agree that this makes obvious sense.

It is expected that an earthquake will strike either Vancouver or Seattle at some time in the future, on the Pacific rim of fire where earthquakes are more prevalent. There are many emergency responders very close by to whichever city would need response from another country. They could save lives, prevent tragedies and reduce suffering immensely. It would make no sense at all not to allow those people to help out in such a huge catastrophe. That is one of the provisions in clause 5.

Of course the same is true about Ontario, New York and Buffalo. There are huge populations right across our border with the United States. We would want to use all the emergency response and planning and make all the resources available to them to prevent suffering and the loss of human life and to deal with the situation.

I want to talk for a few minutes about a technical omission in the bill. It is related to the territories. Unfortunately, this is the fourth bill in a row for which I have had to stand up and give this speech. I have no idea why the Conservative government constantly wants to leave the territories out of Canada.

First of all, let me read for members the definition of “provincial emergency”, because I thought the government could have included the territories with the provinces. It is as follows:

“provincial emergency” means an emergency occurring in a province if the province or a local authority in the province has the primary responsibility for dealing with the emergency.

In the northern half of Canada, do we not have emergencies where the territorial governments have these same responsibilities? In Yukon, we have an area where a glacier periodically has closed off a river and dammed it up. Not that many decades ago, because of that, one of our major communities was 100 feet underwater. There is nothing to say that this type of occurrence could not happen again.

Also, we have an earthquake seismograph in the town of Haines Junction in a national park. Virtually every week there is seismic activity. Yukon is not that far from the Pacific rim of fire.

Yukon also has huge tracts of forests infested with the spruce beetle. Unfortunately, these forests are right beside the same town that could be underwater, but there could be huge forest fires with devastating effects.

Once again I note that there are all sorts of emergencies that could occur in the territories. The territories should be given the same respect and opportunities as the provinces. In fact, this could even be more serious for us in the sense that Yukon has fewer responders, fewer people and farther to go. It is even more difficult in some ways to deal with those emergencies although of course there are fewer people to deal with and solve the problem for.

I will move on to clause 3, which states:

among government institutions and in cooperation with the provinces and other entities.

Hopefully there will also be cooperation with the territories; we would not have cooperation with the territorial governments and an emergency response team with the territorial government. I know the bureaucrats in Yukon government. I have a very good relationship with their emergency response organizations. I am sure they would appreciate the same level of respect from the rest of Parliament.

I will now go to paragraph 4(1)(f), which states:

—and supporting the emergency management activities of the provinces—and through the provinces, those of local authorities;...

• (1725)

Once again, hopefully we would support the activities of the territories and, of course, the municipalities in the territories are created by the territorial governments, just like provincial governments. Therefore their local authorities would have a parallel acceptance.

Paragraph (g) reads:

establishing arrangements with each province whereby any consultation with the Lieutenant-Governor in Council...

Once again, it should be with any province or territory. We would have to change the words “Lieutenant-Governor in Council” to commissioner because the equal position in the territories is commissioner.

Paragraph (h) reads:

coordinating the provision of assistance to a province in respect of a provincial emergency, other than the provision of financial assistance...

Once again, there are territorial emergencies and they have departments to cover emergencies. Therefore, we want that to say “provincial and territorial”. I can see no reason why the territorial governments would not be covered since they have the same responsibility for the northern half of Canada.

Paragraph (i) reads:

providing assistance other than financial assistance to a province if the province requests it;

Hopefully, the territories that probably have even less tax raising powers and revenue raising ability would be able to request financial assistance from the federal government over and above the provinces.

Let us go to paragraph (j).

Mr. Gary Goodyear: Mr. Speaker, I rise on a point of order. I want to apologize to the hon. member for Yukon. I am seeking unanimous consent to revert back to presenting reports from committees and motions for the purpose of dealing with the 14th report of the procedure and House affairs committee.

The Acting Speaker (Mr. Royal Galipeau): Does the hon. member have the consent of the House to revert to presenting reports from committee?

Some hon. members: Agreed.

*Private Members' Business***ROUTINE PROCEEDINGS**

● (1730)

[English]

COMMITTEES OF THE HOUSE

PROCEDURE AND HOUSE AFFAIRS

Mr. Gary Goodyear (Cambridge, CPC): Mr. Speaker, I have the honour to present the 14th report of the Standing Committee on Procedure and House Affairs regarding a change to the Standing Orders. If the House gives its consent, I move that the 14th report of the Standing Committee on Procedure and House Affairs presented to the House this day be concurred in.

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

Some hon. members: Agreed.

(Motion agreed to)

[Translation]

The Acting Speaker (Mr. Royal Galipeau): It being 5:30 p.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

[Translation]

EMPLOYMENT INSURANCE ACT

Ms. Johanne Deschamps (Laurentides—Labelle, BQ) moved that Bill C-269, An Act to amend the Employment Insurance Act (improvement of the employment insurance system) be read the second time and referred to a committee.

She said, Mr. Speaker, it is a great privilege for me to debate Bill C-269, a bill that I introduced in this House in May of this year.

The purpose of this bill is to improve the present employment insurance system, which the Conservative and Liberal governments have gradually distorted into a complex, unfair program that bears increasingly little resemblance to an insurance plan.

Enacting this bill will provide a lifeline for all workers in Quebec and Canada. That is why the government must have the political will to update the system before it does any more damage. It has ample resources to do this.

We should recall that, until 1990, the Canadian government contributed to the unemployment insurance fund. In 1990, however, Brian Mulroney's Conservative government destroyed that equilibrium by terminating the federal government's contribution to the fund, leaving the entire funding of it to employers and workers. The withdrawal of federal funding created a major deficit in the fund at that time.

The government then tried to solve the problem by slashing the coverage that the system provided, cutting the benefits paid to unemployed workers and tightening the eligibility rules for workers. The effect of this was to reduce the number of people covered by the system by half between 1989 and 1997 and to create enormous surpluses in the fund. The federal government turned it into a slush

fund that has accumulated over \$48 billion dollars to date on the backs of workers and employers.

For more than 15 years, workers and employers have been the only contributors to the fund, and every year, the surpluses in the fund are swallowed up by a federal machine whose appetite knows no bounds.

In its present form, the employment insurance system is no longer a worker assistance program, it is a disguised tax, a tax picked from the pockets of the workers and employers of Quebec and Canada. The system was initially supposed to assist the workers who paid the premiums. It was an insurance policy, just like fire insurance, theft insurance, disability insurance.

The regions are suffering economically from plant closings and mass layoffs. Imagine what the effect on them will be when the employees who are laid off are also receiving no assistance from the system.

Add to that the millions of dollars in premiums paid by employers and employees. That is money Ottawa removes from the regions. We can understand the dire economic situation they are in at this time.

The government, be it Liberal or Conservative, manages the EI fund money as though it were its own. Do we need to remind that the surplus money comes from cuts made by the federal government?

Today, about 40% of people who lose their jobs manage to qualify for EI. That is 4 workers out of 10. The people the most affected by the federal government's reforms are the women, the young and the seasonal workers. Of course, they are the same persons who are the most dependent on the program because they occupy precarious and unstable jobs.

It is a shame. Older and seasonal workers, women and young workers who lose their jobs have contributed to the fund but will never receive one penny from it.

While workers get poorer because they do not have access to EI benefits, their families and their regions also get poorer. Depriving the unemployed workers of benefits for which they paid premiums during many years is also depriving the regions of Quebec and Canada of several million dollars.

In her November 2005 report, the Auditor General of Canada, Sheila Fraser, said there was an accumulated surplus of more than \$48 billion. She also declared that the federal government had the obligation to respect the Employment Insurance Act and added that:

For the past six years, we have drawn Parliament's attention to our concerns about the government's compliance with the intent of the Employment Insurance Act, with respect to the setting of employment insurance premium rates and its impact on the size and growth of the accumulated surplus in the Employment Insurance Account. The accumulated surplus in the Account increased by an additional \$2 billion in 2004-05 to reach \$48 billion by the end of March 2005.

● (1735)

What is the government doing to respect this law and end the suffering afflicting thousands of workers in the regions?

Will the Conservatives care about redressing the injustice suffered at present by the workers, or will they also be tempted to help themselves to the fund as the Liberals did before them?

Will they put their American priorities ahead of their social responsibilities?

During the last election campaign, the Conservatives made a commitment to put in place an independent employment insurance program and to create an autonomous fund administered by employees and employers.

The House will recall that in the past the Conservatives agreed that any surpluses from the plan should be used to increase benefits and that the plan should be better adapted to the needs of Canadian workers.

They also supported the recommendations of the human resources committee whereby the plan would be reserved for the sole benefit of workers.

So, if they are consistent and true to their promises, they will support the Bloc Québécois' bill, which everyone has been calling for for a long time.

Quebeckers and Canadians have the same expectations as far as the Liberals are concerned. If one day they hope to resume power, they should prove they are worthy of it and that they are listening to the people.

Perhaps the fact of finding themselves in the opposition will make them more attentive to the hardship faced by workers in their ridings.

With my colleague from Chambly—Borduas and the human resources and social development critic for the Bloc Québécois, I am visiting several regions in Quebec to hear, understand and better grasp the daily realities being experienced by those who have been hard hit by the present system.

I am talking obviously about the areas of Abitibi-Témiscamingue, Mauricie, Saguenay-Lac-Saint-Jean, Côte-Nord, Gaspésie-Îles-de-la-Madeleine, Bas-Saint-Laurent and Laurentides.

Some citizens from Mont-Laurier, in my riding, told me that, because they had to wait so long between the time they applied for benefits and the time they received their first cheque, they had to go to food banks or even sell some of their belongings in order to pay their regular expenses, such as rent, groceries and hydro bills.

A Côte-Nord agency said that from 70 to 75% of seasonal workers are women and that most of them have a hard time qualifying for benefits.

Seasonal workers, part-time workers, casual workers, on-call workers and contract workers are increasing in numbers, especially among young people and women.

All these categories of workers have increasing difficulty accumulating the hours needed to meet employment Insurance requirements.

Others told us about the fact that some voluntary departures are actually the result of employer harassment and that these people are not only psychologically shaken but face a loss of income as well.

In the Saguenay, all who spoke to us wanted the older workers assistance program back.

Private Members' Business

They said as well that in some parts of their region, it is impossible for people to accumulate more than 360 hours because of all the seasonal jobs in agriculture, forestry and tourism.

The system we had in the 1990s is no longer suited to today's realities. That is why reforms are needed to help working people. It is time to give contributors what is due to them and stop looting the fund.

Contrary to what we might think, the statistics show that the unemployment rate has gone down since 1996, but in actual fact, it is the number of eligible claimants that has gone down.

The eligibility requirements are so strict that ever fewer workers qualify, and that translates inevitably into a reduction in the unemployment rate.

The rising number of independent and part-time workers also tends to falsify the results.

In my riding of Laurentides—Labelle, the economy is based largely on the forest industry, tourism and agri-food.

In the regional municipality of Antoine-Labelle alone, 62% of the people in the primary sector work fewer than 49 weeks a year, in comparison with 41% in Quebec as a whole.

The employee turnover rate is especially high, largely because the jobs are unstable and seasonal.

● (1740)

Another reality that must be factored in is the exodus of young people. Too often they must leave their home regions in order to pursue their education in large centres, and not many decide to return. The Bloc Québécois has always made employment insurance reform one of its priorities. Bill C-269 is intended to restore some fairness for workers in the way employment insurance benefits are delivered.

This bill aims in particular to:

reduce the qualifying period to a minimum of 360 hours regardless of the regional unemployment rate—this will eliminate the inequities between regions on the basis of their unemployment rates;

increase the benefit period from 45 to 50 weeks—in this way, we will be able to limit the effects of the gap or black hole, which currently leaves the unemployed suffering for sometimes as long as 10 weeks;

increase the rate of weekly benefits to 60% of insurable earnings rather than 55% as is currently the case—unstable jobs are generally the least well paid and these changes would provide claimants with a bare minimum;

eliminate the waiting period between the time when people lose their jobs and apply for benefits and the time when they receive their first cheques—workers should not be penalized for losing their jobs and their financial obligations continue, even if the money is late arriving;

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eliminate the distinction between a new entrant and a re-entrant to the labour force—this practice is totally discriminatory, especially against young people and women whose work situation is typically less stable;

eliminate the presumption that persons related to each other do not deal with each other at arm's length—it is not up to workers to prove their good faith when they lose their jobs, but it is up to the system to investigate if there is any doubt;

increase the maximum yearly insurable earnings from \$39,000 to \$41,500 and introduce an indexing formula—the current contribution formula is actually a regressive tax that affects low-income earners the most. It is worth noting that the maximum was once \$43,000;

calculate benefits based on the 12 best weeks so as not to penalize seasonal workers who sometimes work small weeks; and finally,

extend program coverage to the growing number of self-employed workers in the labour market who have no coverage should they become unemployed.

In closing, I would like to remind the House that workers' and employer's groups, the Auditor General of Canada and the Bloc Québécois, and now even the UN, have criticized the federal government and its employment insurance program.

In an article that appeared in *La Presse* on May 23, it was reported that the UN Committee on Economic, Social and Cultural Rights

recommends that the State party reassess the Employment Insurance scheme with a view to providing greater access and improved benefit levels to all unemployed workers.

I feel I must emphasize the words "providing greater access", "improved benefit levels" and "all unemployed workers".

In closing, I would like to challenge the Conservative and Liberal members of this House to tell me in all sincerity that there is neither unemployment nor poverty in their ridings.

Can they truly say they do not believe there is any need for Canada to have an employment insurance program worthy of their fellow citizens, workers and employers?

● (1745)

Hon. Michael Chong (President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister for Sport, CPC): Mr. Speaker, I have a question for the member for Laurentides—Labelle and I would like to thank her for her comments.

Before asking my question, I would like this House to be aware that the former government, the Liberal government, had introduced the same bill in this House during the last Parliament.

[*English*]

The previous Liberal government opposed this bill as well and I would like to remind all members in the House of that opposition. The parliamentary secretary to the minister of human resources and skills development in the previous Liberal government said that the virtually identical bill that was presented in that Parliament had rash, badly thought out changes and would create a situation which would "lead to the encouragement of people to become dependent on EI

benefits" and put the emphasis on "unemployment rather than employment, and in some cases actually acting as a disincentive to work".

My question for the member from the Bloc is whether or not she thinks the Liberals will continue to show their opposition to this bill in front of the House or whether she thinks they will change their position and join her in supporting her private member's bill?

[*Translation*]

Ms. Johanne Deschamps: Mr. Speaker, I thank the Conservative member for his question. It is quite pertinent. I would also ask the Conservative members if they support Bill C-269.

Not only is this the reality in Quebec, but it is representative of the experience of workers throughout Canada.

My colleague, who sits on the Standing Committee on Human Resources, Social Development and the Status of Persons with Disabilities, carried out consultations across the country. He heard from all groups and associations that advocate for and support workers, the unions and the Canadian Labour Congress. They all agree that the current Employment Insurance Act absolutely must be overhauled.

Whether Liberal or Conservative, we must concern ourselves with the fate of our workers in our ridings.

[*English*]

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I want to congratulate and thank the hon. member for bringing this bill forward. It is about time we had a fulsome discussion. The Liberal position will be that we want this bill to go to committee, so that we can get the answers to all of the questions raised by the member.

My question for the member is something she may have considered, but in my own constituency we have often come across cases where people have long term disabilities and cannot get Canada pension plan disability benefits. Their employment insurance benefits run out quickly but they still have a long term problem.

Has she also considered, in terms of potential amendments to the bill, whether we should also be dealing with those people who fall through the cracks between the period of availability of EI benefits and those that would be available under CPP?

● (1750)

[*Translation*]

Ms. Johanne Deschamps: Mr. Speaker, I thank the Liberal member for his question, which I did not really understand.

Was this about handicapped persons who could not qualify for the program or about the spring gap? I would like to give him an answer, but I do not understand his question.

In any case, I will add that if he so desires, he can introduce a bill including what he said. It is up to him. We would give it consideration. However, the content of Bill C-269 did not appear out of nowhere. The bill really reflects the concerns mentioned by the workers of Quebec and Canada.

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Acadie—Bathurst, for a quick question.

Private Members' Business

Mr. Yvon Godin (Acadie—Bathurst, NDP): Mr. Speaker, I want to ask the Bloc Québécois member whether she thinks the hon. member for Mississauga South is not being hypocritical. This afternoon he stood in this House and said that he would support the Conservative position on the employment insurance bill such that it should not be put to a vote in the House of Commons. It was quite clear. The Liberals did the same thing when a bill had been presented under the other government.

Today the Liberals rose in the House to say that this should not be put to a vote. If we cannot vote, the bill will not go anywhere. This shows once again that the Conservatives and the Liberals are one and the same. They are there to protect major employers and their friends and not the workers who really need this money to which they are entitled. They are the ones who have paid employment insurance premiums, as have the employers. It is not the government's money. It belongs to the families, the workers who paid premiums in case they lost their job.

I would add that if Alberta did not have oil wells they might need employment insurance just as much as Quebec or the Atlantic provinces do.

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Laurentides—Labelle has the floor for a very brief response.

Ms. Johanne Deschamps: Mr. Speaker, I will be brief.

I can tell my friend and colleague from the NDP that I share his feeling. I would go further on the subject of their hypocrisy and perhaps ask the Liberals who used to form the government: what they did with the surpluses accumulated in the employment insurance fund.

[*English*]

Mrs. Lynne Yelich (Parliamentary Secretary to the Minister of Human Resources and Social Development, CPC): Mr. Speaker, I welcome the opportunity to discuss the employment insurance program and examine the issues raised by the member for Laurentides—Labelle.

Before commencing, however, I would like to point out that many issues raised in Bill C-269 were raised in the Standing Committee on Human Resources, Skills Development, Social Development and the Status of Persons with Disabilities report, for which the government will table its response in the very near future.

The government is committed to ensuring that its programs respond to the realities of the Canadian labour market. In this regard, it is important that program changes, including those to the EI program, be founded on sound analysis of evidence.

Equally important, is that careful consideration be given to labour market impacts and the costs of individual measures.

To inform decision making on any potential EI changes, the government draws upon extensive monitoring, assessment and evaluation of the program.

In addition, EI pilot projects can be utilized to assess the labour market impacts of new approaches before permanent changes are considered. Currently, a number of pilot projects are in progress testing the efficiency of measures to address many of the issues referenced in Bill C-269.

Bill C-269 proposes fundamental changes to the Employment Insurance Act, changes so fundamental that they would represent a substantial program expansion, requiring considerable preparatory work and sound analysis. Before contemplating such extensive measures, it is important that we examine each of these proposals individually and, most important, look at their overall impact.

Bill C-269 would reduce the number of hours required to qualify for EI to a flat 360 hours of work, regardless of the regional unemployment rate.

The EI program's variable entrance requirement is designed to help provide adequate program access across the country and is adjusted monthly to reflect unemployment rates by region. The higher the unemployment rate is in a particular region, the more difficult it is to obtain work and to accumulate the necessary hours to qualify for EI.

Evidence indicates that the variable entrance requirement, as compared with a fixed entrance requirement, as proposed in this bill, has played an important role in equalizing the percentage of individuals who meet EI entrance requirements across unemployment rates.

While I would not presume to speculate on the reasoning behind the proposed fixed entrance requirement, some have argued that the qualifying period should be reduced because they claim that fewer than 45% of unemployed receive EI benefits in some parts of Canada.

This is a misleading way to look at the statistic and is a flawed measure of EI access across Canada, for this statistic includes those who have not contributed to the EI program by paying premiums, such as individuals who have never worked or who are self-employed.

For the record, 80% of unemployed people who pay into EI and who become unemployed, through no fault of their own, are eligible to receive EI benefits.

It is important also to remind the House why there is a 910 hour entrance requirement for new labour market entrants and those re-entering the workforce after an extended absence from the workplace.

The objectives of these measures are to ensure that those accessing insurance based income support have demonstrated significant workforce attachment as to prevent a cycle of reliance on EI while also strengthening the relationship between hours of work and benefit entitlement. I would note that this requirement does not apply if an individual has worked at least 490 hours in the year prior to the qualifying period of this claim.

According to successive monitoring and assessment reports, the objects of this policy are being achieved as these reports suggest that the current entrance provisions are encouraging workforce attachment.

Private Members' Business

Nevertheless, in areas of high unemployment, a pilot project was initiated to test the labour market impacts of reducing the hours of work new entrants and re-entrants required to qualify for EI benefits from 910 to 840 when linked with employment programs.

● (1755)

With respect to the bill's proposal to substantially increase EI benefit entitlements, overall evidence continues to indicate that the duration of EI benefits is sufficient for the majority of claimants. On average, individuals use less than two-thirds of their EI entitlement before finding employment. Even more telling, only a small percentage of claimants entitled to 45 weeks of benefits use all the weeks available to them.

Observers have noted, however, that certain individuals in seasonal industries may face an income gap when their EI claim runs out prior to returning to their seasonal job. Consequently, this past June our new government announced the extended EI benefits pilot project. The pilot project provides access to five additional weeks of benefits to EI claimants in high unemployment regions, up to a maximum of 45 weeks. The pilot project will test whether providing additional benefits has adverse labour market effects and whether it effectively addresses their income gap.

Bill C-269 also proposes to increase benefit levels by raising the maximum insurable earnings, or MIE. In 2001, it was determined that the annual MIE would be frozen at \$39,000 until the average industrial wage increased to an equivalent level. The impetus of this decision was the fact that the MIE was substantially higher than the average industrial wage and, as such, could act as a disincentive to work. The same rationale applies today.

The bill before us today also proposes raising benefit rates from 55% to 60% of average weekly insurable earnings. The current 55% EI benefit rate is designed to strike a balance between providing adequate temporary income while maintaining work incentives. Evidence indicates that the current benefit rates meet the needs of unemployed workers and in fact only 12% of those who become unemployed show a drop in household spending one year after a job separation.

Bill C-269 also proposes to eliminate the two week waiting period. The waiting period of the co-insurance feature of EI is similar to the deductible of other insurance plans in that it serves to eliminate short claims that individuals are able to cover and makes sure that insured persons absorb some of the costs of the employment interruption. While employees bear the cost of the two week waiting period, this is offset in that they pay a lower premium than their employers.

Turning to the issue of arm's length employment arrangements between relatives, section 5 of the EI act states:

Insurable employment does not include

(i) employment if the employer and employee are not dealing with each other at arm's length.

This provision ensures that conditions of employment in family businesses are similar to those who have only an employee-employer relationship. We should recognize that in the overwhelming number of cases 92% of family member claimants are able to meet this requirement.

To summarize, Bill C-269 proposes fundamental and far-reaching changes to the EI program, changes that could potentially cost over \$2 billion annually. Even more important than the financial considerations is the fact that Bill C-269 could very likely reduce work incentives at a period when the overall labour market is robust and, indeed, in many sectors there are significant labour shortages.

While the government shares the member's concerns for the unemployed, the evidence at hand suggests that supporting Bill C-269 would not be a prudent course of action. For this reason and for the points that I have outlined, we cannot support Bill C-269. I can say, however, that the government is committed to ensuring that the EI program continues to serve Canadians in an effective and timely manner as we continue to monitor and assess the program.

● (1800)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I am pleased to participate in the debate on Bill C-269 which would amend the Employment Insurance Act in very substantive ways. Let me address a couple of things raised by the member for Acadie—Bathurst relating to royal recommendation.

As the member is aware, on May 31 the Speaker announced that this bill, along with nine other private members' bills on the order paper, would require a royal recommendation and that in the absence of a royal recommendation or approval from the government, there would not be a final vote at third reading, although the bill could proceed through all stages. On this bill a royal recommendation has been flagged as being very likely. Under the very strict rules, appropriation of government revenue requires a royal recommendation. On that basis, we would have to amend the BNA to get around it. This bill is not reparable in its same form.

Having said that, the bill is an important instrument of this Parliament. Questions have been raised for many years by many members throughout the House through private members' bills and in other debate.

Members will know that during the Brian Mulroney years of government, the EI fund was really a fund. Moneys contributed by employers and employees were actually put into a separate account. The premiums went in and the benefits went out and there was the balance. The rules of the game also specified that two years of surplus were required in the account to deal with a possible recession which could use up two years' worth of premiums. That is why this benefit was established.

If we look at the history we would find that the EI fund went into a \$12 billion deficit. More benefits were paid out than premiums were paid into the account to provide benefits. The government basically had to finance it on the side.

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The Auditor General basically said that these were government programs. Revenue was coming in from employers and employees for insurance. Revenue was coming in for a service which would provide some level of protection for employees. The Auditor General said that the government could no longer have this separate fund, which at the time was called the unemployment insurance fund. It was the same with the Canada pension plan which was also separately dealt with from government revenues.

The Auditor General said that this thing went all over the place. Because government programs can change for benefits under EI, the EI fund had to be put into the government's general revenue fund and it would be included in the determination of surplus or deficit in the government's fiscal year. Basically it was said that this was government revenue and these were government programs.

The member for Acadie—Bathurst and others have basically said that the government has no money of its own, that it really is taxpayers' money and those who pay premiums. We understand that. It is also, in terms of consideration, providing services that the Government of Canada is supposed to provide. The member may want to look at his own income tax returns. The premiums that an employee pays on EI are also eligible for a non-refundable tax credit. The government subsidizes it, similar to the CPP.

● (1805)

The member is shaking his head “no”. I can tell the member, as a chartered accountant, that he does get the same non-refundable tax credit that he gets on the basic personal exemption on the premiums paid for CPP and EI. Additionally, corporations which have to pay 1.4 times the EI premiums get to deduct the premiums they pay. It is part of the cost of doing business.

The Government of Canada in fact is also subsidizing the moneys paid by the employers. So it is not fair to say it belongs totally to the employees and the employers. The Government of Canada in fact has subsidized them through the tax system. Let us get that straight.

The legislation that guides the EI program provides that if there are more than two years of surplus there is a committee that recommends annually the premiums to be set. The legislation that guides this notional EI fund is still kept track of, but there is no separate bank account. It is in the general reserve. It says that there are two ways of dealing with the surplus in excess of the two-year surplus. First, is to reduce premiums; and second, to improve programs.

I can say for my own selfish reasons and advise the House that we raised the period of maternal and parental leave to a full year from six months and that was my private member's item. I am very proud of it because a lot of moms and dads have taken advantage of this opportunity especially during the first year of a child's life which we all know is very important.

There are ways to deal with this and this is the time to do it. Because of the robustness of the economy and the employment sector, no matter how much we are reducing the premiums and introducing programs, we still have to be responsible. The EI fund continues to remain at high levels. Now is the time since there is a royal recommendation requirement on this bill.

I would encourage all hon. members to support this private member's bill to go to committee, to hear from the officials and the experts about our strategy to deal with this, and why it is that we cannot enhance the benefits as proposed by the member? What would it cost?

The member does not have the tools to cost out such a complicated reconfiguration of the benefit program of EI, but the department has the resources. Why do we not find out what those are? Let us find out what this kind of thing would actually cost and let us find out if it would allow the retention of at least two years of surplus on a sustained basis so that we do not run afoul of the legislation of the land.

This issue that is facing us is important to Canadians. It is important to businesses, it is important to workers. It is important to parliamentarians as well for the simple reason that within our communities there are people who need the benefits of the programs.

We also know that the vast majority of employees who pay into the EI program through their entire working careers never collect one cent of EI benefits, and that is a good thing. It is actually the vast majority of people who have funded the EI fund who are never going to get a benefit out of it and they are very happy not to have to draw benefits.

However, there are people within our system, whether they be seasonal workers, whether they be people who are in industries which have run into distress, whether it be people who have lost their job because of downsizing or whatever it might be. We know that those employees need the help and that is why this EI program is so extremely important to Canadians because it really does help those most in need.

I believe that the debate should be carried on. Private members' hours are two hours of 10 minute speeches. That will not do this subject matter justice. I encourage all hon. colleagues and I am certainly going to encourage my own caucus colleagues to support Bill C-269 at second reading and get it to committee, so that we have the time to hear from appropriate witnesses and to fully express the positions of all of the parties.

● (1810)

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, Canadians should ask themselves when is insurance not insurance. The answer is clear: when it does not insure anything. For too many Canadians, that is the brutal reality of employment insurance.

For years the Liberal government let the system fall apart. It treated EI like tax revenue, let the burden grow, and at the same time began neglecting the benefits. We now have a system that is failing workers and failing the economy.

The United Nations has slammed Canada for this and so should all Canadians. Employment insurance today is a scam, pure and simple. It is a scam and a sham for most workers.

Private Members' Business

In Canada today, employment insurance is not insurance at all for the vast majority of workers who pay for it. In Canada today, employment insurance is a penalty. It is a burden. It is a cost with no return for most workers.

Over two-thirds of workers who lose their jobs are not eligible for benefits. They can pay the penalty as long as they are working, but cannot collect it when they need it. It is like telling them to pay for a house insurance policy, but if their house burns down, it is too bad. They will not get any insurance, they will not get anything back. That is a scam.

If an insurance company operated like that, we would expose it as a scam and close it down. The Government of Canada has been operating a scam and it is up to this Parliament to fix it. The people who get hurt the most by this insurance scam are the ones who can least afford it. They are the breadwinners whose children depend upon them, single parents, people who are trying to break the cycle of poverty, low-paid workers in service employment, young people who are trying to pay off their student loans, and older workers who have a tough time getting back into the workforce.

It should concern every member of this House, including the 80% of members who happen to be male, that women are very hard hit by this insurance scam. These are women who all too often have to work part time in low-paying jobs, women who pay the penalty but too often are not eligible for benefits two-thirds of the time. They pay the penalty and pay through the nose for child care, if they are lucky enough to find any. Yet, they get nothing in return if, heaven forbid, they lose their jobs.

Those who need the most get the least. This makes no sense at all. We are pushing people onto social assistance, onto welfare, rather than paying them what they are due.

Just today, I wrote to the Minister of Human Resources on behalf of a constituent, a citizen who lives in my riding of Trinity—Spadina. This man has a serious blood disorder which has prevented him from working since the end of June. He is finally getting a sickness benefit, but that will only cover him until the middle of October. If he still cannot work, he can apply for an extension, going through all the paperwork again and providing the medical evidence, but even then the maximum he would get is 15 weeks and after that, nothing at all.

This constituent told me very clearly that his medical condition is really serious. It is unlikely that he will be able to work for an extended period of time, but all he can get is sickness benefits, not even regular benefits. Why? He needs to accumulate 665 insurable hours to be eligible for regular benefits. This man did his best, with his ailment and against all odds, and made it to 639 insurable hours, just 26 hours or three working days short. That means it is too bad, he will get no regular benefits. He is unlikely to ever string together enough working days at a time to be eligible.

He made a contribution to the economy by working, paid his EI and taxes. We take whatever we can and give him a few weeks of sickness benefits, and then what? What will the government do?

• (1815)

At the end of the day he will probably be accused of being a burden on society. This is like his house being burned down or his

car getting smashed and not having insurance coverage even though he paid for the policies. It is just adding insult to injury. It is a scam and it is really unfair.

What does the employment insurance program mean, every member of the House should ask? We either give coverage to workers or we do not. If we give insurance coverage, let us ensure that everyone gets the benefits. That is what insurance coverage is for. Let us stop penalizing workers who need employment insurance and pay their dues. Let us start supporting them by making good on the insurance coverage. That is what all workers need, the safety net of insurance. These people are not asking for a handout. They are asking for a payout on the insurance coverage.

We should stop this scam, this extra penalty on workers, because it is unfair, unjust and unethical. If the House fails to pass this private member's bill and allows this practice to continue, then the government should probably be closed down and sent packing for conducting an insurance scam. That is what it is, a scam.

We have the opportunity to start reforming the system with this bill today. We can start fixing the system and providing benefits for workers who lose their jobs or become incapable of working through no fault of their own. That is what we have to do. EI payments should never be seen as a handout, just like house insurance or life insurance is never seen as a handout. The policies were paid for completely by hard earned dollars from working Canadians. Governments have been raking in this money in shovels full and we should not ask the people to grovel for it.

Actually, it is worse than a scam because people have no choice. They cannot shop around to get another employment insurance company somewhere else. They are stuck with the Government of Canada, the only game in town, so let us start by honouring those commitments and providing the protection we need. Let us support Bill C-269 and amend the Employment Insurance Act.

• (1820)

[*Translation*]

Ms. France Bonsant (Compton—Stanstead, BQ): Mr. Speaker, it is important to amend the Employment Insurance Act, for this legislation has been hijacked from its primary purpose. Employment insurance is no longer the insurance it was originally supposed to be: it has instead become a disguised tax by successive governments. The Bloc Québécois bill is therefore designed to amend the Employment Insurance Act and make it true insurance, insurance for people who really need it.

In my riding of Compton—Stanstead as elsewhere in Quebec, working-class groups, unions, employers, citizens, and all stakeholders want to improve access to employment insurance and improve the system.

Private Members' Business

Here is an example. The passage of this bill would remove the two-week waiting period between the loss of a job and the start of employment insurance benefits. This waiting period is unnecessary and above all unfair to employees who are not responsible for losing their job.

In December 2004, in my riding, many employees had a nasty surprise when they saw their jobs go up in smoke—literally—because the Cabico plant in Way's Mills burned down. Those employees, victims of a disaster, were forced to wait two weeks with no income, sometimes for both of a family's providers, because that is what the waiting period required. Those workers from Coaticook, Magog, Barnston, Way's Mills, Sainte-Catherine-de-Hatley and the other neighbouring villages never saw it coming, but they had to pay the price. They could not foretell that fire would take away their jobs, but they had to face this waiting period which nothing can justify.

Those Cabico employees are not the only victims of the system who wait two weeks before receiving employment insurance. For all EI claimants have to wait, and those two weeks are often too long.

Think for a moment of the young single mother who has to figure out her budget to the dollar when she has no income for two weeks. Think also of those seasonal employees who in addition to having a few months' income during the year also have to wait two weeks without pay. Think of the workers on minimum wage who live under the poverty line and on top of that go through the waiting period after losing their job. This sort of job, which depends on the low wages it pays, is the most uncertain and the quickest to disappear when the economic situation gets tougher. These are the people for whom the Bloc Québécois is working; it is for them that we want to abolish the waiting period.

Eliminating this waiting period is not the only change proposed in the bill. To ensure an appropriate redistribution and a more suitable income for the unemployed, the Bloc Québécois wants to raise the weekly benefit rate from 55% to 60%.

In the Eastern Townships, no fewer than 10,000 industrial jobs have been lost in the last three years.

The employees of CS Brooks, now CSBS, in Magog, must fervently hope to keep their jobs during these difficult times for their venerable company because a drop of 45% in purchasing power is a very hard blow. These men and women know that the cost of their mortgage or of their groceries will not drop in the same way. That is the case for the employees of CSBS, but it is also the case for many other workers in my riding.

I want to return to those workers who are earning the minimum wage. Imagine trying to live on 55% of eight dollars an hour, Mr. Speaker. In Quebec that amounts to about \$600 a month for an unemployed person. After paying the rent, there is not much left for food, for survival, for paying the hydro bill.

The weekly employment insurance benefit rate for these people should be increased by five per cent. At 60%, they would not necessarily live in luxury. At least, in the opinion of many employment experts it is a step towards finding a balance between responding to the needs of eligible unemployed workers and providing an incentive to work.

Providing an incentive to work also means giving an incentive to return to the labour market.

● (1825)

To do that, we must stop putting obstacles in people's path. Bill C-269 seeks to eliminate the distinction between a new entrant and a re-entrant to the labour force.

At present a new entrant or a re-entrant to the labour force must accumulate 910 hours of employment to have access to employment insurance. It takes a long time to accumulate 910 hours for people who have often contributed to the welfare of our society in ways other than employment.

Let me take the example of a self-employed person. I have a sister who is the owner of a business. If she sells the business, she will certainly return to the labour force but she will have to accumulate 910 hours of work before having any kind of access to employment insurance. Even if she is in her late 40s, all the years she worked before acquiring her business will count for nothing. Yet, she has been a member of the labour force for more than 35 years. It is for people like her that we must eliminate the distinction between new entrants and re-entrants to the labour force.

The problem is the same for mothers. When a woman who left her employment to raise her children returns to the workforce, she must again work 910 hours before she is eligible for employment insurance. Under current legislation, it is a bad idea for a young mother to accept seasonal or part-time work only to return home to look after her child, when she knows that, in the end, she will not be eligible for employment insurance. The \$100 a month offered by the Conservative program is certainly not nearly enough for a young mother to meet all of her own and her children's needs.

The members of another age group are also adversely affected by this discriminatory legislation and that is young workers. Statistics clearly show that the majority of people returning to the workforce are young people and women, and they must accumulate 910 hours of work before they are eligible for employment insurance, although EI requirements vary between 420 and 700 hours for other workers, depending on the area.

Lastly, the Bloc Québécois is proposing Bill C-269 so that employment insurance might no longer be a hidden tax, but rather a bona fide source of insurance once again.

As we all know, the previous government dipped freely into the EI fund to accumulate a considerable surplus. The current government is continuing in the same vein. It is using money that belongs to the unemployed to invest in priorities that have nothing to do with employment, particularly weapons and defence.

The surplus in this fund has been increasing constantly since the legislation was reformed in 1996. Since then, fewer contributors are now eligible for the program if they lose their jobs. Under current legislation, just under 40% of contributors today are eligible to receive this so-called insurance if they lose their jobs.

I would invite everyone who has some heart, who thinks of unemployed individuals in remote areas, to look into their hearts and their ridings, and to vote in favour of Bill C-269, introduced by my colleague from Laurentides—Labelle.

Routine Proceedings

The Acting Speaker (Mr. Royal Galipeau): The hour provided for the consideration of private members' business has now expired, and the order is dropped to the bottom of the order of precedence on the order paper.

The Acting Speaker (Mr. Royal Galipeau): Pursuant to order made earlier today, all questions necessary to dispose of the motion are deemed put and a recorded division deemed requested and deferred until Wednesday, September 27 at the expiry of the time provided for government orders.

ROUTINE PROCEEDINGS

[*English*]

COMMITTEES OF THE HOUSE

GOVERNMENT OPERATIONS AND ESTIMATES

The House resumed from June 14 consideration of the motion.

[*Translation*]

It being 6:30 p.m., the House stands adjourned until 11 a.m. tomorrow, pursuant to order made September 18, 2006.

(The House adjourned at 6:30 p.m.)

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